

ORDINANCE
No. 2005-01

SHORT TITLE: AN ORDINANCE ESTABLISHING COMPREHENSIVE LAND USE REGULATIONS FOR ADAMS COUNTY, INDIANA, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF I.C. 36-7-4 AND ALL ACTS SUPPLEMENTAL AND AMENDATORY THERETO AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, I.C. 36-7-4 empowers the legislative body of the County to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Board of Commissioners of Adams County, State of Indiana, as the legislative body of the County deems it necessary for the purpose of promoting the public health, safety, comfort, convenience and general welfare of Adams County to enact such an Ordinance, and

WHEREAS, pursuant to the provisions of I.C. 36-7-4 and all acts supplemental and amendatory thereto, the legislative body of Adams County, Indiana, has heretofore created an Advisory Plan Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced, and

WHEREAS, the Adams County Plan Commission has divided the County into Zoning Districts and has prepared regulations pertaining to such districts in accordance with the comprehensive plan heretofore adopted so that adequate light, air, convenience of access, safety from fire, flood and other danger may be secured and that congestion in the public streets may be lessened or avoided, that property values may be preserved and that the general public health, safety, comfort, morals, convenience and general welfare may be promoted, and

WHEREAS, the Adams County Plan Commission has given reasonable consideration to existing conditions, the character of existing structures and uses, the most desirable use for which the land in each district is adapted and the conservation of property values throughout the County, and

WHEREAS, the Adams County Plan Commission has held public hearings concerning re-enactment and revision of the Adams County Zoning Ordinance and has submitted its recommendation to the Board of Commissioners of the County of Adams, and

WHEREAS, all requirements of I.C. 36-7-4 and all acts supplemental and amendatory thereto with regard to the preparation of a Zoning Ordinance and Zone Map have been met.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS, STATE OF INDIANA, AS FOLLOWS:

Article 1: Basic Provisions

Chapter 1: Title

- 1-1-1 This ordinance shall be known, cited and referred to as "The Adams County, Indiana Land Use Ordinance of 2005".

Chapter 2: General Provisions

- 1-2-1 **Authority** - This ordinance is adopted pursuant to Indiana Code 36-7-4 and all acts supplemental and amendatory to it.
- 1-2-2 **Compliance** - No building, dwelling, structure or land shall hereafter be used and no building, dwelling structure, or part thereof shall be erected or moved unless in conformity with the regulations of this ordinance.
- 1-2-3 **Severability** - If any chapter, section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other chapter, section, clause, provision, or portion of this ordinance.
- 1-2-4 **Jurisdictional Area** - The jurisdictional area of this ordinance shall include lands and waters of the unincorporated area of Adams County, Indiana, and including the unincorporated areas of Ceylon, Linn Grove, Magley, Monmouth, Peterson, Pleasant Mills, Preble, Rivare (Bobo), Salem, and Williams, all in the County of Adams in the State of Indiana. All buildings erected, all uses of land or buildings established, all structural alterations or relocation of buildings, and all enlargements of or additions to uses occurring after adoption of this ordinance shall be subject to all provisions of this ordinance which are applicable to the zoning districts in which those buildings, uses, land, or waters shall be located.
- 1-2-5 **Application** - This ordinance is not intended to interfere with, abrogate, or amend any easements, covenants, or other agreements existing prior to its adoption. This ordinance is not intended to repeal, abrogate, annul, or in any way interfere with any provisions of laws or ordinances existing prior to adoption; or any rules, regulations, or permits adopted or issued pursuant to law before that date relating to the use of buildings or premises.
- 1-2-6 **Restrictions Standards Section**
- A. Whenever the provisions of this ordinance are more restrictive, or impose higher standards than are required by any statute of the State of Indiana, or any provision of any other Article of this Code, or of any other ordinance of Adams County, Indiana, or by any restrictions or limitations as to particular property established by deed, plat, or otherwise running with the land, the provisions of this ordinance shall govern.
- B. Whenever the provisions of any statute of the State of Indiana, or of any other ordinance of Adams County, Indiana, or any restriction or limitation established by deed, covenant, plat, or otherwise running with the land, is more restrictive, or impose higher standards than are required by this ordinance, the provisions of such statute, ordinance, chapter, deed, covenant, plat, restriction or limitation shall govern.

Chapter 3: Rules of Construction

- 1-3-1 **Citation** - Citations to this ordinance shall be by Article, Chapter, Section, and Subsection.

1-3-2 For the purposes of this ordinance, certain words and phrases used herein shall be interpreted as follows:

- A. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other entity.
- B. The masculine includes the feminine.
- C. The present tense includes the past and future tense; the singular number includes the plural.
- D. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- E. The words "used" and "occupied" include the words "intended, arranged, or designed to be used or occupied".

Chapter 4: Definitions

1-4-1 Whenever any words and phrases used within this ordinance are not defined, but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used within this ordinance, except when the context requires otherwise or is specifically otherwise prescribed.

- A. **Accessory Building or Use** - A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises. In no event shall a lot which is not contiguous to the principal use be considered an accessory use.
- B. **Agricultural Labor Camp (Migrant Worker Camp)** - Includes one or more dwellings, mobile homes, tents, or vehicles, together with the land appertaining thereto, established, operated, or used as living quarters for five or more adult, seasonal or temporary workers engaged in agricultural activities, including related food processing.
- C. **Agricultural Uses** - The use of a tract of land, for normal agricultural activities including farming and dairy farming, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, storing, or selling the produce, provided that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- D. **Amortization** - The process of discontinuing non-conforming land uses.
- E. **Board** - The Board of Zoning Appeals of Adams County, Indiana
- F. **Building** - A structure having a roof supported by columns or walls designed, built, or used for the enclosure, shelter, or protection of persons, animals, chattels, or property. At no time shall this definition be construed to include mobile homes.
 - 1. **Detached Building**- A free standing building having no structural connection with another building.
 - 2. **Height of a Building** - Where the front of the building is contiguous to the street right-of-way line, the vertical distance measured from the adjoining street centerline.
 - 3. **Main Building** - The building which constitutes the principal use of a lot.

4. **Non-Conforming Building** - a building, lawfully existing at the time this ordinance becomes effective with the regulations set forth in this ordinance applicable to the district in which such building is located.
 5. **Semi-Detached Building** - A main building having one wall in common with the adjacent main building.
- G. **Building Setback Line** - The line, established by this ordinance, which a building shall not extend beyond unless such line is varied according to procedures in the ordinance. This may be applicable to the front, side, and/or rear yard.
 - H. **Cemetery** - Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.
 - I. **Certification of Occupancy** - A certificate issued by the Zoning Administration stating that the occupancy and use of land or building referred to therein complies with this ordinance.
 - J. **Church** - A building wherein persons regularly assemble for religious worship which is used only for such purpose and those customarily associated accessory uses.
 - K. **Clinic or Medical Health Center** - An establishment where two or more licensed physicians or dentists engage in active practice. Human patients are examined and studied but not hospitalized overnight.
 - L. **Commission** - The Adams County Plan Commission.
 - M. **Commissioners** - The Board of County Commissioners of Adams County, Indiana.
 - N. **Condominium** - Real estate which may be defined as a "condominium" under IC-32-1-6-1, the Indiana Horizontal Property Law, as the same may be amended from time to time.
 - O. **County** - The County of Adams, State of Indiana.
 - P. **Court** - An open unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings.
 - Q. **Covenant (deed restriction)** - A private legal restriction on the use of land contained in the deed to the property, normally applied to all lots in any subdivision.
 - R. **Development Plan** - A plot plan and supporting information, delineating the location and characteristics of structures, vehicular and pedestrian areas, utilities, storm water drainage, signage, landscaping, and other accessory facilities to be constructed, modified, or reconstructed on a parcel or parcels of real estate.
 - S. **District or Zone** - See "Zone"
 - T. **Dwelling** - A structure or building or portion thereof, used exclusively for residential occupancy; including single family, two family and multiple family dwellings, but not including hotels, motels, lodging, or boarding houses or tourist homes. (Adopted with Ordinance 2017-04)
 1. **Multiple family** - A dwelling or portion thereof used for occupancy by three or more families living independently of each other.

2. **Multiple group** - A group of two or three multiple dwellings occupying a parcel of land in common ownership and having any yard, court, compound, or service in common and resided in by related family members. (Example: A home with a separate "dawdi haus" on the same real estate parcel).
 3. **Single family** - A dwelling used for occupancy by one family.
 4. **Two family** - A dwelling, or portion thereof, used for the occupancy by two families living independently of each other.
 5. **Commercial multiple group dwelling** - A group of two or more dwellings occupying a parcel of land in common ownership and having any yard, court, compound, or service in common and resided in by persons not related by family.
- U. **Dwelling Unit** - A dwelling or a portion of a two family or multiple family or of an apartment used by one family for cooking, living, and sleeping purposes.
- V. **Easement** - An authorization or grant by a property owner to specific person or to the public to use land for specific purposes.
- W. **Education Institution** - Pre-primary, primary or grade, public, parochial, or private school, high school preparatory school or academy, public, or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high school for preparation of admission to college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization, or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business school as defined in this chapter.
- X. **Essential Services** - Service lines, distribution systems, and all appurtenances constructed or maintained for or by a utility company for the aforementioned uses, either private or governmental.
- Y. **Family** - An individual, or a group of two (2) or more persons related by blood, marriage, or adoption, together with not more than three (3) additional persons not related by blood, marriage or adoption, living together as a non-profit single housekeeping unit. However, domestic servants employed on the premises may be housed on the premises without being counted as a member of the family.
- Z. **Flood Plain** - The areas adjoining any river or stream which have been, or may be expected hereafter to be, covered by flood water as established from data supplied by the Division of Water of the Indiana Department of Natural Resources.
- AA. **Floodway** - The channel of a river or stream and those portions of the flood plain adjoining the channels, which are required to efficiently carry the discharge of flood water or flood flow of any river or stream.
- BB. **Floor Area Gross** - The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior walls. It includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The gross floor area is generally applied in residential use.
- CC. **Floor Area Net** - The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms etc., in a non-residential building.

- DD. **Garage Private** - A privately owned detached accessory building or a portion of a main building used as an off-street parking area.
- EE. **Garage Public** - Any building, other than a private garage, used as a public parking area or which is used for repair, rental, greasing, washing, servicing, adjusting, or equipping of motor vehicles.
- FF. **Hazardous Wastes** - Any solid or liquid waste with inherent dangers, including but not limited to: toxic chemicals, explosives, pathological wastes, radioactive materials, flammable materials likely to cause fires, liquids, semi-liquids, sludges containing less than thirty percent solids, pesticides, pesticide containers, raw animal manure, septic tank pumpings, and raw or digested sewer sludge.
- GG. **Home Occupation** - Any gainful occupation or profession conducted entirely within a dwelling and carried on only by an occupant or an occupant's family residing in that dwelling, which use is clearly incidental and secondary to the use as a dwelling.
- HH. **Home Workshop/Business** - A gainful occupation or profession conducted entirely within a dwelling, or in an accessory building located on the same lot, parcel or tract of land as the dwelling, and carried on by an occupant or an occupant's family residing in that dwelling and by no more than two (2) employees, associates or partners who are not members of the family, which use is clearly incidental and secondary to the use as a dwelling.
- II. **Hospital** - "Sanitarium", "sanitorium", "preventorium", provided such institution is operated by or treatment given under direct supervision of a physician licensed to practice by the State of Indiana and where human patients may remain overnight.
1. **Animal Hospital** - A lot, building, structure, enclosure, or premises whereon or wherein three or more dogs, cats, and other domestic animals are kept or maintained and which is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Indiana.
- JJ. **Hotel and Motel** - A building, group of buildings, or portion thereof in which more than five (5) guest rooms are provided as temporary accommodations for compensation to transient guests.
- KK. **Improvement Location Permit** - A permit issued by the Zoning Administration of Adams County, Indiana, stating that the proposed erecting, construction, enlargement, or moving of a building or structure referred to therein complies with the provisions of this ordinance.
- LL. **Incorporation** - means the mixing of liquid or solid manure, with the surface soil using standard agricultural practices, such as tillage.
- MM. **Injection** - means the placement of liquid manure beneath the surface of the soil in the crop root zone using equipment specifically designed for this purpose.
- NN. **Junk** - Old scrap copper, brass, rags, batteries, paper, rubber debris, iron, steel, and other old or scrap ferrous or non-ferrous materials or junked, dismantled, abandoned, or wrecked motor vehicles or parts of them.
- OO. **Junkyard** - An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile salvage yard, and the term shall include garbage dumps and sanitary landfills, but shall not include a scrap metal processing facility.
- PP. **Jurisdiction** - That portion of Adams County, Indiana lying outside of the limits of incorporated towns and cities with the exceptions as provided in I.C. 36-7-4 and all acts amendatory thereto, as is now or may hereafter be in effect.

- QQ. **Kennel** - A lot, building, structure, enclosure, or premises whereon or wherein dogs or cats are maintained, boarded, bred, kept, or cared for in return for remuneration, or are kept for the purpose of sale or are groomed, trained, or handled for others.
- RR. **Lot** - A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat in the office of the Adams County Recorder and fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed street right-of-way shall be included.
1. **Corner Lot** - A lot abutting two or more streets at their intersection.
 2. **Depth of a Lot** - The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 3. **Front Lot** - That part of a lot adjacent to and parallel with the street. The front of a corner lot shall be determined at the time of application for the improvement location permit by either the owner, builder, developer, or their agent and the zoning administrators.
 4. **Interior Lot** - A lot with only one frontage on a street.
- SS. **Lot Lines** - Lines bounding a lot as follows:
1. **Front Lot Line** - The line running along the front of the lot and separating it from the street. In these ordinances, the front lot line is called the "front street line". In a "through lot" both lines abutting the streets are deemed "front street lines".
 2. **Rear Lot Lines** - The lot line generally opposite and parallel to the front street line except in a "through lot". If a rear lot line is less than ten feet long or the lot comes to a point at the rear. Said rear lot line is assumed to be a line at least ten feet long, lying wholly within the lot, parallel to the front street line or if the front street line is curved, parallel to the cord of the arc of said front street line.
 3. **Side Lot Line** - Any lot line other than a front street line or a rear lot line. A side lot line separating the lot from a street is a "side street line".
- TT. **Manufactured Home** - A dwelling unit designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction & Safety Standards Law (1974 U.S.C. 5401 et.seq.) or the Indiana One and Two- Family Dwelling Code (675 IAC 14-1) or the Indiana Uniform Building Code (675 IAC 13-2 and 675 IAC 13-3) in the case of multiple family dwelling units, which was constructed after January 1, 1981, which exceeds nine hundred fifty (950) square feet of occupied floor space and which is placed on a permanent foundation.
- UU. **Manure Application** - means the placement of liquid or solid manure by:
1. Spraying or spreading onto the land surface;
 2. Injection below the land surface; or
 3. Incorporation into the soil.
- VV. **Master Plan** - The complete plan, or any of its parts, serving as a guide for the development of Adams County, Indiana, prepared by or for the commission and adopted by the commissioners in accordance with the authority conferred by IC 36-7-4 and all Acts amendatory thereto, as is now or may hereafter be in effect.

- WW. **Mobile Home** - A single family dwelling or vehicular, portable design built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation. A recreational vehicle shall not be construed to mean a mobile home in this ordinance.
- XX. **Mobile Home Park** - An area of land used for the parking of two or more mobile homes which are being used for dwelling purposes.
- YY. **Mobile Home Lot** - The area of land in a mobile home park intended for the parking of one mobile home.
- ZZ. **Motel** - (See Hotel and Motels at 2-9-15 herein)
- AAA. **Motor Vehicle** - Shall include automobiles, trucks, recreational vehicles, tractors, trailers, semi-trailers, airplanes, buses, farm implements, motorcycles, and motor scooters, whether self-propelled or designed to be pushed, pulled, or carried by another motor vehicle.
- BBB. **Nonconforming Structures** - A legally existing building which fails to comply with the regulations set forth in this ordinance applicable to the district in which such building is located.
- CCC. **Parking Area Off Street** - An area other than on a street or alley, designed for use for the temporary storage of a motor vehicle.
- DDD. **Parking Area Public** - An area, other than a street or alley used for the temporary storage of four (4) or more motor vehicles and available for public use whether free, for compensation, or as an accommodation for clients or customers.
- EEE. **Planned Unit Development** - A development in which the developer wishes flexibility of district regulations governing lot size, yards, setbacks, and building location or size. A planned unit development may be a subdivision which is being developed as a unit under single ownership or control whose intent is to sell individual lots or estates, whether fronting on private or dedicated streets.
- FFF. **Recreational Vehicle** - A temporary dwelling for travel, recreation, and vacation use including, but not limited to travel trailer, pickup coach, motor home, camping trailers and tent.
- GGG. **Recreational Vehicle Park** - An area of land used for the parking of two or more recreational vehicles which are being used for temporary dwelling purposes.
- HHH. **Refuse Pickup or Transfer Station** - Those areas where facilities are located for the temporary storage of refuse. These areas may serve as convenient collection points for refuse if contained in approved containers and removed to a final disposal site on a regular basis.
- III. **Root Parcel of Land** - A Root parcel of land means any parcel of land shown as a unit, or as contiguous units on the last preceding transfer of property prior to December 1, 1996. A publicly dedicated roadway separating parcels of land shall cause said parcels to be considered to be not contiguous.
- JJJ. **Sanitary Landfill** - A method of disposing of refuse or land without creating nuisances and hazards to public health, safety, and welfare by utilizing principles of engineering and other practices to confine the refuse to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation (or at more frequent intervals as necessary) and is operated in compliance with all Federal and State environmental regulations and this ordinance.
- KKK. **Screening** - A structure erected or vegetation planted which eventually is of sufficient height and density for concealing an area from view.

LLL. **Sign** - Any board, device, structure, or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

1. **Sign Construction** - any sign announcing the names or architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.
2. **Sign Entrance** - A sign is used to identify a planned district or platted subdivision with the intention of providing knowledge about the complete project and not a single entity or unit.
3. **Free-Standing Sign** - A sign which is completely or principally self-supported by posts or other supports independent of any building.
4. **Marquee Sign** - A sign displayed, erected, or supported upon an overhanging marquee, canopy, awning, or other similar cover or shelter.
5. **Off Premise Sign**- Any sign advertising a business, use, activity, product, or merchandise not sold, handled, or occurring in the property on which the sign is located.
6. **On Premise Sign** - Any sign advertising a business, use, activity, product, or merchandise that is sold, handled, or occurring in the property on which the sign is located.
7. **Political Sign** - Any temporary sign pertaining to an election or a referendum or carrying the picture or name of a person seeking election or appointment to a public office.
8. **Temporary Sign** - A sign which is not permanently installed, such as an advertising display constructed of cloth, canvas, light fabric, cardboard, or other light material.
9. **Name Plate** - A sign for residential housing units identifying the occupancy and address of the premise and may include only house numbers.

MMM. **Split** - A split is a deed of conveyance which is first offered for recordation which is less than all of the real estate contained in the last deed of record. A split will necessarily be a subdivision of a root parcel but only if it is first offered for recordation and will create a new tax parcel.

NNN.**Street (Road)** - A public way established or dedicated by duly recorded plat, deed, grant, governmental authority, or by operation of law for the purposes of vehicular traffic.

1. **Arterial Thoroughfares** - This type of facility serves mainly to move through traffic, Indiana and U.S. marked routes as well as some county roads and important intra-city streets are considered under this classification. Where a highway is a non-limited access route, these facilities also perform a secondary function of providing direct access to abutting land and this interconnect principal traffic generators.
2. **Primary (Major) Routes** - These facilities serve to connect cities with each other as well as to link smaller towns or settlements with the arterial thoroughfares system. Primary routes provide access to abutting land and generally serve all principal traffic generators.
3. **Secondary (Connector) Roads** - These facilities serve intracity movements of traffic, such as that moving between a subdivision and major street. The principal difference between the connector road and streets or roads or higher classification is the length of trip each principally serves. They are intended to supply the abutting property with the same degree of land service as the local street, while at the same time serving larger volumes of traffic.

4. **Local (Residential) Streets** - The sole function of these streets is to provide access to the immediately adjacent property. Local access streets are intended to carry low volumes of traffic.

OOO.**Structure** - Anything constructed, erected, or placed which requires location on or in the ground, or attached to something having a location on or in the ground. Devices used for the support of wires or appurtenances supplying public utility services shall not be considered as structures under this ordinance. A home satellite dish for television reception shall be considered a structure. Oil wells, derricks, and related equipment including storage tanks shall be considered as structures. A transmission line and its towers and associated structures shall be permitted by the obtaining of one (1) permit for the entire construction project in the county. If not enforceable due to conflicts with eminent domain, a map showing the location of lines and towers and other needed information shall be requested.

PPP. **Subdivision** – Please refer to Article 4.

QQQ.**Surface Application** - means the placement of manure by spraying or spreading onto the land surface.

RRR. **Tourist Home** - A building in which one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests, also known as "bed and breakfast inns".

SSS. **Trade or Business School** - Secretarial school or college, business school, or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as commercial enterprise for teaching instrumental music, dancing, barbering, martial arts, or hair dressing or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include educational institution as defined in this chapter.

TTT. **Use** - The employment or occupancy of a building, structure, or land for a person's service, benefit, or enjoyment.

1. **Contingent Use** - A use that is essential or desirable to the public convenience or welfare but is not necessarily a permitted use.
2. **Non-Conforming Use** - A use that is lawful prior to the adoption of this ordinance or by amendments that may later be adopted, but would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.
3. **Permitted Use** - A use that is allowed, as of right, within a certain zone.
4. **Special Use** - A use that is desired in a certain zone and is not a permitted use that will not be detrimental to the surrounding area.

UUU.**Variance** - A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest, and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

VVV.**Yard** - A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this ordinance.

1. **Front Yard** - A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.

2. **Rear Yard** - A yard extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which should be the least distance between the rear lot line and the rear of such main building.
3. **Side Yard** - A yard between the main building and the side lot line extending from the front yard or front lot line, where no front yard is required, to the rear yard. The depth of the required side yard is measured horizontally at ninety (90) degree angles with the side lot line from the nearest point of the side lot line to the nearest part of the main building.

WWW. Zone - A section of the jurisdictional area of Adams County, Indiana for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open space about buildings as established by this ordinance.

XXX.Zoning Administrator - The officer designated and authorized by the Commission to enforce the zoning requirements.

Chapter 5: Master Plan

- 1-5-1 Purpose of Master Plan - The Comprehensive Master Plan of Adams County, Indiana recognizes the county land and resources as precious assets which should be used wisely. The aims of the Master Plan are:
 - A. To secure adequate light, air, convenience of access and safety from fire, flood and other danger.
 - B. To lessen or avoid congestion in the public streets.
 - C. To promote public health, safety, comfort, convenience and general public welfare.
- 1-5-2 The Master Plan shall be kept on file in the office of the Commission of the County and shall be available for public inspection during regular business hours.
- 1-5-3 The Master Plan addresses commercial, industrial, transportation, water and sewer needs and plans for the implementation of such improvements.

Article 2: Zoning Regulations

Chapter 1: Purposes of Zoning Regulations

- 2-1-1 The zoning regulations and districts as herein set forth are made in accordance with a Comprehensive Master Plan in order that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the unincorporated areas of the County.

Chapter 2: Zones

- 2-2-1 **Zone Group Classifications:** Whenever the terms "F Zone, A Zone, R Zone, C Zone or I Zone" are used, they shall be deemed to refer to all zones containing the same letters in their names and where the letters shall mean the following:

F- Flood Plain
A - Agricultural
R - Residential
C - Commercial
I - Industrial

For example, the Commercial Zone (C Zone) shall include the C-1, C-2, and C-3 Zones.

- 2-2-2 For the purposes of this ordinance, the unincorporated area of the County is hereby divided into ten (10) districts or zones designed as follows:

F Flood Plain Zone
A Agricultural Zone
R-1 Single-Family Zone
R-2 Multiple-Family Zone
R-3 Mobile Home Park Zone
C-1 Neighborhood Commercial Zone
C-2 Rural Commercial Zone
C-3 General Commercial Zone
I-1 Light Industrial/Heavy Commercial Zone
I-2 Heavy Industrial Zone

The above zones and the boundaries of such zones are hereby established as shown on the maps entitled, "Adams County Zoning Map No. 1, No. 2 and Arterial Thoroughfare Map No.3" dated 12-96, which accompany this ordinance. Said maps and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such maps shall remain on file at the Office of the Commission.

- 2-2-3 **Boundaries** - Unless otherwise indicated, the zone boundary lines are land lines, the centerlines of streets, parkways, alleys or railroad rights-of-way, or such lines extended. Other lines within blocks are rear or side lot lines or such lines extended.

Where the physical layout existing on the ground varies from the layout as shown on the zoning map due to the scale, lack of detail or eligibility of the zoning map, the Zoning Administrator shall interpret said map according to the reasonable intent of this ordinance.

Chapter 3: Non- Conforming Buildings and Uses

Within the districts or zones established by this ordinance or by amendments that may later be adopted, there exist: (1) non-conforming structures; (2) non-conforming uses of land; and (3) non-conforming uses of structures or of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments hereto. It is the intent of this chapter to permit these non-conforming uses to continue until they are removed but not to encourage their survival. It is further the intent of this chapter that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same zone. Note: Illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment.

2-3-1 Continuation of Non-Conforming Structures

- A. Where a lawful structure exists, at the effective date of adoption or amendment of this ordinance, that could not now be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.
- B. A non-conforming structure may be repaired or altered, provided no structural change shall be made.
- C. A structure, non-conforming as to height, yard or lot area requirements, shall not be added to or enlarged in any manner unless such structure, including such addition or enlargement, is made to conform to the height, yard or lot area requirements of the zone in which it is located.
- D. No non-conforming structure shall be moved in whole or in part to any other location on the lot unless every portion of each structure is made to conform to all the regulations of the zone in which it is located.

2-3-2 Continuation of Non-Conforming Uses of Land

Where, at the time of adoption or amendment of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

- A. No such non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
- C. No additional structure, which does not conform to the requirements of this ordinance, shall be erected in connection with such non-conforming uses of land.

2-3-3 Continuation of Non-Conforming Uses of Structures or of Structures and Land in Combination

If a lawful use of a structure or use of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not now be allowed in the zone in which it is located under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. A non-conforming use of a structure, designed for a conforming use, shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
- B. Any structure or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone, and the non-conforming use may not thereafter be resumed.

- C. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

2-3-4 **Conforming Mobile Home Park**

Any mobile home park which exists upon the effective date of adoption or amendment of this ordinance and which is located in a zone which permits a mobile home park, either as a permitted use or as a Special Exemption, shall be regarded as a conforming use and may be continued except that any change in layout, expansion or extension shall be subject to all provisions of this ordinance.

2-3-5 **Non-Conforming Variance**

A. The Board may authorize, upon appeals in specific cases, such variance from the terms of this Article as will not be contrary to the public interest, and where owing to special conditions, a literal enforcement of the provisions of this Article will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, that no action shall be taken or decision made except after public hearing.

B. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance, and upon which actual building construction has carried on diligently. Where demolition or removal of an existing building has been substantially begun and/or preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and which is into the stage where changes or additions are made permanent.

2-3-6 **Amortization of Non-Conforming Uses of Buildings**

A. Whenever a non-conforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be re-established, and the use thereafter shall conform to the provisions of this Article, except when the non-conforming use is dependent on seasonal trade, the discontinued period shall be extended to fourteen (14) months.

B. No building damaged by fire or other causes, to the extent that its restoration will cost more than double its assessed valuation, shall be repaired or rebuilt except to conform to the provisions of this Article.

2-3-7 **Non-Conformance Due to Reclassifications**

The provisions of this Chapter (3) shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to reclassification of zones under this ordinance, or any subsequent change in the regulations of this ordinance, and any time periods specified for amortization of non-conforming uses shall be measured from the date of such reclassification or change.

Chapter 4: Supplemental Regulations

2-4-1 **Temporary Buildings, Structures, and Mobile Homes**

A. No temporary building or temporary structure shall be erected, reconstructed, enlarged, or moved on to any lot, plot or tract of land other than for agricultural purposes or as a temporary construction field office unless it conforms with this ordinance.

B. A mobile home may be moved on to a lot, plot or tract of land and be used as a temporary residence for a period of one year during the construction time of a permanent residence on the same lot, plot or tract. Prior to the moving of any mobile home onto any lot, plot or tract, for said purpose, the owner shall obtain a special exception grant from the Board of Zoning Appeals; said grant shall run for a

period of one year. Upon expiration, the grant may be extended for one additional year by the Zoning Administrator upon adequate showing by the owner that the construction of the residence has not progressed to a livable stage due to conditions beyond his control. Only one such extension shall be allowed for said grant; after the final expiration of said grant, the mobile home shall be vacated and removed within thirty (30) days of the expiration date.

1. The temporary residence shall comply with all county and state health requirements which would be imposed upon a permanent residence on the same lot, plot or tract.
- C. A mobile home or travel trailer is permitted as a temporary accessory use without regard to the other provisions of this ordinance except as specified in this subsection, and providing that the following conditions are met:
1. Such mobile home or travel trailer shall be permitted only on property having an existing permanent dwelling;
 2. Such mobile home or travel trailer shall be occupied by a member of the family (father, mother, son or daughter, etc.) Residing in the permanent dwelling; or by an employee of the resident in the permanent dwelling;
 3. Such mobile home or travel trailer shall not be permitted to encroach on the required yard or setback as specified by the zone in which it is located;
 4. Such mobile home or travel trailer shall not be moved onto a property unless an improvement location permit has been issued, and it shall not be used for dwelling purposes until a certificate of occupancy has been issued;
 5. The application for the improvement location permit and the certificate of occupancy shall be accompanied by a letter from the County Board of Health stating that the proposed method of water supply and sanitary waste disposal meets their requirements;
 6. The zoning administrator has the authority to issue the improvement location permit and certificate of occupancy if the above and all other applicable regulations and requirements are met.

2-4-2 **Contingent Uses**

The contingent uses hereinafter set forth shall be permitted by the Board, only after public hearing, in any district where such uses are essential or desirable to the public convenience or welfare, or if the refusal of this permit would create an undue hardship on the applicant. No permit for a contingent use shall be granted if the Board shall find that such use is in conflict with any plan duly adopted by ordinance, or if the Board determines the proposed use will be detrimental to the surrounding area. In the exercise of its approval, the Board may impose such additional conditions regarding the location, character, and other features of the proposed building, structure, or use as may be reasonably required to further the purposes of this ordinance.

All contingent uses which existed upon the effective date of this ordinance shall be regarded as conforming uses and may be continued, except that major changes in layout, expansions or extension to such uses shall be subject to Board review and approval as required for contingent use.

Permitted contingent uses are identified as follows:

- A. An airport or similarly designed area for the landing and taking off of aircraft; provided that:
 1. The proposed location has been approved by the Commission as to compatibility with the Master Plan for the physical development of Adams County.

2. The area and the arrangement of all improvements shall be sufficient, for the class of airport proposed, to meet the requirements of the Federal Aviation Agency, the Aeronautic Administration of Indiana, and any other rightfully involved governmental agency.
 3. Any proposed buildings, hangars, or other structures shall be at least one hundred (100) feet from any street or lot line.
 4. No application shall be considered unless it is accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of owners of abutting properties; proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings, structures, trees and overhead wires falling within the airport approach zones and less than five hundred (500) feet distant from the boundary lines of the airport; other pertinent data, such as topography and grading plan, drainage, water and sewerage, et cetera.
- B. Cemetery.
 - C. Governmental installation not otherwise permitted.
 - D. A hospital, nursing home, sanitarium or asylum which does not treat mental, drug, or alcoholic patients.
 - E. Medical health center or clinic, with parking provided as specified by this ordinance.
 - F. Public utility facilities such as radio and television transmitter stations and towers; petroleum and natural gas transmission lines, pumping stations and facilities; electric substations and telephone exchanges where not otherwise permitted by this ordinance; railroad lines; classification yards and terminals; and other similar uses of a public utility or public service nature; including structures and appurtenances for their enclosure, maintenance and operation.
 - G. Educational institution.
 - H. Fairground.
 - I. Non-profit recreational establishments or uses.
 - J. Private school.
 - K. Golf course.

2-4-3 **Special Uses**

The special uses hereinafter set forth shall be permitted by the Board, only after public hearing, in zones indicated in Subsection 3 of this section, where such uses are essential or desirable to the public convenience or welfare or if the refusal of this permit would create an undue hardship on the applicant. No permit for a special use shall be granted if the Board shall find that such use is in conflict with any plan duly adopted by ordinance, or if the Board determines the proposed use will be detrimental to the surrounding area. In the exercise of its approval, the Board may impose such additional conditions regarding the location, character and other features of the proposed building, structure or use as may be reasonably required to further the purposes of this ordinance.

- A. **Considerations for any Special Use** - In considering a petition for any permitted special use, the Board shall give due regard to the following factors as they will apply to the particular situation:

1. The location and size of the use; the nature and intensity of the operations involved in or conducted in connection with it; its site layout, including parking space requirements; and its relation to streets giving access to it so that vehicular traffic to and from the use will not create undue hazards to the normal traffic of the vicinity, taking into account among other things, vehicular turning movement in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.
2. The nature, location, size and site layout of the use so that it will be harmonious to the district in which it is situated.

B. Authorization for Continuance:

1. All special uses, except sanitary landfills and incinerators, which existed upon the effective date of this ordinance and which are located in a district which would permit such use in accordance with the provisions of this section, shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such uses shall be subject to Board review and approval as required for special exception.
2. All special uses hereafter authorized by the Board in accordance with the provisions of this section shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such use shall be subject to Board review and approval as required for special uses.

C. The Board may permit:

1. **Animal hospitals, veterinary clinics, animal boarding places and kennels.** In any A or F zone, a veterinary clinic, animal hospital, animal boarding place, or kennel provided that no part of any building, pen or run shall be within three hundred (300) feet of any adjoining residence. (Note: setback to a commercial dog kennel can be found in Article 2, Chapter 18)
2. **Antique shop** - In any A zone, an antique shop, provided that any outdoor display of articles for sale shall be at least fifty (50) feet from any street or property line.
3. **Child Care home** - In any A, R-1, and R-2 zone, a regulated child care home or nursery school upon a finding by the Board that said use will not constitute a nuisance because of traffic, number of children being cared for, noise, or type of physical activity. A regulated child care home shall be any child care home or facility that because of its size, layout, or circumstance requires state regulation and a license to operate the home as required by any applicable state or federal regulation as from time to time amended. Any non-regulated child care home shall not require a special use as provided in this Section 3 of Chapter 4 of this ordinance.
4. **Sanitary landfills and incinerators** - In any A or I-2 zone a dump, sanitary landfill and/or incinerator, upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke or physical activity, provided that the area and setback requirements as specified by the Boards are complied with, provided that it meets the approval of the County Board of Health and the Indiana Dept. Of Environmental Management or the State agency exercising jurisdiction over the subject matter.
5. **Hospital, nursing home, sanitarium, asylum or other institution** - In any A and R-2 zone, a hospital, nursing home, sanitarium, asylum or other institution which cares for mental, drug or alcoholic patients or is a penal or correctional institution, subject to the conditions that:
 - a. No part of any building in which inmates or patients are housed is, or is proposed to be, located less than three hundred (300) feet from any bounding lot or street line.

- b. Adequate off-street parking space is provided.
 - c. Protective, man-proof fencing is provided where necessary.
6. **Limited office uses in residential zones as a transitional use** - In any R-2 zone, a dwelling on any lot or parcel of land immediately abutting along its side lot line or lying directly opposite across a street from any commercial or industrial district, may be used for limited office purposes provided that such use is in accordance with the following requirements:
- a. Such uses shall be confined to the offices of doctors, dentists, lawyers, accountants, realtors, engineers, and similar professional persons.
 - b. Such uses shall not change or alter the exterior characteristics of the premises, and no nameplate or other sign exceeding two (2) square feet in area shall be displayed on the premises.
 - c. Wherever possible, in the opinion of the Board, all entrances, driveways, walks, parking areas and signs incidental to such use shall be located on the side of the building nearest to the commercial or industrial zone.
7. **Recreational Establishments and Uses in any F, A, C or I Zone.**
- a. Buildings and structures for clubs, fraternal organizations, lodges, youth organizations, adult organizations, fishing ponds, picnic areas, and private recreational developments all conducted for profit. The use of firearms is permitted if adequate precautions are taken to safeguard the public.
 - b. Transient amusement enterprise, medicine show or circuit, the chief activity of which is carried on for gain or profit.
8. **Special Uses Allied with Agriculture**
- a. In any A zone, a trucking operation primarily engaged in commercial transportation of agricultural products other than those raised on the premises, feed mills where grain is processed on a commercial basis, poultry dressing establishments, and animal slaughter houses where animals other than those raised on the premises are processed on a wholesale basis, commercial welding shops, livestock sales, auction barns, commercial dairy for the processing, packaging and distribution of dairy products, and fertilizer blending and sales operations and farm equipment sales.
 - b. In any A, F, and R-2 zone, a greenhouse and/or plant nursery provided retail sales are limited to the sale of plants and the commodities used in the direct care of plants.
 - c. In any A zone, an agricultural labor camp (migrant worker camp) may be established or enlarged on a temporary permit basis. Said temporary permit shall be valid for a period of one (1) calendar year, renewable only if the agricultural labor camp is maintained in accordance with the requirements of this ordinance.
9. **Sand, gravel, or clay pits; rock or stone quarries; mining; removal of earth or top soil.** In any zone, the use of vacant land for the removal of natural material or deposits including, but not limited to, sand, gravel, clay, rock, or stone, earth or topsoil; all such uses shall be subject to the following:
- a. All applications for said uses shall be accompanied by a map or plat showing the area proposed to be included in the extraction or removal of material; and a final grading plan

which shows the existing ground elevations of the site and the land immediately adjacent thereto, the location and elevation of all bounding streets or roads, and the final elevations of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or roads.

- b. Unless the Board specifies otherwise, the areas exposed by said operation shall not have a final cut slope of steeper than three (3) feet horizontal to one (1) foot vertical distance and shall be left suitable for development purposes in accordance with the final grading plan approved by the Board.
 - c. Unless otherwise permitted by the Board of Zoning Appeals, temporary operating cut slopes steeper than one (1) foot horizontal to one (1) foot vertical shall in no case be brought closer to an exterior property line, right-of-way line of any street, road, way or alley, as existing or as proposed in the Master Plan than fifty (50) feet where a sight screen is provided, or seventy-five (75) feet in the case where no provision is made for sight screening.
 - d. Explosives shall be used only between sunrise and sunset except in the case of an emergency.
 - e. All buildings, structures or equipment shall be entirely removed from the property within one (1) year after the expiration of the permit.
 - f. Dikes or other barriers and drainage structures shall be provided to prevent silting of natural drainage channels or storm drains in the area surrounding said uses.
 - g. Where required by the Board, final cut slopes shall be treated to prevent erosion; topsoil shall be replaced on such slopes to support vegetation; ground cover shall be planted within twelve (12) months after a cut slope is excavated to its final position; and such ground cover shall be maintained for a period of time sufficient to provide vegetation of a density that will prevent erosion.
 - h. Where required, suitable plant material shall be placed and maintained to screen slopes from public view. There shall be no open storage of discarded machinery, trash or junk which would present an unsightly appearance.
 - i. Quarries and sand and gravel pits shall be operated so as to keep dust and noise to a minimum, and access roads shall be maintained as dustfree surfaces from the public street to within one hundred (100) feet of the loading point within the quarry or sand and gravel pit when adjacent properties are used or zoned for residential purposes.
 - j. Vehicles carrying materials from quarries or sand and gravel pits shall be loaded in such manner as to prevent spilling rock, gravel, sand or other materials of a mineral nature while in transit upon roads and highways.
 - k. Quarry or sand and gravel pit excavations which may penetrate near or into a usable water-bearing stratum shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to pollution or contamination either during quarrying operations or the excavation of a sand and gravel pit or subsequent to the abandonment of said quarry or sand and gravel pit.
10. **Sawmill** - In any F or A zone, a sawmill, for a period of not more than three (3) years subject to renewal, for the cutting of timber grown in the immediate area, provided that no saw or other machinery shall be less than one hundred (100) feet from any lot or street line and that all power saws and machinery will be secured against tampering or locked when not in use.

11. **Tourist home** - In any A and R-2 zone, a tourist home, provided that such use will meet all other applicable government regulations.
12. **Campgrounds** - Campgrounds may be permitted in any C-2, C-3 and I-1 zones. They may also be permitted in the A and R-2 zones, only when the site is at least three hundred (300) feet from an existing adjacent residence. They may be permitted in the F zone providing they receive approval from the Indiana Dept. Of Natural Resources, Div. Of Water prior to the Board's approval. After a public hearing, the decision of the County Board of Zoning Appeals shall determine whether or not the proposed site may be use for the purposes intended.
13. In any zone, in addition to all other limitations of provisions permitted in the zoning ordinance, any property which will be used by an adult arcade, adult book store, adult novelty store or adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, sexual encounter center, peep show facility, shall:
 - a. Not be located within one thousand (1,000) feet of any property zoned for any residential use.
 - b. Not be located within five hundred (500) feet of any property permitted for use as a religious institution, public or private school containing any grade of kindergarten through grade 12.
 - c. Not be located within five hundred (500) feet of any city park.

The applicant shall have certified all distance measurements by a land surveyor registered by the State of Indiana who shall certify that there are no residential properties, public or private schools with a grade kindergarten through 12th grade, or any City Park within the distances stated above.

In addition to all other procedures listed above, the Petitioner for a Special Use under this Section shall send notices as called for in this Zoning Ordinance to not only the abutting property owners, but the Petitioners shall send notices by certified mail, return receipt requested to all property owners with property within one thousand (1,000) feet of the property requested for a Special Use under this Section. A list of all such property owners shall be given to the Adams County Plan Commission at the time of filing the application. Should the Petitioner fail to comply with the notice requirements herein, before the second regular meeting of the Board of Zoning Appeals following the date the Petition is filed, the Petition shall be withdrawn by the Board of Zoning Appeals.

The distances provided under this Section of the Zoning Ordinance shall be measured by following a straight line, without regard to intervening buildings, structures, or other obstacles, from the nearest point of the property upon which the proposed use is to be located, to the nearest point of the property or land use district boundary line from which the proposed land use is to be separated.

14. A **mobile home** may be moved onto a lot, plot, or tract of land and be used as a dwelling in any C-1, C-2, or C-3 Zone. Prior to moving any mobile home onto any lot, the owner or his agent shall first obtain an improvement location permit. The Zoning Administrator may issue the permit subject to the following conditions:
 - a. Each mobile home shall be located on a lot and shall be the only principal structure on the lot.
 - b. The mobile home shall be at least three hundred (300) feet from an adjoining R-1 or R-2 permitted use.

- c. The minimum lot and yard requirement shall be the same as required in Section 2-11-4 of this ordinance.
 - d. Each mobile home shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for and attached to appropriate external systems.
 - e. Personal goods and articles, other than cars, fuel tanks, boats and similar items too large to reasonably enclose, shall be stored on the lot only in a completely enclosed structure.
 - f. All health and sanitary regulations of the Adams County and the Indiana State Boards of Health are met.
15. **Mobile homes, mobile home offices, and semi-trailers** as permanent storage sheds in any A, I-1, and I-2 zone provided they are erected per the following conditions:
- a. Be placed onto and securely attached to a permanent underfloor foundation.
 - b. Have wheels and axles removed.
 - c. In an A Zone, items of an agricultural nature may only be stored.

2-4-4 **Mobile Home Regulations**

- A. Mobile homes may be permitted by right in any R-3 Mobile Home Park Zone (see 2-8-10 of this ordinance).
- B. Mobile homes may be permitted by right in any A Agricultural Zone (see 2-7-2C of this ordinance).
- C. Mobile homes may be permitted as a temporary residence or a temporary accessory use (see 2-4-1C of this chapter).
- D. Mobile homes may be permitted as a permanent residence through a special use permit (see 2-4-3c-14 of this chapter).
- E. Mobile homes may be permitted as a permanent storage shed through a special use permit (see 2-4-3c-15 of this chapter).
- F. Mobile homes shall not be permitted in any R-1 Single-Family Zone and any R-2 Multiple-Family Zone. This includes the attempted conversion of a mobile home into a manufactured home (as defined) by removing wheels, axles, hitch and placing onto a permanent foundation.
- G. No conventional "stick-built" additions shall be permitted to mobile homes. Only factory-built additions shall be permitted.
- H. No mobile home shall be permitted as a dwelling which contains less than 840 square feet of living area exclusive of unenclosed porches, terraces and garages.
- I. No mobile home shall be granted a location permit which is more than 10 years old from the date of its manufacture.

2-4-5 **Regulations relating to motor vehicles and salvage yards**

- A. Inoperable motor vehicles, junkyards including automobile salvage yards and salvage yards containing parts of pieces of automobiles are permitted in I-1 and I-2 zones (see 2-10-3C and 2-10-5A of this ordinance).
- B. All uses for storage of inoperable motor vehicles, junk motor vehicles, including automobile salvage yards and salvage yards shall be permitted by a hearing and permission granted by the Adams County Plan Commission subject to the terms and conditions as contained in this Ordinance and specifically to the terms and conditions of development plan regulations as contained in Chapter 2-10-3c(1) of this article.
- C. No unlicensed or inoperable motor vehicle shall be allowed to remain for more than ninety days in any zone except as permitted and authorized by a permitted area authorized for such uses in I-1 and I-2 zones.
- D. These regulations are not intended to limit or restrict the hobbyist or sports car enthusiast, however, if a hobby use is claimed, the vehicles to be restored or stored shall be specifically identified to the Zoning Administrator and all restoration processes, stored vehicles, vehicles and parts thereof shall be kept wholly within a building. The prohibitions contained herein shall be in addition to all other applicable rules or regulations relating to stored or junk cars set out in any other county ordinance or state statute regulating the subject matter.

2-4-6 **Requirement for Reclassification**

Lands which may hereafter become unincorporated areas of the County shall be included in the A Zone until changed by amendment to this ordinance.

2-4-7 **Requirement for Recording a deed** of conveyance containing a split or a subdivision of a root parcel which will result in the creation of a new tax parcel.

Before any deed of conveyance containing a split is offered for record and which at the time of recordation will result in the creation of a new tax parcel, the same shall first be presented to the Adams County Plan Commission Office and if said deed meets the requirements of this ordinance including Article 2 and Article 4 and all other relevant portions of the Land Use Ordinance of Adams County, the same shall be approved for transfer and legibly marked on the face thereof before the same shall be accepted for recordation by the Recorder of Adams County and for transfer by the Auditor of Adams County. There shall be no charge for the approval by the Plan Commission but unless the deed of conveyance as required to be approved herein is so marked, the same shall not be accepted for recording or for transfer.

Chapter 5: Parking Regulations

2-5-1 **Off-Street Parking Areas**

The following off-street parking areas shall be provided and satisfactorily maintained by the owner of the property for each building which is hereafter erected, enlarged or altered for use for any of the following purposes:

- A. Each **automobile parking area** shall be the following minimum: Not less than one hundred eighty (180) square feet (9 x 20) in area.
- B. **Single-family dwelling including manufactured or mobile homes:** At least two (2) parking areas per dwelling.
- C. **Multi-family dwelling:** At least two (2) parking areas per dwelling unit.

- D. **Auditoriums, churches, theaters, gymnasiums, stadiums, or any other place of assembly:** At least one (1) parking area for each six (6) seats provided for its patrons based on the maximum seating capacity including fixed and moveable seats. Note: For any church, there shall be allowed the use of joint parking facilities in connection with any buildings or use not normally open, used, or operated during the principal operating hours of a church providing a properly drawn legal instrument is executed by the parties concerned for the joint use of such off-street parking facilities, which instrument, duly approved as to form by the County Attorney, shall be filed with an application for a zoning permit.
- E. **Dancing, exhibition, labor temple, lodge hall, skating rink, or other assembly hall without fixed seats:** At least one (1) parking area for each 120 square feet of gross floor area.
- F. **Hotel, motel, dormitory, fraternity house, tourist home, or other similar use:** At least one (1) parking area for each one (1) sleeping room in addition to whatever areas may be required by any other on-site uses.
- G. **Office building, bank, professional office, or other similar use:** At least one (1) parking area for each 400 square feet of gross floor area.
- H. **Medical clinic or other similar use:** At least three (3) parking areas for each doctor/dentist plus one (1) for each two (2) regular employees.
- I. **Hospital, sanitarium, convalescent home, or other similar use:** At least one (1) parking area for each three (3) beds.
- J. **Eating or drinking establishments or other similar use where customers are seated and served within a building:** At least one (1) parking area for each two hundred (200) square feet of gross floor area.
- K. **Eating or drinking establishments or other similar use where customers are served outside of a building:** At least one (1) parking area for each fifty (50) square feet of gross floor area provided that there shall not be less than six (6) parking areas for each such establishment.
- L. **Any retail store except a food market:** At least one (1) parking area for each three hundred (300) square feet of gross floor area.
- M. **Food market or other similar use less than 2,500 square feet:** At least one (1) parking area for each two hundred fifty (250) square feet of gross floor area.
- N. **Food market or other similar use of 2,500 square feet or more:** At least one (1) parking area for each one hundred (100) square feet of gross floor area.
- O. **Launderette, laundromat, self-service laundry, washteria, or other similar use:** At least one (1) parking area for each two (2) washing machines or portions thereof.
- P. **Barber shop, beauty salons, or other similar use:** At least three (3) parking areas for each barber or beautician using the shop.
- Q. **Bowling Center:** At least four (4) parking areas for each bowling alley thereof.
- R. **Schools, public, and parochial:** At least one (1) parking area for each employee plus one (1) parking area for each twenty (20) students.
- S. **Recreational vehicle park:** At least one (1) parking area on the same parcel of land for each individual recreational vehicle.

- T. **Commercial or business office** having a gross floor area in excess of 10,000 square feet and occupied solely by the employees of one owner: At least one (1) parking area for each 800 square feet of gross floor area.
- U. **Manufacturing, processing, wholesaling, storage, or other similar industrial or commercial use not specifically set out in this section:** At least one (1) parking area for each two (2) employees plus sufficient areas to park all company-owned or leased vehicles.

2-5-2 **Off-Street Parking Miscellaneous**

- A. **Distance Measurements:**
The distance to any parking area as herein required shall be measured between the nearest point of the off-street parking facility and the nearest point of the building said parking area or facility is to serve.
- B. **Mixed Uses:**
In the case of any use not listed herein, the number of parking areas required for such use shall be the same as for a similar use which is listed. In the case of mixed uses in the same building or structure, the total requirement for off-street parking facilities shall be the sum of the requirements of the various uses computed separately from the items set out in this section, and off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for collective use.
- C. **Collective Parking Facilities:**
Nothing in this section shall be construed to prevent collective provisions of any off-street parking facility for two or more buildings or uses providing, however, that the total number of off-street parking areas shall not be less than the sum of requirements for the various individual uses computed separately in accordance with the items set out in this section.
- D. **Permanency of Areas Provided:**
Any parking or loading areas established prior to the effective date of this ordinance and which is used or intended to be used in connection with any main building, structure or use or any areas designed and intended to comply with the requirements of this ordinance for any such main building or structure erected after such effective date, shall hereafter be maintained so long as said building or structure remains, unless the owner provides and maintains in another location an equivalent number of required areas in conformance with the provisions of this ordinance.
- E. All parking areas provided pursuant to this Chapter shall normally be on the same lot with the building; however, the Board may permit the parking areas to be on any lot within three hundred (300) feet of the building, except for the requirements of subsection S of Section 2-5-1. If the Board determines that it is impractical to provide parking on the same lot with the building, the requirements set forth in subsections E, G, H, I, J and L of Section 2-5-1 may be waived by the Board in the case of a building erected or altered as a result of destruction by fire or other natural disaster, or in the case whenever the Board determines that more than seventy-five percent (75%) of the privately owned lands within three hundred (300) feet of the building to be erected, enlarged or altered are improved with such buildings.

2-5-3 **Off Street Loading**

On the same premises with every building, structure or part thereof hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses, involving the receipt of distribution by vehicles of material or merchandise, there shall be provided and maintained adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street or alley.

Such space, unless otherwise adequately provided for, shall include a twelve (12) foot by forty-five (45) foot loading space with fourteen (14) foot height clearance for every 20,000 square feet or fraction thereof

in excess of 3,000 square feet of floor area used for above mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3000 square feet of land used for the above mentioned purposes. These requirements may, upon appeal, be increased, modified, or waived by the Board where the conditions or circumstances justify such action provided it has obtained thereon recommendation from the County Highway Supervisor.

2-5-4 **Public Parking Areas**

Every parcel of land which, after the effective date of this ordinance, is changed to a public parking area, automobile or trailer sales area, filling station or garage, shall be developed as follows:

- A. Such area, where subject to wheeled traffic, shall be improved with bituminous, concrete, crushed stone with an adequate base or other equivalent surfacing and shall have appropriate bumper guards where needed.
- B. Where such area adjoins a lot in an R zone or a residential development, a solid wall, compact evergreen screen or uniformly painted board fence having a height of not less than four (4) feet shall be erected and maintained between such area and the property in residential areas and zones. Such enclosures shall be at least five (5) feet from the side of a lot in an R zone or residential development, and all required front and side yards shall be properly maintained as such. Where such area is across the street from an R zone or a residential development, a compact evergreen screen having a height of not less than three (3) feet shall be erected and maintained between such area and the property in the said zone or development and all required front yards shall be maintained as such.
- C. Any light used to illuminate said parking area shall be so arranged as to reflect the light away from the adjoining premises in an R zone or residential development.

Chapter 6: Flood Zone Regulations

2-6-1 **Purpose of Flood Zone (F Zone)**

The development of Flood Hazard areas of Adams County, Indiana, could result in the potential loss of life and property, create health and safety hazards and lead to extraordinary public expenditures for flood protection and relief. The development of these areas is not essential to the orderly growth of the community, and such areas are suitable for open space uses that do not require structures or fill.

2-6-2 **Basis for Establishment**

The flood plain or zone (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for the County of Adams, Indiana", dated October 16, 2003, with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file in the office of the Auditor of Adams County, Indiana, and the Zoning Administrator of Adams County, Indiana.

2-6-3 **Permitted Uses**

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted by right within the Flood Zone to the extent that they are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials or equipment.

- A. Agricultural uses such as general farming, pasture, grazing, orchards, plant nurseries, and vineyards.
- B. Forestry, wildlife areas and nature preserves.
- C. Parks and recreational uses, such as golf courses, driving ranges, and play areas.

2-6-4 **Non-Permitted Uses**

All development applications located in the Flood Plain District or Zone which are not permitted by right (Section 2-6-3) will require the review and approval by the Dept. Of Natural Resources prior to the issuance of a local permit. The applicant shall forward all these applications along with plans and specifications to the Dept. Of Natural Resources for review and comment.

2-6-5 **Non-Conforming Uses**

Any building, structure or use of land in the Flood Plain District or Zone which is not in conformance with this ordinance constitutes a non-conforming use. All applications to repair, extend or enlarge a non-conforming use shall be forwarded to the Dept. Of Natural Resources for review and comment. All terms and conditions imposed by the Indiana Dept. Of Natural Resources shall be incorporated into the issuance of any local permit.

2-6-6 **Variances**

Applications for variances to the provisions of this ordinance shall be forwarded to the Indiana Dept. Of Natural Resources for review and comment. All terms and conditions imposed by the Indiana Dept. Of Natural Resources shall be incorporated into the issuance of any local permit.

2-6-7 **National Flood Insurance Program (NFIP) Regulations**

The Zoning Administrator of Adams County, Indiana, during his review of improvement location permits, shall assure that all National Flood Insurance Program Regulations pertaining to State and Federal permits, subdivision review, mobile home tie-downs standards, utility construction, record keeping (including lowest flood level elevations), and watercourse alteration and maintenance have been met.

2-6-8 **Disclaimer**

Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Adams County, Indiana, Natural Resources, or the State of Indiana for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Chapter 7: Agricultural Zone Regulations

2-7-1 **Purpose of Agricultural Zone (A Zone)**

The Agricultural Zone is intended to establish and preserve rural areas from urban encroachment until such areas are adaptable to orderly urban expansion, and to permit the full range of agricultural activities, including limited types of low density residential development and other uses customarily conducted in agricultural areas.

2-7-2 **Permitted Uses**

- A. Any use permitted in the Flood Zone.
- B. Single-family detached dwellings, provided not more than two (2) dwellings shall be permitted.
- C. Manufactured homes and mobile homes (subject to the requirements of 2-4-4, where applicable).
- D. Park, playground or community centers, owned and operated by a local community association for subdivisions or neighborhoods.
- E. Non-commercial institutions.
- F. Stands for the retail sale of agricultural products or commodities raised on the premises. Off-street parking shall be provided in accordance with Section 2-5-1 of this ordinance.
- G. Home occupations and home workshop/businesses.

- H. Tourist homes.
- I. Nameplate and advertising signs, provided that they shall be erected in accordance with the provisions of Section 2-17-5 of this ordinance.
- J. Riding stable of a private, non-commercial nature on at least one (1) acre of land.
- K. Swimming pools, provided they are enclosed by an animal-proof fence of not less than three (3) feet in height and further provided they are constructed and maintained in agreement with all County and State Board of Health laws.
- L. Accessory buildings and uses customarily incidental to any of the above uses.
- M. Normal farm operations necessary to the planting and harvesting of crops and the conduct of agriculture and agricultural uses as defined in Section 1-4-1 of this ordinance.
- N. (Adopted with Ordinance 2017-08) Ponds provided they meet the set back of seventy-five (75) feet from the toe of the mound or the waters edge from the center of a publicly dedicated roadway. In obtaining an improvement location permit as required by Chapter 5 of this code, the contractor or excavator who is to install the pond shall make application in the name of the owner of the pond and shall be responsible for obtaining the permit and displaying the permit at the job site before commencing any construction. No contractor or excavator shall do any work in installing or modifying and making improvement to any pond requiring a permit without informing the owner of the necessity thereof and personally obtaining the permit on behalf of the owner. In addition to the foregoing, the contractor on behalf of the owner shall obtain the written approval of the Adams County Surveyor that the proposed pond and location thereof does not disrupt any located drainage within Adams County and that the pond does not create drainage run-off problems which will overload or burden any existing tile and drain.

In granting said approval, the Adams County Surveyor shall require that the pond overflow does not discharge water onto adjoining lands of other property owners and that all run-off water shall be either directed towards a swale or located tile or redirected back into the pond, whichever is applicable in order to safeguard neighboring lands from run-off water created by the construction of the pond. The minimum setback from the toe of the mound or the waters edge, whichever is applicable, the setback from the adjoining property line shall be a minimum of twenty (20) feet except that the County Surveyor may require a greater distance where conditions of the pond require a greater distance for adequate drainage and protection of adjoining landowners. Further, in no event shall the waters edge of a pond or the toe of the mound be closer to any existing septic tank or absorption field of the owner's residence or any adjoining neighbor's residence be closer than fifty (50) feet.

The Adams County Surveyor shall consider the requirements of Indiana Drainage Code 36-9-27 and the applicable requirements in granting approval for any pond permit.
- O. Intensive livestock operations, subject to provisions of Chapter 16.

2-7-3 **Building Size Regulations**

No building shall be erected for residential purposes having a floor area of less than 950 square feet per primary dwelling unit exclusive of unenclosed porches, terraces and garages. The square footage minimum for a mobile home shall be 840 square feet exclusive of unenclosed porches, terraces and garages.

2-7-4 **Residential Dwelling Density**

On a tract, parcel, or lot of land there shall be permitted two (2) individual single-family dwellings subject to the further regulations of Chapter 11 of this Article.

2-7-5 Ingress and Egress Easements

Where an easement is desired or necessary to serve a property not adjacent to a public road, the width of said ingress/egress easement or the deeded portion of the lot which serves as ingress and egress to said parcel shall be a minimum of twenty-five (25) feet in width if the same services one residence. In the case of ingress/egress ways serving more than one lot the minimum width shall be fifty (50) feet.

Chapter 8: Residential Zone Regulations

2-8-1 Classification of Residential Zones

The following regulations shall apply in the R-1 Single-Family, R-2 Multi-Family, and the R-3 Mobile Home Zones.

R-1 Single Family Zone

2-8-2 Purpose of R-1 Single Family Zone

The R-1 Single Family Zone is intended to establish and preserve low density, single-family homes free from other land uses except those which are compatible with and convenient to the residents of such a zone. The R-1 Zone allows for single-family development in areas within the jurisdiction not readily serviceable by water and sewer facilities but desirable for residential development. Such lot sizes would be of sufficient size to adequately provide on-site water and sewer facilities for each individual single family home.

2-8-3 Permitted Uses in an R-1 Zone

- A. Single-family detached dwellings
- B. Manufactured Homes
- C. Accessory buildings
- D. Swimming pools as specified under the conditions of 2-7-2K
- E. Home occupations
- F. Home workshops/Businesses
- G. Park, playground or community center, owned and operated by a local community association for subdivisions or neighborhoods.
- H. Pond (same as 2-7-2N)
- I. Name plate or advertising signs, provided they shall be provided in accordance with Section 2-17-6 of this ordinance.

2-8-4 Building Size Regulations in an R-1 Zone

No building shall be erected in an R-1 Zone having a floor area of less than 950 square feet, exclusive of unenclosed porches, terraces, and garages.

2-8-5 Ingress and Egress Easements

Where an easement is desired or necessary to serve a property not adjacent to a public road, the width of said ingress/egress easement or the deeded portion of the lot which serves as ingress and egress to said parcel shall be a minimum of twenty-five (25) feet in width if the same services one residence. In the case of ingress/egress ways serving more than one lot the minimum width shall be fifty (50) feet.

R-2 Multiple-Family Zone

2-8-6 Purpose of R-2 Multiple-Family Zone

The R-2 Multiple-Family Zone is intended to establish and preserve single-family, two-family and multiple-family home neighborhoods, free from other land uses except those which are compatible with and convenient to the residents of such a zone.

2-8-7 Permitted Uses in an R-2 Zone

- A. Any use permitted in R-1 Single-Family Zone
- B. Two-family dwellings
- C. Multiple-family dwellings
- D. Multiple-group dwellings

2-8-8 Building Size Regulations in an R-2 Zone

No building shall be erected in an R-2 Zone having a floor area of less than 840 square feet per dwelling exclusive of unenclosed porches, terraces, and garages.

2-8-9 Ingress and Egress Easements

Where an easement is desired or necessary to serve a property not adjacent to a public road, the width of said ingress/egress easement or the deeded portion of the lot which serves as ingress and egress to said parcel shall be a minimum of twenty-five (25) feet in width if the same services one residence. In the case of ingress/egress ways serving more than one lot the minimum width shall be fifty (50) feet.

R-3 Mobile Home Park Zone

2-8-10 Purpose of R-3 Mobile Home Park Zone

The R-3 Mobile Home Park Zone is intended to provide sites for mobile home parks at appropriate locations, in relationship to the existing and potential development of the surrounding area, while establishing an attractive residential environment. All mobile home parks shall be developed in accordance with the Development Plan requirements in Chapter 14 of this Article 2.

2-8-11 Permitted Uses in an R-3 Zone

- A. Mobile home parks or subdivisions
- B. Accessory buildings
- C. Park, playground or community center, owned and operated by a local community association or mobile home park developer for subdivisions or neighborhoods.
- D. Name plate and advertising signs, provided that they shall be erected in accordance with the provisions of Station 2-17-7 of this ordinance.

Chapter 9: Commercial Zone Regulations

2-9-1 Classification of Commercial Zones

The following regulations shall apply in the C-1 Neighborhood Commercial, C-2 Rural Commercial, and C-3 General Commercial Zones.

C-1 Neighborhood Commercial Zone

2-9-2 Purpose of C-1 Commercial Zone

The C-1 Neighborhood Commercial Zone is intended to accommodate those retail and service facilities that are considered to be essential functions of residential neighborhoods.

2-9-3 Permitted Uses in a C-1 Zone

- A. Any conforming use permitted in the R-2 Multiple-Family Zone.
- B. The following uses or uses of similar type, provided that they are conducted wholly within a building, except for off-street loading of delivery vehicles which are incidental thereto as required in Section 2-5-3 and are 10,000 feet or less:
 - 1. Bank
 - 2. Barber shop or beauty parlor
 - 3. Book or stationery store
 - 4. Club, lodge (non-profit), or fraternal association
 - 5. Confectionary store
 - 6. Department, furniture, or radio store
 - 7. Drug Store
 - 8. Florist or gift shop
 - 9. Grocery, fruit, or vegetable store
 - 10. Hardware or electric appliance store
 - 11. Jewelry store
 - 12. Medical or dental clinic or laboratory
 - 13. Meat market or delicatessen
 - 14. Music store or newsstand
 - 15. Office, business, or professional
 - 16. Photographer
 - 17. Restaurant, tea room, or cafe (excluding drive-ins)
 - 18. Shoe store or shoe repair shop
 - 19. Sign painting shop
 - 20. Small equipment or appliance repair
 - 21. Tailor, clothing, or wearing apparel store
 - 22. Theater other than "drive-in"
 - 23. Tire store
 - 24. Variety store
 - 25. Other retail business and service establishments, not specifically referred to in this ordinance, selling new merchandise exclusively.
- C. Small retail shopping centers with no more than five (5) stores totaling 50,000 square feet or less with a maximum square foot of any one (1) store being 35,000. Establishments within such center shall be restricted to those listed in 2 above.
- D. Automobile service station
- E. Advertising devices shall be permitted provided that they are erected in accordance with the provisions of Section 2-17-8 of this ordinance.
- F. Uses customarily incidental to any of the above uses and accessory buildings shall be permitted when located on the same lot.
- G. Off-street parking areas in accordance with Section 2-5-1 of this ordinance.

C-2 Rural Commercial Zone

2-9-4 Purpose of C-2 Rural Commercial Zone

The C-2 Rural Commercial Zone is intended to accommodate those retail and service facilities that are considered to be essential functions of rural or agricultural areas.

2-9-5 Permitted Uses in a C-2 Zone

- A. Any use permitted in a C-1 Zone provided that C-1 uses shall be subject to the same regulations as specifically set forth in the C-2 Zone.
- B. The following uses or uses of a similar type pertinent to farm commodities, provided where they are within one hundred fifty (150) feet of an R zone, they shall be conducted wholly within the building or within an area screened on all sides by a masonry wall, compact evergreen planting or uniformly painted wood fence (not less than six (6) feet in height) which shall be maintained between such use and adjoining R Zone or use.
 - 1. Agricultural implements, motor vehicle or trailer sales or repair.
 - 2. Building material sales yard, including the sale of lumber (where no millwork is provided), rock, sand and gravel but excluding concrete and asphaltic concrete mixing.
 - 3. Farm equipment storage yard or equipment rental establishment.
 - 4. Feed sales.
 - 5. Wholesale florist, greenhouse.
 - 6. Poultry or rabbit killing incidental to retail sales on the premises.
 - 7. Underground bulk storage and fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 50,000-gallon capacity.
- C. The following uses or uses of a similar type not pertinent to farm commodities, provided they meet the requirements indicated in Section 2-9-7B of this Chapter shall be permitted:
 - 1. Auction hall, amusement enterprise, including billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill or science, penny arcade, shooting gallery, and the like if the nearest point of the structure is not less than 200 feet from any R Zone.
 - 2. Drive-in business where persons are served in automobiles from a refreshment stand, restaurant, food store and the like, provided the area is screened by a masonry wall, compact evergreen planting or uniformly painted wood fence not less than six (6) feet in height which is erected and maintained between such uses and any adjoining R Zone or residential development.
 - 3. Drive-in movie
 - 4. Driving tees or ranges
 - 5. Funeral parlor
 - 6. Laundry or dry cleaning establishment, including auto-laundry
 - 7. Hotel or motel
 - 8. Printing shop
 - 9. Pet shop
 - 10. Greenhouses and nurseries

C-3 General Commercial Zone

2-9-6 Purpose of C-3 General Commercial Zone

The C-3 General Commercial Zone is intended to accommodate those retail and service facilities that are convenient and attractive for a wide range of retail uses and businesses and which provide a setting conducive to and safe for pedestrian traffic.

2-9-7 Permitted Uses in a C-3 Zone

- A. Any use permitted in the C-2 Zone provided that C-2 uses shall be subject to the same regulations, except those regarding maximum height, as specifically set forth in the C-2 Zone.
- B. The following uses or uses of similar type provided that where they are within one hundred fifty (150) feet of a more restrictive zone (F, A or R zone) they shall be conducted wholly within a building;

except for off-street loading of delivery vehicles which are incidental thereto as required in Section 2-5-3 of this ordinance.

1. Art or antique shop.
 2. Carpenter, cabinet, plumbing or sheet metal fabricating shops but excluding manufacture.
 3. Pawnshop.
 4. Rescue or temporary revival mission.
 5. Second-hand store.
 6. Trade or business school or private school operated as commercial enterprise.
 7. Home furniture upholstering shop merchandise storage.
- C. The following uses or uses of a similar type provided that, where they are within 150 feet of a lot in a more restricted zone, they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence, not less than six (6) feet in height except in required set back areas the height shall be 4 feet.
1. Building material sales yard, including the sale of lumber, rock, sand and gravel but excluding concrete and asphaltic concrete mixing.
 2. Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
 3. Draying, freighting or trucking yard or terminal.
 4. Feed or fuel yard.

Chapter 10: Industrial Zone Regulations

2-10-1 Classification of Industrial Zones

The following regulations shall apply in the I-1 Light Industrial/Heavy Commercial and the I-2 Heavy Industrial Zones.

I-1 Light Industrial/Heavy Commercial Zone

2-10-2 Purpose of I-1 Light Industrial/Heavy Commercial Zone

The I-1 Light Industrial/Heavy Commercial Zone is intended to provide areas for light industrial and heavy commercial uses without creating adverse effects on the surrounding land use.

2-10-3 Permitted Uses in an I-1 Zone

- A. Any use permitted in a C-2 Zone, provided all the uses therein shall be subject to the same regulations as specifically set forth in the I-1 Zone.
- B. The following uses or uses of similar type:
1. Animal hospitals or kennels.
 2. Motor vehicle assembly.
 3. Painting, upholstering, rebuilding, reconditioning, repair or overhauling of motor vehicles and tire retreading or recapping shops.
 4. Blacksmith shops and machine shops.
 5. The manufacture of pottery or figurines or any other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 6. Chick hatcheries.
 7. Draying, freighting or trucking yard or terminal.
 8. Warehousing/Wholesaling.
- C. The following uses or uses of a similar type, provided they shall be screened from view on the side or sides which abuts a thoroughfare or an R or C zone. Said screening shall consist of either a dense

screen planting, a solid wall, a uniformly painted board fence, an earthen mound or a combination of the aforementioned. The screening shall not be less an 8 feet above an abutting thoroughfare measured vertically from the center of the road and not less than 8 feet above the general topography if abutting an R or C Zone.

1. Auto wrecking/salvage yard - development plan required.
 2. Bleaching or dyeing - development plan required.
 3. Stone cutting - development plan required.
 4. Junkyard - development plan required.
- D. Advertising devices shall be permitted provided that they are erected in accordance with the provisions of Section 2-17-8 of this ordinance.

I-2 Heavy Industrial Zone

2-10-4 Purpose of I-2 Heavy Industrial Zone

The I-2 Heavy Industrial zone is intended to provide areas for industrial and related uses of such a nature that do not create serious problems of compatibility with other land uses and to make provision for certain commercial uses which are most appropriately located as neighbors of industrial uses or which provide necessary services to the people in these areas.

2-10-5 Permitted Uses in a I-2 Zone

- A. The following uses or uses of a similar type, provided where they are within one hundred fifty (150) feet of a residential zone or area or commercial zone, they shall be contained wholly within a building or screened on all sides as provided for in Section 2-10-3C; except for the off-street parking and loading of delivery vehicles which are incidental thereto as required in Sections 2-5-1 thru 2-5-3 of this ordinance.
1. Any use allowed in an I-1 Zone, Sections 2-10-3B thru 2-10-3D only of this ordinance
 2. Acetylene gas manufacture or storage
 3. Agriculture
 4. Alcohol manufacture
 5. Ammonia or bleaching powder manufacture
 6. Asphalt manufacturing or refining
 7. Boiler works, locomotive or railroad car manufacturing
 8. Breweries or liquor distilleries
 9. Brick, tile, terra cotta or cinder block manufacturing
 10. Central station light or power plant
 11. Coal distillation including manufacture or derivation of the by-products
 12. Coke oven
 13. Concrete mixing plant
 14. Furniture manufacture
 15. Gas manufacture from coal or petroleum or the storage thereof
 16. Incinerator, industrially affiliated
 17. Iron or steel foundry, steel furnace or rolling mill, except smelting
 18. Meat products manufacture
 19. Oilcloth or linoleum manufacture
 20. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture
 21. Planing mill
 22. Plastic manufacture
 23. Power forge
 24. Railroad yards including turntables and repair facilities
 25. Rubber or gutta-percha manufacture or treatment
 26. Salvage yard

27. Soap manufacture
28. Tanning, curing or storage of raw hides
29. Tar distillation or tar products manufacture
30. Above-ground storage of fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 50,000-gallon capacity

Chapter 11: Height and Area Regulations

2-11-1 General Height Provision

- A. Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the height limit established for the zone wherein such building or structure is located.
- B. All areas governed by the Federal Aviation Administration (FAA) due to the area's proximity near an airport or airstrip shall be regulated by the appropriate FAA height regulations.

2-11-2 General Area Provisions

Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, combined existing structure plus additions, conforms with the area regulations of the zone in which it is located.

- A. No lot area shall be so reduced, diminished and maintained that the yards, other open space, or total lot area shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.
- B. Lots of record at the time of the enactment of this ordinance which have less than the minimum area requirements for residential use may nevertheless be used for any use permitted therein, except that for dwellings, the lot must have a width of at least ninety (90) feet, and an area of at least 11,880 square feet.
- C. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.
- D. Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one residential building and its accessory building on one lot except a farm tenant dwelling may be erected on the same tract as the main farm dwelling. Row dwellings or group housing may be considered as one main residential building.
- E. At street intersections of an angle less than sixty (60) degrees, shrubs or structures over three and one-half (3 1/2) feet high will not be placed between the intersections of the street lines and ten (10) feet from the building line.
- F. At each end of a through lot there shall be a front yard of the depth required by this ordinance for the zone in which each street frontage is located, and one of such front yards may serve as a required rear yard to permit accessory structures.
- G. Required lot area shall be excluded of proposed road right-of-way.

2-11-3 Height Regulations

- A. Except as otherwise specifically provided in this Chapter, no building or structure shall be erected, altered, enlarged or reconstructed to exceed the height limits established for the district where such building is located, as follows:

Zone	Stories	Maximum Height
R-1, R-2, R-3	2	30
A, C-1, C-2	2.5	50
C-3, I-1, I-2	3	75

B. Height Exceptions

1. In the zones limiting height to two (2) stories not to exceed thirty (30) feet, any permitted structure may be increased in height to three (3) stories not to exceed fifty (50) feet, provided the required side yards are increased an additional one (1) foot for each three (3) feet such structure exceeds thirty (30) feet.
2. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.
3. On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.
4. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, television aerials, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, barns, silos, gas containers, material hoppers, or similar structures may be erected above the height limits herein prescribed; but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, business or industrial use.

2-11-4 Lot Area Regulations in Residential Permitted Zone

A. Except as otherwise specifically provided in this Chapter, no residential building or structure shall be erected, altered, enlarged, or reconstructed to exceed the lot area limits established for the zone where such residential building is located, as follows:

Required Yard Area for Each (adopted by ordinance 2017-04)

<u>Zone</u>	<u>Min. Width of Front Build. Line</u>	<u>Min. Net Lot Area (S.F.)</u>	<u>Dwelling:</u>	
			<u>#of Units</u>	<u>S.F. of Yard</u>
(Buildings served by individual septic systems)				
A	120'	87,120 (2A)	1	82,120
		174,240 (4.0A)	2	169,240
R-1	120'	87,120 (2A)	1	82,120
		174,240 (4.0A)	2	169,240
R-2	120'	87,120 (2A)	1	82,120
		174,240 (4.0A)	2	169,240
Add 2.0 acres for each additional unit over 2				
For each additional unit above two (2), add 20 feet to the minimum width of front building line.				
R-3	120'	87,120 (2A)	1	N/A

Required Yard Area for Each

<u>Zone</u>	<u>Min. Width of Front Build. Line</u>	<u>Min. Net Lot Area (S.F.)</u>	<u>Dwelling:</u>	
			<u>#of Units</u>	<u>S.F. of Yard</u>
(Buildings served by public or other approved community sewer system)				
A	100'	43,560 (1.0A)	1	16,000

R-1	100'	43,560 (1A)	1	16,000
R-2	120'	43,560	1	16,000
		65,340	2	26,000

For each additional unit above add 2 acres for each unit over two (2).

2-11-5 Yard Regulations

Except as otherwise specifically provided in this Chapter, no building or structure shall be erected, altered, enlarged or reconstructed to exceed the yard limits established for the zone where such building is located, as follows:

A. Front Yard Limits

Each lot shall have a front yard with a minimum depth measured from, and parallel to, the center of the road as shown on the Adams County Highway Map maintained by the Adams County Plan Commission in conjunction with the Adams County Highway Department. Said map shall classify roads in Adams County as either arterial, primary, secondary, or local roads. Said designations may be changed from time to time depending upon development in the area and construction or reconstruction of the road.

<u>Zone</u>	<u>Thoroughfare Type</u>	<u>Setback from Center of Road</u>
All Zones	Arterial	150'
	Primary	110'
	Secondary	90'
	Local (Residential Streets)	55'

1. Where a lot is situated between two (2) lots, each of which has an existing main building thereon, the front yards of which are less than the minimum required front yards established herein, the front yard limit of such lot shall be the average of the front yards of said existing buildings.
2. Where a lot abuts only one (1) lot having an existing main building thereon, the front yard of which is less than the minimum required front yard established herein, the front yard limit of such lot shall be the average of the front yard of the existing building and the required front yard.
3. In the case of a corner lot, the side yard width to the side street line shall be equal to at least one half (1/2) of the front yard depth limit for the district in which the lot is located. In no case shall the side yard width to the side street line be less than twenty (20) feet.

B. Side Yard Limits (adopted by ordinance 2017-08)

There shall be two side yards for each lot. The minimum width for each yard, along with the aggregate width for both yards, shall be as follows:

<u>Zone</u>	<u>Condition</u>	<u>Min. Width of One Side Yard</u>	<u>Aggregate Width of Both Yards</u>
A	N/A	20'	40'
R-1	N/A	20'	25% of lot width
R-2	N/A	20'	20% of lot width
R-3	N/A	20'	30'

C-1, C-2, C-3, I-1, I-2	N/A	0' but if a yard is provided, limit is 4'. However, if residential dwelling is constructed, side yard shall be the same as R-1 above.	0' but if a yard is provided, limit is 8', provided, however if residential dwelling is constructed side yard shall be the same as R-1 above
First floor of C or I Zone building is used for recreational purposes		6'	20' of lot width
C or I zone abuts an R Zone		6' plus 4' for each C or I zone building story above first story	Twice the limit for one yard

C. Rear Yard Limits

There shall be a rear yard for each lot, the minimum depth of which shall be as follows:

<u>Zone</u>	<u>Minimum Depth</u>
A, R-1, R-2	25% of lot depth
R-3	20'
C-1, C-2, C-3 I-1, I-2	0= but if a yard is provided, limit is 4' However, if residence dwelling is constructed, rear yard will be 25% of lot depth.
C or I Zone abuts an R Zone	20% of lot depth, not less than 20'

D. Yard Limits Within a Mobile Home Park

1. Front Yard - Minimum front yard from hitch to lot line shall be six (6) feet; in the case of a removed hitch, the minimum front yard from trailer to lot line shall be ten (10) feet.
2. Side Yard - Minimum side yard shall be fifteen (15) feet. Minimum distance between mobile homes shall be thirty (30) feet; minimum distance between any additions to or projections of a mobile home and the next adjacent mobile home shall be twenty (20) feet. In any event, the aggregate total of side yards shall not be less than thirty (30) feet.
3. Rear Yard - Minimum rear yard shall be twenty (20) feet.

E. Lot Area and Yard Exceptions and Modifications

1. Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, location or topography, such regulations may be modified or determined by the Board, as provided for in Section 7-4-3A.4.
2. Where a lot is situated between two (2) lots, each of which has a main building which projects beyond the ordinance established front yard line and was so maintained when this ordinance became effective, the front yard requirement on such lot may be the average of the front yards of said existing buildings, provided, however, the front yard of such lot shall be not less than ten (10) feet.

3. Where a lot adjoins only one (1) lot having a main building which projects beyond the ordinance established front yard line and has been so maintained since this ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line, provided, however, the front yard of such lot shall be not less than ten (10) feet.
4. For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: semi-detached dwellings, row dwellings, and group dwellings.
5. The front and side yards may be waived for dwellings, motels and lodging houses erected above the ground floor of a building when said ground floor is designed and used exclusively for business and/or industrial purposes.
6. An accessory building, not exceeding twenty (20) feet in height may occupy not more than thirty percent (30%) of the area of a required rear yard, providing it is no less than five (5) feet from any side or rear lot line.
7. Where a through lot has a depth of two hundred (200) feet or more, and an area of 20,000 square feet or more, said lot may be assumed to be two (2) lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with.

F. Yard Projections

1. A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty (20) feet in length, and is entirely open on at least the front and rear sides, except for the necessary supporting columns and customary architectural features; provided, however, said porte cochere does not extend to within six (6) feet of a side lot line.
2. A cornice, eave bolt course, sill, canopy or other similar architectural feature (not including bay window or other vertical protection) may extend or project into a required front, side or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than three (3) feet.
3. A fire escape may extend or project into any required front, side or rear yard not more than four (4) feet.
4. An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard, and such balcony may extend into a required front yard not more than thirty (30) inches.
5. An open, unenclosed porch, platform or land place not covered by a roof or canopy, which does not extend above the level of the first floor of the building, may extend or project into any required side yard not more than four (4) feet and into any required front or rear yard not more than eight (8) feet.
6. A fence, lattice-work screen or wall in connection with residential use, not more than six (6) feet in height, but not to extend into the required front yard, or a hedge or thick growth of shrubs, maintained so as not to exceed four (4) feet in height may be located in any required front or side yard.
7. A landscape feature such as trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard, provided it does not violate the provisions of Section 2-11-5.

- G. **Separation Distances and Setbacks for Water Wells** – For all real estate parcels of two (2) or more in areas zoned A, the minimum requirements as to separation distances from a water well to all property lines shall be fifty (50) feet. Provided however that for real estate parcels of less than two (2) acres, the Building and Planning Director shall have the authority to grant a variance from the separation distance allowing a separation distance of less than fifty (50) feet. Provided further that should the Building and Planning Director refuse to grant such a variance, the owner of the parcel of real estate may request a variance before the Board of Zoning Appeals.

Chapter 11.5: Recreational Space Requirements

2-11.5-1 General Recreational Space Requirements

A recreational space requirement is required for all R-1 and R-2 zones and any agricultural or other zone where residential housing is being planned or proposed.

2-11.5-2 Criteria for Guidance

The following standards are to be utilized in the evaluation of all required recreation space in a commission approved development plan and in the approval of subdivisions requiring recreational space.

- A. The commission approved recreation space shall be approved in all zones as defined in Section 2-11.5-5 herein. The purpose of providing this base shall be to meet the immediate and future recreational needs of the developments residence and a neighborhood setting. Recreation space may be provided in a centrally located site, in distinctly separate sites, as connecting links between separated activity areas, or adjacent to other existing or proposed recreation spaces. The commission shall determine if the proposed recreation space is suitable for the intended use. Consideration shall be given to the location of the proposed recreation space and it shall be reasonably close to and adjacent to residential areas or centrally located between phased developments. Wasteland or land undesirable for development shall not be substituted for recreational space unless its location and suitability is consistent with recreational use.

2-11.5-3 Covenants

All developments with recreational space must contain acceptable covenants which, in the opinion of the commission, insure adequate maintenance of those recreation spaces.

2-11.5-4 Amount of Recreational Space Required

Recreational space shall be required when in the opinion of the commission it would be desirable for the proposed development considering the surrounding area and the density of families benefitting from open space and recreational uses. Therefore, a recreational space requirement may be required by the commission for minor subdivisions if in the opinion of the commission all the above criteria are present and it would be desirable for the proposed development and surrounding area to have recreational space included as part of the plan. Unless extenuating circumstances exist, recreational space will generally not be required in case of minor subdivisions.

2-11.5-5 Recreational Space and Major Subdivisions

Recreational space shall be required in all major subdivisions of more than ten lots and may be required in major subdivisions of ten or fewer lots if in the opinion of the commission it is determined that such recreational space is desirable and necessary to the orderly development of the area. In major subdivisions of over ten lots the minimum amount of recreational space which shall be required shall be a minimum of ten percent of the total area developed with a minimum of 32,670 square feet.

2-11.5-6 Physical Improvements

The term recreational space shall be interpreted to mean void of non-recreational structures, street rights-of-way, open parking areas and driveways for dwellings. The space qualified for recreational space shall be made reasonably level and suitable for organized or unorganized play and recreation by children and adults.

The developer may but is not required to provide specific playground equipment and physical improvements.

2-11.5-7 Use of Recreational Space

Space intended for limited recreational activity or other uses, such as golf course, to which all residents of the development may not be permitted free access because of the payment of a fee or charge, shall not qualify in meeting the recreational space requirement herein.

Chapter 12: Planned Unit Developments

2-12-1 Purpose

A Planned Unit Zone is intended to encourage innovative developments in certain zones that will not distract from the original zone intent.

Developers of land in a Planned Unit Zone will be offered flexibility in design and development. As a means to this flexibility, regulations governing lot size, yards and building location may be varied, subsequent to approval by the Plan Commission through the development plan process, Chapter 15 of this Article.

A. Permitted Zones

Planned Unit Developments may be located only on lots, parcels or tracts of land of four (4) acres or more in R-2, C-1, C-2, C-3, I-1 and I-2 Zones. Planned Unit Zones are identified by a "P" designation following the permitted zone.

B. Corresponding Zones

Corresponding Planned Regular Zones	Unit Zone
R-2	R-2P
C-1	C-1P
C-2	C-2P
C-3	C-3P
I-1	I-1P
I-2	I-2P

2-12-2 Planned Residential Zone

A. Purpose

The intent of a Planned Residential Zone (R-2P) is to encourage innovative multiple-family residential communities and allow the developer of such communities the maximum amount of flexibility in design and development.

B. Permitted Uses

The uses permitted in the zone shall be the same as those permitted within the R-2 Zone as found in Section 2-8-6 of this ordinance.

2-12-3 Planned Commercial Zone

A. Purpose

The intent of a Planned Commercial Zone (C-1P, C-2P, or C-3P) is to provide for and encourage the grouping of businesses into centers and complexes, incorporating modern concepts of service and design.

B. Permitted Uses

The uses permitted in each zone shall be the same as those permitted within the corresponding C-1, C-2 or C-3 Zone as found in Chapter 9 of this Article. (2-9-3-5-7)

2-12-4 **Planned Industrial Zone**

A. **Purpose**

The intent of a Planned Industrial Zone (I-1P or I-2P) is to provide a means for industrial land uses, regardless of overall size or acreage, to develop in accordance with a set plan and in consideration of the surrounding land use, especially within transitional areas.

B. **Permitted Uses**

The uses permitted in each zone shall be the same as those permitted within the corresponding I-1 or I-2 Zone as found in Chapter 10 of this Article. (2-10-3-5)

Chapter 13: Development Plan Regulations - All Zones

2-13-1 **Purpose of Development Plan**

A Development Plan is intended to provide all pertinent information about a proposed development so the Plan Commission may make a knowledgeable decision whether or not the proposed development meets all the requirements of this ordinance and the goals and objectives of the County Master Plan.

2-13-2 **Required Developments for Development Plan**

A. The **development plan procedure**, hereafter set forth, shall be required for the following developments:

1. All minor and major subdivisions of land.
2. All mobile home parks. Additional requirements are provided for in Section 2-14 of this article.
3. All planned unit developments. Additional requirements are provided for in Section 2-15 of this article.
4. All intensive livestock operations. Requirements are provided in Sec. 2-16-1 of this article.
5. All commercial multiple group dwelling developments on lots, parcels, or tracts of land over two (2) acres. (Adopted with Ordinance 2017-04)
6. All multiple-group dwelling development.
7. All C-1 principal use developments on lots, parcels, or tracts of land over two (2) acres. Accessory buildings under five thousand (5,000) square feet are excluded from the development plan procedures.
8. All C-2 and C-3 principal use developments. Accessory buildings under five thousand (5,000) square feet are excluded from the development plan procedures.
9. All I-1 and I-2 principal use developments. Accessory buildings under five thousand (5,000) square feet are excluded from the development plan procedures.
10. All uses contained in 2-10-3 (c).

B. **Subdivision Plat**

A subdivision plat shall be required along with a development plan as long as a subdivision of land, as defined, is occurring as a result of this development. Both development plan and subdivision plat processes may be done concurrently with any duplicated requirements being counted for both processes.

2-13-3 **Pre-Application Review**

A pre-application review between zoning administrator and developer is recommended at least fifteen (15) days prior to official application for primary approval of a development plan. The purpose of this pre-application review is as follows:

- A. To inform the applicant of the standards and requirements of all applicable ordinances, including the Comprehensive Plan,
- B. To review the various procedures and submission requirements,

- C. To review with the applicant any inherent limiting characteristics of the specific site or surrounding areas.
- D. To reduce the time period between initial application and Plan Commission approval.

2-13-4 **Application for Primary Approval of Development Plans**

- A. The application for primary approval of a development plan shall be submitted in duplicate to the Commission on a form approved by the Commission, shall be signed by the owner(s) of record, and shall contain a statement specifying the intentions of the owner respecting the proposed land use of the development, deed restrictions, drainage, sewage disposal, water facilities, and the intended date of the development. At the time of the submission of the application, the applicant shall pay to the Commission the filing fee established by rule of the Commission.
- B. A tracing and two copies of the proposed development plan shall be submitted to the Commission at the time the application for primary approval is filed. The proposed development plan shall represent the entire tract which the applicant intends to develop and over which he has an ownership or financial interest and/or control, or that portion of the entire tract for which further public hearing is required by the Commission following the initial primary approval of the development plan for the overall site.

- C. **Contents of Development Plan for Primary Approval**

The development plan for which an application for primary approval is submitted shall contain the supporting data and site plan and supporting maps described below. This information is to be submitted for all of the site included in the application. Applications can be reviewed only for those areas for which all required submission data have been presented.

- 1. Supporting Data

- a. A development schedule indicating the approximate date when construction of the development (or stages of the development) can be expected to begin and be completed,
- b. Information on the number and type of structures, parcel size, proposed lot coverage of buildings and structures, together with gross residential densities, type of dwelling units and net density per type of dwelling unit when mixed use, where applicable,
- c. Statements identifying the intended means of assuring permanency, continuance and maintenance of all open/recreation spaces to be dedicated for use by residents of the development and/or the general public, where applicable, and
- d. Proposed restrictive covenants, if applicable.

- 2. Site Plan and Supporting Maps

- a. Date, scale (graphic and written), north point, name and address of designer and/or engineer, name and address of the developer, and proposed name of the development,
- b. A generalized legal description of the total site as well as dimensions of the boundaries of the tract, including generalized bearings and distances, measured from a section corner,
- c. The existing site conditions including contours, (at a predetermined interval), watercourses, and drainage ways, flood plain elevations, wooded areas, soil types (including interpretation of character), and other unique natural features,

- d. The location, minimum size and configuration of areas to be conveyed, dedicated, or otherwise reserved as common open spaces, parks, recreational areas, school sites and similar public and semi-public uses, where applicable,
- e. The existing and proposed vehicular circulation system, including right-of-way widths and driving surface widths of streets, off-street parking areas, service areas, loading areas, street names, intersection radii, street dedications, and points of access to public rights-of-way, where applicable,
- f. The existing and proposed pedestrian circulation system, including links with nearby land uses, where applicable,
- g. Proposed lot and/or tract lines, lot numbers, lot dimensions, easements and building lines. Those areas to be subdivided pursuant to the terms of the Adams County Subdivision Control Ordinance shall conform to same and be clearly delineated on the development plan,
- h. The proposed treatment of the perimeter of the site, including materials and techniques to be used such as screens, fences, walls and landscaping, and
 - i. The following generalized feasibility information:
 - ii. Street width and type of surfacing material,
 - iii. Sanitary sewer pipe location, septic tank, manhole locations and invert at point of connections to existing facilities,
 - iv. Water line and fire hydrant locations to point of connection to existing facilities;
 - v. Storm sewer improvement locations including pipe, manhole and catch basin locations; detention basin location, capacity and appropriate elevations; storm drainage flow lines,
 - vi. Street lighting fixtures locations, when applicable.

2-13-5 Hearing Procedure for Primary Approval, Action by Commission

- A. Within thirty (30) days after the date of receipt of the plan application for primary approval, the proposed development plan and the filing fee, the Zoning Administrator shall announce the date and time of the public hearing for primary approval of the development plan to be held before the Commission. The Zoning Administrator shall also provide notice of such hearing, as follows:
 - 1. By publication in accordance with I.C. 5-3-1,
 - 2. To the applicant, in writing, by means of regular United States mail, postage prepaid, addressed to the applicant at the address listed in the application for approval,
 - 3. To all public agencies and governmental units having a probable interest in the proposed plat, furnishing a copy thereof and requesting their written comments with regard thereto,
 - 4. To such other interested parties and in such manner as the Commission may designate by rule.
- B. The public hearing for primary approval of the proposed development plan shall be conducted in accordance with such procedures as the Commission may adopt by rule.
- C. After public hearing upon the proposed development plan, the Commission shall determine if it complies with and satisfies the standards prescribed for primary approval under this ordinance. Within a reasonable time after such hearing, the Commission shall either grant, with or without conditions, or deny primary approval of the proposed development plan and enter written findings and decision in accordance with such action, signed by any one of the following: the President, the

Vice President, the Secretary or the Zoning Administrator of the Commission; provided however, that if primary approval is denied, the written findings entered by the Commission shall set forth the reasons for such denial.

- D. Notice of the Commission's decision upon the application for primary approval shall be provided by furnishing a copy of its written findings and decision to the applicant and to such remonstrators or other interested parties, if any, as the Commission may designate by rule. Such notice shall be furnished by the Zoning Administrator within five (5) days after the Commission's decision in the manner prescribed by the Commission, by rule duly adopted.
- E. Primary approval of a development plan by the Commission shall be valid for one (1) year from the date of approval, unless the applicant, prior to the expiration of such one (1) year period, shall have applied for and received the Commission's approval for an extension of time to obtain secondary approval. If, by the expiration of such initial one (1) year period of time, or during any period of extension approved by the Commission, the applicant does not obtain secondary approval of all or part of the area included in the development plan for which primary approval had been granted, then the primary approval granted for the development plan shall lapse and be considered as null and void. In the event the Commission grants secondary approval for only a portion of the development plan, the applicant thereafter will not be obligated to adhere to any time limitations for requesting secondary approval of the remainder of the development plan.

2-13-6 **Application for Secondary Approval of Development Plans**

- A. The applicant shall have the responsibility to notify the Zoning Administrator of the Commission in writing of his intent to seek secondary approval, of either all or a portion of the development plan. In the event the applicant intends to seek secondary approval of only a portion of the development plan, the applicant shall specifically describe and designate such areas so as to reasonably identify the same. The applicant shall also at that time file with the Commission staff the development plan in the form and with the contents prescribed hereinafter. The Zoning Administrator shall then cause to be scheduled a meeting of the Plan Commission for the purpose of reviewing the development plan and determining whether secondary approval shall be granted, and provide notice to the applicant of the date and time of such meeting. No other notice of such meeting need be given, except as required by law. The Zoning Administrator shall then review all submissions made by the applicant to insure the requirements for secondary approval stated in this ordinance have been satisfied.
- B. The Commission will consider secondary approval of a development plan only after the applicant has accomplished the following:
 - 1. Filed with the Commission a complete set of plans and specifications for the development of all streets, sewers, water supply and other utilities and facilities proposed to be installed in conjunction with the development plan, in accordance with the requirements of this ordinance,
 - 2. Delivered to or filed with the Commission all necessary approvals and acceptances from all applicable agencies and authorities,
 - 3. Paid in full to the Commission all costs incurred for the furnishing of notice required under this ordinance and/or by rule, of the granting of primary approval of the development plan by the Commission,
 - 4. Filed with the Commission the development plan in the form and with the contents prescribed hereinafter.
- C. **Contents of Development Plan for Secondary Approval**
The development plan for which secondary approval is sought shall be submitted to the Commission in the form of an original reproducible plan sheet, drawn in ink and shall be complete and accurate

layout of the project and shall contain any and all additions, corrections and deletions required by the Commission. Such development plan shall also include the following information:

1. Supporting Data

- a. Legal description of the parcel of real estate for which secondary approval is sought,
- b. Restrictive covenants including provisions for open space maintenance, when applicable,
- c. Traverse closure,
- d. Construction performance schedule and accompanying development plan indicating delineations of specific areas. If applicable, those areas required to have open space shall include the time of the development of recreational or other facilities within the open space. The development plan shall also indicate the location of any construction access roads and their relationship to the staging of development,
- e. Letters of comment from the Adams County Surveyor's Office, Health Department and other public agencies having approval over the wastewater disposal system and fresh water supply system.
- f. Letters from the utilities serving the area, setting forth their ability to serve the development, and
- g. Such additional information as may be required by the Commission.

2. Site Plan and Supporting Maps

- a. Date, scale (graphic and written), north point, name and address of the designer and/or engineer, name and address of the developer of the tract, and name of development,
- b. Dimensions of the boundaries of the tract including bearings and distances and the exact location of all existing and recorded streets intersecting the boundary of the tract,
- c. Section or reserve lines or other legal points of reference and distances to same,
- d. Building lines, lot lines, easement locations, and dimensions,
- e. Lot numbers and individual addresses for each lot,
- f. Plans, profiles, cross sections and names, location and geometrics for streets and entrances onto public rights-of-way, including acceleration-deceleration and passing lanes, and dedication documents when applicable,
- g. Plans and cross sections for pedestrian walkways,
- h. Easements such as pedestrian, utility, drainage, etc.,
- i. Sanitary and storm sewer plans and profiles, and water line plans,
- j. Parking areas, including plans, cross sections, and landscaping details,
- k. The length of all arcs and radii, central angles, internal angles, points of curvature and tangency, the length of all tangents, intersection radii and right-of-way widths,
- l. Lighting plan, including areas to be lighted, the type of fixtures to be used, and the lighting intensity level for all areas to be lighted, when required,

- m. Landscape plans, including the location of all landscape materials and elements, which requirement is waived in those areas used for single-family residential purposes,
- n. Such other data which may be required by the Commission.

2-13-7 **Action by Plan Commission for Secondary Approval of Development Plans**

- A. Within a reasonable time following the applicant's satisfaction of all requirements for secondary approval stated under Section 2-13-6 of this Chapter, the Plan Commission shall either grant, with or without conditions or deny secondary approval of the development plan. If secondary approval is denied, the Plan Commission shall within five (5) days thereafter, furnish the applicant with a written list of the reasons for such denial.
- B. Notwithstanding the requirements of the ordinance for submission to the Plan Commission, the Plan Commission may, upon written request by the applicant, supported by evidence that all submissions have been timely filed, grant secondary approval of a development plan although one or more of such approvals may not have been delivered to or received by the Plan Commission. The Plan Commission may grant such secondary approval only when the applicant provides a written statement made under oath and approved by the Plan Commission or the Commission staff, for recordation as a protective covenant or supplement thereto, stating that the applicant will cause to be provided at his cost all things necessary to attain or accomplish the delivery of the required approval(s) which shall not then have been delivered to or received by the Commission. If the applicant does not then deliver such approval(s) in a timely fashion, the Commission is hereby empowered to refuse to issue either Improvement Location Permits or Certificate of Occupancy Permits. Once the applicant has thereafter secured and delivered to the Commission the required approval(s), the Zoning Administrator shall then execute a recordable document, which shall be recorded by the applicant at his expense, rescinding the aforesaid recorded written statement.

2-13-8 **Issuance of Permits**

- A. Prior to the issuance of an Improvement Location Permit for any use in a zone wherein a development plan is required, the following matters shall be accomplished:
 - 1. The Commission shall have granted primary and secondary approval of the development plan in accordance with this ordinance and the Adams County Comprehensive Master Plan; and
 - 2. The applicant shall have duly recorded in the Office of the Recorder of Adams County, Indiana, the utility easements, rights-of-way, plats, deed restrictions, or any other legal instruments required, and in the form approved, by the Commission.
- B. The requirement for such approval of a development plan, prior to the issuance of an Improvement Location Permit, shall also specifically apply to any residential condominium development which is subject to the requirements of I.C. 32-1-6, the Indiana Horizontal Property Act, as the same may be amended from time to time, regardless of whether the zoning district in which the subject real estate is located required approval of the development plan for the intended use under this Ordinance. Such a condominium development shall be subject to all requirements set forth in Section 2-13-6 of this Chapter.

2-13-9 **Amendments to Approved Development Plan**

- A. **General Requirements**

After the Commission has granted either primary or secondary approval of a development plan, any amendments thereto shall be submitted by the applicant to the Zoning Administrator by way of an amended application for the type of approval sought, on a form prescribed by the Commission. Any

such application shall also be accompanied by the pertinent submissions required under this ordinance for the proposed amendments involved, together with the requisite filing fee if a public hearing is required hereunder to be held upon the amended application.

B. Execution of Amended Application

Any application submitted for amendment of a development plan following the granting by the Commission of primary approval, but prior to the granting of secondary approval, need contain only the signature(s) of the original applicant(s), or the successor(s) in interest thereto. After secondary approval of a development plan has been granted, any applications for proposed amendments thereto shall contain the signatures of all owners of record, as shown in the Real Estate Master File maintained by the Auditor of Adams County, Indiana, at the time such application is filed, of the real estate included in that portion of the development plan for which secondary approval had previously been granted and for which amendment is being sought.

C. Requirement for Public Hearing

If in the opinion of the Zoning Administrator, the amendment to the development plan proposed in such application is substantial, in terms of the scope of the overall project and/or the possible impact upon the community and land uses, both existing and planned, which surround the area included in the development plan, then the Zoning Administrator may either require the matter to be heard by the Commission, at a public hearing, or defer such decision to the Plan Commission for a determination of such public hearing. In the event such determination is to be made by the Plan Commission, notice of the date and time of the meeting of the Plan Commission at which such determination is to be made shall be given by the Zoning Administrator to the applicant. No other notice need be given, except as required by law. Any action by the Plan Commission in determining whether a public hearing must be held before the Commission upon the amendments proposed by the applicant shall be a final decision, which may not be appealed to the Commission except by a dissenting Plan Commission member as provided by rule.

D. Commission Action

Notwithstanding the foregoing provisions, nothing in this Section 9 shall preclude the Commission from requiring, as a condition for the granting of primary approval of an overall development plan, that subsequent public hearings be conducted before the Commission, as to any portions of the overall development plan or any later amendments, alterations or modifications proposed with regard thereto. The Commission may, however, waive any procedural or submission requirements otherwise provided under this zoning ordinance, it may deem necessary when reviewing a change to an approved development plan.

E. Conduct of Subsequent Public Hearing

If the Commission requests, or is required under the provisions of this ordinance, to conduct a second or subsequent public hearing for approval of a development plan or an amendment thereto, then such hearing shall be conducted and notice furnished in accordance with the provisions of the zoning ordinance and the pertinent rules duly adopted by the Commission.

2-13-10 Development Plan Design Standards

The following minimum design standards shall apply to all site improvements on real estate for which a development plan is required. Individual zoning districts may also supplement the following standards with more detailed standards pertinent to individual districts.

A. Environmental Design

1. It is the intention of the Plan Commission to encourage the preservation of natural site amenities and to minimize the disturbance to the natural environment.
2. Existing trees and other natural features shall be preserved whenever possible. The location of these features must be considered when planning common open space, location of buildings,

underground services, walks, paved areas, and finished grade levels. The Commission may inquire into the means whereby natural features will be protected during construction.

B. Building Separation

In reviewing the location of all structures within the development plan boundaries, the Commission shall determine that said structures are located to allow adequate light, air, ease of entry and access by emergency vehicles. For those districts without specified yard requirements, the Commission shall be guided by the following:

1. That the open areas provided around the building be sufficient to provide the occupants of the structure with adequate light and air from all outside walls which contain windows or doors,
2. That sufficient space is provided for access and entry to buildings from all streets, parking lots and other buildings,
3. That in the event lots for one-family or two-family dwellings are to be sold prior to construction and the applicant cannot indicate structures on the development plan, said structures shall be subject to the yard provisions of the Zoning and Subdivision Ordinances for the R-1, R-2, and R-3 Districts or other Commission-approved minimums, unless specifically waived.

C. Vehicular Circulation Facilities

All present and future dedicated right-of-way widths and street improvements shall meet the requirements of the Adams County Subdivision Control Ordinance as now or hereafter amended.

D. Pedestrian Circulation Facilities

Pedestrian walkways shall be constructed in a location and to specifications approved by the Commission. Such walkways shall provide for pedestrian circulation throughout the development and shall be separated from vehicular traffic. Where distance separation cannot be achieved, physical separation may be required in cases which the commission deems necessary.

E. Sanitary Sewage Disposal and Water Supply Systems

All water supply and sanitary sewage disposal systems, whether private or public in nature, shall be subject to compliance with local, and where appropriate, State Agency requirements. Plans must be submitted to and approved by the appropriate agencies.

F. Recreation Space Requirements

1. Recreational space requirements and the criteria for approval in the development plan and/or platting of applicable subdivisions are contained in Chapter 11.5 herein. The following standards are to be utilized in the evaluation of all required recreation space in a Commission-approved development plan:
 - a. Commission-approved recreation space shall be provided in all residential zones as defined in Chapter 11.5. The purpose of providing this space shall be to meet the immediate and future recreational needs of the development's residents in a neighborhood setting. Recreation space may be provided in a centrally located site, in distinctly separated sites, as connecting links between separated activity areas, or adjacent to other existing or proposed recreation spaces. The Commission shall determine if the proposed recreation space is suitable for the intended use. This requirement may be waived when, in the opinion of the Commission, the applicant has satisfactorily demonstrated that he has provided alternative methods for meeting the recreational needs of his development's residents.
 - b. All developments with recreation space must contain acceptable covenants which, in the opinion of the Commission, insure adequate maintenance of those recreation spaces.

2. **Physical Improvements**

The term recreation space shall be interpreted to mean void of non-recreational structures, street rights-of-way, open parking areas and driveways for dwellings.

3. **Use of Recreation Space**

Space intended for limited recreational or other uses, such as a golf course, to which all residents of the development may not be permitted free access because of the payment of a fee or a charge, shall have a maximum of three-fourths of said space utilized in meeting the recreation space requirements of the total development.

G. **Paving**

All access drives and off-street parking facilities shall either be paved with concrete or with other approved surfacing material to adequately provide a durable and dust-free surface.

H. **Parking Standards**

1. Parking areas may be required to be arranged so as to prevent through traffic to other parking areas,
2. Parking areas shall be screened from adjacent non-related structures, roads and traffic arteries with plantings, earth berms, walls or changes in grade, when deemed necessary by the Commission,
3. All parking areas shall be marked so as to provide for orderly and safe parking, storage and movement,
4. When it is in the interest of safety and better vehicle and pedestrian circulation, the Plan Commission may require the use of landscape elements to provide physical separation of use areas,
5. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining real estate,
6. All parking areas and off-street loading areas shall be graded and drained to remove all surface water without erosion and flooding.

I. **Street Lighting**

Street lighting shall be provided in all residential development. Alternative street lighting proposals will be considered by the Commission if found to be appropriate in scale and intensity. Where pedestrian facilities are separated from streets to the extent that they are not adequately lighted from the street light facilities, separate lighting facilities shall be provided on such pedestrian facilities.

Chapter 14: Development Plan Regulations - Mobile Home Parks

- 2-14-1 Prior to issuance of an Improvement Location Permit in an R-3 Mobile Home Park Zone, the Commission shall grant primary approval of a development plan for the entire tract and secondary approval either for the entire tract or that portion of the tract in which improvements are to be located. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).
- 2-14-2 In determining the action to be taken on a proposed R-3 development plan, the Commission shall be guided by the design standards set forth in Section 2-13-10 of this ordinance and supplemented below:
- A. The wheels shall be removed from each mobile home occupying a lot in the park.

- B. Each mobile home shall be supported under all exterior walls by a permanent foundation completely enclosing the undercarriage.
- C. Each mobile home occupying a lot in the subdivision shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for and attached to appropriate external systems.
- D. The developer shall provide a substantial and attractive fence of at least six (6) feet in height or a dense evergreen screen planting of at least six (6) feet in height after one full growing season, when adjoining property is zoned or used for residential purposes. When said park is adjacent to an arterial thoroughfare, the park yard fronting on the thoroughfare shall be landscaped and maintained.
- E. Provision must be made, in every mobile home park, for a road in front of every lot. The road surface shall be of the all-weather type with a traffic surface of not less than twenty (20) feet in width, properly crowned and graded. When off-street parking is not utilized, a parking surface of eight (8) feet in width shall be provided along each side of said traffic surface. When such roads come in contact with any public roads or highway, reinforced concrete sewer pipe with cemented joints or continuous iron or steel pipe shall be installed to provide drainage. The cost of such pipe shall be defrayed by the owner or operator of the park, and the installation shall be approved by the County Highway Supervisor and the County Surveyor. All roads within the park must be accessible for traffic at all times and shall be maintained in first class condition. Roads in any mobile home park may be accepted into the county road system; however, if they are not acceptable, the operator shall provide for their maintenance.
- F. All R-3 Mobile Home Park Zones shall have open space, unless waived by the Commission, at a rate of two hundred (200) square feet per mobile home lot. The Commission may require recreational space the same as set out in 2-11.5-5 of this ordinance.
- G. In addition to the parking regulations in Section 2-5-1B, the mobile home park developer shall provide two (2) parking areas per each lot.
- H. Sidewalks of thirty-six (36) inch minimum width shall be provided by the developer; said sidewalks shall serve each lot and mobile home.
- I. Street lighting shall be provided by the developer. The light value on all occupied streets shall be a minimum of 1/10-foot candle.
- J. Water supply shall be from a municipal water service or from approved and protected driven wells that meet all test requirements, provided with tight, elevated concrete platforms and which will not be subject to overflow or surface drainage. The source and supply of the water for human consumption must meet all the requirements of the Adams County and State Boards of Health. The use of open wells, springs, cisterns, or open storage tanks for human consumption is unlawful and shall constitute a violation of the terms of this ordinance.
- K. Mobile home parks must be kept in clean and sanitary condition and provided with suitable covered metal receptacles for garbage, waste, litter and trash. Receptacles must be emptied once a week, and the contents of same must be disposed of immediately by other approved means of regular collection by a garbage disposal service.

Liquid wastes from mobile homes shall be collected by a sewage system which has a trapped outlet available to each lot or unit plot and which shall discharge into an approved sewage disposal system. The use of buckets as a depository for waste is unlawful.
- L. Primary treatment of all sewage shall be through a sewage disposal process which meets all County and State health requirements. If septic tanks are used, a percolation test will be required meeting the

specifications of the County and State Sanitation Code. If a sewage disposal plant or lagoon is used, the system must be approved by the Adams County and State Boards of Health. Every mobile home park shall provide one (1) or more service buildings based upon the requirements set forth in the Indiana General Assembly Acts of 1955, Chapter 321, Sections 16 to 21 and amendments thereto. Supervision and maintenance of the mobile home park shall comply with the Indiana General Assembly Acts of 1955, Chapter 321, Section 11 and amendments thereto.

- M. All mobile homes occupying any lot in Adams County must be kept in such operating condition that they may be removed or placed in transit within twenty-four (24) hours upon legal service of the sheriff or other law enforcement officer.

2-14-3 Every owner, agent, lessee, person, firm, or corporation that operates or manages any area, tract, subdivision, or any part thereof for the use as a mobile home park shall file with the Commission, at the time of opening the park for occupancy, a Mobile Home Park Registration. The form shall be furnished by the Commission. Before renting or leasing any unit plot, the owner or operator, or agent of the owner or operator, shall submit one original Mobile Home Park Registration form to the Commission and a copy of the form to each of the following:

- A. The mobile home park operator,
- B. The Indiana State Board of Health,
- C. The school superintendent of the school district in which the park is located,
- D. The Adams County Sheriff,
- E. The Adams County Board of Health.

Chapter 15: Development Plan Regulations - Planned Unit Developments

2-15-1 Planned Residential Zone

- A. Prior to issuance of an Improvement Location Permit in an R-2P Zone, the Commission shall grant primary approval of a development plan for the entire tract and secondary approval either for the entire tract or that portion of the tract in which the improvements are to be located. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).
- B. In determining the action to be taken on a proposed Planned Residential Zone development plan, the Commission shall be guided by the design standards set forth in Section 2-13-10 of this ordinance and supplemented below:
 - 1. The maximum permitted density per acre for the R-2P Planned Residential Zone is eight (8) dwelling units per gross acre.
 - 2. All regulations will be equal to those in the corresponding R-2 Zone unless specifically waived by the Commission at the time of development plan approval. In the event the Commission waives any regulations, it must find that the general intent, spirit and purpose of the zone are met.
 - 3. All R-2P Planned Residential Zones shall have open space, as determined by the Commission.

2-15-2 Planned Commercial Zone

- A. Prior to issuance of an Improvement Location Permit in a Planned Commercial District, the Commission shall grant primary approval of a development plan for the entire tract and secondary approval either for the entire tract or that portion of the tract in which the improvements are to be located. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).
 - 1. The Commission during its review process will consider the following items:
 - a. Jointly used parking facilities will be encouraged by the Commission, thereby reducing the number of individual entrances and exits to thoroughfares.
 - b. The applicant shall submit a set of sign standards to be reviewed by the Commission. Said standards will be approved as part of the secondary development plan, and joint use of signs will be encouraged where deemed necessary by the Commission.
- B. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards and policies established in Section 2-13-10 and supplemented below:
 - 1. All regulations shall be equal to those in the regular C zones unless specifically waived by the Commission at the time of development plan approval; and in the event the Commission waives any regulations, they must find that the general intent, spirit and purpose of the zone are met.
 - 2. The Commission shall require ten percent (10%) of the net site area to be landscaped; landscaping elements include but are not limited to planting beds, islands, embankments and other aesthetic areas.

2-15-3 **Planned Industrial Zone**

- A. Prior to issuance of an Improvement Location Permit in a Planned Industrial District, the Commission shall grant primary and secondary development plan approval for the total site. The submissions and procedures required to obtain such development plan approval are set forth in Chapter 13 of this Article (2-13).
 - 1. The Commission during its review process will consider the following items:
 - a. Jointly used parking facilities will be encouraged by the Commission, thereby reducing the number of individual entrances and exits to thoroughfares.
 - b. The applicant shall submit a set of sign standards to be reviewed by the Commission. Said standards will be approved as part of the secondary development plan, and joint use of signs will be encouraged where deemed necessary by the Commission.
- B. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards and policies established in Section 2-13-10 and supplemented below:
 - 1. All regulations shall be equal to those in the regular districts unless specifically waived by the Commission at the time of development plan approval; in the event the Commission waives any requirements, they must find that the general intent, spirit and purpose of the zone are met.

Chapter 16: Procedures and Requirements for Obtaining an Intensive Livestock Operation Permit

(Adopted by Ordinance 2019-02)

2-16-1 Definitions

- A. **Acre** - An undeveloped, tillable unit of land located in Adams County that contains 43,560 square feet.
- B. **Affidavit** - Affidavit means a sworn or affirmed written statement signed by Applicant(s) or Permittee(s) to support the representations made in their Application or Renewal Application for an Intensive Livestock Operation Permit.
- C. **After Built Survey** - A survey completed by a licensed surveyor showing the lot lines and setbacks from the building after construction has been completed.
- D. **Animal** - Animal means (i) hogs, (ii) beef cattle, (iii) heifers, (iv) dairy cattle, (v) veal calves, (vi) horses, (vii) sheep, (viii) goats and (ix) any other four (4) legged animals that are produced, raised or maintained for commercial purposes.
- E. **Applicant** - Applicant shall mean individuals, companies, trusts or other entities that own the real estate on which the proposed livestock operation will be located.
- F. **Application** - Application means the form that all Intensive Livestock Operations are required to submit to the Adams County Plan Commission that contains required information related to the location and management of the Intensive Livestock Operation.
- G. **Application Fee** - The Application Fee means the payment each Applicant(s) must make to the Adams County Plan Commission at the time an initial Application or an Application for expansion is submitted to that Department.
- H. **Built Up Area** - Built Up Area means an area of Adams County where five (5) or more homes, churches, public buildings or schools, or a combination of said homes or buildings, are located within a radius of one thousand (1,000) feet of one another.
- I. **Burial** - Burial means the entire carcass of a dead Animal or Poultry must be buried at least four (4) feet below the natural surface of the ground. All body parts must lie under four (4) feet of earth, not including other types of covering material (such as mulch). Intensive Livestock Operators shall not use the burial method to dispose of dead Animal or Poultry carcasses within fifty (50) feet of a waterways, ponds and streams.
- J. **Composting** - Composting means layering the dead Animal or Poultry carcass with dry organic material, like sawdust, to generate heat speed up the decomposition process of the carcass. Under the Composting method of dead Animal and Poultry disposal, carcasses are completely Composted when no visible pieces of the soft tissue of the carcass remains. Large bones, such as a full-size skull or femur from adult livestock shall be removed/ and or crushed prior to land application of the compost material. The composting structure shall be constructed in such manner to prevent domestic and wild animals from accessing the compost materials and the dead Animal and/ or Poultry carcasses.
- K. **Confined Feeding Operation** - Confined Feeding Operation means a location where three hundred (300) or more cattle, six hundred (600) swine or sheep, thirty thousand (30,000) Fowl, or five hundred (500) horses are kept in confinement and are licensed and regulated by the State of Indiana, Department of Environmental Management.

- L. **Expansion** - Expansion means additional Livestock in excess of the number identified on the Applicant's Application and that has been Permitted by the Plan Commission.
- M. **Incineration** - Incineration means exposing the carcass of a dead Animal or Poultry to a combustible process that thoroughly and completely converts the carcass to ash. Any dead Animal matter remaining after incineration must be buried or otherwise discarded according to other approved methods. A barrel or open burn pile is illegal under Indiana law for the disposal of dead Animal or Poultry carcasses. An Intensive Livestock Operation that chooses to install an on-site incinerator should contact the Indiana Department of Environmental Management, Air Quality Division, to determine if a permit is required by that department.
- N. **Integrator** - An integrator shall mean the individuals, companies, trusts or other entities that are the owner of the Livestock, if different than the Applicant, upon the Site. If the Applicant or Permittee is the owner of the Livestock, then the term Integrator is not applicable to their Application or Renewal Application.
- O. **Intensive Livestock Operation** - An Intensive Livestock Operation means any person, company, trust, partnership or other entity that owns or operates a commercial enterprise upon real estate located in Adams County, Indiana, consisting of a combination of seventy (70) or more Animals or two hundred fifty (250) Poultry.
- P. **Livestock** - Livestock means Animals and/or Poultry, collectively, for purposes of this Ordinance and the term is given general meaning throughout this Ordinance to be inclusive of Animals and Poultry, as appropriate.
- Q. **Permit** - A formal document issued by the Plan Commission to the Applicant whose application for an Intensive Livestock Operation has been approved and that contains certain conditions allowing for the Zoning Administrator to inspect the permitted operation site for compliance and enforcement of this Ordinance and other County ordinances. The Permit must be posted at the Site of the Permittee.
- R. **Permittee(s)** - The individual(s), company(ies) or other entity(ies), that receive a Permit from the Plan Commission to operate an Intensive Livestock Operation.
- S. **Plan Commission** - Plan Commission means the Adams County Plan Commission.
- T. **Poultry** - Poultry means (i) turkeys, (ii) chickens, (iii) ducks, (iv) pheasants, or (v) geese or (v) any other domestic birds that are produced, raised or maintained for commercial purposes. This definition specifically excludes ostriches.
- U. **Renewal Application** - The Renewal Application is the form required by all Permittee(s) to continue their Intensive Livestock Operation and is to be filed in every odd numbered year following the issuance of the initial Permit.
- V. **Renewal Fee** - The Renewal Fee means the payment of Two Hundred and 00/100 Dollars (\$200.00) made to the Adams County Plan Commission at the time the Permittee(s) submit a renewal application with supporting documentation.
- W. **Site** - Site shall mean the real estate in Adams County upon which the proposed or Permitted Intensive Livestock Operation is located.
- X. **Time to Cure** - Time to Cure means the period of thirty (30) days immediately following the written notice of violation sent to the Permittee(s) for violations or non-compliance by the Zoning Administrator in which the Permittee(s) shall have the opportunity to cure said violation(s) or non-compliance of this Ordinance prior to further enforcement actions being taken under this Ordinance.

Section 2-16-3 of this Ordinance shall not be subject to a Time to Cure as it imposes immediate penalties for violations.

- Y. **Zoning Administrator** - Zoning Administrator means the person who has been duly appointed to administer the Zoning Ordinances and Building Ordinances on behalf of Adams County, Indiana.

2-16-2 Requirements for Permit

- A. **New Intensive Livestock Operations** - All New Intensive Livestock Operations shall be required to file an Application for an Intensive Livestock Operation Permit and comply with all of the requirements of this ordinance.
- B. **Existing Intensive Livestock Operations** - All Existing Intensive Livestock Operations shall be required to file an Application for an Intensive Livestock Operation in order to obtain Permit to continue its operations. Existing Intensive Livestock Operations will be required to demonstrate that their operations were in compliance with the local ordinances at the time they commenced operation of their Intensive Livestock Operation. The Applicant must be able to demonstrate compliance concerning the number of Livestock, setbacks in place at the time Applicant started its operation and, further, that there have been no material changes since starting its Intensive Livestock Operation.
- C. **Zoning Classification** - The Exclusive Zoning Classification for any Application for Intensive Livestock Operation or Confined Feeding Operation to be reviewed and considered by the Plan Commission shall be Agricultural.
- D. **Application** - The Adams County Plan Commission shall require every Applicant who owns a Site on which an Intensive Livestock Operation is proposed to complete an Application for Intensive Livestock Operation on a form approved by the Plan Commission. Applicants must submit a completed and signed Application, along with all Application Requirements and the Application Fee to the Adams County Plan Commission prior to the Plan Commission scheduling a hearing on the Application. The Application and all Application Requirements are to be filed in duplicate.
1. **Initial Permit** - After a hearing has been conducted by the Plan Commission, as described in Section D below, and, if the Application is approved, an initial Permit will be issued to the Applicant.
 2. **Renewal Permit** - The Permittee shall, in every odd numbered year, be required to submit a Renewal Application to the Plan Commission. Upon review and approval of the Renewal Application, the Plan Commission will issue a new Permit to the Permittee.
 3. **Expansion Permit** - A Permittee who desires to increase the number of Livestock to their operation must submit an Application that describes the number of Livestock and that satisfies the Application Requirements set forth in this Ordinance below.
- E. **Application Requirements** - Each Application for Intensive Livestock Operations must contain:
1. **Integrator Information** - The Applicant shall provide the name, contact name, address, telephone number and e-mail address for the Integrator whose Livestock will be on the Applicant's Site.
 2. **Certification** - Applicants shall provide a written certification from a licensed engineer or surveyor stating the intensive livestock operation is in compliance with the terms and conditions of this Chapter 16.
 - a. Applicants shall provide written certification from a licensed engineer or surveyor that the size of the proposed facility will accommodate the number of animals desired by the

applicant to be housed therein as determined by the most current standard as developed by Purdue University to the facility being constructed.

- b. In general, the building shall not be significantly over-sized for the number of animals the applicant desires to obtain a Permit.
3. **Development Plan** - A professionally prepared site plan that is drawn to scale and contained on a minimum of 24" x 36" or larger paper, with the following:
 - a. The location of any proposed building(s) and all existing buildings located on the proposed tract site;
 - b. Closest residence to any proposed building site of an Intensive Livestock Operation;
 - c. Boundaries of the Site involved and the location of all land application areas;
 - d. The location of streams, highways, lakes, recreational facilities, public buildings, towns and cities within one (1) mile of the proposed livestock operation site;
 - e. The location of any legal ditch or other open waterway within one (1) mile of the proposed livestock operation;
 - f. Any parking lots or parking areas, accessory structures, or storm drainage facility located on the same parcel as the Intensive Livestock Operation; and,
 - g. Any modifications, including expansions, made to a previously approved Intensive Livestock Operation that would require a new Permit.
 4. **Topographical Map** - A map showing the general topography of the area with contour lines and elevations showing that surface drainage will drain away from the site of the operation or any building site. Topography maps and elevations will be satisfactory if prepared by the NRCS, or by an Indiana registered surveyor or professional engineer. Official topography maps may be used if site elevations can be accurately determined.
 5. **Permits** - All required permits, if any, as may be required by the Indiana Department of Environmental Management ("IDEM") (if Intensive Livestock Operation is permitted by IDEM), or other state and/or federal agencies whose approval is required as a pre-requisite to the granting of the permit herein.
 6. **Affidavits** - The Applicant(s) shall be required to sign and submit an affidavit, in a form approved by the Plan Commission, stating the type and maximum number of animals for which the Applicant(s) are applying to the Plan Commission for a Permit. Further, the affidavit shall require the Applicant(s) to submit applications for any change in their operation with respect to any increase in the number of animals at the Site.
 7. **IDEM Application** (if applicable) - In the event the Applicant(s) are required or choose to obtain IDEM approval for a Confined Feeding Operation, the Applicant shall submit a completed copy of the IDEM application to the Adams County Plan Commission. The Plan Commission will not issue a Permit under this ordinance until after it receives confirmation that state approval has been obtained by the Applicant(s).
- F. **Hearing** - Upon the Applicant(s) submitting a completed and signed Application and the supporting documents, the Plan Commission shall conduct a public hearing within thirty (30) to ninety (90) days of receipt of said a completed and signed Application. The Zoning Administrator shall announce the date and time of the public hearing to be held before the Plan Commission and give notice of the

hearing to those persons and in the same manner as provided by the commission for hearings for special exceptions and variances held before the Board of Zoning Appeals. The Applicant shall be required to attend the hearing to answer questions and inquiries made by the Plan Commission as to the Applicant's application and operations. If the Applicant believes other persons are necessary to address the Plan Commission's questions and inquiries, then it shall be the responsibility of the Applicant to make arrangements to have those person(s) present at the hearing.

1. The Plan Commission at all hearings shall enter findings of fact into the record for each Application properly filed for an Intensive Livestock Operation Permit., It is the practice of the Adams County Plan Commission to create minutes of the meeting using the tape recording or electronic recording, and, thereafter deleting the recording.
- G. **Determination by the Board** - The Plan Commission, after a hearing on the Application has been held, shall either approve or deny the Application. The Plan Commission shall provide written findings and reasons for its determination, whether approval or denial of the Application
- H. **Issuance of Permit** - If the Plan Commission approves the Application, it shall authorize the Zoning Administrator to prepare and issue a Permit for the operation that recites the date of approval, name of the Intensive Livestock Operator, address of the Site, number of permitted livestock, the renewal date and the following statement: "AS AN EXPRESS CONDITION OF THIS PERMIT, THE APPLICANT(S) GRANT TO THE ZONING ADMINISTRATOR, HIS/HER DESIGNEE, AND AGENTS, THE RIGHT TO ENTER UPON THE SITE TO CONDUCT INSPECTIONS. THE ZONING ADMINISTRATOR, HIS/HER DESIGNEE, AND AGENTS, SHALL PROVIDE TWENTY-FOUR (24) HOURS ADVANCE NOTICE TO ENTER UPON THE PERMITTED SITE AND SHALL COMPLY WITH PERMITEE'S BIO-SECURITY MEASURES. FAILURE BY THE PERMITEE(S) TO ALLOW THE ZONING ADMINISTRATOR TO ENTER UPON THE PERMITTED SITE SHALL BE GROUNDS FOR IMMEDIATE REVOCATION OF THE PERMIT."
- I. **After Built Survey** - Upon completion of construction of the building, the Applicant shall have the obligation to submit to the Zoning Administrator an After Built Survey.
- J. **Revocation** - Any Permit that has been issued and granted under this ordinance may be revoked if the Applicant does not file an After Built Survey upon completion of construction of new Intensive Livestock Operation facilities, or at any time after the Plan Commission and/or Adams County Health Department provides thirty (30) days written notice to the Permittee of violations of this ordinance and/or conditions of the Permit. After the thirty (30) days the Plan Commission shall conduct a hearing and issue findings and determine whether the violations have been cured. If the violations have not been cured after thirty (30) days, the Plan Commission may consider whether revocation of the Permit is proper. In the event the Plan Commission revokes a Permit, then the Permittee shall have thirty (30) days to remove the Livestock from the Permitted Premises. In the event there is a Violation Resulting in Immediate Threat, then the Permittee shall not be entitled to the notice described above-herein.

2-16-3 Intensive Livestock Operation Regulations

- A. **Disposal of Dead Livestock** - All Permittees shall ensure the proper disposal of all dead animals. Disposal shall occur within 24 hours of the death of the animal. All dead animals shall be disposed of using one (1) of the following methods: (i) Burial, (ii) Incineration, or (iii) Composting as these terms are defined under 2-16-1 of this Ordinance. If a manner of disposal proposed by an Applicant is different than the three listed methods, then approval of the Plan Commission as to the proposed method is required.
- B. **Violations and Penalties** - Any Intensive Livestock Operator who violates this section 2-16-3 of this Ordinance shall be subject to the following schedule of penalties:

1. First violation shall carry a penalty of Five Hundred and 00/100 Dollars (\$500.00) per day the violation continues after the Intensive Livestock Operator is made aware of the violation by the Zoning Administrator or his or her designee;
 2. Second Violation shall carry penalty of One Thousand and 00/100 Dollars (\$1,000.00) per day the violation continues after the Intensive Livestock Operator is made aware of the violation of the Zoning Administrator or his or her designee.
 3. Third violation shall result in the revocation of the Intensive Livestock Operator's Permit and the Intensive Livestock Operator shall depopulate all of its Animals and/or Poultry within ten (10) days of notice of its third violation of this section.
- C. **Violation Resulting in Immediate Threat** - Any Intensive Livestock Operator who is responsible for improper disposal of dead Animal or Poultry carcasses onto the soil or into waterways located in Adams County that are found to present an immediate threat to the health, safety and general welfare and/or public safety shall have committed an incurable infraction that shall subject them to a fine not to exceed Five Thousand and 00/100 Dollars (\$5,000.00) per day the violation shall continue.

2-16-4 **Design Criteria for Facilities**

- A. **Two-Tiered (County - State) System** - The Adams County Plan Commission has authority to regulate Intensive Livestock Operations within Adams County. The State of Indiana has the authority to regulate Confined Feeding Operations. Consequently, there are different requirements for each type of operation with varying setbacks to ensure the public health, safety and general welfare. Each Applicant shall have the option to comply with either Adams County's regulations or to apply for a State license to be issued by the Department of Environmental Management. All Applicants, regardless of whether they elect to apply for a Confined Feeding Operations license from the State of Indiana, shall be required to also submit an Application to the Plan Commission for purposes of ensuring compliance with all local applicable ordinances.
- B. **General Requirements for Design** - Each and every requirement contained in the Intensive Livestock Operation regulations as set forth in section 2-16-3 of this Ordinance are hereby incorporated herein in this section as if the same were set out herein in full and each facility shall be constructed, operated and maintained in accordance with the requirements and regulations set forth therein.
- C. **Separation Distances and Setbacks** - The minimum requirements as to separation distances of the manure storage and/or total confinement area of an Intensive Livestock Operation must be as follows:
1. **County Regulated Intensive Livestock Operations**
 - a. **Property Line** - One Hundred (100) feet from any property line.
 - b. **Well** - One hundred (100) feet from any water well or other potable water source. An earthen lagoon shall not be placed closer than two hundred (200) feet to any water well that is or will be used for human consumption or the production of milk.
 - c. **Legal Drain** - Three hundred (300) feet from a legal drain.
 - d. **Located Tile** - Seventy-five (75) feet from a located tile.
 - e. **Residence** - One thousand three hundred twenty (1,320) feet from a residence.
 - f. **Public, Education and Religious Buildings** - One thousand three hundred twenty (1,320) feet from any public building, school, or church.
 - g. **Built Up Area** - Three thousand (3,000) feet from any Built Up Area.
 - h. **Feeding Floor & Pit** - If an open feeding floor and pit combination is proposed, two hundred (200) feet shall be added to the distances required in subsections a, b, c, and d immediately set forth herein.

- i. **Open Earthen Pit** - If open earthen pits or other open pits are used, five hundred (500) feet shall be added to the distances required in subsections a, b, c, d, e, f, g, and h immediately set forth herein.
2. **State Regulated** Confined Feeding Operation licensed by the Department of Environmental Management, State of Indiana
- a. **Property Line** - One hundred (100) feet from any property line.
 - b. **Well** - One hundred (100) feet from any water well. An earthen lagoon shall not be placed closer than one hundred (200) feet to any water well that is or will be used for human consumption or the production of milk.
 - c. **Residence** - Eight hundred (800) feet from a residence.
 - d. **Public Building** - One thousand (1,000) feet from public building, school, or church.
 - e. **Built Up Area** - One thousand (1,000) feet from any Built Up Area.
- D. **Separation Distances and Setbacks for New Residential, Business, Public or Recreational Facilities** - All new residential, business, public or recreational facilities shall be subject to the same separation distances from existing Intensive Livestock Operations as are set forth above except that the same shall not apply with regard to a residence occupied by the Permittee of the Intensive Livestock Operation.

2-16-5 Variance

- A. An exception to the setbacks for new improvements established by and in this Ordinance may be applied for by the filing of a variance application with the Adams County Board of Zoning Appeals. Such an application for variance will be reviewed and discussed at a public meeting to determine if a new improvement is properly located in relation to an Intensive Livestock Ordinance. If or when such a variance is granted by the Board of Zoning Appeals, the party obtaining the variance shall be required to attach to the deed or other appropriate document to be placed of record a covenant protecting the livestock enterprise being encroached upon. Said covenant shall read as follows or contain words of similar meaning as follows:
- "In accepting this deed, the property owner, affiant and grantees do hereby acknowledge that surrounding land is agricultural in usage; and, further, the property owner, affiant and grantees, and their successors in interest, are precluded from complaining and/or attempting to enjoin the farm operation because of nuisances which might result from said agricultural operations and usage."
- B. If an intensified livestock Applicant finds he cannot reasonably meet the established requirements, the Applicant may request a variance or special exception from the Board of Zoning Appeals. After hearing, the Board of Zoning Appeals shall determine if the request is in harmony or conflict with the purpose and intent of this ordinance and/ or is detrimental to the owners of surrounding, adjacent property. In the granting of any special exception or variance, the Board of Zoning Appeals may impose such conditions as deemed necessary in furtherance of the purposes and intent of this ordinance.

2-16-6 Miscellaneous

- A. **Preparation and Presentment of Application** - Each Applicant shall prepare the required Application and all supporting documentation in a clear, succinct and professional manner so as to aid the Plan Commission in making its determination.
1. Each Applicant is expected to carry the burden of proof in both the preparation and presentment of the Application before the Plan Commission. The Plan Commission Director and/ or the Zoning Administrator shall not be responsible for the preparation or presentment of any Application as that is the responsibility solely assumed by the Applicant. However, the Plan

Commission Director may assist an Applicant in a preliminary conference but shall not be responsible for providing drawings or documentation.

2. It is required that all Applicants seek the assistance of counsel or other professionals to assist them in the preparation and presentment of their Applications.
3. The Plan Commission will strictly apply the standards of this Ordinance to all Applications in order to properly permit and regulate Intensive Livestock Operations.

2-16-7 Enforcement

- A. **Enforcement** - The Plan Commission, by and through its Zoning Administrator, or his/her delegate, shall be the agency responsible for enforcing this Ordinance. In addition to the Plan Commission, the Adams County Board of Health may enforce this Ordinance to the extent those offices have jurisdiction to do so. The Zoning Administrator shall have the authority to institute fines, penalties, and issue cease and desist notices to any Permittee(s) that are in violation or non-compliance with this Ordinance.
- B. **Fines** - Other than as provided in Section 2-16-3 of this Ordinance herein, fines for all other violations shall be imposed against Permittee(s) for all violations that have not been cured after the Permittee(s) has/have received written notice identifying instances of violations or non-compliance with this Ordinance. Fines shall be up to One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) per day, per violation, and each day the violation or non-compliance continues after the Time to Cure has passed.
- C. **Penalties** - In instances where the Zoning Administrator is denied entry by the Permittee(s) or the Permittee(s) designee, employee, agent, other person acting on behalf of the Permittee(s) to the Intensive Livestock Operation, a penalty shall be imposed in the amount of Five Thousand and 00/100 Dollars (\$5,000.00) per day for willfully and intentionally violating the terms of the Permit.
- D. **Damages** - The Plan Commission and/or Adams County shall be entitled to damages resulting from any expenses incurred by the Plan Commission or Adams County, including labor, materials, consulting fees, professional fees, or other costs, including Attorney Fees, to pursue enforcement in order to remedy or cure any violations or non-compliance that continues after the Time to Cure has passed.
- E. **Injunctive Relief** - The Plan Commission, by and through its Zoning Administrator, shall have the authority to file a Complaint in the Adams County Circuit Court against the Permittee(s) seeking injunctive relief in order to enforce the provisions of this Ordinance.
- F. **Attorney Fees** - The attorney fees incurred by the Plan Commission to seek injunctive relief in order to enforce this Ordinance shall be paid by the Permittee(s) through Court Order.
- G. **Procedures and Process** - The Zoning Administrator will follow the procedures outlined below to enforce any violations of this Ordinance:
 1. **Physical and Visual Inspection.** The Zoning Administrator shall provide Permittees with twenty-four (24) hour notice prior to inspection and shall comply with Permittees' biosecurity measures and inspect all Intensive Livestock Operations in Adams County to determine compliance with this Ordinance and the Permit and its conditions.
 2. **Violation Observed.** If, after making a Physical and Visual Inspection, the Zoning Administrator observes violations of this Ordinance the Zoning Administrator shall:

- a. Except for Violation Resulting in Immediate Threat, provide the Permittee(s) with written notice of the violations and allow up to thirty (30) days to cure the violations or non-compliance identified in the written notice (hereinafter referred to as the "Time to Cure").
- b. Re-inspect the Intensive Livestock Operation after the expiration of the Time to Cure has passed to verify whether the Permittee(s) have addressed and cured the violations identified in the written notice.
 - i. If the Permittee(s) have addressed and cured the violations identified in the written notice, then the Zoning Administrator shall provide written verification that the Permittee(s) have cured the violations identified in the written notice.
 - ii. If the Permittee(s) have not addressed and cured the violations identified in the written notice, then the Zoning Administrator shall:
 - a) Pursue enforcement by filing a Complaint against the Permittee(s) seeking injunctive relief, imposition of fines, as applicable, penalties as applicable, damages, as applicable, and attorney fees.
 - b) Upon receiving Court Order, the Plan Commission shall take all available legal action to protect the public health, safety and general welfare resulting from the Permittee(s) violations of this Ordinance.

This ordinance shall be deemed effective on March 1, 2019, following its adoption by the Board of Commissioners of the County of Adams, State of Indiana, and publication as required by law.

2-16-8 **Repealer**

The provisions of any ordinance or zoning regulation in conflict herewith is hereby repealed.

Chapter 17: Signage Regulations

2-17-1 **Purpose of Signage Regulations**

Signage regulations are intended to promote the public health, safety and welfare by regulating existing and proposed signs. They are also intended to protect property values and reduce potential hazards while creating a positive economic and business environment.

2-17-2 **General Provisions for All Signs**

- A. All new signs in excess of twenty (20) square feet and not an integral part of another structure shall require a sign permit unless excepted from the terms of this chapter by Section 2-17-3
- B. All signs, either temporary or permanent shall be maintained in a presentable manner for the life of the sign.
- C. Any non-conforming sign that is or becomes in a rundown or objectionable condition shall be removed from the premises by the owner of said sign. Said condition shall exist when the sign is determined to be in excess of thirty percent (30%) destroyed by natural causes or otherwise.
- D. Any non-conforming advertising sign existing upon effective date of this ordinance shall be discontinued on or before ten (10) years after the effective date of this ordinance unless in the meantime it is determined or made conforming to this Section.
- E. Advertising signs may contain not more than one sign per facing, nor more than two (2) sides per said device.

- F. Any sign that is deemed a traffic hazard for reason of obstructing the view of an approaching road or intersection, railroad, school playground or park pedestrian crosswalk or any other situation that may endanger health and welfare of any pedestrian or occupant of any vehicle shall be prohibited.
- G. All signs shall be a minimum of one thousand, three hundred twenty (1,320) feet from another sign located on the same side of a two-lane State, Federal or County highway. Where located in a commercial zone, there shall be a separation requirement of six hundred (600) feet. Where located in an industrial zone, there shall be a separation requirement of three hundred (300) feet. (No series of signs relaying a message are allowed in any zone). This provision only applies to the unincorporated areas of the County.
- H. Any sign which advertises a product or service no longer available on the premises of a business which has closed permanently or moved from the premises shall be removed by the owner of such premises.
- I. Semi-trailers shall not be used as advertising signs.

2-17-3 Exceptions to Signage Regulations

The following shall be excluded from the regulations of this Chapter:

- A. All signs necessary established by the Federal, State and County Highway Departments.
- B. Temporary advertising signs or signs giving directions to special events. The sponsors of such events shall remove all signs within twenty-four (24) hours after the signs become no longer applicable.
- C. Window Signs.
- D. Public or government signs.
- E. No Trespassing, No Dumping, No Parking, and No Hunting signs.
- F. Political Signs.

2-17-4 Signage Regulations for Churches, Schools, and Institutions

All churches, public or parochial, primary or secondary schools, and all institutions shall be limited to one free-standing advertising sign not to exceed thirty-two (32) square feet (example 4x8). In the event the church, school or institution faces more than one street, one advertising sign per street may be permitted on the building's site. All such signs shall be located not less than fifteen (15) feet behind the front/ side lot line, except where affixed to the building and not extending over the sidewalk.

2-17-5 Signage Regulations in F and A Zones

- A. Advertising signs pertaining to a home occupation or sale of farm product not to exceed twenty (20) square feet.
- B. Free-standing, non-accessory advertising sign, that is, any sign advertising a business, use, activity, product or merchandise not sold, handled or occurring on the property on which the device is located, shall be subject to the following:
 - 1. Such sign shall have a fifteen (15) foot front yard setback requirement from the road right of way and fifteen (15) feet from the side property line.
 - 2. Said device shall be a minimum of three hundred (300) feet from a church, school, public institution or place of public assembly.

3. Said device shall be a minimum of four hundred (400) feet from any dwelling or land platted or zoned for residential use.

2-17-6 Signage Regulations in R-1 and R-2 Zones

- A. **Home Occupations:** unlighted, not to exceed four (4) square feet. The required setbacks shall be not less than fifteen (15) feet from the front and/or side property lines.
- B. **Temporary signs:** one per lot, not to exceed four (4) square feet pertaining to the sale or rent of property or signs naming contractors during a construction period.
- C. **Temporary (subdivisions only):** one sign not to exceed sixty-four (64) square feet - advertising lots within the subdivision - said sign shall be removed by the developer upon the completion/sale of 90% of the lots in the subdivision. The setback shall be not less than fifteen (15) feet from the front and/or side property lines.
- D. **Permanent:** One identification sign (per entrance) not exceeding twenty (20) square feet, provided that such sign shall be located not less than fifteen (15) feet from the front and side property lines, except where affixed to the wall of a building and not extending over any sidewalks.
- E. All advertising signs, except as mentioned in 2-17-1 and 2-17-6 of this Chapter and official signs of governmental agencies, are prohibited in R-1 or R-2 zones.

2-17-7 Signage Regulations for R-3 or Planned Residential Zones.

- A. Same as regulations for R-1 and R-2 zones as provided in Section 2-17-6 of this Chapter.

2-17-8 Signage Regulations in C and I Zones

In any C-1, C-2, C-3, I-1 or I-2 Zone, an advertising sign may be permitted, provided that when same is located within seventy-five (75) feet of an R Zone or residentially used area boundary line, it shall be affixed to or be a part of a building, and not to project over any street line or project above the roof line, and shall pertain only to the use conducted within the building. The size shall be limited to three (3) square feet of area to each lineal front foot of the principal building on the premises.

- A. No free-standing sign shall have an advertising area exceeding three hundred (300) square feet. Total height of the sign from ground level shall not exceed thirty (30) feet. Such sign shall be located not less than four (4) feet from the front and/or side property line/right of way.
- B. No flashing advertising sign shall be located within three hundred (300) feet of any residential zone or developed areas.
- C. Yard restrictions shall be as required in the zone in which the device is located.

2-17-9 Signage Regulations in a Planned Commercial Zone

- A. One (1) entrance sign not to exceed six hundred (600) square feet in area on each thoroughfare on which the shopping center has established entrance drives. Such sign shall give the name of the center and may be used to give the names of individual stores but shall not be used to advertise any products or merchandise within the center.
- B. No free-standing advertising sign shall be permitted within the shopping center, except as permitted in subsection A of this Section 9 above.
- C. Advertising signs attached to the buildings, not projecting above the roof line, shall be permitted. Such signs shall give the name of the store or use and shall not be used to advertise merchandise sold

in the property. The size shall be limited to three (3) square feet of area to each lineal front foot of the building displaying such a sign.

- D. Yard restrictions shall be as required in Section 2-17-5 of this Article.
- E. Small hanging name plates not to exceed four (4) square feet in area shall be permitted within the pedestrian mall or over walkways at a minimum height of seven and a half (72) feet above the walkway, attached to the store or use, giving the name of the store or use and at no time being used for advertising products or merchandise sold on the property. All such name plates shall be of uniform design throughout the shopping center.
- F. Any advertising signs attached to or painted on the display windows of the building shall be exempted.
- G. The nature of all advertising signs within the shopping center shall be included in the secondary development plan and shall be subject to the approval or disapproval of the Commission.

2-17-10 Signage Regulations in a Planned Industrial Zone

- A. An entrance sign at each major entrance to the planned industrial park, not to exceed six hundred (600) square feet in area, stating the name of the park if applicable, and listing the names of the various industrial uses located within the park.
- B. Temporary signs advertising the sale of lots and directional signs at major intersections within the park which aid in the location of establishments, truck loading docks and visitors' parking facilities. Such signs shall not exceed twenty (20) square feet in area and shall be situated so as not to cause a traffic hazard, and they shall be of uniform design throughout the planned industrial area.
- C. Yard restrictions shall be as required in Section 2-17-5 of this ordinance.
- D. Flat wall signs attached to the building or use stating the name of the operation shall not be placed so as to exceed ten (10) feet in height above the roof line of the building. Not more than twenty-five percent (25%) of the area of such sign shall be devoted to product advertising and then only for advertising of products produced on the premises.
- E. Any advertising signs attached to or painted on the display windows of the building shall be exempted.

The nature of all advertising signs within the Planned Industrial Zone shall be included in the secondary development plan and subject to the approval or disapproval of the Commission.

Chapter 18: Procedures and Requirements for Operating a Commercial Dog Breeding Facility

2-18-1 Definitions

- A. **Commercial Dog Breeders** - A "commercial dog breeder" for purposes of this ordinance is defined as a person who maintains three (3) or more unaltered female dogs that are at least twelve months of age. A person may not operate as a commercial dog breeder in Adams County, Indiana without being registered with the Adams County Office of Building and Planning.
- B. **Hobby breeder** is a person who maintains two or fewer unaltered female dogs that are at least twelve months of age for resale.
- C. **Housing facility** is defined as any land, premises, shed, barn, building, trailer, or other structure or area that houses or is intended to house dogs.
- D. **Impervious surface** means a surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, will not retain odors, and from which fluids bead up and run off or can be removed without their being absorbed into the surface material.
- E. **Indoor housing facility** means a housing facility with environmental controls that meets the following standards:
 - 1. The enclosure has a roof, floor, and walls.
 - 2. The enclosure has at least one door and the windows are covered with glass or hard plastic.
 - 3. The environmental controls for the enclosure are capable of controlling the temperature within the enclosure, maintaining humidity levels of 30 to 70 percent within the enclosure, and of rapidly eliminating odors from the structure.
- F. **Mobile or traveling housing facilities** means a transporting vehicle (truck or trailer) used to house dogs while traveling for exhibition.
- G. **Outdoor housing facility** means any structure, land or premises housing or intending to house animals in which temperatures cannot be controlled within set limits and that does not meet the definition of "indoor housing facility", "sheltered housing facility" or "mobile or traveling housing facility".
- H. **Primary enclosure** means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, or compartment
- I. **Sheltered housing facility** means a housing facility that provides the animals with shelter, protection from the elements, and protection from temperature extremes at all time. The facility may consist of pens or runs that are totally inside or that are indoor/outdoor.

2-18-2 Registration

- A. **Initial Application** - All persons and entities that seek to operate as a commercial dog breeder operation must submit an application to the Adams County Office of Building and Planning prior to commencement of his/hers/its operation as a commercial dog breeder business. The initial application to operate a commercial dog breeder business shall contain, at a minimum, the following:
 - 1. **Veterinarian Information** - Each application to operate a commercial dog breeding business located in Adams County must include the name, address and telephone number of the Indiana licensed veterinarian who will be responsible for administering veterinary medicine to all

breeding females and puppies located at a commercial dog breeder's breeding, housing and shelter facilities located in Adams County.

2. **Manure Management Plan** - Each application to operate a commercial dog breeding business located in Adams County must include a manure management plan for the disposal, storage and removal of dog manure generated at the commercial dog breeder's breeding, housing and shelter facilities located in Adams County.
 3. **Disposal of Dead Animals** - Each application to operate a commercial dog breeder business located in Adams County must include the means as to how deceased dogs will be disposed by the commercial dog breeder's breeding, housing and shelter facilities located in Adams County.
 4. **Other Required Information** - Each application to operate a commercial dog breeder business in Adams County must contain site and building specific information as required on the initial application.
 5. **Hearing** - Each application to operate a commercial dog breeding business in Adams County must be presented for hearing before the Adams County Office of Building and Planning and approved by the Adams County Plan Commission prior to an applicant being registered for their initial term of registration to operate a commercial dog breeder business in Adams County.
- B. **Initial Registration** - Upon the approval of the Adams County Plan Commission of an application for a person or entity to operate a commercial dog breeder business in Adams County, said person or entity shall be registered to operate a commercial dog breeder business for the initial term, which will terminate on February 1 immediately following Plan Commission Approval. Subject to the terms of renewal, subsequent terms will be for one (1) year or the next succeeding 1st day of February, which ever shall first occur.
- C. **Annual renewal** - A commercial dog breeder must renew its registration each year on or before February 1st.
1. **Compliance** - Each commercial dog breeder shall submit documentation in a form acceptable to the Adams County Department of Building and Planning that they are in compliance with their veterinarian registration, manure management plan and their disposal of dead animals and all other criteria required by the Department of Building and Planning, or as required by applicable State law, including annual U.S.D.A annual inspection reports.
 2. **Penalty for Failure to Renew Registration** - Each commercial dog breeder that receives approval of their initial application by the Adams County Planning Commission and who fails to file for its renewal registration by February 1 shall be subject to a daily recurring fine in the amount set forth in Section 2-18-5(2) herein.
- D. **Breeding Age Information** - A commercial dog breeder shall provide information concerning the earliest age at which a female dog will be bred and at what age a female dog will be retired from breeding.
- E. **Owner/Operator** - All applicants for commercial dog breeding shall provide the name and address of the owner of each of the dogs and the operator of the facility. The owner of the dog(s) and operator of the facility shall each be liable for any violations of this Chapter. All owners of land upon which a facility is or will be located shall sign the application. All owners of dogs that are or will be located upon the premises shall sign the application.

- F. **Avoidance** - A person may not avoid registering by moving dogs to more than one premises. If there are three (3) or more unaltered female dogs on a premises, there must be a registration for the premises even if there is more than one owner for the dogs.
- G. **Registration Fee** - The fee to register or renew a registration as a commercial dog breeder is based on the number of unaltered female dogs at least twelve months of age maintained by the breeder. The fees are:

Number of Unaltered Female Dogs at Least Twelve Months of Age	Annual Fee
3 to 9	\$100
10 to 19	\$200
20+	\$250

Payments may be made by check or money order made payable to "Adams County Treasurer" and mailed to 313 West Jefferson Street, Room 338, Decatur, IN 46733.

- H. **Number of Unaltered Females** - In determining the number of unaltered females, the calculation shall be as follows:
1. All unaltered dogs at one (1) location shall be counted when determining the total number, regardless of who owns the dogs.
 2. All unaltered female dogs owned by the same person(s) or entity shall be counted when determining the total number, regardless of location of the dogs.
- I. **Exemptions from Registration** - The commercial dog breeder registration and operating requirements do not apply to the following:
1. an animal shelter;
 2. a humane society;
 3. an animal rescue operation;
 4. a hobby breeder;
 5. a person who breeds at least seventy-five percent of the person's dogs as service dogs or as dogs for use by the police or the armed forces.
- An "animal rescue operation" is defined as a person or organization:
- a. that accepts within one year:
 - i. more than twelve dogs; or
 - ii. more than nine dogs and more than three unweaned litters of puppies; that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or
 - b. that uses a system of private residential dwellings as foster homes for the dogs. The term does not include a person or organization that breeds dogs.

2-18-3 Commercial Dog Breeder Facility and Operating Standards

- A. **USDA Standards** - A commercial dog breeder shall comply with the standards of care adopted by the United States Department of Agriculture (USDA) in 9 CFR 3.1 through 9 CFR 3.12 and shall receive certification or approval from USDA
1. If USDA delays certification until the dog breeding facility has been built and populated, the Owner/Operator shall have six (6) months from the date the operation begins until USDA certification or approval must be received.

- B. **Minimum Standards** - This ordinance represents the minimum standards that Adams County, Indiana commercial dog breeders must meet. The county encourages willing commercial dog breeders to use facility and operating standards that exceed these minimum standards.
- C. **Record Keeping and Notice to Consumers** - A commercial dog breeder is required to:
1. Indicate that the person is registered in a place clearly visible to the public.
 2. Provide a consumer with a copy of a dog's vaccination, medication, and treatment records at the time the consumer purchases, exchanges, or adopts the dog.
 3. Maintain records of all animal deaths at the facility on a form provided by the County.
 4. Maintain the records required by this ordinance for at least five years.
- D. **Housing Facility Standards**
1. **General Requirements for All Housing Facilities:**
 - a. Housing facilities for dogs must:
 - i. Be structurally sound.
 - ii. Be kept in good repair.
 - iii. Protect the animals from injury.
 - iv. Contain the animals securely.
 - v. Restrict other animals from entering.
 - b. Housing areas and animal food and bedding storage areas must:
 - i. Be free of accumulated trash, waste material, junk, and weeds.
 - ii. Be neat and free of clutter, including unnecessary equipment, furniture, and other material.
 - c. The materials and construction of surfaces of dog housing facilities must:
 - i. Be readily cleanable and sanitizable, or removed or replaced when worn or soiled.
 - ii. Any surfaces that come in contact with dogs must:
 - a) Be free of excessive rust that prevents cleaning and sanitizing or compromises structural strength.
 - b) Be free of jagged edges or sharp points.
 - iii. Be maintained on a regular basis.
 - d. Dog housing facilities must be cleaned as follows:
 - i. Hard surfaces that dogs may contact must be spot-cleaned daily.
 - ii. Floors made of dirt, absorbent bedding, gravel, grass, or similar materials must be raked or spot cleaned with sufficient frequency to ensure all animals can avoid contact with excreta. Contaminated material must be replaced if raking and spot-cleaning does not prevent odors, insects, pests, or vermin.
 - iii. All other surfaces must be cleaned and sanitized as needed to meet generally accepted husbandry standards.
 - e. Dog housing facilities must:
 - i. Have reliable systems for adequate heating, cooling, ventilation, lighting, and for carrying out husbandry requirements.
 - ii. Provide adequate potable water for drinking, cleaning, and carrying out husbandry requirements.
 - iii. Provide readily accessible washing facilities, for animal caretakers.

- f. Supplies of food and bedding must be:
 - i. Stored in a manner that prevents spoilage, contamination, and vermin infestation.
 - ii. Stored off of the floor and away from walls.
 - iii. Stored in a manner that prevents deterioration of the food's nutritive value (including refrigeration if necessary).
 - iv. Open supplies of food and bedding must be stored in leak proof containers with tight fitting lids.
 - v. Only food currently being used may be stored in animal areas.
 - vi. Substances needed for animal husbandry but that are toxic to the animals may not be stored in food storage and preparation areas. These substances may be stored in cabinets in the animal areas.

- g. Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food waste, bedding, debris, garbage, dead animals, water and other fluids and wastes in a manner that minimizes contamination and disease risks. Housing facilities must have disposal facilities and drainage systems that:
 - i. Are constructed and operated to rapidly remove animal waste and keep animals dry. Standing puddles of water in animal enclosures are prohibited.
 - ii. Minimize vermin and pest infestation, insects, odors, and disease hazards.
 - iii. Have properly constructed and maintained drains, including traps to prevent gas and sewer backup.
 - iv. Settlement ponds, if used, must be located far enough away from buildings to prevent odors, diseases, pests, and vermin infestation.
 - v. Utilize trash containers in housing areas and food storage and preparation areas that are leak proof and that have tight fitting lids on at all times.
 - vi. Do not store dead animals and animal waste in food storage or food preparation areas.

2. **Indoor Housing Facilities and Sheltered Housing Facilities Requirements:**

- a. **Temperature** - Indoor housing facilities and the sheltered part of sheltered housing facilities must be heated and cooled to protect the dogs from temperature or humidity extremes and to provide for their health and well-being. When dogs are present, the ambient temperature in the facility must:
 - i. Not fall below forty-five degrees Fahrenheit and must not rise above eighty-five degrees Fahrenheit (85°F) for more than four (4) consecutive hours.
 - ii. Not fall below fifty degrees Fahrenheit (50°F) if the dogs not acclimated to lower temperatures, or are short haired breeds that cannot tolerate lower temperatures, sick, aged, young, or infirm dogs.

- b. **Ventilation** - Indoor housing facilities and the sheltered part of sheltered housing facilities must be ventilated to provide for the health and well-being of the dogs and to minimize odors, drafts, ammonia levels, and moisture condensation. When the ambient temperature is eighty-five degrees (85°F) or higher, additional ventilation must be provided. The relative humidity must be maintained at a level that ensures the health and wellbeing of the dogs according to the directions of the kennel veterinarian and generally accepted professional husbandry practices.

- c. **Lighting** - Indoor housing facilities must be lighted well enough to permit routine inspection, cleaning, and observation of the dogs. Animal areas must have a regular diurnal lighting cycle of either natural or artificial light. Primary enclosures must be protected from excessive light.

- d. **Surfaces** - The following surfaces must be impervious to moisture:
 - i. Floors, walls, and ceilings of indoor housing facilities. The ceiling may be porous if it is replaceable, such as a suspended ceiling with replaceable tiles.
 - ii. Indoor floor areas of sheltered housing facilities.
 - iii. Outdoor floor areas of sheltered housing facilities that are made of a hard material such as wire, wood, metal, or concrete.
 - iv. Outside floor areas of sheltered housing facilities that are made of compacted earth, absorbent bedding, sand, gravel, or grass and that are not exposed to the direct sun.
- e. **Shelter** - Sheltered housing facilities must provide dogs adequate shelter from the elements at all times. The shelter structures must be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

3. **Outdoor Housing Facilities**

- a. The following dogs may not be kept in an outdoor housing facility unless an attending veterinarian approves the practice in writing:
 - i. Dogs that are not acclimated to the area's prevalent temperatures.
 - ii. Breeds of dogs that cannot tolerate the area's prevalent temperatures without stress or discomfort.
 - iii. Sick, infirm, old, or young dogs. If the acclimation status of a dog is not known, the dog may not be in an outdoor facility when the temperature is less than fifty degrees Fahrenheit.
- b. Outdoor facilities must include one or more shelter structures that must:
 - i. Be accessible to each animal.
 - ii. Be large enough to allow each animal to sit, stand, and lie in a normal manner and turn around freely.
 - iii. Contain a roof, four sides, and a floor.
 - iv. Provide adequate protection from the cold and heat.
 - v. Provide protection from direct sunlight, wind, rain, and snow, including a wind and rain break at the entrance.
 - vi. Contain clean and dry bedding material if the ambient temperature is below fifty degrees Fahrenheit and contain additional bedding if the temperature is below thirty-five degrees Fahrenheit.
 - vii. Provide one or more separate outside areas of shade must be provided that are large enough to protect all of the animals from the sun.
- c. Outdoor facilities must be constructed as follows:
 - i. Building surfaces in contact with the animals must be impervious to moisture.
 - ii. Metal barrels, cans, appliances, and the like may not be used as shelter structures.
 - iii. Floors may be made of compacted earth, bedding, sand, gravel, or grass and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin.
 - iv. All surfaces must be maintained regularly and if they cannot be cleaned and sanitized they must be replaced when worn or soiled.

4. **Primary Enclosure Standards**

- a. **General requirements** - Primary enclosures/or dogs must be designed, constructed, and kept in good repair and must:
 - i. Be made of suitable materials.
 - ii. Be structurally sound.
 - iii. Be kept in good repair.
 - iv. Have no sharp points or edges that could injure an animal.

- v. Protect the animal from injury.
- vi. Contain the animals securely.
- vii. Keep other animals from entering the enclosure.
- viii. Enable the dogs to stay dry and clean.
- ix. Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs.
 - x. Provide sufficient shade to shelter all of the animals in the enclosure at one time.
 - xi. Provide all of the dogs easy and convenient access to clean food and water.
 - xii. Enable all surfaces in contact with the dogs to be readily cleaned and sanitized, or be replaced when worn or soiled.
- xiii. Floors must be constructed in a manner that protects the dog's feet and legs from injury. If the floor is mesh or slatted, the floor may not allow a dog's feet to pass through openings in the floor.
- xiv. Suspended floors must be strong enough so that the floor does not sag or bend between the structural supports.

- b. **Size of a Primary Enclosure** - Primary enclosures must provide sufficient space to allow each dog to turn about freely, to stand, to sit, and lie in a comfortable, normal position, and to walk in a normal manner. Tethering as a primary enclosure is prohibited. Wire cages are subject to additional requirements outlined in the next subsection.

For the purposes of this ordinance, the length of a dog is determined by measuring the dog from the tip of its nose to the tip of its tail.

- c. The primary enclosure must be the following size or larger:
 - i. Each dog must be provided a minimum amount of floor space calculated as follows: (Length of the dog in inches plus six inches) x (Length of the dog in inches plus six inches) = required floor space in square inches. Required floor space in inches divided by 144 = required floor space in square feet.
 - ii. The minimum floor space for a bitch with nursing puppies must be approved by the kennel veterinarian. The kennel veterinarian must determine the minimum space after considering generally accepted husbandry practices and the breed and behavioral characteristics of the bitch. The minimum floor space must be at least 105 percent of the minimum floor space required for the bitch.
 - iii. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.
 - iv. The primary enclosure must be large enough to allow for reasonable movement by the dog.
- d. Requirements for Enclosures with Wire Floors. If the floor of a primary enclosure is made of metal strands (wire), all of the following apply:
 - i. The wire strands must be either:
 - a. Greater than one-eighth of an inch in diameter (9 gauge); or
 - b. Coated with a material such as plastic or fiberglass.
 - ii. The primary enclosure must include an area that allows the dog to be off of the wire floor. IC 15-21-4-1(b)(J). The solid floor area must meet the following standards:
 - a) The area must be made of solid material. Rubber or plastic mats and pieces of carpet can meet this requirement. Towels and rugs do not meet this requirement.
 - b) The area must be large enough for all dogs in the enclosure to utilize the solid floor at the same time. Therefore, the size of the solid floor area must be at

least as big as the following: (the length of the dog in inches) x (the length of the dog in inches) = required solid floor area in square inches for each dog.

5. **Inspections**

The Adams County Plan Director or the Adams County Health Officer or either of their designated representative(s) shall have the right to inspect any commercial dog breeding facility and the right to make onsite visits. The refusal by an owner or operator of a facility to allow for an inspection is a violation of this Chapter subject to the fines and penalties under 2-18-5.

6. **Existing Commercial Dog Breeding Facilities**

Any commercial dog breeding facility that has been in operation under the ordinances of Adams County, Indiana before the adoption of this Chapter 17, shall have one (1) year from the date of the enactment of this Chapter 17 to comply with the provisions contained herein.

2-18-4 **Commercial Dog Breeder Animal Health and Husbandry Standards**

A. **Compatibility** - All dogs housed in a primary enclosure must be compatible. The following standards must be met:

1. Dogs may not be housed with other species unless they are compatible.
2. No more than 12 adult non-conditioned dogs may be housed in the same primary enclosure.
3. Bitches in heat may be housed with sexually mature males only when breeding.
4. Bitches with litters may not be housed in the same primary enclosure with other adult dogs. Puppies younger than four months of age may not be housed in the same primary enclosure with adult dogs other than their dam.
5. Any dog exhibiting a vicious or very aggressive disposition must be housed separately.
6. Dogs that are suspected of having a contagious disease must be isolated from healthy animals as directed by the attending veterinarian.

B. **Exercise** - Commercial dog breeders must develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. The plan must be in writing. An attending veterinarian must determine the frequency, method, and duration of the opportunity for exercise, and approve in writing the entire plan. A commercial dog breeder is required to provide every dog with a reasonable opportunity for exercise outside of a cage at least one time per day. The opportunity for exercise must be outside the animal's primary enclosure. But, if a dog has access to a run that is connected to the animal's primary enclosure or if the animal's primary enclosure includes a run, and the run meets the requirements below, it is not necessary to remove the animal from the primary enclosure for exercise. An exercise run must meet the following requirements:

1. The floor space of the run must be at least as big as the following:
 - a. For dogs housed individually, an area that is two times the minimum required floor space for that dog.
 - b. For dogs housed in groups, an area that is equal to or greater than the sum of the minimum required floor space for each dog if housed individually.

Forced exercise methods or devices, such as swimming or treadmills, may not be used to meet the exercise requirement.

2. **Exemptions** - A commercial dog breeder is not required to provide a dog with the opportunity for exercise if exercise would endanger the dog's life or health. If the attending veterinarian determines that any dog should not be provided an opportunity for exercise, the commercial dog breeder does not have to provide an opportunity for exercise for that dog. The veterinarian's determination must be in writing and reviewed at least every 30 days.

C. **Food and Water**

1. **Food** - Dogs must be fed at least once each day unless directed otherwise by an attending veterinarian. The animal's diet must be appropriate for the animal's age and condition. Food must be uncontaminated, palatable, and of sufficient quantity and nutritive value to maintain the normal body condition and weight of the animal. Each primary enclosure must have at least one food dish that is readily accessible to all of the animals in the enclosure. The dish must be located to minimize contamination and must be protected from rain and snow. Food dishes must be made of material that may be cleaned and sanitized or be disposable. Self-feeders may be used for dry food.
2. **Water** - Dogs must have access to potable water and meet one of the following time frames:
 - a. Continuous access.
 - b. As often as necessary to ensure the animal's health and wellbeing but not less than twice a day for at least one hour each time.
 - c. As directed by an attending veterinarian.

D. **Cleaning, Sanitizing, and Pest Control**

1. **Primary enclosures** - Excreta and food waste must be removed at least once each day. Excreta and food waste must be removed from under primary enclosures as often as necessary to prevent excessive accumulation, prevent soiling of the dogs, and to reduce disease hazards, insects, pests, and odors. When water is used to clean an enclosure, the dogs must be removed unless the enclosure is large enough to ensure the animals will not get wet or be distressed by the process. Neighboring dogs should not get wet or be distressed from the cleaning process: Standing water must be removed from primary enclosures.
2. **Sanitization** - Primary enclosures and food and water receptacles must be cleaned and sanitized at the earliest of the following:
 - a. Before they are used for another dog.
 - b. At least once every two weeks.
 - c. As necessary to prevent an accumulation of dirt, debris, food waste, or excreta.
3. **Sanitization Methods** - Hard surfaces and food and water receptacles must be sanitized using one of the following methods:
 - a. Live steam under pressure.
 - b. Washing with hot water (at least 180 degrees Fahrenheit) and soap or detergent.
 - c. Removing organic material and washing soiled surfaces with detergent solution and disinfectant followed by a clean water rinse.

Surfaces that cannot be sanitized, such as gravel, sand, grass, earth or absorbent bedding, must be sanitized by removing contaminated material as necessary to prevent buildup, odors, disease, pests, insects, and vermin.

4. **The Premises** - Buildings and the grounds surrounding housing facilities must meet the following requirements:
 - a. Must be kept clean and in good repair.
 - b. Breeding or living areas for rodents and other pests and vermin must be minimized.
 - c. Must be kept free of trash, junk, waste products and discarded matter.
 - d. Weeds, grasses, and bushes must be controlled.

5. **Pest Control** - Each commercial dog breeding facility must have an effective pest control program that controls insects, rodents, birds, and other mammals that are pests and external parasites affecting dogs.

E. **Employees**

A commercial dog breeder must have enough employees to carry out the level of husbandry practices and care required by law. The employees that provide animal husbandry and care or that handle animals must be supervised by someone who has knowledge, background, and experience in proper husbandry and care of dogs.

F. **Rabies Control**

All dogs three months of age and older must be vaccinated against rabies. The vaccination must be completed by a licensed and accredited veterinarian.

2-18-4 **Penalties and Enforcement**

- B. Any person, firm or entity that shall violate any provision of this Chapter shall be guilty of an infraction and subject to a fine of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000) per offense, and each day the violation continues shall constitute a distinct and separate offense.
- C. The Adams County Plan Commission shall also be entitled to seek any other legal equitable remedies available, including injunctive relief, against any person, firm or entity who shall violate any provision of this Chapter.
- D. The Adams County Plan Commission shall be entitled to the payment by the violator for all legal fees, court costs and expenses incurred to enforce this Chapter.
- E. The remedies provided in this section shall be cumulative, and not exclusive.

2-18-5 **Zoning and Set Back**

- A. A commercial dog breeding facility shall be a permitted use in the following zones: I-1, I-2, and Agricultural Zone.
- B. A commercial dog breeding facility shall be located at least 1,000 feet from the nearest neighboring residence.

2-18-6 **Appeal**

- A. Any person aggrieved by a decision or action of the Plan Director, the County Health Officer or any of their agents or representatives may appeal that decision to the Adams County Plan Commission.
- B. A decision by the Adams County Plan Commission on the matter will be final.

This ordinance shall be deemed effective immediately upon its adoption by the Board of Commissioners of the County of Adams, State of Indiana, and publication as required by law.

2-18-7 **Repealer** - The provisions of any ordinance or zoning regulation in conflict herewith is hereby repealed.

Article 3: Ordinance for Flood Hazard Areas for Adams County, Indiana

(adopted by ordinance 2020-7)

Chapter 1: Statutory Authorization, Findings of Fact, Purpose, and Objectives.

3-1-1 The following statutory authorization, findings of fact, purposes, and objectives apply throughout this Article.

A. Statutory Authorization

The Indiana Legislature has in IC 36-7-4 and IC 14-28 et seq, granted the power to local government units to control land use within their jurisdictions. Therefore, Adams County, Indiana has adopted the following floodplain management regulations for the purposes stated below.

B. Findings of Fact

1. The flood hazard areas of Adams County are subject to periodic inundation which results in loss of life and property, creating health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

It is the purpose of this Article 3 to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
6. Make federal flood insurance available for structures and their contents in the Adams County by fulfilling the requirements of the National Flood Insurance Program.

D. Objectives

The objectives of this Article 3 are:

1. To protect human life and health.

2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

E. Conflict of Provisions

Should there be a conflict between the terms and provisions of this Article 3 and the Adams County Land Use Ordinance, this Article 3 shall control.

Chapter 2: Definitions

3-2-1 Unless specifically defined below, words, or phrases used in this Article 3 shall be interpreted so as to give them the meaning they have in common usage and to give this Article 3 its most reasonable application. The definitions in this Chapter 2 apply to the floodplain regulations in this Article 3 only and shall not be used as a definition of a term in the more general provisions of the Adams County Land Use Ordinance. The terms defined in the Adams County Land Use Ordinance shall apply to this Article 3 to the extent they are consistent with or not contradicted by the terms and provisions in this Article 3

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR, and Zone A99 on a FIRM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

Accessory structure (appurtenant structure) means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

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

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this Article 3.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

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

Boundary River means the part of the Ohio River that forms the boundary between Kentucky and Indiana.

Boundary River Floodway means the floodway of a boundary river.

Building - see "Structure."

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

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

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

D Zone means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

Development means any man-made change to improved or unimproved real estate including but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;
2. installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
3. installing utilities, erection of walls and fences, construction of roads, or similar projects;

4. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. mining, dredging, filling, grading, excavation, or drilling operations;
6. construction and/or reconstruction of bridges or culverts;
7. storage of materials; or
8. any other activity that might change the direction, height, or velocity of flood or surface waters.

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

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate is a certified statement that verifies a structure's elevation information. This certification must be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed prior to January 1, 2010.

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

FEMA means the Federal Emergency Management Agency.

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

Flood Boundary and Floodway Map (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

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

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

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

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

Floodplain management regulations means this Article 3, Adams County Land Use Ordinance, Adams County Subdivision Ordinance and other general ordinances, regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas, as they may be amended, replaced, or recodified. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

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

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

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

Fringe is those portions of the floodplain lying outside the floodway.

Hardship (as related to variances of under this Article 3) means the exceptional hardship that would result from a failure to grant the requested variance. The Adams County Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

Historic structures means any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage

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

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

Letter of Map Amendment (LOMA) means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

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

Lowest floor means the lowest elevation described among the following:

1. The top of the lowest level of the structure.
2. The top of the basement floor.
3. The top of the garage floor, if the garage is the lowest level of the structure.
4. The top of the first floor of a structure elevated on pilings or pillars.
5. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a. the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;
 - b. the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot

above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,

- c. such enclosed space shall be usable solely for the parking of vehicles and building access.

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

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

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

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

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced after January 1, 2010.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 1, 2010.

Non-boundary river floodway means the floodway of any river or stream other than a boundary river.

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

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

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

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

Public safety and nuisance means anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

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

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

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

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

Section 1316 is that of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) means those lands within the jurisdiction of Adams County subject to inundation by the regulatory flood. The SFHAs of Adams County are generally identified as such on the Adams County, Indiana and Incorporated Areas Flood Insurance Rate Map dated September 29, 2010, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO). The SFHA may also be identified by best available data regulatory data maps provided by, or approved by, the Indiana Department of Natural Resources.

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

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

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

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

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this Article 3, which permits construction in a manner otherwise prohibited by this Article 3 where specific enforcement would result in a hardship as defined in this Article 3.

Violation means the failure of a structure or other development to be fully compliant with this Article 3. A structure or other development without the elevation, other certification, or other evidence of compliance required in this Article 3 is presumed to be in violation until such time as that documentation is provided.

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

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Chapter 3: General Provisions

3-3-1 The following general provisions apply throughout this Article.

A. Lands to Which This Article 3 Applies

This Article 3 shall apply to all SFHAs and known flood prone areas within the jurisdiction of Adams County, Indiana.

B. Basis for Establishing Regulatory Flood Data

This Article 3's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Adams County shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Adams County, Indiana and Incorporated Areas dated September 29, 2010, and the corresponding Flood Insurance Rate Map dated September 29, 2010, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
2. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Adams County, delineated as an "A Zone" on the Adams County, Indiana Flood Insurance Rate Map dated September 29, 2010, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
3. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.
4. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required prior to the commencement of any development activities in areas of special flood hazard, and the development, structure, or substantial improvement to which the permit pertains shall conform to the requirements of this Article 3.

D. Compliance

No structure shall be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this Article 3 and other applicable regulations. No land or stream within the SFHA shall be altered without full compliance with the terms of this Article 3 and other applicable regulations.

E. Abrogation and Greater Restrictions

This Article 3 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article 3 and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Discrepancy between Mapped Floodplain and Actual Ground Elevations

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

3. If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

G. Interpretation

In the interpretation and application of this Article 3 all provisions shall be:

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

H. Warning and Disclaimer of Liability

The degree of flood protection required by this Article 3 is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this Article 3 does not create any liability on the part of Adams County, the Adams County Plan Commission, the Zoning Administrator, The Adams County Planning and Zoning Department, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Article 3 or any administrative decision made lawfully thereunder.

I. Penalties for Violation

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this Article 3. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Adams County. All violations shall be punishable by a fine not exceeding \$2500 per day.

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

Chapter 4: Administration

3-4-1 The provisions of this Article shall be administered pursuant to the following provisions.

A. Designation of Administrator

The County Commissioners of Adams County hereby appoints the Zoning Administrator to administer and implement the provisions of this Article 3 and is herein referred to as the Floodplain Administrator.

B. Permit Procedures

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. The Floodplain Administrator may use the forms and processes established for the issuance of an Improvement Location Permit for

purposes of the Floodplain Development Permit, it is not inconsistent with the provisions of this Article 3. Specifically, the following information is required:

1. Application Stage

- a. A description of the proposed development.
- b. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
- c. A legal description of the property site.
- d. A site development plan showing existing and proposed development locations and existing and proposed land grades.
- e. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
- f. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.
- g. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See Chapter 4, C. (6) for additional information.)

2. Construction Stage

Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor, professional engineer or architect and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.

Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same. The Floodplain Administrator shall review the floodproofing certification submitted. The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certificate or failure to make correction required shall be cause to issue a stop-work order for the project.

3. Finished Construction

Upon completion of construction, an elevation certification (FEMA Elevation Certificate Form 086-0-33 or any future updates) which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA Floodproofing Certificate Form 81-65 or any future updates) is required to be submitted by the applicant to the Floodplain Administrator.

C. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this Article 3. The Floodplain Administrator is further authorized to render interpretations of this Article 3, which are consistent with its spirit and purpose.

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

1. Review all floodplain development permits to assure that the permit requirements of this Article 3 have been satisfied.
2. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.
3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development project subject to Chapter 5, E and G (1) of this Article 3, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
4. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.
5. Maintain and track permit records involving additions and improvements to residences located in the floodway.
6. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
7. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this Article 3.
8. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
9. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
10. Review certified plans and specifications for compliance.
11. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Chapter 4, B.
12. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Chapter 4, B.
13. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first upon the establishment of the Flood Protection Grade reference mark at the development site; the second upon the establishment of the structure’s footprint/establishment of the lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. Authorized County officials shall have the right to enter and inspect properties located in the

SFHA. In addition to the three inspections above, the Floodplain Administrator has the authority to require certified survey information from a licensed Indiana surveyor to confirm compliance with this subsection.

14. Stop Work Orders

- a. Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this Article 3 shall immediately cease.
- b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

15. Revocation of Permits

- a. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this Article 3, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b. The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this Article 3.

Chapter 5: Provisions for Flood Hazard Reduction

3-5-1 Provisions for hazard reduction for Special Flood Hazard Areas shall be as follows.

A. General Standards

In all SFHAs and known flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this Article 3 shall meet the requirements of “new construction” as contained in this Article 3.
10. Parking lots, driveways, and sidewalks within the SFHA shall be constructed with permeable materials.
11. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
 - a. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.
 - b. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
 - c. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.
 - d. The fill or structure shall not obstruct a drainage way leading to the floodplain.
 - e. The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.
 - f. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
 - g. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this Chapter.

B. Specific Standards

In all SFHAs, the following provisions are required:

1. In addition to the requirements of Chapter 5, Section A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - a. Construction or placement of any structure having a floor area greater than 400 square feet.

- b. Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).
 - c. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.
 - d. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 - e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This Article 3 does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
 - f. Reconstruction or repairs made to a repetitive loss structure.
 - g. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since January 1, 2010.
2. **Residential Structures** - New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Chapter 5, Section B (4).
3. **Non-Residential Structures** - New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Chapter 5, Section B (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
- a. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator as set forth in Chapter 4, Section C (12).
 - b. Flood proofing measures shall be operable without human intervention and without an outside source of electricity.
4. **Elevated Structures** - New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

- a. Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

- b. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - d. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - e. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - f. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
 - g. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
 - h. Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Chapter 5, Section B. (4). Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance. The affidavit shall be recorded, along with the deed, in the office of the Adams County Recorder.
 - i. Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds 6 feet) shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Adams County Recorder.
5. **Structures Constructed on Fill** - A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:
- a. The fill shall be placed in layers no greater than 1-foot-deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
 - b. The fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - e. The top of the lowest floor including basements shall be at or above the FPG.
 - f. Fill shall be composed of clean granular or earthen material.

6. **Standards for Manufactured Homes and Recreational Vehicles** - Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
- a. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood:
 - i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Chapter 5, Section B. (4).
 - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
 - b. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
 - i. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Chapter 5, Section B. (4).
 - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
 - c. Recreational vehicles placed on a site shall either:
 - i. be on site for less than 180 days, and
 - ii. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
 - iii. meet the requirements for “manufactured homes” as stated earlier in this.
7. **Accessory Structures** - Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:
- a. Shall not be used for human habitation.

- b. Shall be constructed of flood resistant materials.
 - c. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
 - d. Shall be firmly anchored to prevent flotation.
 - e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
 - f. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Chapter 5, Section B. (4).
8. **Above Ground Gas or Liquid Storage Tanks** - All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

C. Standards for Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.
5. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
6. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

D. Critical Facility

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

E. Standards for Identified Floodways

Located within SFHAs, established in Chapter 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 (as may be amended, replaced or recodified) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling,

grading, clearing, and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Chapter 5 of this Article 3 have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

For all projects involving channel modifications or fill (including levees) Adams County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

F. Standards for Identified Fringe

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Chapter 5 of this Article 3 have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

G. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes

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

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Chapter 5 of this Article 3 have been met.

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

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Chapter 5 of this Article 3 have been met.

3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

H. **Standards for Flood Prone Areas**

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Chapter 5.

Chapter 6: Variance Procedures

3-6-1 All variances under this Article shall occur pursuant to the provisions of this Chapter.

A. **Designation of Variance and Appeals Board**

The Adams County Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this Article 3.

B. **Duties of Variance and Appeals Board**

Pursuant to IC 36-7-4-918.1, the board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this Article 3. Any person aggrieved by the decision of the board may seek judicial review of such decision according to the provisions of IC 36-7-4-1600 Series

C. **Variance Procedures**

In making decisions on a variance request pursuant to the criteria established in IC 36-7-4-918.5, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Article 3, and:

1. The danger of life and property due to flooding or erosion damage.
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
3. The importance of the services provided by the proposed facility to the community.
4. The necessity of the facility to a waterfront location, where applicable.
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
6. The compatibility of the proposed use with existing and anticipated development.
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. Conditions for Variances

1. Variances shall only be granted when the board can make positive findings of fact based on the evidence submitted at the hearing on the variance for the criteria in IC 36-7-4-918.5, and also for the following criteria in terms of variances from the provisions of this Article 3:
 - a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship as defined in Chapter 2 above.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
 - d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief
2. No variance for a residential use within a floodway subject to Chapter 5, Section E or Section G (1) of this Article 3 may be granted.
3. Any variance granted in a floodway subject to Chapter 5, Section E or Section G (1) of this Article 3 will require a permit from the Indiana Department of Natural Resources.
4. Variances to the Provisions for Flood Hazard Reduction of Chapter 5, Section B, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. (Refer to Chapter 6, Section F.)
7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Chapter 6, Section E).
8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Chapter 6, Section E).

E. Variance Notification

Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
2. Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Adams County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

F. Historic Structure

Variations may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.

G. Special Conditions

Upon the consideration of the factors listed in Chapter 6, and the purposes of this Article 3, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article 3.

Chapter 7: Severability

If any, clause, sentence, or phrase of the Article 3 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Article 3.

Chapter 8: Effective Date

This Article 3 shall become effective sixty (60) days following the date of the execution by the Adams County Board of Commissioners as set forth below.

Chapter 9: Citation to other Law

Any citation within this Article 3 to any provision of the United States Code, federal regulations adopted thereunder, Indiana Code, Indiana Administrative Code, or other section of the Adams County Land Use ordinance shall be deemed to refer to any amendment, repeal, replacement or recodification of the cited sections.

The text from this line and below this line will be included in the amendment to be signed by the Commissioners, in substantially the same form as below.

Adoption

Part of County Code of Ordinances. Upon this Article 3 becoming effective, the same shall thereupon and thereafter be an amendment to portions of Article 3 of "The Code of the County of Adams, Indiana" and shall then be and become a part of the Adams County Code of Ordinances.

Repealer. All ordinances or parts of ordinances in conflict the provisions of this Article 3 herewith are to the extent of such conflict hereby repealed.

Article 4: Subdivision Control

Chapter 1: Title

- 4-1-1 This article shall be known and may be cited as the Subdivision Control Ordinance of Adams County, Indiana.

Chapter 2: General Provisions

- 4-2-1 **Authority**
This article is adopted pursuant to Indiana Code 36-7-4 and all acts supplemental and amendatory to it.
- 4-2-2 **Compliance**
Except as otherwise provided in this article, no person shall subdivide any parcel of land located within the territorial jurisdictional area of the Adams Plan Commission unless it be in conformity with the provisions of this article.
- 4-2-3 **Severability**
If any chapter, section, provision, or portion of this article shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other chapter, section, provision, or portion of this article.
- 4-2-4 **Jurisdiction**
The jurisdiction of this article shall include lands and waters of the unincorporated area of Adams County, Indiana, and including the unincorporated areas of Ceylon, Linn Grove, Magley, Monmouth, Peterson, Pleasant Mills, Preble, Rivare (Bobo), Salem, and Williams.
- 4-2-5 **Relation to covenants; prior violations**
This article is not intended to interfere with, abrogate or amend any easements, covenants or other agreements existing prior to adoption. This article is not intended to repeal, abrogate, annul or in any way interfere with any provisions of laws or articles existing prior to adoption; or any rules, regulations, or permits adopted or issued pursuant to law before that date relating to the use of buildings or premises. The enactment of this article shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any article or part of provision of any article of Adams County, Indiana, prior to the taking effect of this article

Chapter 3: Rules of Construction

- 4-3-1 **Citation**
Citations to this article shall be by Article, Chapter, Section and Subsection.
- 4-3-2 For the purpose of this article, certain words and phrases used herein shall be interpreted as follows:
- A. The word person includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other entity.
 - B. The masculine includes the feminine.
 - C. The present tense includes the past and future tenses; the singular number includes the plural.
 - D. The word shall is a mandatory requirement, the word may is a permissive requirement, and the word should is a preferred requirement.

E. The words used and occupied include the words intended, arranged, or designed to be used or occupied.

4-3-3 Distances

Unless otherwise specified, all distances shall be measured horizontally, in any direction.

Chapter 4: Definitions

4-4-1 As used in this article, the following words shall have the meanings and references provided below. Other terms shall have the meanings ascribed to them as stated in Article 1, Chapter 4. If there is a conflict between terms defined in Article 1 and Article 4, the definition in this Article 4 shall control.

Administrator Zoning - The officer designated and authorized by the Plan Commission to enforce the zoning requirements.

Alley - A permanent public service-way, dedicated to public use, other than a street, place, road, crosswalk, or easement, designed to provide a secondary means of access for the special accommodation of abutting property.

Auditor County - the Auditor of the County of Adams, Indiana.

Board - The Board of Zoning Appeals of Adams County, Indiana.

Block - A unit of property entirely surrounded by the public highways, streets, railroad rights-of-way, waterways, tract boundary line, or other barriers, or combination thereof.

Building Setback Line - Building Line - The line nearest the front or side of and across a lot establishing the minimum yard to be provided between the principal building or structure and the lot line.

Commissioners - The Board of County Commissioners of Adams County, Indiana.

County - The County of Adams, Indiana.

Crosswalk - A strip of land dedicated to public use, which is reserved through a block to provide pedestrian access to adjacent areas.

Cul-de-Sac - (Court) - A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

Dead End Street - A street having one of its ends closed with no provision for a vehicle turn-around.

Design Committee – The committee appointed by the Plan Commission to provide for review of plats and allowable replats on behalf of the Plan Commission when appointed in compliance with I.C. 36-7-4-701(e). It is intended that the Design Committee operate as, and be commensurate with, a plat committee permitted under I.C. 36-7-4-701.

Designated Official - The person or persons designated by the Plan Commission to certify primary approval and sign the plat certifying secondary approval (President, Vice President, or Executive Secretary [Director] of the Plan Commission).

Drainage Right-of-way - The lands required for the installation of storm water sewers or drainage ditches, where required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein.

Easement - A grant by the property owner of the use of a strip of land by the public or a person for specified purposes.

Lot - A parcel of land of specific form and dimension, defined by a metes and bounds description or boundary lines in a recorded deed or, situated within a legally recorded plat, and designated by number or letter, for convenience and accuracy, in legal conveyance of the title thereto.

Lot Corner - A lot abutting two (2) or more streets at their intersection, where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees.

Lot Front - That part of a lot adjacent to and parallel with the street. The front of a corner lot shall be determined, at the time of application for the improvement Location Permit, by either the owner, builder, developer or their agent and the Zoning Administrator. Once the front is determined, the structure shall then be erected in conformity with the zoning ordinance and this subdivision article.

Lot Interior - Any lot other than a corner lot, including a through lot.

Lot Through - a lot having frontage on two (2) parallel or approximately parallel streets.

Lot Width - The lineal measurement of the building setback line on the affected lot.

Maintenance Guarantee - Any security which may be accepted that guarantees certain improvements constructed under conditions set forth by the Plan Commission, shall at the time they are accepted for public maintenance be in such condition as to require no additional work beyond normal upkeep.

Master Plan - The Comprehensive Plan, or any of its parts, serving as a guide for development of the County of Adams, Indiana, prepared by or for the Plan Commission and adopted by the Commissioners, in accordance with the authority conferred by IC 36-7-4 and all acts amendatory thereto, as is now or may hereafter be in effect.

Ordinance - The Adams County, Indiana Zoning & Land Use Ordinance, including these subdivision provisions, and all amendments thereto.

Performance Guarantee - Any security which may be accepted in lieu of a requirement that certain improvements be made before the Plan Commission or Commissioners' approval becomes effective, said security shall be filed with the Auditor prior to the release of the drawings of a final plat; including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Person - A corporation, firm, partnership, association, organization, limited liability company, or any other group acting as a unit, as well as a natural person.

Place - An open, unoccupied, officially designated space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

Plat - The map or drawings of all or a portion of a parcel of land which is being or is proposed to be subdivided for the purpose, whether immediate or future, of transfer of ownership subsequent to the adoption of this article.

Plat Officer - The officer designated and authorized by the Plan Commission to enforce the subdivision article. The Executive Secretary (Director) of the Plan Commission.

Plat Primary - The drawings, maps, and documents indicating the proposed layout of the subdivision which is submitted to the Plan Commission for consideration and tentative approval.

Plat Secondary - The final map or drawings of all or a portion of the subdivision which is presented to the Plan Commission for secondary approval in accordance with this article, and which if approved shall be filed with the Adams County Recorder for the purpose of recordation and taxation prior to the transfer of ownership of any parcel, tract, or lot as approved.

Road Setback Line - The line established by a County road setback resolution along certain designated public roads.

Root Parcel of Land - This term shall have the meaning ascribed to it in Article I, Chapter 4.

Sketch Plan - a freehand pencil drawing showing, with reasonable accuracy, the proposed locations of streets and lots within the proposed subdivision.

Street - A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name. The arterial thoroughfares and primary and secondary streets are designated on a map developed and maintained by the Plat Officer in consultation with the Adams County Highway Department. For the purpose of this report, streets shall be classified as follows:

1. **Arterial Thoroughfares** - These facilities serve to move traffic on Indiana and U.S. marked routes as well as some County roads and important intra-city streets. Where a highway is a non-limited access route, these facilities also perform a secondary function of providing direct access to abutting land and thus interconnect principal traffic generators.
2. **Primary (Major) Routes** - These facilities serve to connect cities with each other as well as to link smaller towns or settlements with the arterial thoroughfares system. Primary routes provide access to abutting land and generally serve all principal traffic generators.
3. **Secondary (Connector) Roads** - These facilities serve intra-city movements of traffic, such as that moving between a subdivision and major street. The principal difference between the connector road and streets or roads of higher classification is the length of trip each principally serves. They are intended to supply the abutting property with the same degree of land service as the local street, while at the same time serving larger volumes of traffic.
4. **Local (Residential) Streets** - The sole function of these streets is to provide access to the immediately adjacent property. Local access streets are intended to carry low volumes of traffic.
5. **Marginal Access Street** - A street designated to connect not more than two (2) streets and which normally parallels an arterial thoroughfare, or a primary or secondary street, and is not separated from the said thoroughfare or street by a lot or a tier of lots, and which is specifically so designated and approved as such on the plat of the subdivision.

Subdivider - Any person or his agent engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this article. This term is synonymous with “developer” or “applicant” in this Article.

Subdivision - Subdivision, means the division of a parcel of land. All subdivisions shall be classified as either a: simple subdivision; exempt subdivision; minor subdivision; or major subdivision.

1. **Simple Subdivision** - The sale or exchange of parcels or parts thereof, between adjoining lot owners where the sale or exchange shall not create additional building sites (an example of a simple subdivision might be adjoining landowners exchanging land in order to correct or straighten property lines but the resulting parcel cannot create a new building site because of lack of area, appropriate setbacks and the like. A simple subdivision shall be reviewed and approved by the Plat Officer. Any simple subdivision shall be depicted on a survey from a licensed Indiana surveyor, and properly sealed.

2. **Exempt subdivision:**

- a. A court ordered partition of land, or the conveyance of parcel(s) of land to one or both parties to a divorce proceeding where a court order provides for the disposition of marital assets. Any lot or parcel so created that does not conform to the subdivision or lot area requirements and restrictions of this Ordinance shall not be eligible for further subdivision under the minor subdivision process. Any lot or parcel so created that does not conform to the lot area or dimensional requirements may not be eligible for an Improvement Location Permit without a development standards variance granted by the Board of Zoning Appeals.
- b. The conveyance or division of land pursuant to a distribution of land to a devisee, legatee, or other heir pursuant to a last will and testament or intestate proceeding. Any lot or parcel so created that does not conform to the subdivision or lot area requirements and restrictions of this Ordinance shall not be eligible for further subdivision under the minor subdivision process. Any lot or parcel so created that does not conform to the lot area or dimensional requirements may not be eligible for an Improvement Location Permit without a development standards variance granted by the Board of Zoning Appeals.
- c. The sale or exchange of a parcel of land by contract, if the contract was executed prior to December 1, 1996.
- d. The division of a parcel of land federal, state or local government, or other entity with the powers of eminent domain, to acquire land for public purposes (an example would be the acquisition of land for a road project).

3. **Minor Subdivision** - A minor subdivision is the division of a parcel that has not already been subdivided as a minor or major subdivision into three (3) or fewer lots provided the requirements of 4-5-9 are met.

4. **Major Subdivision** - A major subdivision is the division of a root parcel into any number of lots provided the requirements of Section 4-5-10 are met.

Yard - a space on the same lot with a building, which is open, unoccupied, and unobstructed by structures, except as provided in the zoning ordinance.

Zoning Ordinance - The Adams County, Indiana Land Use Ordinance, now or hereafter adopted, which divides the area within the County into districts, with regulations and requirements and procedures for the establishment of land use controls.

Chapter 5: General Subdivision Requirements

4-5-1 In addition to the primary and secondary subdivision procedures and requirements specified in this Ordinance, the following general requirements apply to all subdivisions, simple, exempt, minor and major, as described below. The purpose of this section is to identify the zoning districts and conditions under which subdividing may occur in the jurisdiction pursuant to IC 36-7-4-701(a), as it may be amended, replaced, or re-codified.

4-5-2 Required Restrictive Covenants

Each final plat submitted to the Plan Commission for approval shall contain statements in the restrictive covenants providing for the following items.

- A. All utility easements and public right-of-ways, as dedicated on the face of the plat, shall be kept free of all permanent structures and the removal of any obstructions such as structures, trees, shrubbery, fences, or other installation thereon, whether temporary or permanent, by a utility company or Adams

County shall in no way obligate the utility company or Adams County in damages, or, to restore the obstruction to its original form.

- B. Before any lot or tract located within the subdivision may be used and occupied, such use or occupier shall first obtain from this Zoning Administrator the Improvement Location Permit required by the Adams County Zoning Ordinance.
- C. Before any house or building on any lot or tract in the subdivision shall be used and occupied as a dwelling or as otherwise provided in subdivision restrictions, the developer or any subsequent owner of said lot or tract shall install all improvements serving said lot or tract as provided in said plans and specifications filed with the Plan Commission.
- D. Before any house or building on any lot or tract in the subdivision shall be used or occupied as a dwelling or as otherwise provided in the subdivision restrictions and zoning article, the developer or any subsequent owner of said lot or tract shall first obtain from the Zoning Administrator the Certificate of Occupancy as required by the Adams County Zoning Ordinance.
- E. Prohibiting individual or collective injunctive action against nuisances such as noise, dust, or odors arising from normal agricultural operations which may abut or be near said subdivision.
- F. Prohibit owners or visitors from parking along road in such a way that passage of farm machinery would be impeded.
- G. The approval of the Adams County Health Department herein granted is subject further to compliance with 410 IAC 6-8.3 and Adams County Sewage Ordinance No. 2018-10 as from time to time amended. Approval by Health Department herein does not represent or warrant that any particular lot in this subdivision is suitable for an on-site sewage disposal system that would be in compliance with the applicable rules and regulations of the state and Adams County and the determination of the suitability of such lot for such purposes is the sole responsibility of the purchaser of any such lot.

4-5-3 **Sale of Land**

No lot, tract, or parcel of land within any subdivision, as established by Chapter 4 of this Article, shall be offered for sale, nor shall any sale or contract for sale be given until such subdivision plans have been properly reviewed and officially approved by the Plan Commission and by the Board of Commissioners of the County of Adams, Indiana.

4-5-4 **Installation of Improvements**

No improvements, such as sidewalks, water supply, storm water drainage, sewerage facilities, gas service, electric service or lighting, or grading, paving, or surfacing of any street shall be made within any subdivision platted after the effective date of this article by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners by his or their agent until the plat for the subdivision and also the plans for the improvements have been properly reviewed and officially approved by the Plan Commission and by the Board of Commissioners of the County of Adams, Indiana.

4-5-5 **Detailed Plan Submission**

Where a tract of land is proposed to be subdivided in several stages over a period of years, and the subdivider intends to request approval in parts, he shall, at the time of submission of the first part, submit a detailed plan of the entire tract to be eventually developed, with appropriate sectioning to demonstrate to the Plan Commission that the total design as proposed for the entire subdivision is feasible. The Plan Commission may give primary approval to the overall plan and secondary approval on the parts as submitted from time to time.

4-5-6 **Provisions**

The provisions of this article shall be held to be the minimum requirements necessary in the subdivision of land.

4-5-7 **Recording and Survey Requirements**

Before any deed of conveyance containing a split is offered for record and which at the time of recordation will result in the creation of a new tax parcel, the deed and survey of the split shall first be presented to the Plat Officer for review and approval. If the deed meets the requirements of this Article 4 and all other relevant portions of the Land Use Ordinance of Adams County, the same shall be approved for transfer and legibly marked on the face thereof before the same shall be accepted for recordation by the Recorder of Adams County and for transfer by the Auditor of Adams County. There shall be no charge for the approval by the Plan Commission but unless the deed of conveyance as required to be approved herein is so marked, the same shall not be accepted for recording or for transfer.

The recordation of any deed under this section shall in addition require that an accurate survey of the property with a plat showing improvements shall be prepared and recorded contemporaneously with the deed.

4-5-8 **Prohibited Re-Subdivision**

No Lot created as a part of a minor subdivision, or the remainder of the root parcel from which the minor subdivision is created, shall be further subdivided from the date of creation of said Lot in order to create a new Lot through the minor subdivision provisions of this Article 4. Parcels may still be created as an exempt subdivision as defined in Section 4-4-1. A lot created by a minor subdivision or as an exempt subdivision may be subdivided through the major subdivision process according to the provisions of this Article 4.

4-5-9 **Minor Subdivision Districts and General Requirements**

The following general requirements shall apply to all minor subdivisions:

- A. A minor subdivision shall be located in an A, R, C, or I district.
- B. Each lot in a minor subdivision shall be connected to a sanitary sewer system provided by a sanitary sewer utility, or have a soils report or an individual septic system approved for each lot by the Adams County Health Department or the Indiana State Department of Health as the case may be. Alternatively, a lot need not have access to public sewer or such approval from the Health Department if the subdivider commits in the restrictive covenants for the subdivision to not using such lot for a residence.
- C. Each lot in a minor subdivision shall be connected to a public water system provided by a water utility, or connected to a private well according to the requirements of this Article 4.
- D. Any lot created as a part of a minor subdivision, including the remainder of the root parcel, if any, shall not thereafter be subdivided, re-subdivided, amended, or altered in such a way as to create an additional lot, except for an exempt subdivision as defined in Section 4-4-1 above.
- E. Any minor subdivision, or lot created as a part of a minor subdivision, may be amended in order to adjust or re-locate the platted property lines under the requirements of this Ordinance provided no new lot is created in the process.
- F. A minor subdivision may be amended by adding area not originally included in the minor subdivision, including adding area to a lot or lots created as a part of the minor subdivision, provided no new lot is created in the process.
- G. A lot created as part of a minor subdivision may be subdivided, re-subdivided, amended, or altered as a part of a major subdivision that otherwise meets the requirements of this Ordinance.
- H. All other subdivision and lot area requirements of this Ordinance shall be met.

- I. A minor subdivision may be approved for primary and secondary review by the Design Committee in lieu of the Plan Commission as permitted by I.C 36-7-4-701. If the proposed plat does not involve the opening of a new public way and complies in all other respects with the Ordinance, the Design Committee may grant primary approval without public notice or a hearing, subject to appeal to the Plan Commission. If no public hearing is necessary, notice of the Design Committee’s decision shall be given to interested parties as provided in I.C. 36-7-4-701 advising of their right to appeal to the Plan Commission. If the minor plat involves the opening of a new public way, the Design Committee shall conduct a public hearing after notice to interested parties as provided in I.C. 36-7-4-706 prior to primary approval.

4-5-10 Major Subdivision Districts and General Requirements

The following general requirements shall apply to all major subdivisions:

- A. A major subdivision shall be permitted in an R, C, or I district only.
- B. Each lot in a major subdivision shall be connected to a sanitary sewer system provided by a sanitary sewer utility, or have a soils report or an individual septic system approved by the Adams County Health Department or the Indiana State Department of Health as the case may be.
- C. Each lot in a major subdivision shall be connected to a public water system provided by a water utility, or individual well.
- D. A major subdivision, or a lot created as a part of a major subdivision, shall be amended, subdivided, or re-subdivided according to the provisions of this Ordinance for major subdivisions.
- E. All other subdivision and lot area requirements of this Ordinance shall be met.

4-5-11 Driveway spacing

For any new Lot created by an exempt subdivision, or created under the minor or major subdivision provisions of this Article 4, the driveway providing access to the Lot from a public right of way shall observe the minimum spacing requirements between driveways as stated in Table 11.1 of the INDOT Driveway Manual 2018, as may be amended, replaced, or re-codified. The minimum spacing requirements apply to all driveways accessing a public right of way, not just those rights of way under INDOT jurisdiction, except driveways accessing public rights of way within, and platted as part of, the Subdivision.

4-5-12 County Road Right of Way

Where a proposed exempt subdivision, minor subdivision, or major subdivision abuts a county road, the Subdivider shall dedicate sufficient right of way from the center line of the county road to equal 30 feet from the center of said road. The purpose of this requirement is to ensure sufficient right of way to maintain and improve the abutting county road, and to safely accommodate the driveway entrances, street entrances and traffic created by the subdivision.

Chapter 6 – Plat Procedures, Primary Plat

4-6-1 Individual Septic Systems

A soils report shall be required for every minor or major subdivision where lots are planned to be served by an individual septic system to first determine the suitability of the soil in each proposed lot for a permitted septic system according to the rules of the Adams County Health Department and applicable state regulations. The current methodology for determining the suitability of a septic system is to secure the services of a certified soil analyst who supervises the excavation of a hole in the ground to conduct visual and tests of the soil to determine suitability for an approved septic system. The methodology for conducting the tests and the tests that are required are subject to change by the Adams County Health Department and/or the State of Indiana. The approved methodology in testing in force at the time of the plat approval shall govern.

The purpose of this requirement is to alert the developer that this determination should be made first as the suitability and location of an approved septic system may determine the size and layout of the lot lines and the suitability of any given lot for a building site. The requirements of this testing prior to preliminary plat approval is set out in Section 4-6-3(B) of this chapter. Once approval has been granted under this section for an approved septic system, said approval shall be non-revocable for a period of one year from the date of preliminary plat approval.

4-6-2 **Primary Considerations**

In order to make the most of opportunities related to the subdivision and to conserve time, effort, and expense, the owner or subdivider shall submit to the plat Officer at an informal conference a sketch plan of the proposed subdivision. He shall consult with the Plat Officer, the County Surveyor, or appointed official, and other public officials prior to the preparation of the primary plat for the subdivision; the Master Plan for the County should be reviewed to determine how the primary plat will fit into the Master Plan.

Requirements for major and minor streets; school and recreation sites, community facilities; shopping centers; sanitation, water supply and drainage; and the relationship to other developments, existing and proposed, in the vicinity shall be determined in advance of the preparation of the primary plat. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Plan Commission, based upon recommendations of the Indiana Department of Natural Resources, to be unsuitable for such use by reason of flooding or improper drainage.

4-6-3 **Primary Plat**

A subdivider desiring approval of a plat of a subdivision shall submit a written application, therefore, to the Plan Commission, such application shall be accompanied by the information, requirements, and plans set forth in this Section 4-6-3 and Section 4-6-4, all in accordance with the requirements set forth in this article.

- A. Two (2) copies of the completed application for minor or major subdivision approval form shall be submitted to the Plan Commission by the applicable filing deadline established by the Plan Commission by rule. At the time of filing, a fee, also established by rule, shall be paid to the Plan Commission. The Plan Commission shall retain one copy of the application which shall be attached to the primary drawings, the second copy shall be receipted and be retained by the subdivider as proof of payment. The subdivider shall deliver at least four (4) prints of the primary plat drawing, 1 digital version of the primary plat along with four (4) copies each of the soil survey map and the location map which shall be submitted as part of the primary plat to the Plan Commission office. The preferred size of a plat drawing shall be 36 by 24 inches, subject to staff review and approval. The Plan Commission may transmit a copy of the primary plat for review and approval to the following officials or agencies:
1. County Highway Engineer and/or County Highway Supervisor, along with construction plans;
 2. County Surveyor;
 3. School Superintendent in whose district said plat is located;
 4. County Board of Health;
 5. Indiana Department of Natural Resources; and to any other agency the Plat Officer considers to have an interest in the proposed subdivision, with request for comments from the agency.
- B. Approval and location of authorized sewage treatment system.
Each primary plat for a minor or major subdivision that is proposed to be served by individual septic systems for each lot shall contain a certification by the Adams County Health Department that each lot has been tested by an approved methodology to determine the suitability of the soil and location for an authorized septic system for each lot. This provision for soil testing for sewage purposes shall not apply where the subdivision of a lot or parcel is 10 acres or more. Each primary plat for a major subdivision shall connect to a public sanitary sewer system. Each primary plat for a major subdivision, or a minor plat that is to be served by a public sewer system, shall contain a certification from the entity providing such service that sanitary sewer service is available and has adequate capacity to serve the proposed subdivision.

C. Primary Review:

1. The Plat Officer shall review the primary minor or major subdivision and advise the Plan Commission or Design Committee, as the case may be, as to whether the primary meets the requirements of the Ordinance. The Plat Office shall provide the subdivider with a copy of any such report. The subdivider shall then have the opportunity to correct and issues of non-compliance.
2. On minor subdivisions, the Design Committee may proceed with primary review according to I.C. 36-7-4-701. On Major subdivisions, the Plan Commission shall conduct a public hearing on the primary plat according to its rules, and IC 36-7-4-700 et seq.
3. In making its decision, the Plan Commission, or Design Committee, as the case may be, shall issue written findings of fact detailing the reasons for approval or denial. The findings shall be given to the subdivider. The Plan Commission or Design Committee, as the case may be, may approve the primary subject to conditions of approval that are reasonable necessary to satisfy the requirements of this Ordinance.

D. If the primary plat is approved by the Plan Commission or Design Committee, the applicant shall be authorized to proceed with the preparation of the secondary plat.

E. Primary approval shall confer upon the applicant the following rights for a one (1) year period from the date of approval:

1. That the general terms and conditions under which the primary approval was granted shall not be changed.
2. That the said applicant shall submit on or before the expiration of the one-year period the whole or part or parts of said plat for secondary approval. In the event the subdivider fails to submit within the prescribed time a secondary plat, then the approval given the primary plat or the remaining portion of the primary plat shall lapse and be considered null and void.

4-6-4 Primary Plat Requirements

A primary plat shall be provided by the subdivider and consist of the following:

A. **Soil Survey Map** (Information shall be obtained from or be prepared by the Natural Resources Conservation Service, a.k.a. the NRCS) showing:

1. Identification of all soil types located within the boundaries of the plat along with descriptions of soil characteristics as named in the nation-wide classification system.

B. **Drainage Map showing:**

1. The topographical layout of the property and/or any subsurface drainage, open ditches, or located tiles.

C. **Location Map** (Which may be prepared by indicating the following data on available maps) showing:

1. Boundary line of the proposed subdivision indicated by a solid heavy line and the total approximate acreage involved.
2. Subdivision name and location, specifying U.S. survey and township lines, county, and state.
3. Any and all thoroughfares related to the subdivision.

4. Title, scale north arrow, and date.
- D. Primary Plat showing:
1. Name of the subdivision and location.
 2. Names and addresses of the owner, subdivider, and the registered land surveyor who prepared the plat.
 3. Streets, easements, and public rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including roadway widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips, and other pertinent data.
 4. All lot lines adjacent to and abutting the subdivision, showing the subdivision or the developer's name or some other means of identification.
 5. Layout of lots, showing approximate dimensions and numbers.
 6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
 7. Easements and public right-of-ways, existing and proposed, showing locations, widths, and purposes.
 8. Building setback or front yard lines and dimensions meeting the requirements of the Adams County Road Setback Resolution.
 9. Location and size of nearest water main, sewer outlet, and other pertinent utilities, if applicable.
 10. Location, type, and minimum size of utilities, if any, to be installed.
 11. In instances where the subdivider plans to construct a common sewage treatment facility or a common water supply system, or both, the subdivider shall submit evidence to the Plan Commission that said preliminary plans have been submitted to the Indiana Department of Environmental Management for their action.
 12. If the developer intends to install the improvements prior to the secondary approval of the plat of any portion of this primary plat, he shall submit the improvement plans and specifications as specified in Chapter 9 of this article along with the primary plat.
 13. Tract boundary lines showing dimensions, bearings, angles, and references to known land lines.
 14. Contours at vertical intervals of not more than five (5) feet where the slope is greater than ten (10) percent and not more than two (2) feet where the slope is less than ten (10) percent. Elevations shall be marked on such contours based on a datum plain approved by the County Surveyor, or on sea level datum.
 15. Location of existing structures within and immediately adjacent to the plat.
 16. Two (2) copies of the primary outline of the deed restrictions and covenants that would be placed upon the subdivision.
 17. Landscaping plans and proposed limits on the location and intensity of signs, advertising, and off-street parking should be included in the case of a proposed subdivision for industrial or commercial use.

18. Scale, north arrow, and date. The primary plat of the subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch; provided, however, that if the resulting drawing would be over thirty-six (36) inches in the shortest dimension, a scale as recommended by the Plan Commission may be used.
19. Such other data as the Plan Commission may by rule require. Any such rule shall be adopted by Plan Commission resolution only after a public hearing.

Chapter 7 – Plat Procedures, Secondary Plat

4-7-1 Filing of Secondary Plat

Pursuant to I.C. 36-7-4-710, the Plan Commission delegates to the Design Committee the secondary approval of minor subdivisions, or to staff, as the Design Committee may direct. Otherwise, a subdivider desiring secondary plat approval shall submit the plat in the following procedure:

- A. The secondary plat shall be submitted to the Plan Commission for secondary approval by the applicable filing deadline established by the Plan Commission by rule no later than fourteen (14) days prior to the Plan Commission meeting at which secondary consideration is desired. The submission shall include the plans and specifications for the required improvements as set forth in Section 4-7-2. All documents shall bear the approving signature of the County Surveyor, and/or appointed officials, and the transmittal to the Plan Commission and the Commissioners shall include a letter from the County Surveyor and/or appointed officials, describing such approval and setting forth an estimate to cover the cost of the proposed improvements for performance guarantee purposes.
- B. Upon review by the Plan Commission, the secondary plat shall be forwarded to the County Auditor for submission to the Commissioners with all recommendations from the Plan Commission attached. If the plat is given secondary approval by the Plan Commission, in a form acceptable for recording, the plat shall bear, on the face of the plat the signatures of either the President or Vice President or the Executive Secretary (Director) of the Plan Commission along with the official seal of the Plan Commission, certifying secondary approval.
- C. In the event of disapproval, the Plan Commission shall set out in the Plan Commission minutes, and attach to a copy of the plat, the reasons for and specify the aspects of non-conformance with existing ordinances and notify the subdivider of the same no later than ten (10) days following the date of the hearing. No plat shall be forwarded to the Commissioners until it has been approved by the Plan Commission.
- D. In instances where the subdivider proposes to construct a common sewage treatment facility or a common water supply system, or both, the Plan Commission shall not give secondary plat approval until: (1) the Indiana Dept. of Environmental Management gives approval to the final engineering and construction plans for the facility; (2) the Public Service Commission, in the instance where a common sewage treatment facility is to be constructed, has granted the subdivider or the appropriate corporation a certificate of territorial jurisdiction. Furthermore, where the subdivider proposes to construct a common sewage treatment facility and/or a common water supply system, the Plat Officer, upon receipt of the construction plans required in Section 4-5-2, of this ordinance, shall immediately deliver one (1) copy of each of these plans to the County Health Officer.
- E. In the event secondary Approval is denied, because of the interpretation of data supplied by the United States Dept. of Agriculture Soil Conservation Service or because of the recommendation of the Indiana Dept. of Environmental Management, the subdivider may request in writing another hearing at which he shall provide additional evidence attesting to the adequacy of said plat, said hearing shall be scheduled no later than sixty-two (62) days after the hearing at which the original secondary plat was denied. Part of the said additional evidence shall be in the form of a certification from a Professional Civil Engineer and/or Land Surveyor registered in the State of Indiana, obtained at the subdivider's costs, stating in effect that he, the engineer, has performed the tests and/or surveys,

in the presence of a representative of, or in a manner meeting the approval of the body whose recommendations caused disapproval, necessary to determine that in the engineer's opinion the area in question will provide adequate public health, safety, convenience, and general welfare of present or future owners of any lots, parcels, or tracts of the subdivision providing that all improvements are installed according to the drawings submitted with the original secondary plat.

- F. The approval of the secondary plat improvements design by the Commissioners shall be indicated on the original tracing of the plat, to be filed for record, by the affixing of the signatures of the Commissioners; in the event of disapproval, the Commissioners shall set out and attach to a copy of the plat the reasons for and specify the aspects of non-conformance with existing ordinances and notify the subdivider of the same. A copy of the plat showing the Commissioners' action shall be filed in the office of the Plan Commission.
- G. The approved secondary plat shall be returned to the County Auditor to be held until such time as the subdivider has:
 - 1. Posted the performance guarantee as set forth in Section 4-7-4.
 - 2. Presented to the County Auditor a statement signed by the County Surveyor, County Highway Supervisor, or Engineer, or authorized official stating that all utilities, facilities and improvements have been installed in accordance with all requirements and provisions of this ordinance, or
 - 3. Presented to the County Auditor proof of deposit of funds with an approved lender, such as the Veterans Administration or Federal Housing Authority in an amount to guarantee installation and completion of said improvements, or
 - 4. Presented to the County Auditor proof of the execution of contracts with contractors, acceptable to the Board, providing for the construction and completion of the improvements, as prescribed by this or any other State or Federal laws, within a reasonable time from date thereof, said completion date shall be specified on the contracts.
 - 5. Upon the compliance of the above requirements, the County Auditor shall release to the subdivider or his agent the approved secondary plat.

4-7-2 **Secondary Plat Requirements**

The secondary plat shall be provided by the subdivider and shall meet the following specifications.

- A. The secondary plat may include all or only a part of the primary plat which has received approval. (A portion of the primary plat shall be filed as a secondary plat not later than one (1) year after approval of the primary plat, otherwise such approval shall be void.)
- B. The original drawing of the secondary plat shall be drawn on any medium allowing it to be recorded and reproduced, and otherwise in such form and numbers as required by the Plat Officer.
- C. All elevations shall be referenced to the established datum, and the said reference shall be clearly stated on any plans or drawings showing such data, providing benchmarks are located within a reasonable distance.
- D. All dimensions shall be shown in feet and decimals of a foot.
- E. The following basic information shall be shown; all surveys for a secondary plat shall be made under the active and personal direction of a land surveyor, registered in the State of Indiana.

1. Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing within the closure error tolerance as stated in 865, IAC 12-1 et seq. One (1) copy of the traverse calculations determining such closure shall be submitted with the secondary plat. Coordinates shall be established for all property corners.
2. Accurate distances and directions to the nearest established street corner of official monuments. Reference corners shall be accurately described on the secondary plat.
3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract, shown by heavy solid lines.
4. Accurate metes and bounds description of the boundary and the included area to be the nearest one hundredth of an acre.
5. Public right-of-way line of streets, easements and other rights-of-way, and property lines of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of curvature and tangency, and central angles.
6. Name and right-of-way width for each street and other rights-of-way.
7. Location, dimensions, and purposes of any easement shown by light, dashed lines.
8. Number or letter to identify each lot or site.
9. Purpose for which sites, other than residential lots, are dedicated or reserved.
10. Building setback or front yard lines showing all dimensions.
11. Floor elevation and location of each proposed building when in danger of inundation, subject to approval on recommendation of Indiana Department of Natural Resources.
12. Location, type, material, and sizes of all monuments and lot markers, including elevations related to mean sea level as established by the United States Geological Survey.
13. Names of owners and mortgagees accepting said plat, with record owner or owners personally signing the plat, and all plans or drawings providing for the installation of the improvements.
14. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number, shown by medium dashed lines.
15. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
16. Title, north arrow, scale, and date.
17. Certification by a land surveyor with registration numbers and seal affixed to all documents of the secondary plat.
18. Certification by the registered land surveyor stating that all lots conform to the requirements of the zoning district in which it is located.
19. Certificate of dedication of all public streets and areas.
20. Certificate for approval by the County Surveyor.

21. Certificate for secondary approval by the Plan Commission.
22. Certificate for approval by the Board of County Commissioners.
23. Certificate for approval by the Adams County Board of Health.
24. Such other data as the Plan Commission may by rule require. Any such rule shall be adopted by Plan Commission Resolution only after a public hearing.

4-7-3 Secondary Plat Improvement Plans and Specifications

The secondary plat submission to the Plan Commission shall be accompanied by the plans and specifications for the improvements required under Article II. The plans and profiles of all streets, storm and sanitary sewers, water lines, and drainage structures, together with their drainage area, shall be prepared on standard plan and profile sheets and shall bear the seal and signature of the registered professional engineer and/or registered land surveyor responsible for their preparation. A cross section of the proposed streets shall be included showing the widths of roadways, location and width of sidewalks, and the location of underground utilities. The plans shall show the lines of all proposed sidewalks and the locations of all proposed streetlights. The plans, cross sections, and specifications for the proposed improvements shall be submitted to and approved by the County Surveyor, and/or appointed officials, prior to submission to the Plan Commission with the secondary plat. Four (4) black or blue line prints of the approved documents shall be included with the secondary plat submission along with one (1) digital print of the secondary plat. After the completion of the construction of the improvements, a set of prints showing the as-built details and changes, if any, shall be filed with the Plat Officer, or appointed official.

4-7-4 Secondary Plat Performance Guarantees

A performance guarantee shall be required from the subdivider in the amount of the estimate approved by the County Surveyor, or appointed official, for the cost of the proposed improvements. The performance guarantee shall run to the County and be with good and sufficient surety satisfactory to the Commissioners and as approved by the County Attorney, conditioned upon the installation of the required improvements within two (2) years after the approval of the secondary plat. Filing of the actual bond or other security shall not be required until after the secondary plat approval, provided that sufficient information concerning the form of guarantee to be used shall be submitted with the secondary plat documents to provide ample surety to permit the approval of the Plan Commission and the Commissioners. A certificate indicating that the Commissioners has received said performance guarantee shall be forwarded to the Plan Commission for their record. In no case shall a certificate of occupancy be issued if the required streets and utilities are not in place to serve the affected lot.

4-7-5 Alternative Procedure in lieu of Secondary Plat Performance Guarantees

As an alternative procedure in lieu of performance guarantees, the developer of a subdivision may develop a subdivision as presented at the primary plat approval stage in phases of lesser size to enable the developer to construct on-site water, sewer, streets and other improvements required by this ordinance in phases that match the phase being sought for secondary approval and place said improvements upon the real estate prior to requesting secondary plat approval for that phase. The number and size of lots to be encompassed with any phase shall be at the option of the developer subject to Plan Commission approval and it is contemplated that all improvements required for that phase shall be installed and located upon the real estate affected by that phase prior to the granting of secondary plat approval after which time the plat for that phase may be recorded and transfers of title may be sought subject to the recording of said secondary plat. In no case shall a certificate of occupancy be issued if the required streets and utilities are not installed to serve the effected lot being sold.

Design Standards and Improvement Regulations

Chapter 8: Minimum Design Standards

- 4-8-1 The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof which has not been officially recorded in the Office of the Recorder of Adams County, Indiana, on or before the effective date of this ordinance.

The design standards will encourage good development patterns and particularly the principles and standards which are generally exhibited on a map or maps developed and maintained by the Plat Officer in consultation with the Adams County Highway Department. All proposed arterial thoroughfare locations as shown on such maps are recommendations only and shall not be used in determining the acceptability of a proposed subdivision. Every subdivision designed shall be in harmony with all applicable sections of the current zoning ordinance for Adams County, Indiana.

4-8-2 Streets

- A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision. Street jogs of less than one hundred twenty-five (125) feet shall be avoided. Cul-de-sacs shall not exceed five hundred (500) feet in length, unless necessitated by prevailing conditions which create undue hardship, said hardship to be determined by the Plan Commission upon adequate showing by the subdivider.
- B. Local streets shall be designed so as to discourage through traffic.
- C. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- D. Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- E. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley shall be platted to the width herein prescribed within the proposed subdivision, unless the Plan Commission finds it unnecessary.
- F. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the Board under conditions approved by the Plan Commission.
- G. Widths of street rights-of-way shall conform to the widths specified by the Adams County Highway Department, attached hereto and made a part of this article. These widths may be increased or decreased or varied in usual circumstances by the Plan Commission and the County Surveyor or appointed official.
- H. Half streets shall not be permitted.
- I. No dead end street shall be permitted where the same is in conflict with the Master Plan. Temporary dead end streets will be permitted where the approved primary plat shows that the street will be extended to conform to the provisions of this article and/or to provide access to adjacent property where deemed necessary by the Plan Commission to provide for adequate flow of future traffic, provided the length of said dead end shall be not greater than two hundred fifty (250) feet. A circular right-of-way in excess of the required street right-of-way at the termination of a dead end street shall not be required.

- J. Subdivisions that adjoin or include existing streets that do not conform to the required widths shall dedicate the adequate width along either side or both sides of said street so said street shall be in conformity with all provisions of this ordinance.
- K. Streets shall be laid out so as to intersect as nearly at the right angles as possible.
- L. If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc of the intersection of the property lines shall be as deemed advisable by the Plan Commission.
- M. At the intersection of two streets, the property line corners shall be rounded by arcs with radii of not less than twenty (20) feet or radius of such arcs.
 - 1. When one (1) or more of the streets involved in an intersection is a limited access street, highway, thoroughfare, boulevard, or parkway, the foregoing minimum standards may be increased by the Plan Commission.
- N. At the intersection of a street with an alley, the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet or radius of such arcs.
- O. Intersection of more than two (2) streets at one point shall be avoided.
- P. Where parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in the design of such parkways or streets.
- Q. Whenever the subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "limited access highway" by the appropriate highway authorities, provision shall be made for a marginal access street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
- R. Horizontal visibility on curved streets and vertical visibility on all streets shall be maintained along the center lines as specified by the Adams County Highway Department.
- S. Horizontal curvature measured along the center line shall have a minimum radius as specified by the Adams County Highway Department.
- T. All changes in grade shall be connected by vertical curves of sufficient radii to provide smooth transitions and required sight distances.
- U. Between reversed curves on all streets, there shall be a minimum tangent as specified by the Adams County Highway Department.
- V. Maximum grades for streets shall be as specified by the Adams County Highway Department.
- W. The minimum grade of any street gutter shall not be less than twenty-five hundredths of one percent (0.25%).
- X. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the name of an existing street within the County; unless a proposed street is an extension of or in alignment with existing streets, in which case the duplication shall be mandatory. In no instance shall any street name include the word North, South, East, or West unless it denotes that geographical direction.
- Y. Alleys shall be discouraged in residential areas but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes; and, where platted, shall be at least twenty (20) feet in width.

- Z. Dead end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Plan Commission.

4-8-3 **Blocks**

- A. Blocks shall not normally exceed one thousand three hundred twenty (1,320) feet in length, unless unusual circumstances justify greater length.
- B. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, major street, or railroad right-of-way.
- C. No other specific rule is made concerning the shape of blocks, but blocks shall fit easily into the overall plan of the subdivision, and their design must evidence consideration of lot planning, traffic, flow, and public areas.
- D. Within blocks of over seven hundred (700) feet in length, the Plan Commission may require, at or near the middle of the block, a public walk connecting adjacent streets or other public areas, shopping centers, etc. Width of right-of-way for such walks shall be at least ten (10) feet and shall be intended for the use of pedestrians only.

4-8-4 **Lots**

- A. All lots shall abut on a street which is accessible to an established public street already in use.
- B. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots shall be avoided.
- C. Double frontage lots shall not be platted, except that where desired among primary or secondary streets, lots may face on an interior street and back on such thoroughfare. In that event, a planting strip, or a planting screen, at least twenty (20) feet in width shall be provided along the rear of the lot, and the design shall be such that access to those lots shall be only from an interior street.
- D. Lot dimensions, areas, and building setback lines shall conform to and be not less than the minimum specified by the County of Adams, Indiana, zoning ordinance, as now or hereafter amended, for the district in which the lot is located; except where a main water supply system or a sanitary system is not available, and the lot area necessary to adequately provide for the efficient operation of a private water supply and/or sewage disposal system on the lot, would be greater, to be in accord with the Adams County Board of Health and/or the Indiana Dept. of Environmental Management, then their area recommendation shall become the minimum lot area.
- E. Wherever possible, a unit shopping center, based on sound development standards, should be designed in contrast to the platting of lots for individual commercial use.
- F. Corner residential lots should be wider than normal to permit appropriate setbacks from both streets. Interior residential lots abutting a corner lot should be wider than the average interior lot in order to permit a wider side yard adjacent to the corner lot.
- G. Residential lots fronting on arterial, primary, or secondary streets shall have extra depth to permit deeper building setbacks from such traffic arteries, as specified by the zoning ordinance.

4-8-5 **Utility Easements**

- A. Where alleys are not provided, easements for utilities shall be provided. Such easements shall have a minimum width of fifteen (15) feet, and where located along interior lot lines, one-half the width

should be taken from each lot. Before determining the location of easements, the plan shall be discussed with the local utility companies to assure the proper placing for the installation of services.

- B. Whenever a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a drainage right-of-way which shall be for the purpose of widening, improving, or protecting the stream at the subdivider's expense. To insure proper drainage right-of-way width, the following requirements shall be incorporated in the plat.
1. In order to protect stream banks and/or located tile and allow for maintenance, an easement of seventy-five (75) feet or more, as may be required by the County Surveyor, measured from the normal high bank on each bank of any ditch or creek, or centerline line of located tile shall be provided.
 2. In order to protect riverbanks and allow for maintenance, an easement of seventy-five (75) feet (or more as may be required by the County Surveyor), measured from the normal high bank on each bank of any river shall be provided.
 - f. In order to allow for the creation of a new channel or drainage way, relocation of an existing channel, an easement of one hundred (100) feet (or more as may be required by the County Surveyor), measured from the normal high bank on both sides of said proposed channel shall be provided.
 - g. The width of the drainage rights-of-way shall be adequate for any necessary channel relocations and straightenings and to determine adequacy, the drainage right-of-way shall be reviewed by the County Drainage Board. The drainage right-of-way shall relate as closely as possible to the requirements of the Master Plan. Parallel streets or parkways may be required in connection therewith.
- C. A guy line easement of sufficient width and length, as determined by the utility company, shall be provided. Said easement length shall be measured from the apex of the deflection angle.

4-8-6 **Ingress/Egress Easements**

Where an easement is desired or necessary to serve a property not adjacent to a public road, the width of said ingress/egress easement or the deeded portion of the lot which serves as ingress and egress to said parcel shall be a minimum of thirty (30) feet in width if the same services one Lot. In the case of ingress/egress ways serving more than one lot the minimum width shall be sixty (60) feet.

4-8-7 **Public Use Areas**

Where sites for parks, schools, playgrounds, or other public use areas, as shown in the Master Plan, or recreational space as required by Article 2, Chapter 11.5 are located within the subdivision area, the Plan Commission shall require that such areas be so designated on the secondary plat. (See Article 2, Chapter 11.5)

4-8-8 **Topography, Natural Vegetation, and Flooding**

1. In the subdividing of any land within the jurisdiction, due regard shall be shown for all natural features, such as tree growth, watercourses, or other similar elements which, if preserved, would add attractiveness to the proposed development.
2. The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.
3. Floor elevations of all buildings shall be carefully studied in relation to existing twelve (12) inch and larger caliper trees, and other pertinent site features.

4. Consideration shall be given to varying the setback line required in the zoning district where the subdivision is proposed in order to retain wherever possible existing topography, rock formations, and large trees. Consideration shall be given only after the Board of Zoning Appeals has granted a building line variance for the affected subdivision.
5. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, or similar circumstances, the Plan Commission shall consider withholding approval of such lots.
6. The Plat Officer shall review all proposed subdivisions to determine whether the subdivision lies in a flood prone area as defined in Article 3 of this Ordinance. If the Plat Officer finds the subdivision to be so located, the Plan Commission shall forward pertinent plans and materials to Indiana Department of Natural Resources for review and comment. The Plat Officer or Plan Commission may require appropriate changes and modifications to the subdivision proposal in order to comply with the requirements of Article 3.
7. All subdivision plats containing lands identified elsewhere by ordinance as flood prone areas shall have the elevation of the 100-year flood listed thereon.

Chapter 9: Improvement Regulations

4-9-1 General

Utility and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following sections.

4-9-2 Streets, Street Lighting, and Signs

- A. Streets shall be completed in accordance with the plans, profiles, specifications and cross sections prepared for the subdivider by a professional civil engineer and/or registered land surveyor duly registered in the State of Indiana and as approved by the County Highway Supervisor or Highway Engineer, or appointed officials. In no event shall any street plan be approved unless the entire improvement width is proposed to be installed within the proposed subdivision.
 1. The streets shall be surfaced to a minimum width according to the type of street, as specified by the Adams County Highway Department.
 2. Curb and gutter shall not be permitted to be installed along the edges of streets having a total improvement width of less than twenty-seven (27) feet, except in the case of marginal access streets. However, curb and gutters shall be installed in conformity with specification provided by the Adams County Highway Department.
 3. The streets shall be graded, surfaced, and improved to the dimensions required by the cross sections, and the work shall be performed in the manner prescribed in the current edition of the Indiana Department of Transportation Specifications. Streets shall comply with the minimum standards specified by the Indiana Department of Transportation or by the Adams County Highway Department according to the respective jurisdictions of those departments. Grading for street improvements shall not create soil slopes exceeding a vertical rise of one (1) foot for each two (2) feet of horizontal distance unless retaining walls are to be provided.
 4. The street surface shall be of concrete or a flexible pavement and shall be constructed in accordance with design characteristics at least equal to those specified by the Adams County Highway Department.
 5. Prior to the construction of street or alley pavements, adequate surface and subsurface (if required) drainage shall be installed by the subdivider. Pipe used for drainage purposes shall be

of a treated corrugated metal, reinforced concrete, or extra strength vitrified clay or an approved design, size, and strength to meet the requirements of the specific conditions which may be encountered. Minimum diameters of pipe to be used shall meet the requirements of the specific conditions which may be encountered, and shall be approved by the County Highway Supervisor or Engineer, or appointed official.

6. All construction shall be completed in accordance with the specific conditions in the agreement for improvements and the accepted plans and specifications, and in a manner acceptable to the authorities having jurisdiction. When changes from the accepted plans and specifications become necessary during construction, written approval from the authorities having jurisdiction shall be secured prior to the execution of such changes and four (4) copies of the approved revised drawings shall be submitted to the Plat Officer for distribution.
 7. Adequate provision shall be made for the continuous maintenance of all street improvements by dedication to and acceptance by the Board of Commissioners as provided in Sections 4-7-4 and 4-11-2 of this article.
- B. Provisions for easements shall be made by the subdivider for the future lighting of public streets within the subdivision in accordance with the standards and requirements of the County and the electric utility.
- C. Appropriate metallic street signs and guide and regulatory signs with reflectorized lettering mounted on metallic posts and as specified by the County shall be installed by the subdivider at all street intersections on diagonally opposite corners so that they will be on the far right-hand side of the intersection for traffic on the more important streets. Signs indicating both streets shall be erected at each location mounted as close to the corner as practical, facing traffic on the cross street, with the nearest portion of each sign not less than one (1) foot nor more than ten (10) feet back from the curb line.

Before the secondary plat is approved, the subdivider shall submit to the Plan Commission a statement from the local postmaster approving the names of the proposed streets and of the proposed systems of postal address along such streets.

4-9-3 **Curbs and Gutters**

- A. Concrete curb and gutter shall be provided along the outside edge of all street pavements in subdivisions where the density of development is 1.5 lots per gross acre or greater.
- B. Curbs and gutters, if necessary, shall be installed by the subdivider in compliance with the approved plans, profiles and cross sections. They shall be constructed of concrete, and they shall be at least twenty-four (24) inches wide and not less than six (6) inches thick where the curb abuts the street pavement.
- C. Curbs and gutters shall be constructed in conjunction with the street pavements on all streets where parking is to be permitted.
- D. Curb construction for concrete pavements shall be integral. Roll-type curbs shall be permitted where the distance between the back of the curb and the nearest sidewalk is at least three (3) feet on residential and feeder streets.
- E. All plans for the installation of the curb and gutter shall conform to all applicable sections of this article and shall be approved by the County Highway Supervisor or Highway Engineer, the Plan Commission, and the Board of Commissioners prior to the installation.

4-9-4 Sidewalks

- A. Sidewalks on each side of a street shall be provided within a subdivision when the major subdivision averages two (2) lots or more per gross acre. Sidewalks on both sides of the street shall be provided within a major subdivision when the subdivision averages less than two (2) lots per gross acre, provided, however, the Plan Commission may waive the above requirements in those subdivisions with less than two (2) lots per gross acre and only upon showing by the developer that the sidewalks will serve no specific purpose of future need. Sidewalks shall be of cement concrete with a minimum thickness of four (4) inches with 6 x 6 #10 wire mesh or 3/8" metal reinforcement rod 18" on center both ways on a four (4) foot, and the edge of walks adjacent to the property line of the street shall be placed at least one (1) foot from the property line within the street right-of-way.
- B. Crosswalks within the blocks shall be improved with a four (4) foot walk of either concrete four (4) inches thick on four (4) inch compacted aggregate base. The base should be extended beyond sidewalk on either side to a distance equal to depth of base.
- C. If for any reason sidewalks are not provided, the street grade shall be completed so that the minimum amount of additional grading would be necessary for any future provisions of sidewalks.

4-9-5 Sewage Disposal

The developer shall install or cause to be installed a system for the disposal of sanitary sewage in the subdivision by one of the following means:

- A. **Public System**

A complete sanitary sewer system which shall convey the sewage into an established municipal or other public agency sanitary sewage disposal and treatment system, at a point and in a manner approved in writing by the municipal or other public agency involved. The plans for the complete installation of the sewage system showing all locations, material, size, profiles, and any connections thereto shall be prepared by a registered engineer and/or registered land surveyor at the expense of the subdivider or developer and shall be approved by and meet the requirements of the affected municipal or other public agency and the County Board of Health and Indiana Dept. of Environmental Management.
- B. **Private or Quasi-Public System**
 - 1. A complete sanitary sewage system to convey the sewage to a treatment plant provided by the developers or others in accordance with the requirements of the County Board of Health or the Indiana Dept. of Environmental Management.
 - 2. A complete sanitary sewer system which shall connect into the sanitary sewage disposal system of a sewage disposal company which shall hold, at the time of plat submission, a certificate of territorial authority issued by the Public Service Commission of Indiana authorizing such sewage disposal service for the area in which the subdivision is located. The plans for the complete installation of the sewer system both within the subdivision and any off-site installations serving said subdivision showing all locations, size, material, profiles, and capacities, shall be submitted to and approved by the County Board of Health and/or the Indiana Dept. of Environmental Management.
 - 3. If the developer submits proper evidence to the County Health Department that neither of the above forms of sewage disposal and treatment is possible or economically feasible, then the developer shall be permitted to use a private sanitary sewage disposal system on each individual lot when installed in accordance with the design standards and approval of the Adams County Board of Health.

- C. The subdivider shall furnish the Plan Commission a complete set of plans and profiles as approved by the various authorities.

4-9-6 **Water Supply**

The developer shall install or cause to be installed a water system for the subdivision by one of the following methods:

- A. **Public System**

A complete water main system which shall be connected to a public or other community water supply which is approved by the County Board of Health and/or the Indiana Dept. of Environmental Management. The plans for the complete installation showing size, location, depth, material, and all connections thereto including fire hydrants, shall meet the requirements and receive the approval of the County Board of Health and/or the Indiana Dept. of Environmental Management.

- B. **Private System**

1. A community water supply system including well, pump, and all appurtenances thereto, necessary to supply a minimum pressure of forty (40) pounds per square inch. The plans showing location, depth, size, and material of mains, valves, and connections thereto shall meet the requirements of and be approved by the Adams County Board of Health and/or the Indiana Dept. of Environmental Management; or
2. A complete water main system which shall connect into the water main system of a utility company which shall be authorized to operate within the area in which the subdivision is located and which shall be subject to the control of the Public Service Commission of Indiana. The plans for the complete installation of the water main system within the subdivision showing size, location, depth, material, and all connections thereto, including fire hydrants, shall be approved by and meet the requirements for the County Board of Health and/or the Indiana Dept. of Environmental Management.

- C. **Individual Supply**

If the developer submits proper evidence to the Adams County Health Department that neither of the above forms of water supply is possible or economically feasible, then the Adams County Health Department Board shall permit an individual water supply on each lot in the subdivision subject to compliance with all requirements and approval of the County Board of Health and/or the Indiana Dept. of Environmental Management.

- D. The subdivider shall furnish the Plan Commission a complete set of plans and profiles as approved by the various authorities.

4-9-7 **Privately Developed Facilities**

Where the subdivision is to contain sewers, sewage treatment facilities, water supply system, park areas, or other physical facilities which will not be maintained by existing public agencies, provision shall be made by trust agreement, which is a part of the deed restrictions and which is acceptable to the proper public agencies, for jurisdiction over the continuous maintenance, supervision, operation, and reconstruction of such facilities by the low owners in the subdivision. Other restrictions not inconsistent or in conflict with the provisions of this report or ordinances of the County may also be included.

4-9-8 **Storm Drainage**

- A. Adequate surface and subsurface drainage ways for the removal of storm water shall be provided by the subdivider. The extent to which storm drainage facilities shall be required shall be based upon an analysis of need prepared for the subdivider by a registered professional engineer and/or registered land surveyor. The analysis shall be based upon the HERPICC method of computing storm water runoff using the one-hour rainfall to be expected at a ten (10) year frequency. Times of concentration,

soil infiltration rates, and other variable factors to be used in the analysis shall be discussed with and approved by the County Surveyor during the preliminary consideration of the subdivision. The engineer (or his agent) preparing said analysis shall provide the County Surveyor with a copy of the computations used in the completion of the analysis.

- B. A storm water sewer system, which shall be separate and independent of the sanitary sewer system, with surface inlets, shall be provided by the subdivider in all cases where curb and gutter is to be installed and whenever the available evidence indicates that such a system is necessary due to the inadequacy of the natural surface drainage.
- C. Distance from streams or main drainage channels: Any person proposing to locate a structure or a use within one hundred (100) feet of any stream or main drainage channel in any zoning district shall include with the application for an improvement location permit and/or a certificate of occupancy, a statement from the Indiana Department of Environmental Management, based on a study of the watershed area and the probably runoff, that the structure or use in the proposed location will leave adequate space for the flow of flood water, provided, however, that no building shall be permitted within seventy-five (75) feet of the top of the bank of any stream or main drainage channel unless permitted by the Adams County Drainage Board.
- D. The subdivider shall furnish the Plan Commission a complete set of plans and profiles as approved by the various authorities.
- E. All plans and workmanship shall be in compliance with the Indiana Drainage Code, I.C. 36-9-27 and all acts supplemental and amendatory to it.

4-9-9 **Public Utilities**

- A. All utility lines for telephone and electric service, when carried on overhead poles, shall be provided for with rear and side lot line easements. Gas mains shall be located within line easements or on public rights-of-way.
- B. Where telephone and/or electric service lines are to be placed underground throughout the subdivision, the conduit or cables shall be located within easements or public rights-of-way and in a manner which is in agreement with the utility companies and in compliance with the Indiana Public Service Commission regulations. Furthermore, all transformers and terminal boxes shall be located so as not to be hazardous to the public.
- C. All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place, subject to the approval of the County Highway Supervisor and/or Engineer.

4-9-10 **Landscape Development**

All unpaved or otherwise unimproved areas within the public rights-of-way or public use areas shall be graded and seeded in an approved manner.

4-9-11 **Monuments and Markers**

- A. Permanent monuments shall be set:
 - 1. At the intersection of all lines forming angles in the boundary of the subdivision.
 - 2. At the intersection of street right-of-way lines and at the beginning and end of all curves along street right-of-way lines.

- B. Markers shall be set, unless otherwise located by a monument:
 1. At all points where lot lines intersect street right-of-way lines.
 2. At all angles in the lot property lines.
 3. At all other lot corners.
- C. Monuments placed for the plat shall be as stated in 864 IAC 1-12-18 et seq.
- D. Monuments and markers shall be provided by the subdivider and so placed that the center point shall coincide with the intersection of lines to be marked and the top level with the surface of the surrounding ground after final grading.

4-9-12 Cluster Development

In order to promote the health and general welfare of the County and to preserve and make available open space, the Plan Commission may grant a developer the right to vary the residential building density within a tract to be developed, leaving a substantial area free of building lots; the right to vary density shall, however, be subject to the following conditions:

- A. An overall plan of the entire tract showing roads, lot lines, lot areas, easements, encumbrances, and other relevant data shall be submitted in accordance with Chapters 5, 6, 7, and 8 of this Article.
- B. Overall density shall not exceed that of the zoning district in which the land occurs. The houses in the proposed subdivision shall be grouped in clusters. The minimum lot area shall be two-thirds of the minimum normally required in the zoning districts in which the land occurs. Minimum yard requirements in a cluster development shall be:

Front Yard: 10 feet

Side Yard: 8 feet (except that garages and carports upon adjacent lots may join at the property line or be grouped on land away from the individual lot)

Rear Yard 15 feet (or as otherwise determined to be in general compliance with the Adams County Zoning Ordinance)

- C. In cases where a developer has designed special groups of dwellings and garages, the Plan Commission, after inspecting plans and elevations, may grant smaller lot minimum sizes than those in Subsection B above, provided that the sanitary systems are approved by the County Board of Health and/or the Indiana Dept. of Environmental Management, or appointed official, that the overall density does not exceed that permitted within the zoning district in which the land occurs or that the layout is not detrimental to the health and general welfare of the community.
- D. The balance of the land not contained in the lots or within the road rights-of-way shall be contiguous and of such condition, size, and shape as to be usable for recreation. Such land shall be held in corporate ownership by the owners of lots within the development, and the developer shall incorporate into the deeds of all property within the development a clause giving to the owners an interest in such open land which shall be used for recreational purposes only. (No structure except those incidental to the recreational use shall be permitted thereon.)

Open land shall be a minimum of one and one-half (1/2) acres (and shall be subject to taxation). In the case of such tracts of three (3) or more acres, the developer may petition the County to maintain the land to be used as open space.

4-9-13 Recreative Space Requirements

The provision of Article 2, Chapter 11.5 are hereby incorporated herein and shall be deemed an additional requirement of each affected subdivision.

Chapter 10: Administration

4-10-1 Five (5) offices of the government of the County of Adams are concerned with the administration of this article. For purposes of clarity, these offices along with their pertinent functions are described in this chapter.

4-10-2 Plan Commission

The Adams County Plan Commission shall:

- A. Enforce the provisions of this article in the manner and form and with the powers provided in the laws of the State of Indiana.
- B. Review the primary, secondary, and minor plat applications and respective modifications.
- C. Appoint a Plat Officer.
 - 1. The Plat Officer shall:
 - a. Maintain permanent and current records of this article including amendments hereto.
 - b. Receive and file all sketch plans, primary plats, minor plats, and secondary plats (together with applications).
 - c. Forward copies of the primary plat, the minor plat, and the secondary plat to other appropriate agencies for their recommendations and reports.
 - d. Assimilate all comments, recommendations, and reviews from the applicable County officials and make a recommendation for action to the Plan Commission on every subdivision plan or plat which the Plan Commission is to consider. The recommendations will either be for approval, disapproval, or deferral. Reasons for the recommendation shall be clearly stated.
 - e. Receive and file copies of all secondary plats and check their compliance with the primary plan.
 - f. Receive “as built” plans, as outlined in Section 4-6-3 of this article, and forward prints of such plans to the proper governmental departments.
 - g. Inspect and make recommendations concerning approval or disapproval of streets and improvements, in accordance with the provisions of this article.
 - h. Make all other determinations required of him by the regulations herein.

4-10-3 Highway Department

The Highway Supervisor or Highway Engineer shall:

- A. Review and advise the Plan Commission on the submitted drainage details in accordance with the provisions of this article and as required by applicable County ordinances;
- B. Make inspections of streets and improvements during their construction, in accordance with the provisions of this article;

- C. Inspect and make recommendations concerning approval or disapproval of streets and improvements in accordance with the provisions of this article.

4-10-4 **Surveyor's Office**

The County Surveyor shall:

- A. Check and advise the Plan Commission on all subdivision storm drainage plans, in accordance with the provisions of this article.
- B. Inspect and make recommendations concerning approval or disapproval of streets and improvements, in accordance with the provisions of this article.

4-10-5 **Health Officer**

The Health Officer or his or her authorized agent shall:

- A. Make recommendations in regard to minimum lot size in instances where sewage treatment or domestic water facilities are to be installed separately on each individual lot;
- B. Make recommendations regarding the feasibility and location of common sewage treatment or domestic water facilities in accordance with the provisions of this article.

4-10-6 **Board of County Commissioners**

The Board of County Commissioners shall:

- A. Accept subdivision performance bonds or escrow as required herein;
- B. Accept into the County Highway system streets and improvements designed and constructed in accordance with the provisions of this article.

Chapter 11: Permits and Certificates

4-11-1 **Improvement Location Permit and Certificate of Occupancy**

No Improvement Location Permit or Certificate of Occupancy shall be issued by any governing official for the construction of any building, structure, or improvement to the land or any lot within subdivision as defined herein, which has been approved for platting or replatting, until all requirements of the zoning and subdivision ordinances have been met.

4-11-2 **Suggested Certification Forms**

To entitle a secondary plat to be recorded, such certificates as required by law shall be lettered or printed on the secondary plat. This article lists certificates, some of which shall be placed on every plat, other certificates are optional and serve as a guide only.

- A. Deed of Dedication

Each secondary plat submitted to the Plan Commission for approval shall carry a deed of dedication in substantially the following form:

“We, the undersigned, _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as _____, an addition to _____. All streets, alleys, parks, and other public lands shown and now heretofore dedicated, are hereby dedicated, to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.”

Witness our hands and seals this _____ day of _____, 20____.

STATE OF INDIANA)
) SS
COUNTY OF ADAMS)

Before me, the undersigned Notary Public, in and for the said County and State, personally appeared _____, _____ and _____, and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed; for the purposes therein expressed. Witness my hand and Notarial Seal this _____ day of _____, 20____.

B. Each secondary plat submitted to the Plan Commission for approval shall carry a certificate signed by a Registered Land Surveyor in substantially the following form:

I, _____, hereby certify that I am a Registered Land Surveyor, licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on _____, that all the monuments and material are accurately shown.

(SEAL) _____

C. CERTIFICATE OF SECONDARY PLAT APPROVAL

I hereby certify that under I.C. 36-7-4-700 series, after proper publication of Public Notice and hearing, this plat was given secondary approval on _____, 20____.

Designated Official _____
Plan Commission

D. APPROVED

BOARD OF COMMISSIONERS OF
THE COUNTY OF ADAMS, INDIANA

This _____ day of _____, 20____.

E. APPROVED

COUNTY SURVEYOR OF
THE COUNTY OF ADAMS, INDIANA

This _____ day of _____, 20_____.

F. APPROVED

BOARD OF HEALTH
THE COUNTY OF ADAMS, INDIANA

This _____ day of _____, 20_____.

Chapter 12: Post-Approval Procedures

4-12-1 Inspections

During the course of construction of the improvements, the subdivider shall be required to notify the County Highway Supervisor at least twenty-four (24) hours before each of the following operations in order that the Supervisor may make required inspections:

- J. Before base material is deposited in place for inspection of all street subgrades, especially areas where backfilling was placed over subterranean construction and curb and gutter construction.
- K. Before bituminous topping is placed on the base material for inspection of the base construction.

It is essential that these inspections be made in order for the County to ascertain the quality of construction preliminary to accepting the improvements for public maintenance.

No later than five (5) days after the date of each inspection, the County Highway Supervisor shall notify the subdivider, in writing, of the results of the inspection.

4-12-2 Acceptance of Subdivision Improvements

- E. When the subdivider has completed construction of the improvements, he or she shall notify the Plat Officer by letter (in four [4] copies) of this fact and formally request a final inspection by the County Inspecting Officials. In this letter, he or she shall briefly describe all the improvements, and he or she shall enclose four (4) copies of the subdivision plan which shows these improvements as installed. No later than fourteen (14) days after the receipt of this letter by the Plat Officer, weather conditions permitting, the County Inspecting Officials shall make their inspections.
- F. Before acceptance of subdivision improvements, the Plat Officer, the County Surveyor, the County Highway Supervisor, and the County Health Officer or his or her representative shall inspect said improvements as described above and submit a report to the Board of County Commissioners on the condition of such improvements and a recommendation for their action thereon.

- G. No later than seven (7) days after the final inspection of the subdivision improvements, the subdivider shall be notified by the Plat Officer in writing of the results of the inspection.

4-12-3 Record of Plats

- A. After the enactment of this ordinance, no plat of any subdivision shall be permitted to be recorded by the Recorder of Adams County, Indiana, and no proposed plat of any subdivision shall have any validity until it is approved as prescribed by this article.
- B. The plat of any proposed subdivision shall be recorded for taxation purposes, within one year of the secondary approval date of the Adams County Plan Commission, in the office of the Recorder of Adams County, Indiana.

4-12-4 Citation to Indiana Code and Indiana Administrative Code

It is intended that citations to a section of Indiana Code (I.C.) and the Indiana Administrative Code (IAC) in this Article 4 shall be deemed to refer to any amendments, replacements, and re-codification of the sections cited to.

Article 5 : An ordinance regulating the siting of Wind Energy Conversion Systems in Adams County, Indiana

(adopted as Ordinance 2013-02)

- 5.1 Commercial Towers
- 5.2 Private Residential Towers

5-1 Chapter 1: Commercial Towers

- 1. Introduction
- 2. Definitions
- 3. Applicability
- 4. Prohibition
- 5. Application requirements
- 6. Design and installation
- 7. Setbacks
- 8. Use of public roads
- 9. Operation
- 10. Liability insurance
- 11. Decommissioning plan

5-1-1 Introduction

A. Title

This ordinance shall amend the Adams County Zoning Ordinance and be known, cited, and referred to as the Adams County Wind Energy Siting Ordinance.

B. Purpose

This ordinance is adopted for the following purposes:

- 1. To assure that any development and production of wind-generated electricity in Adams County is safe and effective;
- 2. To facilitate economic opportunities for local residents;
- 3. To provide a regulatory scheme for the construction and operation of WECS facilities in the county, subject to reasonable restrictions that will preserve the public health and safety.

5-1-2 Definitions

- A. **Wind Energy Conversion System** ("WECS") means all necessary devices that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines, including but not limited to the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower to the Substation(s), switching stations, meteorological towers, communications facilities, and other required facilities and equipment, as related to the WECS project.
- B. **Applicant** means the entity or person who submits to the county, pursuant to §5-1-5 of this Ordinance, an application for the siting of any WECS or Substation or thereafter operates or owns a WECS.
- C. **Financial Assurance** means reasonable assurance from a credit-worthy party, examples of which include a surety bond, trust instrument, cash escrow, or combinations thereof.

- D. **Operator** means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.
- E. **Owner** means the entity or entities with an equity interest in the WECS(s); including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) within one year of such event. All provisions of this Article shall be binding upon and enforceable against the owner and all successors and assigns.
- F. **Professional Engineer** means a qualified individual who is licensed as a professional engineer in any state in the united states.
- G. **Primary Structure** means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, schools, hospitals, and day care facilities. Primary structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.
- H. **Substation** means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
- I. **Switching Station** shall be an apparatus/structure in the system similar to a substation but not necessarily increasing voltage into the grid.
- J. **WECS Project** means the collection of WECSs and Substations as specified in the siting approval application pursuant to §5-1-5 of this ordinance.
- K. **WECS Tower** means the support structure to which the nacelle and rotor are attached, free standing, or guyed structure that supports a wind turbine generator.
- L. **WECS Tower Height** means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
- M. **BOCA** refers to the Building Officials and Code Administrators International.
- N. **Environmental Assessment** means a detailed examination of the potential impacts of the Applicant's proposed WECS Project on the environment, with an emphasis on avoiding, minimizing, and mitigating adverse impacts. The Environmental Assessment shall include a description and analysis of:
 1. the need for, and alternatives to, the proposed WECS Project (including a no action alternative, renewable energy alternatives, and conventional energy alternatives);
 2. the environmental consequences of the WECS Project (including impacts to wildlife, agricultural activities, biological resources, cultural resources, aesthetics, community services, housing, utility services, view sheds, neighboring landowners and residents, etc.); and
 3. the mitigation measures to be implemented to address environmental impacts that cannot be avoided

5-1-3 **Applicability**

This ordinance governs the siting of WECSs and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECSs with an aggregate generating capacity of 3MW

or less who locate the WECS(s) on their own property must obtain a Variance to this Ordinance. WECS may be sited and operated in all areas of Adams County other than areas zoned residential.

5-1-4 Prohibition

No entity shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this ordinance.

5-1-5 Application Requirements

Prior to the construction of a WECS, the applicant shall obtain approval for the following:

1. An application for a Special Use from the Adams County Board of Zoning Appeals ("BZA") to permit a WECS in any zone other than residential zoned land, as described below and in §2-4-3 of the Adams County Zoning and Land Use Ordinance (the "Zoning Ordinance"),
2. A request for Variance for any Variances anticipated on the WECS project, as described below and in §2-3-5 of the Zoning Ordinance, and
3. An Improvement Location Permit from the Adams County Building and Zoning Administrator, as described below and in §8-5-1 of the Zoning Ordinance. An applicant must make initial contact, in writing, with the Adams County Director of Building and Planning at least ninety (90) days before making application for Special Use, Variance and/or Improvement Location Permit under this article.

A. The application for a Special Use

1. The application shall be filed with the BZA and include the following items:
 - a. A WECS Project summary, including, to the extent available:
 1. A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS; the maximum height of the WECS tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and
 2. A description of the Applicant, Owner, and Operator, including their respective business structures.
 - b. The name(s), address(es), and phone number(s) of the Applicant(s), Owner, and Operator, and all property owner(s) with WECS on their properties, if known. The name, address, and phone number of each Applicant, Owner, and Operator, and of each property owner with any portion of the WECS Project proposed to be constructed on such owner's property, if known. If not known at the time of application, the application shall be supplemented when such information becomes known to Applicant.
 - c. A topographic map of the project site and the surrounding area which shall encompass an area at least a half mile radius from the proposed project site with contours of not more than two (2) foot intervals. The topographic map shall clearly detail the water shed and all Adams County legal tile and open drains.
 - d. A site plan at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower site not greater than 1 inch equals 20 feet): the proposed location of the wind energy facility (including planned locations of each WECS tower, guy lines, and anchor bases (if any); WECS access roads; Substations; electrical cabling; and ancillary equipment). In addition, the site plan shall show: Primary Structures within one half of

one mile of any WECS; property lines, including identification of adjoining properties; setback lines; public roads; location of all above-ground utility lines within a distance of two (2) times the WECS tower height of any WECS tower; recognized historic or heritage sites as noted by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources; and any wetlands based upon a delineation prepared in accordance with the applicable US Army Corps of Engineer requirements and guidelines.

- e. Location of all existing underground utility lines associated with the WECS site.
- f. An Environmental Assessment, as defined at §5-1-2.N, identifying and assessing the potential impacts of the construction and operation of the WECS Project on the environment. Prior to determining whether to approve the Application for Special Use, the BZA shall retain an independent environmental professional who shall review the Environmental Assessment and make a recommendation that the Environmental Assessment:
 - 1. Be approved as submitted;
 - 2. Be approved subject to the implementation of mitigation measures identified by the environmental professional; or
 - 3. Be disapproved.

Both the Environmental Assessment and the environmental professional's recommendation shall be made available to the public for review and comment, and shall be subject to a public hearing before the BZA. The cost of such Environmental Assessment shall be at the applicant's expense. In determining whether to approve the Application for Special Use, the BZA shall give due consideration to the impacts identified in the Environmental Assessment, the recommendations of the environmental professional, and comments and information submitted by the public

- 2. In determining whether to approve the Application for Special Use, the BZA shall determine whether the Application satisfies all of the requirements in §2-4-3 of the Zoning Ordinance, and makes written findings thereof.
- 3. The Special Use granted by the BZA for a WECS Project shall be valid for a period of one (1) year, after which the Special Use shall terminate and be of no further force or effect if construction in earnest of the approved WECS has not commenced. The applicant shall be granted a one (1) year extension to two (2) years from the date of the BZA approval if the Applicant presents its request for an extension to the BZA and provides a report to the BZA which shows the progress made on the WECS project. Thereafter, an additional extension shall be at the BZA's discretion.
- 4. The fee for the Application for a Special Use shall be payable at the time of submission of the Application. The fee shall be assessed at the rate of \$5,000.00 per MW per WECS tower, with a minimum fee of \$20,000.00 per WECS tower. The application fee shall be used to defray the costs associated with processing the application for a Special Use, including professional fees and expenses.
- 5. Annual fee. In addition to the application fee, an annual fee of five thousand dollars (\$5,000.00) per tower shall be paid to the county each year thereafter. Said annual fee shall be paid on or before February 1st of each year for the prior calendar year. The annual fee shall begin the first full month after the tower begins producing power. The first year shall be prorated based upon the number of months of operation of the tower. Any such fee not paid shall be assessed as a lien upon the tower.

B. The application for Variance

1. Contemporaneously with the Application for a Special Use, the Applicant shall submit an Application for Variance for any variances sought as part of the WECS project. A single application for Variance may be submitted for all variances sought.
2. In determining whether to approve the Application for Variance, the BZA shall determine whether the Application satisfies the requirements set forth in §2-3-5 of the Zoning Ordinance, and make written findings thereof.
3. The fee for any variances is included in the Application fee.

C. The application for Improvement Location Permit

1. The applicant shall apply to the Building Commissioner for an Improvement Location Permit, as described in §8-5-1 of the Zoning Ordinance. In addition to the information required on the Improvement Location Permit application, the applicant shall provide the following information to the Building Commissioner prior to the issuance of an Improvement Location Permit:
 - a. Location of all above-ground and under-ground utility lines within a radius equal to two (2) times the height of the proposed WECS tower.
 - b. Location of all underground utility lines associated with the WECS site.
 - c. Dimensional representation of the structural components of the tower construction including the base and footings.
 - d. Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
 - e. Manufacturer's specifications and installation and operation instructions or specific WECS design information.
 - f. Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by BOCA.
 - g. All turbines shall be new equipment commercially available. Used, experimental, or proto-type equipment still in testing shall be approved by the BZA as per the normal special exception process.
 - h. Necessary recorded access easements and necessary recorded utility easements, copies of which shall be submitted to the Adams County Building Commissioner.
 - i. No appurtenances other than those associated with the wind turbine operations shall be connected to any wind tower except with express, written permission by the BZA.
 - j. A transportation plan showing how vehicles would access the site and describing the impacts of the proposed energy project on the local and regional road system during construction and operation.
 - k. A revegetation plan for restoring areas temporarily disturbed during construction.
 - l. A fire protection plan for construction and operation of the facility.

- m. Any other item reasonably requested by the BZA.
 - n. A drainage plan for construction and operation must be developed and approved by the Adams County Drainage Board.
 - o. An erosion control plan must be developed in consultation with the Adams County Soil and Water Conservation District.
2. Each WECS tower shall require an improvement location permit. The fee for each Improvement Location Permit shall be \$2,500.00, which shall be used to defray the costs of professional services, as well as other expenses associated with the issuance of Improvement Location Permits.

5-1-6 Design and Installation

A. Design Safety Certification

1. WECSs shall conform to applicable industry standards. Applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanishcher Lloyd Wind Energy, or an equivalent third party.
2. Following the granting of siting approval under this Ordinance, a Professional Engineer shall certify, as part of the building permit application that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

B. Controls and Brakes

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. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.

C. Electrical Components

1. All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards.
2. Electrical Collection Cables all WECS electrical collection cables between each WECS shall be located underground unless they are located on public or utility rights-of-way or with prior county approval. All transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards or as negotiated with the land owner or the land owner's designate until the same reach the property line or a substation adjacent to the property line.
3. All electrical cables crossing any county legal drain or private mutual tile shall be buried at a depth of at least five (5) feet below the existing legal drain or mutual tile unless the county surveyor specifically gives written approval of a lesser depth.

D. Color

1. Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.
2. The applicant for the WECS shall comply with all applicable FAA requirements.

E. Warnings

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground.

F. Climb Prevention

All WECS tower designs must include features to deter climbing or be protected by anti-climbing devices such as:

1. Fences with locking portals at least six feet high; or
2. Anti-climbing devices 15 feet vertically from the base of the WECS tower.
3. Locked WECS tower doors.

G. Blade clearance

The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be seventy-five (75) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

H. Noise and vibration

Sound pressure levels shall be measured by engineers from the Institute of Noise Control Engineering (INCE) before and after installation of turbines to each adjacent non-participant property line. Post installation sound pressure levels shall not exceed preconstruction sound levels more than 5dB and shall not exceed 45dB to adjacent non-participant property lines. Owner/operator shall incur all costs for measurements. There shall be no conflict of interests of the testing company or testing engineer. The data is to be reported and recorded to the proper designated county authority.

I. Utility Interconnection

The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS.

J. Waste Management

All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site within forty-five (45) days of the date of receiving notice from a County representative. All HAZARDOUS WASTE generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

K. Lighting

1. Except with respect to lighting required by the FAA all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the wind farm facilities.
2. Any WECS thereof declared to be unsafe by the Adams County Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the County Ordinances governing the removal of Nuisances.

L. Ordinance Governing Shadow Flicker

WECS towers shall be designed and sited so that shadow flicker and/or blade reflection will not fall on a non-participating residence or any area designed to be occupied or inhabited by humans or confined animals. Exceptions to this standard may be made based on the following condition only if the flicker or reflection does not exceed 45 hours per year or 30 minutes per day. (special consideration shall be made for schools and churches to be designed for zero flicker during any period when the school or church is in session).

- M. All repairs, maintenance and general upkeep of WECS shall be carried out in such a way that all WECS are of the same color. All repairs and all removal of graffiti shall be completed within 45 days of the date that notice is given by a County Representative. All WECs shall be maintained in a slightly manner.
- N. The owner of the WECs shall not impede the natural flow of water from adjacent property owners nor prohibit any neighboring property owner from access to county legal drains.
- O. The applicant shall post a bond in a form acceptable to Adams County in the sum of One Million Dollars (\$1,000,000.00) for each turbine proposed to be constructed during the project. The purpose of the bond shall be to secure and guarantee the completion of the project according to the standards of this ordinance and to secure and cover any damage to county infrastructure which may be uncured. Upon completion and approval of the project by the Adams County Building Inspector and after a period of one year from the date of completion, said bond shall be released.
- P. Compliance with additional regulations:**
Nothing in this ordinance is intended to preempt other applicable state and federal laws and regulations.

5-1-7 Setbacks

- A. No WECs shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the county.
- B. The minimum setback distance for turbines of 1.0MW or more from a residence, church, business or school shall be 600 feet or 1.5 times the height of the tower (measuring from the base of the tower to the top of the blade at its highest point), whichever is greater. All distances shall be measured from the center of the foundation at the base of the tower. There shall be no Variance from or permit granted for the placement of a turbine from a residence of less than 600 feet or 1.5 times the height of the tower as above determined. In addition to the minimum setback requirement of 600 feet from all residences, the applicant for a wind turbine shall also obtain the written approval for the construction and placement of a turbine from the owners of all real estate located within a distance of one quarter (1/4) mile or one thousand three hundred twenty (1,320) feet from the base of the wind turbine tower. Such written approval must be presented to the board at the hearing on application for Variance. Further, in the event that a wind turbine manufacturer has established guidelines or standards for a safe distance from its wind turbine, then that manufacturer's wind turbine shall not be placed closer to a residence, school, business or church than the wind turbine manufacturer's recommended safety distance. However, under no circumstance shall a wind turbine tower be located closer than 600 feet or 1.5 times the height of the tower, whichever is greater.
- C. The setback distance for the WECS will be 1500 feet from any platted community under the zoning jurisdiction of a municipality. Distance shall be measured from the center of the foundation at the base of the WECS to the closest Corporate Limit boundary line.
- D. The setback distance for a substation or switching station shall be six hundred (600) feet from any occupied residence, church, business, or school. Said setback shall be measured from the fence surrounding the substation or switching station. There may be a Variance from this setback

requirement with both the written authorization of the owner(s) of the residence and the approval of the Board.

5-1-8 Use of Roads/Services

An applicant, owner, or operator proposing to use any county road(s), for the purpose of transporting WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or substation(s), shall prior to construction:

A. Enter into a Transportation Agreement

The Applicant / Developer shall enter into a transportation agreement with the commissioners or Adams County, the Superintendent of the Adams County Highway Department and the Adams County Surveyor, which transportation agreement will separately address and provide for:

1. Which roads may be used by the Developer and its contractors;
2. A timeline for when all repairs must be complete;
3. Permits;
4. Overhead crossings;
5. Installation requirements for transmission line poles;
6. Financial assurance;
7. Road repairs during construction;
8. Driveways;
9. Road improvements;
10. Local traffic coordination;
11. Global positioning system (GPS) to map the routes and locations of all heavy equipment;
12. Identification of pre-construction road conditions;
13. Liability

B. Identify all such public roads, public bridges, county legal tiles, private tiles, culverts, ditches, and all other county services;

1. Roads and roadways

- a. Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Adams County Highway Supervisor. The supervisor shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
- b. Any road damage caused by the construction of the WECS Project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the Adams County Highway Supervisor. The supervisor shall choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a Professional Engineer may be required by the supervisor to insure the county that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant. Newly constructed WECS access roads may not impede the flow of water.
- c. Any damages to witness posts, perpetual corner stones, and any other surveying markers shall be replaced by the applicant to the specifications of the Adams County Surveyor or his designee, or in the alternative shall reimburse Adams County for the cost of time and materials in repairing any such damages.
- d. Any damages to tiles up to 20 feet on either side of the area traversed by any heavy equipment shall be repaired by or at applicant's cost.

2. **Dust control**
Reasonable dust control measures will be required by the county during construction of the WECS.
3. **Sewer and Water**
Any facility shall comply with existing septic and well regulation as required by the Adams County Health Department and the State of Indiana Department of Public Health.
4. **Drainage Repair**
All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the WECS, must be completely repaired to near original condition, and so as not to impede the natural flow of water. All repairs must be completed within a reasonable amount of time and be approved by the Adams County Surveyor. Reasonable time is defined as 30 days from the date any such damage occurs or is discovered, or as dictated by the Adams County Project Coordinator.

5-1-9 Operation

A. Maintenance / Inspection

1. The Owner or Operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual summary, the Owner or Operator must furnish such operation and maintenance reports as the County reasonably requests.
2. Any physical modification to the 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 modification (other than a like-kind replacement), the owner or operator shall confer with the Building Commissioner to determine whether the physical modification requires re-certification.
3. The Adams County Building Commissioner staff, along with licensed 3rd party professionals retained by the County for the specific purpose of conducting inspections of the WECs shall have the right, at any reasonable time and with sufficient prior notice, to accompany the owner or operator, or his agent, on the premises where a WECs has been constructed, to inspect all parts of said WECs installation and to require that repairs or alterations be made. The owner or operator of a WECs may retain a licensed 3rd party professional engineer familiar with WECS systems to prepare and submit to the Adams County Building Commissioner staff a written report which addresses the repairs or alterations requested, and which suggests alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary, within fifteen (15) days after receiving notice from the Adams County Building Commissioner staff that repairs or alterations are requested, or within a longer period of time mutually acceptable to both parties. The Adams County Building Commissioner staff will consider any such written report and determine whether the repairs or alterations should be made as originally requested or as suggested in the written report. In the event of a dispute between the Adams County Building Commissioner staff and the owner or operator, or a 3rd party professional engineer retained by them, as to the repairs or alterations which are required, the decision of the Building Commissioner shall be final.
4. Inspections, at a fee to be determined from time to time by the Adams County Plan Commission and paid by the applicant, may be made by the Adams County Building Commissioner, or by a qualified inspector for equipment of this type selected by the Adams County Building Commissioner, no more than once annually to certify the safety and maintenance of the WECS and accessory structures.

B. Interference

The WECS Project and each WECS Tower shall be designed, sited, and operated so that they do not interfere with emergency communications, or with television, telephone, microwave, satellite, navigational, internet, or radio reception. The owner and operator shall be jointly and severally responsible for the full cost of any remediation necessary to provide equivalent alternate service or correct any problems, including relocation or removal of any WECS tower and associated facilities. The owner/operator shall respond within five business days to any request for communications or signal interference investigation by any emergency agency or by any landowner or resident located within a two-mile radius of a WECS tower. Testing for interference shall commence within ten business days of the request. The owner/operator shall be responsible for eliminating the interference, or providing equivalent alternate service, within ten business days from a determination that the interference is attributable to the operation of the WECS tower or associated facilities.

C. Coordination with Local Fire Department

1. The Applicant, Owner, or Operator shall submit to the local fire department a copy of the site plan.
2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. Materials Handling, Storage, and Disposal

1. All solid wastes related to the construction, operation, and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
2. All hazardous materials or waste related to the construction, operation, and maintenance of the WECS shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

5-1-10 Liability Insurance

The owner or operator of the WECS(s) shall maintain a current general liability policy at all times covering bodily injury and property damage and name Adams County, Indiana as an additional insured with limits of at least:

- A. Five million dollars (\$5,000,000.00) per claim of bodily injury, death, disability, or dismemberment and fifteen million dollars (\$15,000,000.00) in the aggregate for each incident.
- B. Property damage liability policy limits shall be a minimum of two million dollars (\$2,000,000.00) per claim and ten million dollars (\$10,000,000.00) in the aggregate for each incident. The amounts of the above liability insurance shall be the minimum amount of coverage. Said amounts shall be adjusted annually based upon changes in the "Consumer Price Index" (CPI) as determined by the US Department of Labor, Bureau of Labor Statistics, with January 1, 2012 being the base period for calculating future changes in the CPI. A copy of the policy of insurance coverage shall be filed with the Auditor of Adams County annually.

5-1-11 Decommissioning Plan

Prior to receiving siting approval under this ordinance, the county and the applicant, owner, and/or operator must formulate a decommissioning plan to ensure that the WECS Project is properly decommissioned. The decommissioning plan shall include:

- A. Assurance that the facilities are properly decommissioned upon the end of the project life or facility abandonment. Applicant's obligations with respect to decommissioning shall include removal of all physical material pertaining to the project improvements to a depth of 48" beneath the soil surface, and restoration of the area occupied by the project improvements to as near as practicable to the same condition that existed immediately before construction of such improvements. Prior to issuance of a building permit, the Applicant shall provide a contractor cost estimate for demolition and removal of the WECS facility, which plan and cost shall be approved by the County Director of Building and Planning and the Adams County Attorney, and will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond from an "A" rated or better insurance company, or other security acceptable to the County, for the cost of decommissioning each tower to be constructed under that building permit, which security shall be released when such tower is properly decommissioned as determined by the Adams County Building Commissioner. The contractor cost estimate for the decommissioning and the corresponding bond shall be updated at the Applicant's expense on the five (5) year anniversary of the completion of the turbine and every five (5) years thereafter. Proof of such security shall be updated and maintained with the auditor of Adams County, Indiana on an annual basis. In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Adams County Building Commissioner representing that all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within twelve (12) months of expiration or earlier termination of the project.
- B. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this ordinance.
- C. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the owner and operator, setting forth the alleged default(s). Such written notice shall provide the owner and operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- D. If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.

5-1-12 Residential Property Value Protection Plan:

- A. The Applicant must provide the Residential Property Value Protection Plan (RPVPP) to all non-participating property owners who: (1) own residential property located within two (2) miles from the base of any proposed WECS tower that is part of the WECS project, and (2) have not signed any mitigation waivers. For the purposes of this Ordinance, "Residential Property" shall mean real property on which is located an existing residence or a residence that is under construction. A residence shall be considered "under construction" if a building permit authorizing such construction has been issued by Adams County and remains in effect. The term "non-participating property owner" refers to a landowner who has not entered into a lease agreement with the Applicant, Owner, or Operator concerning the WECS project.
- B. Prior to being issued a Special Use for its WECS project, the Applicant shall give personal, written notice to each owner of residential property who meets the criteria set forth in Paragraph A above that their property is eligible for the RPVPP. Copies of such notices shall be filed with the BZA. The notice shall explain that the property owner is eligible for the RPVPP as described in and provided by the residential value protection agreement in the form set forth in exhibit a to this ordinance. The property owner may choose to utilize the Exhibit A form, in which case both the property owner and the applicant shall enter into the agreement set forth in Exhibit A. The agreement form given in Exhibit A is provided for the convenience of the applicant and eligible property owners, and Adams County makes no representations or warranties concerning such form.

- C. The written notice referenced in paragraph B above shall also provide that if the property owner prefers, it may choose to enter into negotiations with the applicant for a different property value protection agreement than the one provided in Exhibit A. In that event, the property owner and applicant may utilize whatever agreement form is negotiated between them. If the parties are unable to reach agreement as to the use of a different form; then at the request of the property owner, the parties shall use the exhibit a form.
- D. Any property owner eligible for the RPVPP may choose to waive its right to take advantage of the RPVPP.
- E. If a property owner has not selected and entered into an agreement as described in Paragraphs B or C above within ninety (90) days of receipt of the notice referenced in Paragraph B above, such property owner shall be deemed to have waived its right to take advantage of the RPVPP.
- F. Prior to receiving a Special Use for the WECS project, the applicant shall provide to the BZA, for each non-participating property owner meeting the eligibility criteria of Paragraph A above, evidence of the residential property value protection agreement entered into by such property owner and the applicant, or evidence of a waiver by the property owner of the right to have such an agreement.
- G. Prior to receiving authorization for a Special Use for the WECS project, the applicant shall secure financial assurance, and file proof of same with the BZA, sufficient to guarantee the applicant's performance of its obligations under each of the agreements entered into pursuant to this §5-1-12, but in no event shall such financial assurance be for less than fifty percent (50%) of: (i) the then current assessed value of the residence as made by Adams County (for existing residences), or (ii) the projected total cost of construction (for residences under construction). Such financial assurance shall be for the benefit of each property owner who enters into an agreement with the applicant pursuant to this §5-1-12, and shall remain in effect throughout the term of each such agreement.
- H. The applicant may not at any time assign or transfer any portion of its interest in the WECS Project unless and until the assignee or transferee shall have assumed in writing the obligations and duties set forth in each and every property value protection agreement pertaining to the WECS project that has been entered into by the applicant.
- I. This section 5-1-12 shall remain in effect for a period of seven (7) years after the wind turbine becomes operational and shall be enforceable only by the owner of the property at the time of the execution of a RPVPP agreement, and shall have made the financial assurance arrangements and demonstration required under §5.1.12.G above. This section 5-1-12 shall not be assignable or transferable by the property owner, but shall remain in effect for any heir or devisee of the property owner.
- J. Except as otherwise provided in an agreement entered into between the applicant and an eligible property owner, agreements made pursuant to this §5-1-12 shall be for a term of seven (7) years after each agreement's effective date, and shall be enforceable only by the owner of the property who executes the agreement and its heirs, devisees, personal representatives, and permitted successors and assigns.

5-1-13 Requirements of these ordinances may be waived by the Adams County Board of Zoning Appeals upon application and after public hearings.

5-2 **Chapter 2: Non-Commercial-Private Towers**

A private wind energy conversion system shall meet the following standards:

5-2-1 Permitting and Application Requirements are as Follows:

- A. Prior to receiving an Improvement Location Permit the applicant must provide a map of the project area, including distances of the proposed WECS turbine from all property lines, public easements and right-of-ways, wells and septic systems, and overhead transmission or distribution lines or dwellings, and all county legal tiles and open drains.
- B. The applicant must submit turbine technical specifications with the application. At a minimum, the specifications must include; rated power generating capacity, rotor diameter, swept area, and the level of sound generated. If manufacturer's specifications are not available, the applicant may submit results from a reliable testing entity such as the National Renewable Energy Laboratory or the Small Wind Certification Council. If no specifications are available, the applicant must submit a report from a qualified engineer.
- C. The applicant must submit tower specifications with the application including type and height of tower (guyed, lattice, monopole, etc.) And combined height of the tower and turbine with vertically extended blade.
- D. The applicant must apply for a Special Use permit to install a residential WECS in any area that is zoned residential or in any area that has been subdivided in an agricultural zone.

5-2-2 Design and Installation Standards Shall Be as Follows:

- A. The minimum distance between the ground and any protruding turbine blades is thirty (30) feet.
- B. Installation of any WECS tower may not be nearer than 1.1 times the height of the tower including the blade at its highest point, to any property lines, dedicated roadway, railroad right-of-way, or overhead electrical transmission or distribution lines. Distance shall be measured from the center of the foundation at the base of the tower.
- C. No WECS turbine may be attached to any dwelling structure, including by guy wires.
- D. For all guyed towers install either (A) visible reflective colored objects such as flags, reflectors, or tape on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground, which flags, reflectors, or tape shall be maintained over time by owner; or (B) a single visible fence to a height of not less than four (4) feet such that it surrounds the tower and all anchor points of the guy wires.
- E. All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards.
- F. All WECS turbines 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. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- G. Towers and blades shall be painted with non-reflective white or gray color. The applicant shall comply with all applicable federal aviation administration color requirements. No advertising or signage shall be allowed on a WECS, except for Manufacturers name on the nacelle.
- H. All blades shall utilize stick-free surface coatings to minimize ice buildup.
- I. Sound pressure levels may not exceed 45 decibels at six feet in height at any adjacent lot line.
- J. Electricity generated from the WECS may not be sold to a utility. Net metering is permitted.

- K. Minimal lighting should be used. All lighting shall be in compliance with applicable federal aviation administration regulations and the lighting requirements of this ordinance. Red strobe lights are preferred during the night to reduce impacts on migrating birds and red pulsating incandescent lights should be avoided. White strobe lights at night are not allowed. All lighting shall be shielded so that no glare extends substantially beyond the WECS tower.
- L. All WECS shall be installed with anti-climbing devices.
- M. The applicant must comply with all utility company set back requirements prior to being issued a building permit to erect a residential WECS.

Adoption:

Effective date. This ordinance shall take effect upon its passage and publication as required by law.

Part of county code of ordinances. Upon this ordinance becoming effective, the same shall thereupon and thereafter be known as Article 5 of "the code of the County of Adams, State of Indiana" and shall then be and become a part of such County Code of Ordinances.

Repealer. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Article 6: Solar Energy System Standards

Chapter 1 - Purpose and Applicability

- 6-1-1 The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of any Personal Solar Energy Systems (PSES) and Solar Farm Energy Systems (SFES) designed for commercial energy production. Subject to reasonable restriction, these regulations are intended to preserve the health and safety of the public. No entity shall construct or operate a PSES or SFES within Adams County without having fully complied with the provisions of this Article and Ordinance.

Chapter 2 – Definitions

- 6-2-1 The following words and terms shall, for the purpose of this Article and used elsewhere in this Ordinance, have the meaning shown herein:
- A. **Applicant:** the entity or person who submits to the county an application for the siting of any SFES or substation or thereafter operates or owns a SFES.
 - B. **Ground Mount Solar Energy System:** a solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.
 - C. **Municipality:** any city or town, as those terms are defined or classified in Indiana Code, possessing corporate existence and its own local government.
 - D. **Operator:** the entity responsible for the day-to-day operation and maintenance of the SFES, including any third party subcontractors.
 - E. **Owner:** the entity or entities with an equity interest in the SFES, including their respective successors and assigns. Owner does not mean the property owner from whom land is leased for locating the SFES (unless the property owner has an equity interest in the SFES); or any person holding a security interest in the SFES solely to secure an extension of credit; or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the SFES within one year of such event.
 - F. **Participating Landowner:** An owner of property being used for the location of an SFES, or an adjacent owner to an SFES project, who has a signed and recorded agreement with the applicant, owner, or operator of an SFES to participate in the project.
 - G. **Personal Solar Energy System (PSES):** any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.
 - H. **Primary Structure:** for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.
 - I. **Solar Energy System (SES):** the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.
 - J. **Solar Farm Energy System (SFES) :** a commercial solar energy facility, on a parcel or contiguous parcels of five (5) acres or more that converts sunlight to electricity, whether by photovoltaics

concentrating solar thermal devices or other devices used for solar power generation for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity.

- K. **Solar Farm Energy System Project Area:** a SFES project area may be comprised of a single parcel of land or two or more contiguous parcels of land providing that the total area of SFES project area consists of five (5) acres of land or more.
- L. **Structure Mount Solar Energy System:** a solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

Chapter 3 - Personal Solar Energy System (PSES)

6-3-1 PSES Purpose and Standards

The purpose of this Chapter is to provide a uniform and comprehensive set of standards for the installation and use of PSESs designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of PSESs.

6-3-2 Permitted Accessory Use

A PSES shall be considered an accessory use to a principal permitted use only in districts in the unincorporated areas of the county that are covered by this ordinance. The PSES shall provide power for on-site use and net metering by the owner.

6-3-3 Special Requirements

A PSES shall also be subject to the requirements per zoned district as shown in Article 2, Chapters 6 through 10 of this ordinance unless otherwise stated herein.

- A. **Ground Mounted PSES Height:** shall not be greater than twenty (20) feet at the maximum tilt of the solar panel(s) in any zoning district.
- B. **Setbacks for Ground Mounted PSES:** the PSES shall maintain perimeter setbacks including side and rear yard setbacks of twenty (20) feet. Front setbacks are as stated: Federal and State Arterial 150 feet from center of road, Primary Thoroughfare 110 feet from center of road, Secondary Thoroughfare 90 feet from center of road, and Local [35 (thirty-five) MPH or less zones] 55 feet from center of road.
- C. **Structure Mounted PSES Height:** shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
- D. **Roof Mounted PSES:** prior to installation, the applicant or owner shall provide a written opinion or report from a licensed engineer under the engineer's seal stating the structure can handle the panels. The panels shall be installed per manufacture's specifications and have a visible disconnect.
- E. **Approved Solar Components:** electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent.
- F. **Building Codes:** all county, state, and national construction codes shall be followed.
- G. **Glare:** the PSES shall be designed and located in order to prevent glare toward any inhabited buildings or adjacent properties as well as adjacent highways or right-of-ways.

6-3-4 Permitting

Before an Improvement Location Permit is issued for a PSES, the following shall be submitted to the Zoning Administrator for review including, but not limited to:

- A. Site plan showing:
 1. Name, address, and phone number of the property owner;
 2. Property lines, all structures, septic field, setback lines;
 3. Location of all solar panels and associated equipment; and
 4. Location of the electrical disconnect for the PSES.
- B. Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned solar energy system.
- C. Evidence that the site plan has been submitted to the local fire protection district.

6-3-5 **Permit fee**

Before issuing any permits, the applicant must pay the required fee as set forth in the official fee schedule approved by the Plan Commission per IC 36-7-4-411.

Chapter 4 - Solar Farm Energy System (SFES) Land Use Review and Permitting

6-4-1 **SFES Purpose and Standards**

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of SFESs designed for the commercial production of electricity, whether by photovoltaics concentrating solar thermal devices, or other devices used for solar power generation, for the primary purpose of selling wholesale or retail generated electricity. The intent of these regulations is to protect the public health, safety, and community welfare while accommodating SFESs in areas where SFESs can be compatible with surrounding uses.

Prior to the construction of any SFES, the applicant, owner, and operator shall be required to obtain the following:

- A. Special Use approval for the project from the Adams County Board of Zoning Appeals pursuant to the provisions in Chapter 5 below.
- B. Development Plan approval for the project from the Adams County Plan Commission pursuant to the provisions in Chapter 6 below, and subsequent to Board of Zoning Appeals approval of the Special Use.
- C. Approval from the Adams County Board of Zoning Appeals for any required variances for the SFES project under IC 36-7-4-918.3 and IC 36-7-4-918.4.
- D. Improvement Location Permits associated with the project from the Zoning Administrator.

Chapter 5 - Special Use Application and Review

6-5-1 Prior to the construction of any SFES, the applicant, owner, and operator shall file with the Zoning Administrator an application for Special Use to be reviewed by the Board of Zoning Appeals pursuant to IC 36-7-4-918.2, IC 36-7-4-920, and this ordinance. The Special Use filing shall include but not be limited to the following:

- A. **Application:** The applicant, land owner, and operator shall submit an application in conformity with the Board's Rules of Procedure for Special Use review along with a description, including names, address, and contact information of the applicant, owner, and operator including their respective business structures; along with, but not be limited to the following:
- B. **Summary Statement and Site Description:** An application for Special Use approval for an SFES project shall include, but not be limited to:

1. A general description of the project including its approximate generating capacity;
2. A list of the parcels upon which the SFES will be located, and the owner of each parcel;
3. The type of SFES to be used and the potential equipment manufacturer;
4. The number of panels to be installed;
5. A generalized description of the soil types for the site and whether the soils are considered prime for agricultural crop production;
6. Drawings or plans acceptable to the Zoning Administrator depicting the general layout of the site, including:
 - a. The proposed location on the SFES showing the boundaries of the site;
 - b. The general location of all proposed SFES structures including substations;
 - c. Property lines, including identification of adjoining properties;
 - d. Location of all primary structures within one-fourth (1/4) mile of the site;
 - e. Public roads;
 - f. Any identified utility lines or infrastructure on the proposed location including but not limited to: electric, water, sewer, telecommunication, fiber optic, and natural gas.
 - g. A drainage plan showing proposed generalized drainage patterns, the location of regulated drains, natural drains, private drainage tiles, waterways, Regulatory Flood areas, and proposed tiles, pipes, swales, and detention basins to be constructed as a part of the SFES.
7. Any other matter, report, or depiction deemed necessary for review by the Board according to the Zoning Administrator.

C. **Application Fee:** The applicant shall pay the filing fee for the Special Use as specified in the fees schedule adopted by the Plan Commission. The application fee is established per IC 36-7-4-411 to enable the county to defray the administrative and review costs in processing the special use application and related materials, including the hiring of an engineering firm or other professionals, to assist in reviewing same.

D. **Annual Fee:** Pursuant to IC 36-7-4-411, and in order to defray the continuing cost of inspections, permit compliance, and monitoring costs to ensure compliance with this Article, in addition to the application fee, an annual fee of \$5,000.00 (five thousand dollars) per approved SFES shall be paid to the county each year thereafter. Said annual fee shall be paid on or before the date the SFES begins producing power, and on or before every February 1 thereafter. The first year shall be prorated based upon the number of months of operation of the SFES. Any such fee not paid shall be assessed as a lien upon the real estate where the SFES is located.

6-5-2 An SFES may be permitted as a special use in any A zone if the Board of Zoning Appeals determines the application meets the following criteria:

A. **Criteria for Special Use approval:**

1. The proposed SFES is essential or desirable for the public convenience and welfare of the community;
2. The proposed SFES is not in conflict with the Adams County Comprehensive Land Use Policy Plan, or any amendment or replacement comprehensive plan adopted under IC 36-7-4-500 et seq.;
3. The proposed SFES will not be unduly detrimental to the use, value, pattern of development, or growth of the surrounding area;
4. The location, size, intensity, site design, and operation of the SFES is compatible with the existing uses in the immediate area;
5. Adequate storm drainage, transportation, utility infrastructure currently exists, or will be provided, to serve the proposed SFES;
6. The proposed SFES will not be injurious to the public health, safety, or welfare of the community; and
7. The benefits of the SFES to the community as a whole outweigh the removal of the acreage used for the SFES from agricultural production.

8. The applicant, owner, or operator has provided evidence to the Board of Zoning Appeals that the requirements of Section 6-16-1 regarding property value protection plans have been met.

B. **Findings of Fact** (IC 36-7-4-915): The Board of Zoning Appeals shall adopt findings of fact in support of its decision to approve or deny the Special Use according to the criteria established for approval in Section 6-5-2(A) above. The Zoning Administrator shall sign written findings of fact documenting the action taken by Board of Zoning Appeals. The applicant may provide draft findings of fact for the Board of Zoning Appeals to consider. Other interested parties may provide draft findings of fact for the Board of Zoning Appeals to consider. The Board of Zoning Appeals is not obligated to use any such findings provided by the applicant or any other party.

Chapter 6 - SFES Development Plan Application and Review

6-6-1 Prior to the construction of any SFES, and following approval of a Special Use for the area to be covered by the SFES by the Board, the applicant, owner, and operator shall file with the Zoning Administrator an application for Development Plan review. Development Plan review is provided for by the IC 36-7-4-1400 series. The Development Plan review process is not intended to provide an alternative to rezoning, variance, special use, platting, or other established procedures, but rather to allow for the administrative review of site conditions and plans for consistency with applicable requirements prior to the issuance of Improvement Location Permits. The filing shall include but not be limited to the following:

- A. **Application:** the applicant, owner, and operator shall submit an application for Development Plan review along with a description, including names, address, and contact information of the applicant, owner, and operator including their respective business structures, along with, but not be limited to the following:
- B. **Summary Statement and Site Description:** a SFES project summary shall include, but not be limited to:
1. A general description of the project including its approximate generating capacity;
 2. The general location of the project;
 3. The type of SFES to be used and the potential equipment manufacturer;
 4. The number of panels to be installed;
 5. The names, addresses, phone numbers, and/or contact information for all property owners with the SFES proposed on their properties.
- C. **Site plan:** a site plan at a scale approved by the Zoning Administrator showing:
1. The proposed location on the SFES showing the boundaries of the site;
 2. The location of all proposed SFES structures including substations;
 3. Property lines, including identification of adjoining properties;
 4. Location of all primary structures within one-fourth (1/4) mile of the site;
 5. Public roads and;
 6. Any wetlands based upon a delineation prepared in accordance with the applicable US Army Corps of Engineer requirements and guidelines.
- D. A topographic map of the project site and the surrounding area which shall encompass an area at least a quarter (1/4) mile radius from the proposed project site with contours of not more than five (5) feet intervals
- E. Approved fencing and landscaping/buffer plan (reference Chapter 12)
- F. Approved road use agreement (reference Chapter 14)
- G. Approved decommissioning plan agreement approval (reference Chapter 15)
- H. Proof of liability insurance plan approval (reference Chapter 17)

- I. A survey that depicts the location of any Regulatory Flood, and a plan that shows compliance with the flood control provisions of Article 3
- J. Any other information required by the Zoning Administrator for the proper enforcement of this ordinance
- K. **Application filing fee:** The applicant shall pay the filing fee for the Development Plan as specified in the fees schedule adopted by the Plan Commission pursuant to IC 36-7-4-411. The application fee is established per IC 36-7-4-411 to enable the county to defray the administrative and review costs in processing the development plan application and related materials, including the hiring of an engineering firm or other professionals, to assist in reviewing same.
- L. **Zoning Administrator Review:** The Zoning Administrator shall review the development plan, including all supporting information. When the proposed Development Plan is in compliance with the requirements of the ordinance, the Development Plan shall be forwarded to the Plan Commission for review in a public hearing.
- M. **Public Hearing Notification:** notification for the scheduled public hearing regarding the Development Plan shall be completed consistent with the requirements of the rules and procedures of the Plan Commission along with the requirements of IC 5-3-1 for publication.
- N. **Plan Commission Review:** In accordance with IC 36-7-4-1400 et seq., and the Rules of Procedure for the Adams County Plan Commission, the Plan Commission shall provide notice of and conduct a public hearing to review the Development Plan for the SFES. The review of the Development Plan shall be in compliance with the requirements of IC 36-7-4-1405 as amended. The Plan Commission may establish conditions of approval pursuant to IC 36-7-4-1405(b)(1) and (2), or accept or require a written commitment pursuant to IC 36-7-4-1405(b)(3).
- O. **Findings of Fact:** The Plan Commission shall adopt findings of fact in support of its decision to approve or deny the Development Plan according to IN 36-7-4-1406. The findings shall be signed according to the Plan Commission Rules of Procedure. The applicant shall provide draft findings of fact for the Plan Commission to consider. Other interested parties may provide draft findings of fact for the Plan Commission to consider. The Plan Commission is not obligated to use any such findings provided by the applicant or any other party.
- P. **Permits:** prior to any construction activity, the applicant, owner, and operator shall be required to obtain the appropriate Improvement Location Permits and any other required permits specified by this ordinance.

Chapter 7 - Revisions to SFES Development Plan

- 6-7-1 Any revisions to the approved Development Plan shall require approval prior to the issuance of any Improvement Location Permits. The proposed revisions along with all required supporting information shall be submitted to the Zoning Administrator for review, to assure that the revisions are in compliance with the Ordinance. If the Zoning Administrator determines that the revisions require Plan Commission approval, the revisions will be forwarded to the Plan Commission for review at a public hearing following the necessary public notice required by the Plan Commission's Rules of Procedure and IC 36-7-4-1400 et seq. The review shall be in compliance with the requirements of IC 36-7-4-1405 as amended.

Chapter 8 - Requirements for Improvement Location Permit and Fees

- 6-8-1 Prior to any construction associated with the SFES project, and subsequent to the approval of a special use and development plan for the project, the applicant, owner, and/or operator shall file with the Zoning Administrator an application for Improvement Location Permit for the project site along with any other

structures associated with the project and pay the required permit fees established by the Plan Commission by Rule.

A. **Application:** the application shall include, but not be limited to the following:

1. **A plot plan showing the following:**

- a. The location of all SFES structures and substations;
- b. Location, number, and spacing of solar panels;
- c. Location of fencing and buffer/screening areas;
- d. Property lines, setbacks, and any existing easements;
- e. Location of access roads and access points;
- f. The location of all above ground and underground utility lines associated with the site;
- g. The location of electrical cabling, ancillary equipment, and transmission lines;
- h. Field tile locations if known;
- i. Existing and/or abandoned wells and septic fields if known;
- j. Floodplain location and elevation and wetland locations, if any.

B. **Additional Information Requirements:** the following shall be submitted one time for the entire project, but must be submitted prior to the issuance of any Improvement Location Permits.

1. **Approved Emergency Plan / Fire Safety Plan:** An Emergency / Fire Safety Plan must be approved by the local fire departments and meet the following requirements:

- a. The site and emergency plan shall be submitted to the local fire protection districts and/or department(s) whose jurisdiction is included in whole or in part within the SFES project area;
- b. Any specialized training necessary will be provided at the operator's expense;
- c. Knox boxes and keys shall be provided at locked entrances for emergency personnel access;
- d. The names and phone numbers for the electric utility provider and the site operator along with the facilities 911 address and GPS coordinates shall be provided as part of the emergency plan;

2. **Approved Drainage Plan:** A drainage plan for construction and operation must be approved by the Adams County Drainage Board prior to issuance of any Improvement Location Permits.

3. **An Erosion Control Plan (Rule 5)** must be approved by the Adams County Soil and Water Conservation District (or any successor agency) regarding Indiana Department of Environmental Management Rule 5 requirements prior to issuance of any Improvement Location Permits.

4. **Health Department Approval:** the applicant, owner, and/or operator must comply with existing septic and well regulations as required by the Adams County Health Department (or any successor agency) and the Indiana Department of Public Health prior to the issuance of any applicable Improvement Location Permits.

5. **Compliance with Conditions of Approval:** The applicant shall demonstrate that it has complied with applicable conditions of approval established by the Board of Zoning Appeals in approval of the Special Use or the Plan Commission in approval of the Development Plan.

6. Any other information required by the Zoning Administrator for the proper enforcement of this Ordinance.

C. **Permit fees:** The applicant shall pay the filing fee for the Improvement Location Permit for an SFES as specified in the fees schedule adopted by the Plan Commission pursuant to IC 36-7-4-411. The application fee is established per IC 36-7-4-411 to enable the county to defray the administrative and

review costs in processing the Improvement Location Permit application and related materials, including the hiring of an engineering firm or other professionals to assist in reviewing same

Chapter 9 - SFES Setbacks

6-9-1 **The minimum setback distances for SFES shall be as follows:**

Distance from a:	Minimum Setback Distance:
Property Line - measured from the edge of the equipment to the property line.	300 feet for non-participation landowners. The setback requirement may be waived in writing by participating landowners and recorded as against such property in the Adams County Recorder's Office.
Residential Primary Structure/Dwellings - measured from the edge of the equipment to the structure.	1320 feet for non-participating landowners. The setback requirements may be waived in writing, by participating landowners and recorded as against such property in the Adams County Recorder's Office.
Church, School, Business, or Public Building - measured from the edge of the equipment to the property line.	300 feet
Municipalities and incorporated communities - measured from the edge of the equipment to the municipality limit, or extraterritorial zoning jurisdiction exercised under IC 36-7-4-205.	One (1) mile
Road Right-of-Way - measured from the edge of the equipment to the center line of the road.	300 feet
Access Driveways - from the edge of the access drive to the property line.	300 feet from any non-participating landowners.
Nature Preserve, Park, and/or Recreational Use - including property owned by Indiana Department of Natural Resources, Friends of the Limberlost, and/or any such property associated with the Loblolly Reconstruction project area, and Public Conservation lands, measured from the edge of the SFES to the property line of such nature area.	300 feet
Wetlands - as defined by the US Army Corps of Engineers, measured from the edge of the SFES to the nearest point of the wetland in question.	As determined by a permit obtained from the Army Corps of Engineers.

- A. In addition to the minimum setback requirement one thousand three hundred twenty (1,320) feet from all residences, the applicant for a SFES shall also obtain the written approval for the construction and placement of a solar panels from the owners of all real estate located within a distance of one quarter (1/4) mile or one thousand three hundred twenty (1,320) feet from the solar panels. Such written approval must be presented to the Board of Zoning Appeals at the hearing on application for Special Use.
- B. Any new primary structure built adjacent to a SFES shall maintain the same minimum setback requirements.
- C. No part of a SFES shall be constructed in any County road right-of-way without prior written authorization from the County and waiver of liability and indemnification of the County by the Operator and Owner.

Chapter 10 - SFES Design and Installation Standards

- 6-10-1 **Manufacturer’s Specifications and Certification:** The applicant shall provide standard manufacturer’s specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles and racks. Specifications for the actual equipment to be used in the SFES shall be required before an Improvement Location Permit is issued. All SFESs shall conform to applicable industry standards, including those from the UL and Federal Aviation Administration (FAA).
- 6-10-2 **Equipment Type:** all equipment shall be new equipment commercially available. Used, experimental, or proto-type equipment still in testing shall require approval by the BZA as per the normal special use process.
- 6-10-3 **Electrical Components, Cabling, and Wiring:**
- A. All electrical components of the SFES shall conform to applicable local, state, and national codes, and relevant national and international standards. All SFES electrical collection cables shall be located underground unless they are located on public or utility rights-of-way or with prior County approval.
 - B. All underground work outside of the solar field shall comply with the regulations as follows:
 1. All underground cabling will be buried no less than sixty inches (60”) deep.
 2. All underground cabling will have warning mesh at thirty-six inches (36”) deep.
 3. All underground cabling will be marked at road crossings, creeks, river beds, and property lines with a metal or fiberglass post at least five feet (5’) in height with a cement base.
- 6-10-4 **Utility Interconnection:** must be in compliance with all applicable local, state, and federal codes.
- 6-10-5 **Safety and Warnings:**
All SFESs shall provide the following at all locked entrances:
- A. A visible “high voltage” warning sign;
 - B. Names and phone numbers for the electric utility provider;
 - C. Names and phone numbers for the site operator;
 - D. The facility’s 911 address, GPS coordinates; and
 - E. A Knox box with keys as needed.
- 6-10-6 **Lighting:** if lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill on to the adjacent parcel and/or residence and/or primary structure.
- 6-10-7 **Height:** shall not exceed twenty feet (20’) in maximum tilt of the solar panel(s).

- 6-10-8 **Glare:** the SFES shall be designed and located in order to prevent glare toward any inhabited buildings, adjacent properties, and adjacent highways or right-of-ways.
- 6-10-9 **Noise:** noise levels shall not exceed fifty decibels (50dB) when measured from any primary structure. This standard shall supersede any noise standard as set forth in any other Article in the Zoning Ordinance.
- 6-10-10 **Natural Water Flow:** The owner of the SFES shall not impede the natural flow of water from adjacent property owners nor prohibit any neighboring property owner from access to county legal drains.
- 6-10-11 **Construction Bond:** The applicant shall post a bond in a form acceptable to Adams County in the sum of One Million Dollars (\$1,000,000) for each contiguous SFES location proposed to be constructed during the project. The purpose of the bond shall be to secure and guarantee the completion of the project according to the standards of this ordinance and to secure and cover any damage to county infrastructure which may be uncured. Upon completion and approval of the project by the Adams County Building Inspector and after a period of one year from the date of completion, said bond shall be released.
- 6-10-12 **Outdoor Storage:** only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed and shall be screened from view of adjacent properties.
- 6-10-13 **Damage and Repairs:** all damages including, but not limited to waterways, drainage ditches, field tiles, and/or any other infrastructure caused by the construction or maintenance of the SFES, shall be completely repaired to original or better condition, and so as not to impede the flow of water. All repairs shall be completed within the time established by the Zoning Administrator in a notice to the applicant, owner, or operator, as may be reasonably extended by the Zoning Administrator.
- 6-10-14 **Waste Handling and Disposal:** all solid waste whether generated from supplies, equipment, parts, packaging, operation, and/or maintenance of the facility, including but not limited to old parts and equipment, shall be removed from the site promptly and disposed of in accordance with all local, state, and federal laws. All hazardous materials and/or waste related to the construction, operation, and/or maintenance of the facility, including but not limited to lubrication materials, shall be handled, stored, transported, and disposed of in accordance with all local, state, and federal laws.

Chapter 11 - Underground Work After Construction

- 6-11-1 The applicant, owner, or operator of the SFES shall post a notice on-site stating that no underground work related to drainage or utility infrastructure shall be performed on land within the SFES project without an employee of the SFES operation on site. The sign shall include current contact information for the responsible party.

Chapter 12 - SFES Fencing and Landscaping Plan

- 6-12-1 A fencing and landscaping plan for the SFES project must be approved by the Zoning Administrator and shall comply with the following requirements:
 - A. **Fencing:** all SFES systems equipment, panels, and structures shall be fully enclosed and secured by a fence with a minimum height of six feet (6') but no greater than eight feet (8') and must setback a minimum of thirty feet (30') from any property line and no closer than seventy feet (70') from the center of any county road and ninety feet (90') from the center of any state or federal highway.
 - B. **Buffer:** the SFES shall have a twenty-five feet (25') wide buffer of which part shall be consisting of a compact evergreen hedge or other type of green foliage which shall be along the road frontage and perimeter of adjacent parcel containing a single family dwelling or other residential use.

Chapter 13 - SFES Operation, Maintenance, and Inspections

- 6-13-1 **Maintenance:** any physical modification to the SFES that alters the mechanical load, mechanical load path, or major electrical components shall require further approval as required for a new SFES under this Article. The replacement of equipment within the SFES shall be done with new, like-kind equipment and shall not require further approval. Prior to making any physical modifications (other than a like-kind replacement), the owner and/or operator shall confer with the County Zoning Administrator to determine whether the physical modification requires further approval.
- 6-13-2 **Interference and Glare:** If after construction of the SFES, the Zoning Administrator receives a complaint related to interference with any local broadcast residential television, telecommunication, communication, microwave transmissions, and/or glare, the Zoning Administrator shall notify the owner or operator and provide same thirty (30) days to respond as to how the complaint will be addressed. If the applicant, owner, or operator of the SFES is contacted directly by a complainant, they shall respond within thirty (30) days and provide a copy of such response to the Zoning Administrator. Nothing in this Article shall be deemed to preclude the filing of a nuisance action by a complainant against the owner or operator. The SFES owner and/or operator shall take reasonable steps to respond to minimize the complaint. If the Zoning Administrator determines the matters referred to in the complaint is a violation of this ordinance, the Zoning Administrator shall pursue the violation as provided herein.
- 6-13-3 **Inspections:** The County Building Inspector, Zoning Administrator, and/or licensed third party professionals retained by the County for the specific purpose of conducting inspections of the SFES shall have the right, at any reasonable time and with sufficient prior notice, to inspect the SFES project to require that repairs or alterations be made. The owner or operator shall have the right to accompany the inspector(s). The owner and/or operator of a SFES may retain a licensed professional engineer familiar with SFES systems to prepare and submit to the County Building Inspector or Zoning Administrator which addresses the repairs or alterations requested and which suggest alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary, within thirty (30) days after receiving notice that repairs or alterations are requested, or within a longer period of time mutually acceptable to both parties. The County Building Inspector or Zoning Administrator will consider any such written report and determine whether the repairs or alterations should be made as originally requested or as suggested in the written report. In the event of a dispute between the County Building Inspector or Zoning Administrator and the owner and/or operator, or a third party professional engineer retained by them, as to the repairs or alterations which are required, the decision of the County Building Inspector or Zoning Administrator shall be final, subject to any rights of appeal under IC 36-7-4-918.1, as may be amended. Any fees for inspections made by a third party professional inspector and/or engineer retained by the county shall be paid by the owner and/or operator.
- 6-13-4 **Declaration of a Public Nuisance:** Any SFES declared to be unsafe or unusable by the Adams County Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment shall be deemed to be a public nuisance and subject to the enforcement provisions in this Ordinance. Violations shall be abated by repair, rehabilitation, demolition, or removal in accordance with the approved Decommissioning Plan Agreement, or pursuant to an enforcement action undertaken by the Building Inspector or Zoning Administrator. Nothing in this Ordinance is intended to preempt any other applicable state and federal laws and regulations.
- 6-13-5 **Violations:** Any act or omission by the owner or operator of an SFES that is deemed to constitute a violation of this Article or this ordinance shall be pursued as such by the Zoning Administrator, according to the provisions of this ordinance. Should any act or omission be adjudicated to be a violation of this Article or ordinance, the Zoning Administrator shall recover its reasonable costs and attorney's fees.

Chapter 14 - SFES Road Use Agreement

- 6-14-1 Prior to the use of any county road for the purpose of transporting parts and/or equipment for construction, operation, or maintenance of the SFES or substation, the applicant, owner, and operator must provide proof

of a signed road agreement between the county and the applicant, owner, and operator. The applicant, owner and operator shall be individually and jointly liable to the County for any violation of the Road Use Agreement. The road use agreement must include, but shall not be limited to the following:

- A. **Identification of All Such Public Roads:** Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the County Engineer. The County Engineer shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
- B. **Damage to Roads:** Any road damage caused by the construction of the SFES project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the County Engineer. The County Engineer may choose to require either remediation of road damage upon completion of the project or within any time established by the County Engineer, including immediately, depending on the extent of the damage and the potential harm to the public safety. The County Engineer is authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a professional engineer may be required by the County Engineer to insure the County that future repairs are completed to the satisfaction of the County. The cost of bonding is to be paid by the applicant, owner, and operator.
- C. **Drainage:** Newly constructed SFES access roads may not impede the flow of water and shall comply with the Adams County Drainage Ordinance, Drainage Plan Agreement, and any directives of the Adams County Drainage Board.
- D. **Use of right of way:** No part of the SFES including, but not limited to above ground transmission lines and poles or below ground transmission lines shall be constructed and/or placed in any county road right-of-way or dedicated easement without prior written approval from the county.

Chapter 15 - SFES Decommissioning Plan Agreement

6-15-1 Prior to receiving an Improvement Location Permit for the construction of the SFES project, the applicant, owner, and operator must provide proof of a signed Decommissioning Plan Agreement between the County and the applicant, owner, and operator. The Decommissioning Plan is to ensure that the SFES facilities are properly decommissioned upon the end of the project life, abandonment, damage to all or any part of the SFES, or a decision by the applicant, owner, or operator to decommission all or any part of the SFES. The Decommissioning Plan shall include but not be limited to the following:

- A. Assurance that the facilities are properly decommissioned upon the occurrence of any of the events described in Section 6-15-1 above. The applicant, owner, and operator's obligations with respect to decommissioning shall include removal of all physical material pertaining to the project improvements to a depth of forty-eight inches (48") beneath the soil surface, and restoration of the area occupied by the project improvements to the same or better condition that existed immediately before construction of such improvements. Prior to issuance of a Improvement Location Permit, the applicant, owner, and operator shall provide a contractor cost estimate for demolition and removal of the SFES facility and will provide financial assurance, taking into consideration any salvage value, in an amount at least one and one-half (1.5) times said demolition and removal contractor cost estimate, through the use of a bond, letter of credit, or other security acceptable to the County, the cost of decommissioning the solar field(s) under the building permit, which security shall be released when said solar field(s) is properly decommissioned as determined by the County Building Inspector or Zoning Administrator. The contractor cost estimate for the decommissioning and the corresponding bond, letter of credit, or other security shall be updated at the Applicant's expense on the five (5) year anniversary of the completion of the SFES and every five (5) years thereafter. Proof of such security shall be updated and maintained with the auditor of Adams County, Indiana on an annual basis. In the event of abandonment of the SFES by the owner or operator, the applicant will provide an affidavit to the Zoning Administrator representing that all easements for the solar field(s) shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property

owners to ensure that facilities are properly decommissioned within twelve (12) months of a decommissioning event described in Section 6-15-1 above.

- B. The applicant, owner, and operator's failure to comply with, or make reasonable progress in getting into compliance any of the above provisions shall constitute a default under this ordinance.
- C. Prior to implementation of the existing County procedures for the resolution of each default, the appropriate County body shall first provide written notice to the owner and operator, setting forth the alleged default. Such written notice shall provide the owner and operator a reasonable time period, not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default.
- D. If the County determines, in its discretion, that the parties cannot resolve the alleged default within the good faith negotiation period, the default shall be a violation of this Article and ordinance, and subject to the default and enforcement provisions provided herein. The County shall recover its reasonable costs and attorney's fees.
- E. The Decommissioning Plan shall apply to and become an obligation of each and every successor in interest and assigns of the applicant, owner, and operator of the SFES project. The applicant, owner, and operator and successors and assigns shall be individually and jointly liable to the County for any violation of the Decommissioning Agreement.

Chapter 16 - Residential Property Value Protection Plan

6-16-1 The Applicant must provide the Residential Property Value Protection Plan (RPVPP) to all non-participating property owners who: (1) own residential property located within two (2) miles from the perimeter of the SFES Project Area, and (2) have not signed any mitigation waivers. For the purposes of this Ordinance, "Residential Property" shall mean real property on which is located an existing residence or a residence that is under construction. A residence shall be considered "under construction" if a building permit authorizing such construction has been issued by Adams County and remains in effect. The term "non-participating property owner" refers to a landowner who has not entered into a lease agreement with the Applicant, Owner, or Operator concerning the SFES project.

- A. Prior to being issued a Special Use for its SFES project, the Applicant shall give personal, written notice to each owner of residential property who meets the criteria set forth in Paragraph 6-16-1 above that their property is eligible for the RPVPP. Copies of such notices shall be filed with the BZA. The notice shall explain that the property owner is eligible for the RPVPP as described in and provided by the residential value protection agreement in the form set forth in Exhibit A to this ordinance. The property owner may choose to utilize the Exhibit A form, in which case both the property owner and the applicant shall enter into the agreement set forth in Exhibit A. The agreement form given in Exhibit A is provided for the convenience of the applicant and eligible property owners, and Adams County makes no representations or warranties concerning such form.
- B. The written notice referenced in Paragraph A above shall also provide that if the property owner prefers, it may choose to enter into negotiations with the applicant for a different property value protection agreement than the one provided in Exhibit A. In that event, the property owner and applicant may utilize whatever agreement form is negotiated between them. If the parties are unable to reach agreement as to the use of a different form; then at the request of the property owner, the parties shall use the form in Exhibit A.
- C. Any property owner eligible for the RPVPP may choose to waive its right to take advantage of the RPVPP.
- D. If a property owner has not selected and entered into an agreement as described in Paragraphs A or B above within ninety (90) days of receipt of the notice referenced in Paragraph A above, such property owner shall be deemed to have waived its right to take advantage of the RPVPP.

- E. Prior to receiving a Special Use for the SFES project, the applicant shall provide to the BZA, for each non-participating property owner meeting the eligibility criteria of Paragraph 6-16-1 above, evidence of the residential property value protection agreement entered into by such property owner and the applicant, or evidence of a waiver by the property owner of the right to have such an agreement.
- F. Prior to receiving authorization for a Special Use for the SFES project, the applicant shall secure financial assurance, and file proof of same with the BZA, sufficient to guarantee the applicant's performance of its obligations under each of the agreements entered into pursuant to this chapter, but in no event shall such financial assurance be for less than fifty percent (50%) of: (1) the then current assessed value of the residence as made by Adams County (for existing residences), or (2) the projected total cost of construction (for residences under construction). Such financial assurance shall be for the benefit of each property owner who enters into an agreement with the applicant pursuant to this chapter, and shall remain in effect throughout the term of each such agreement.
- G. The applicant may not at any time assign or transfer any portion of its interest in the SFES Project unless and until the assignee or transferee shall have assumed in writing the obligations and duties set forth in each and every property value protection agreement pertaining to the SFES project that has been entered into by the applicant.
- H. The RPVPP shall remain in effect for a minimum period of seven (7) years after the SFES becomes operational and shall be enforceable only by the non-participating owner of the property at the time of the execution of a RPVPP agreement, and shall have made the financial assurance arrangements and demonstration required under Paragraph F above. The RPVPP shall not be assignable or transferable by the property owner, but shall remain in effect for any heir or devisee of the property owner.

Chapter 17 – Indemnification

- 6-17-1 The applicant, owner, and operator of the SFES project shall defend, indemnify, and hold harmless the County and its officials from and against any and all claims, demands, losses, suites, causes of action, damages, injuries, costs, expenses, and liability whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operations of the SFES project. This indemnification shall be in writing and filed in the office of the Zoning Administrator prior to the issuance of the Improvement Location Permit.

Chapter 18 - Liability Insurance

- 6-18-1 The owner or operator of the SFES shall maintain general comprehensive liability insurance coverage naming Adams County as an additional party insured with a company and under terms approved by Adams County with combined limits for bodily injury and property damage in the aggregate amount of five million dollars (\$5,000,000) per occurrence with a commercially reasonable deductible approved by Adams County. Proof of insurance coverage shall be filed with the Zoning Administrator prior to the issuance of an Improvement Location Permit. A copy of the policy of insurance coverage shall be filled with the Zoning Administrator annually.

Chapter 19 - Change in Ownership

- 6-19-1 The owner and/or operator listed in the application shall inform the Zoning Administrator of all changes in ownership and operation during the life of the SFES project, including the sale or transfer of ownership and/or operation. Failure to do so is a violation of this ordinance.

Chapter 20 - Waiving Requirements

- 6-20-1 Dimensional requirements of this Article are subject to waiver or alteration under a request for development standards variance to be reviewed by the Adams County Board of Zoning Appeals upon application and after the required public hearings.

Chapter 21 – Citation to Other Laws or Regulations

- 6-21-1 Any citation within this Article to any provision of the United States Code, federal regulations adopted thereunder, Indiana Code, Indiana Administrative Code, or other section of the Adams County Land Use ordinance shall be deemed to refer to any amendment, repeal, replacement, or recodification of the cited sections.

Exhibit “A” to Solar Ordinance

Property Value Guarantee Agreement

This Property Value Guarantee Agreement (Agreement”) made and entered into on this _____ day of _____, by and between (*Insert Developer Corp. Name*) _____, having its principal offices at _____ (“Guarantor”) and _____, residing at _____ (Insert address) _____, IN (zip) _____, (individually and collectively referred to as, “Property Owner”).

Recitals

- A. Property Owner owns eligible Property as described in Exhibit “A” to this Agreement (“Property”).
- B. Guarantor has been granted approvals by Adams County, Indiana Board of Zoning Appeals and Plan Commission numbered as _____ for the construction and operation of a Solar Farm Energy System comprising _____ acres on properties located in _____ Township, Adams County, IN [“Solar Farm Energy System”];
- C. Guarantor desires to alleviate concerns and guarantee preservation of property values of all property located in proximity to the Solar Farm Energy System, specifically within two (2) miles of the perimeter of the Solar Farm Energy System; and
- D. Guarantor desires to provide for the continued occupancy of existing residences by Property Owner, or to otherwise not financially impact neighboring Property Owner as a result of the Solar Farm Energy System; and
- E. Property Owner desires to preserve the equity in the Property, by ensuring that if the Property is either diminished in value or sold at a price less than the Asking Price (defined below) as a result of proximity to the Solar Farm Energy System, as determined by the procedures in this Agreement, the Guarantor will guarantee payment to the Property Owner of such difference; or if Property owner is unable to sell the Property following a reasonable marketing period, as defined in this Agreement, the Guarantor will guarantee payment to the Property Owner of the full Appraised value and purchase the Property, as defined in this Agreement.

Therefore, Guarantor and Property Owner agree as follows:

1. Effective Date of Agreement

This Agreement shall become effective and binding upon Guarantor and Property Owner when signed by both parties. Notwithstanding the foregoing, if an administrative agency or court of competent jurisdiction rules or holds that the approvals or permits issued by Adams County for the Solar Farm Energy System have been in excess of or in violation of authority or otherwise unlawful, and Guarantor has not constructed any of the solar arrays, then Guarantor’s obligations under this Agreement shall be null and void. However, the construction of any or all of the proposed solar arrays shall render this agreement in full force and effect, and constitute the requirement of the Guarantor to fulfill all obligations to the Property Owner.

2. Eligibility: Exercise of Guarantee

- a. Property that is within two (2) miles of the perimeter of the Solar Farm Energy System is covered by this guarantee, to the extent the Solar Farm Energy System has been approved for development on _____, the date Adams County voted to approve (“Approval Date”). The Property Owner, as an owner of record of the Property as of the Approval Date,

or their legitimate heirs or assigns as described in Paragraph 15, are eligible to exercise this guarantee. In the event that the Property Owner wishes to sell their eligible Property, and exercise the guarantee set forth in this Agreement, they shall notify Guarantor of same in writing by certified mail and thereafter they shall make a good faith effort to sell said Property by entering into a listing contract with a licensed real estate broker pursuant to this Agreement.

- b. Property Owner shall have a period of ten (10) years to invoke the terms of this agreement from the Approval Date cited in paragraph 2.

3. **Qualified Professional Appraiser**

For the purposes of this Agreement, a “qualified professional appraiser” shall mean a person who is licensed by the State of Indiana as a Certified General Appraiser or Licensed Residential Appraiser who:

- a. holds a valid Indiana appraiser’s license,
- b. has not been subject to any suspension or revocation of license for any prior disciplinary action regarding their Indiana License by Indiana licensing authorities or from any professional association to which Appraiser is a member or affiliated with,
- c. has not been previously retained by either the solar or wind energy industry or any citizens or citizens groups in opposition of such developments to opine in writing or in testimony as to solar or wind energy projects effects on property values,
- d. is not related to the Property Owner, is not an employee or prior contractor of Guarantor or its affiliates and does not otherwise have a business relationship with Guarantor or Property Owner,
- e. is a member of at least one national appraisal association that subscribes to the requirements of USPAP, and
- f. has at least 5 years experience in appraising and has worked within Adams County and/or any surrounding Counties during that period. (“Appraiser”).

4. **Appraisals**

- a. All appraisal reports shall conform to the Uniform Standards of Professional Appraisal Practice (USPAP), as required by law.
- b. The appraisal fee shall be paid in advance by the Guarantor to the County, for retention of the Appraiser by the Adams County Department of Building and Planning (“Department”), who shall include a copy of this agreement to the Appraiser with the required fee, and a retention letter advising the Appraiser that the Department, as a neutral party, is retaining the Appraiser to produce the report required by this Agreement (“Appraisal Report”), and that they are instructed to be independent of any influence from either party to this Agreement. Guarantor agrees to reimburse the Department for any services required of the Appraiser subsequent to delivery of the Appraisal Report, including but not limited to time expended responding to subpoena for testimony at deposition or trial.

5. **Agreed to Asking Price**

The asking price is the value of the Property at the time the Property Owner decides to sell (“Asking Price”), with Property Owner discretion to either increase or decrease the asking price by no more than 5%

difference with the Appraised Value (“Property Owner Adjustment”). The Asking Price of the Property may, however, be mutually agreed to by the Property Owner and the Guarantor. The Asking Price may be mutually amended by agreement of the Property Owner and Guarantor at any time.

6. Determination of Asking Price by Appraisal

If the parties are unable to agree on the Asking Price of the Property prior to the Property Owner listing the Property for sale, then the Guarantor shall hire, at its expense, a second Appraiser and shall notify Property Owner of such Appraiser in writing with a resume or qualification summary for the Appraiser for review by the Property Owner. If the Property Owner objects to the Guarantor’s choice of appraisers, it shall state those objections to Guarantor in writing within thirty (30) days of the notification of the choice of Appraiser. In the event Property Owner reasonably objects, the Guarantor shall choose another Appraiser, and proceed as described below. When the Appraiser is hired pursuant to this Paragraph 6, he or she shall be instructed to determine the market value which will become the Asking Price, subject to Property Owner Adjustment, of the Property as follows:

- (a) Assume that no Solar Farm Energy System is located within two (2) miles of the Property;
- (b) Utilize comparable sale data of property, developed as the Property was developed as of the Approval Date and located a minimum of two (2) miles distance away from the Solar Farm Energy System, or further so that in the opinion of the Appraiser the selling price of that comparable property was not influenced by the presence of the Solar Farm Energy System or any other Solar Farm Energy System;
- (c) Utilize a minimum of three (3) comparable sale properties, located approximately the same distance from population centers in Adams County so that in the opinion of the Appraiser the selling price of the comparable property was not influenced by its closer or more distant proximity to new or existing population or employment centers;
- (d) Establish the market value which is based upon the Property as developed on the Appraisal inspection date, with consideration of any normal or typical maintenance, repairs or additions made during the effective term of this agreement;
- (e) Prepare the Appraisal Report in conformity with the requirements of USPAP;
- (f) Prepare the Appraisal Report in full compliance with any and all state standards and state regulations which pertain to the preparation of an appraisal of the Property except those standards and regulations which conflict with these instructions; and
- (g) The Appraiser shall note the condition of the premises, both interior and exterior, at the time of the Appraisal.

If Property Owner and Guarantor accept the appraised value, then such value shall constitute the Asking Price, and the Property Owner shall offer the above-described Property for sale, at the price subject to Property Owner Adjustment. If either the Property Owner or the Guarantor does not accept the appraised value, the nonaccepting party may retain and pay for a second qualified professional Appraiser, of its choice, who shall not be made aware of the first appraised value and who shall determine the market value of the Property pursuant to Paragraph 6 above.

If both parties do not accept the original appraisal, they shall agree to the second qualified professional Appraiser and Guarantor shall pay the costs. In the event a second Appraisal is obtained pursuant to this paragraph and is within ten percent (10%) of the first Appraisal, the Asking Price shall be the arithmetic average of the original appraised value and the second appraised value, unless the Guarantor or the Property Owner is unsatisfied with such Appraisal with specific reason(s) given in writing for disagreement with the

Appraised value. In such event, the first two appraisers shall be instructed to agree on a third qualified professional Appraiser, at the sole expense of the Guarantor or the Property Owner, whichever is unsatisfied, unless both parties are unsatisfied in which case the expense shall be equally shared, and who shall not be made aware of either the first or second appraised values, and who shall determine the market value of the Property pursuant to Paragraph 6 above. The Asking Price will then be the arithmetic average of the three appraised values if the lowest value is no more than fifteen percent (15%) lower than the highest appraised value. If the fifteen percent (15%) range is exceeded, the third Appraisal shall conclusively determine the Asking Price for the purpose of this Agreement.

7. Listing with Broker

Property Owner shall utilize the services of a real estate broker/agent who shall be licensed in Indiana, is not financially affiliated with or related to the Appraiser, shall not be immediately related to the Property Owner (no closer than second cousins and/or any history of sharing the same residence), or have a direct or indirect financial interest in Guarantor or the Solar Farm Energy System, and shall be a member of the Board of Realtors Multiple Listing Service or Exchange (Broker), unless these requirements are waived by the Guarantor upon the request of a Property Owner.

Property Owner shall give Guarantor notice of the Broker with whom they wish to obtain a listing agreement and shall obtain Guarantor's approval of said Broker within five (5) business days of written notice to Guarantor. Guarantor will not unreasonably withhold such approval and will confirm no relationship with Broker to the Property Owner. If the Guarantor objects to the Property Owner's choice of Broker, it shall state those objections, in writing to Property Owner. In the event Guarantor reasonably objects, the Property Owner shall choose another Broker, and proceed as described above.

As sellers of the Property, Property Owner shall be responsible for the Brokerage Commission or fee unless the Property is purchased by Guarantor pursuant to Guarantor purchase of the Property after 180 days as provided for in this Agreement. Nothing shall prevent the Property Owner from selling the Property at a value higher than the Asking Price as determined in this Agreement.

8. Term of Listing

Property Owner shall list the Property, at the Asking Price as determined in Paragraphs 5, 6 and 7, or at a higher value if agreed by Guarantor. During the listing term, Property Owner shall accept any offer to purchase for the Asking Price that is a bona-fide offer to purchase by a qualified buyer for cash and/or with a valid loan commitment or buyer otherwise acceptable to the Guarantor, provided that normal mortgage contingencies have been met or satisfied by buyer or waived by Property Owner and any home inspection contingency has been satisfied or waived by Property Owner.

Said listing contract shall provide:

- a. that the Broker shall list the Property in the multiple listing exchange;
- b. that the Property will be so listed until the occurrence of either the
 - i. closed sale of the Property or
 - ii. expiration of a period of 180 days;
- c. that the broker shall not be entitled to any commission after the expiration of the listing contract.

The Property Owner shall cooperate with the Broker in obtaining a purchaser pursuant to the terms set forth in the listing agreement and shall make, in good faith, all reasonable efforts necessary to conclude a

sale pursuant to the said terms. However, this shall not be construed as a requirement that Property Owner conceals their own experience with living in the Property, inclusive of any noticeable effect emanating from the Solar Farm Energy System.

9. Offers to Purchase

Property Owner shall provide the Guarantor with written notification of every written contract or offer to purchase that they receive for the Property and agree, for a period of 180 days, not to accept any offer below the Asking Price without the express and written approval of the Guarantor, provided that Guarantor responds within twenty-four (24) hours of notice from Property Owner. In no event shall the Property Owner entertain anything other than good faith, bona fide offers of purchase.

10. Guarantor's Consent to Purchase

Guarantor shall have the right to make a non-contingent counter offer(s) on any offers of purchase which are more than 5% below the Asking Price, said counter offer to be tendered to the purchaser within twenty-four (24) hours of notification by the Property Owner of the offer of purchase. In the event the buyer accepts or meets any such counteroffer made or requested by the Guarantor, or in the event the Guarantor otherwise consents to a sale of the Property more than 5% below the Asking Price, the Guarantor shall pay the Property Owner, at closing, the difference between the Asking Price and the sale price so established.

11. Sale Without Guarantor Consent

If the Property Owner has not received an offer of purchase at the Asking Price within 180 days of listing the Property for sale, or the Guarantor has not consented to the sale of the Property below the Asking Price, the Property Owner may sell the Property at the highest offer of purchase still pending or at the next good faith bona fide offer to purchase. It shall notify the Guarantor, in writing, of its intention to accept such offer.

12. Property Owner's Claim

- a. If the Property has sold for less than the Asking Price, Property Owner shall make a claim to the Guarantor within thirty (30) days of closing on the Property, requesting payment for the difference between the Asking Price and the sales price. Within thirty (30) days of such request, Guarantor shall pay the Property Owner the difference unless Guarantor, within that time, has demonstrated that the sale is not a bona-fide transaction.
- b. If the Property Owner has not received an offer of purchase at the Asking Price after 180 days of listing the Property for sale, Guarantor shall, within thirty (30) days of notification in writing, purchase the Property for the Asking Price, unless Guarantor, within that time, has demonstrated conclusively that Property Owner did not reasonably cooperate with the terms of a bona-fide sale contract.
- c. If the Property has not sold within 180 days of the listing agreement, and Guarantor provides Multiple Listing Service statistics that demonstrate a median Marketing Time for all Adams County and adjacent jurisdiction residential properties is in excess of 180 days, as of the original listing date, then Guarantor has the option of notifying the Property Owner that they must extend the listing or enter into a separate listing agreement with a new Broker for a period of 180 days. If the extended listing option pursuant to paragraph 12(c) does not result in a bona-fide sale agreement within the second (2nd) 180-day Listing term, then Guarantor must abide by the terms of paragraph 12(b) and buy the Property for an increased price as determined by the Appraised Value plus the most recent Consumer Price Index (CPI).

13. Termination of Guarantor’s Obligations

This Agreement shall terminate and Guarantor shall have no obligation to guarantee the Property value or purchase price once any Solar Farm Energy System located within two (2) miles of the Property are decommissioned and demolished, and operations of the Solar Farm Energy System have been permanently terminated.

14. Property Owner Option and Alternative to Relocation

In the event that any Property Owner elects to remain in their home and not relocate pursuant to the preceding terms and conditions of this Agreement, Property Owner located in the footprint or within one (1) mile of the perimeter of the footprint shall notify Guarantor within 3 years of commencement of operations of the Solar Farm Energy System that they are exercising their option under paragraph 14, and shall be compensated by the developer in a cash amount equal to 25% of the Appraised Value, as set forth in paragraph 6 of this Agreement.

Property Owner located between one (1) mile and two (2) miles of said footprint perimeter shall have 2 years to exercise the paragraph 14 option, and compensation shall be equal to 5% of the Appraised Value, as set forth in paragraph 6 of this Agreement.

The exercise of the option by Property Owner under this Paragraph 14, and payment to Property Owner by Guarantor shall constitute a full waiver and release of any future property value diminution claim or right to sell to the Guarantor as otherwise provided for in this Agreement.

15. Assignment or Transfer

Neither this Agreement nor the rights under it may be assigned, conveyed, or otherwise transferred by Property Owner. The guarantee given by Guarantor to guarantee the Property value and to purchase the Property is personal, and does not run with the land; however, said Agreement shall inure to the benefit of the Property Owner, and the Proper Owner’s personal representatives, trustees, guardians, custodians and heirs; but, in all events, shall terminate after any closed sale of the Property by Property Owner.

16. Application of Law, Disputes

This Agreement shall be construed consistent with law in the State of Indiana. Disputes concerning the application or terms of this Agreement shall be subject to determination by a court of competent jurisdiction sitting in Adams County, Indiana. The parties may mutually agree to binding arbitration.

17. Severability

If any term or provision of this agreement is held to be invalid, void or otherwise unenforceable by any court or arbitration panel of competent jurisdiction, then the same shall not affect the validity or enforceability of any other term or provision hereof, the terms and provisions hereof being severable.

GUARANTOR:

By _____

Name Title Date

STATE OF INDIANA)
) SS:

COUNTY OF _____)

Before me the undersigned, a Notary Public, in and for said County and State, on this ____ day of _____ 20__ personally appeared _____, and acknowledged the execution of the foregoing.

_____, Notary Public
Resident of _____ County, _____

My Commission Expires: _____

Article 7: Ordinance for Storm Drainage Control Within Adams County

1. Purpose

The purpose of this ordinance is to reduce the hazard to public health and safety caused by excessive stormwater runoff, to enhance economic objectives, and to protect, conserve and promote the orderly development of land and water resources within the regulatory area.

This ordinance regulates:

- A. Stormwater drainage improvements related to development of lands as defined within this ordinance located within Adams County.
- B. Drainage control systems installed during new construction and grading of developments as defined within this ordinance.
- C. The design, construction and maintenance of stormwater drainage facilities and systems.

2. Conflicting Ordinances

The provisions of this ordinance shall be deemed as additional requirements to minimum standards required by other ordinances of Adams County. In case of conflicting requirements, the most restrictive shall apply.

3. Compliance with this and Other Ordinances

In additions to the requirements of this ordinance, compliance with the requirements set forth in the Zoning Ordinance of Adams county, Subdivision Control Ordinance of Adams County, and other applicable ordinances with respect to submission and approval of preliminary and final Subdivision Plats, improvement plans, building and zoning permits, construction, inspections, appeals and similar matters, and compliance with applicable State of Indiana statues and regulations shall be required.

4. Definitions and Abbreviations

For the purpose of this ordinance, the following definitions and abbreviations shall apply. Although not all of the definitions and abbreviations listed below are used in this ordinance, the additional terminology is provided to assist ordinance administrators, other community officials, residents and permit applicants in understanding technical terminology associated with the subject matter of this ordinance.

A. Definitions

Antecedent Runoff Condition - The index of runoff potential before a storm event. The index, developed by the Soil Conservation Service (SCS), is an attempt to account for the variation of the SCS runoff curve number (CN) from storm to storm. The antecedent moisture condition is the moisture found within a soil due to a previous storm event.

Acre-Foot (AF) - A measure of water volume equal to the inundation of a flat one-acre area to a depth of one foot (43,560 cubic feet).

Amortization Period - The length of time used to repay a debt or mortgage to depreciate an initial cost.

Backflow Preventer - A device that allows liquids to flow in only one direction in a pipe. Backflow preventers are used on sewer pipes to prevent a reverse flow during flooding situations.

Backwater - The rise in water surface elevation caused by some obstruction such as a narrow bridge opening, buildings or fill material that limits the area through which the water shall flow. Backwater may also be considered as that water elevation found in a tributary that is based on the receiving stream's existing water elevation.

Base Flood Elevation (BFE) - The water surface elevation corresponding to a flood having a one percent probability of being equaled or exceeded in a given year.

Basement - Any area of the building having its floor subgrade on all sides.

Benchmark - A marked point of known elevation from which other elevations may be established.

Best Management Practices - Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

Adams County Drainage Board - The Adams county Drainage Board of Adams County, Indiana and any subordinate employee to whom they shall specifically delegate a responsibility authorized by this ordinance.

Building - See Structure.

Capacity of a Storm Drainage Facility - The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

Centerline of Channel - The middle point or baseline of a channel.

Channel - A natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

Channel Modification - Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification typically involving relocation of the existing channel (e.g., straightening).

Compensatory Storage - An excavated volume of storage within a floodplain used to balance the loss of natural flood storage capacity when fill or substructures are placed within the floodplain. Such excavated volume has to be available for inundation by and accessible to the flood waters.

Contiguous - Adjoining or in actual contact with.

Contour - Imaginary line on the earth's surface which connects points of equal elevation.

Contour Line - Line on a map which represents a contour or points of equal elevation.

Control Structure - A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

Convolution - The process of translating precipitation excess into a runoff hydrograph.

Crawl Space - Low space below first floor of a house where there has not been excavation deep enough for a basement, but where there is often access for pipes, ducts and utilities.

Crown of Pipe - The elevation of top of pipe.

Cross-Section - A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

Cubic Feet Per Second (CFS) - Used to describe the amount of flow passing a given point in a stream channel. One cubic foot per second is equivalent to approximately 7.5 gallons per second.

Culvert - A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

Curve Number (CN) - The Soil Conservation Service index that represents the combined hydrologic effect of soil, land use, land cover, hydrologic condition and antecedent runoff condition.

Dam - All obstructions, wall embankments or barriers, together with any abutments and appurtenant works, constructed to store, direct water or create a pool (not including underground water storage tanks).

Damage - Measurable rise in flood heights on buildings currently subject to flooding, flooding of buildings currently not subject to flooding and increases in volume or velocity to the point where the rate of land lost to erosion and scour is substantially increased.

Datum - Any level surface to which elevations are referred, usually using Mean Sea Level.

Depressional Storage Areas - Non-riverine depressions in the earth where stormwater collects. The volumes are often referred to in units of acre-feet.

Design Storm - A selected storm event, described in terms of the probability of occurring once within a given number of years, for which stormwater or flood control improvements are designed and built.

Detention Facility - A facility designed to detain a specified amount of stormwater runoff assuming a specified release rate. The volumes are often referred to in units of acre-feet.

Detention Storage - The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

Development - Any man-made change to improved or unimproved real estate as defined below:

- A. A major subdivision as defined by the Adams county Subdivision Control Ordinance.
- B. All new business, commercial and industrial developments more than one (1) acre and up to three (3) acres in size and exceeding 33 % impervious surface.
- C. All new business, commercial, and industrial developments over three acres in size.
- D. Any new highway, street or road construction that adds impervious surface over and above the existing condition and in the opinion of the Adams County Surveyor adds significantly to the storm water runoff so as to require the application of this ordinance.

Development does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation or the construction of permanent buildings. In addition, Development does not include the reconstruction or maintenance of regulated drains or replacement of existing stream crossings by the Adams County Drainage Board, the Adams county Highway Department, the Indiana Department of Transportation, or other governmental agencies.

Discharge - Normally, the rate of flow into or out of a sewer, stormwater storage facility, or from a land surface. Discharges are customarily measured in cubic feet per seconds (CFS).

Drainage Area - The area from which water is carried off by a drainage system, a watershed or catchment area.

Drop Manhole - Manhole having a vertical drop pipe connecting the inlet pipe to the outlet pipe. The vertical drop pipe shall be located immediately outside the manhole.

Dry Bottom Detention Facility - A facility designed to be completely dewatered after having provided its planned detention of runoff during a storm event.

Duration - The time period of a rainfall event.

Elevation Certificate - A form published by Federal Emergency Management Agency that is used to certify the 100-year or base flood elevation and the lowest elevation of usable space to which a building has been constructed.

Elevation Reference Mark (ERM) - Elevation benchmark tied to the National Geodetic Vertical Datum of 1929 and identified during the preparation of a Flood Insurance Study prepared for the Federal Emergency Management Agency.

Energy Dissipater - A device to reduce the energy of flowing water.

Erosion - Wearing away of the land by running water and waves, abrasion, temperature changes, ice and wind.

Extraterritorial Jurisdiction (ETJ) - Areas located outside the corporate limits of a community over which the community has statutory development authority.

Farm or Field Tile - A small diameter clay, plastic or pipe of some other accepted material installed in an agricultural area to allow drainage of farmland.

FEMA - The Federal Emergency management Agency.

Flood or Flood Waters - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) - A map prepared by the Federal Emergency Management Agency that depicts the FEMA designated floodways within a community. This map also includes the delineation of the 100-year and 500-year floodplain boundaries and the location of the Flood Insurance Study cross-sections.

Flood Crest - The maximum stage or elevation reached or expected to be reached by the waters of a specific flood at a given location.

Flood Duration - The length of time a stream is above flood stage or overflowing its banks.

Flood Easement - Easement granted to identify areas inundated by the 100-year flood and prohibit or severely restrict development activities.

Flood Elevation - The elevation at all locations delineating the maximum level of high waters for a flood of given return period.

Flood Fighting - Actions taken immediately before or during a flood to protect human life and to reduce flood damages such as evacuation, emergency sandbagging and diking.

Flood Forecasting - The process of predicting the occurrence, magnitude and duration of an imminent flood through meteorological and hydrological observations and analysis.

Flood Frequency - A statistical expression of the average time period between floods equaling or exceeding a given magnitude. For example, a 100-year flood has a magnitude.

Flood Insurance Rate Map (FIRM) - A map prepared by the Federal Emergency management Agency that depicts Special Flood Hazard Areas within a community. This map also includes the 100-year or Base Flood Elevation at various locations along the watercourses. More recent versions of the FIRM may also show the FEMA designated floodway boundaries and the location of the Flood Insurance Study cross-sections.

Flood Insurance Study (FIS) - A study prepared by the Federal Emergency management Agency to assist a community participating in the National Flood Insurance Program in its application of the program regulations. The study consists of a text which contains community background information with respect to flooding, a floodway data table, summary of flood discharges, flood profiles, a Flood Insurance Rate Map, and a Flood Boundary and Floodway Map.

Flood Hazard Boundary Map (FHBM) - A map prepared by the Federal Emergency Management Agency that depicts Special Flood Hazard Areas as a Zone A within a community. There is no study text, base flood elevations, or floodways associated with this map.

Floodplain - The channel proper and the areas adjoining any lake or watercourse which have been or hereafter may be covered by the regulatory or 100-year flood. The floodplain includes both the floodway and the floodway fringe districts.

Floodplain Management - The operation of a program of corrective and preventive measures for reducing flood damage, including but not limited to flood control projects, floodplain land use regulations, floodproofing or buildings, and emergency preparedness plans.

Floodplain Regulations - General term applied to the full range of codes, ordinances and other regulations relating to the use of land and construction within floodplain limits. The term encompasses zoning ordinances, subdivision regulations, building and housing codes, encroachment laws and open area (space) regulations.

Flood Profile - A graph showing the relationship of water surface elevation to a specific location, the latter generally expressed as distance above the mouth of a stream of water flowing in an open channel. It is generally drawn to show surface elevation for the crest of a specific magnitude of flooding, but may be prepared for conditions at any given time or stage.

Flood Protection Grade (FPG) - The elevation of the regulatory or 100-year flood plus two (2) feet at any given location in the Special Flood Hazard Area or 100-year floodplain.

Flood Resistant Construction (Floodproofing) - Additions, changes or adjustments to structures or property that are designed to reduce or eliminate the potential for flood damage.

Flood Storage Areas - Depressions, basins, or other areas that normally stand empty or partially empty, but fill with rainfall runoff during storms to hold the runoff and reduce downstream flow rates. The volumes are often referred to in units of acre-feet.

Floodway - The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to carry and discharge efficiently the peak flow of the regulatory flood of any river or stream.

Floodway Fringe - Those portions of the floodplain lying outside the regulatory floodway.

Footing Drain - A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

Freeboard - An increment of height added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown local conditions, wave actions and unpredictable effects such as those caused by ice or debris jams. (See Flood Protection Grade).

French Drain - A drainage trench backfilled with a coarse, water-transmitting material; may contain a perforated pipe.

Gabion - An erosion control structure consisting of wire cage filled with rocks.

Grade - The inclination or slope of a channel, canal, conduit, etc. or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance.

Groundwater Recharge - The infiltration of water into the earth. It may increase the total amount of water stored underground or only replenish supplies depleted through pumping or natural discharge.

High Water - Maximum designed, permitted, or regulated water level for an impoundment.

Hydraulics - A branch of science that deals with the practical application of the mechanics of water movement. A typical hydraulic study is undertaken to calculate water surface elevations.

Hydraulic Grade line (HGL) - For open channel flow, the HGL is equal to the water surface whereas for pressure flow it is the piezometric surface

Hydrodynamic Loads - Forces imposed on structures by floodwaters due to the impact of moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its downstream side.

Hydrograph - For a given point on a stream, drainage basin or a lake, a graph showing either the discharge, stage (depth), velocity or volume of water with respect to time.

Hydrology - The science of the behavior of water, its dynamics, composition and distribution in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

Hydrometeorologic - Water-related meteorologic data such as rainfall or runoff.

Hydrostatic Loads - Those loads or pressures resulting from the static mass of water at any point of floodwater contact with a structure. They are equal in all directions and always act perpendicular to the surface on which they are applied. Hydrostatic loads can act vertically on structural members such as floors, decks and roofs, and can act laterally on upright structural members such as walls, piers and foundations.

Impact Areas - Areas defined or mapped by the Adams County Surveyor which are unlikely to be easily drained because of one or more factors including but not limited to any of the following: soil type, topography, land where there is not adequate outlet, a floodway or floodplain, land within 75 feet of each bank of any regulated drain or within 75 feet from the center line or any regulated tile ditch.

Impervious Surface - Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas.

IDNR - Indiana Department of Natural Resources.

Infiltration - Passage or movement of water into the soil.

Infiltration Swales - A depressed earthen area that is designed to promote infiltration.

Inlet - An opening into a storm sewer system for the entrance of surface stormwater runoff, more completely described as a storm sewer inlet.

Junction Chamber - A converging section of conduit, usually large enough for a person to enter, used to facilitate the flow from one or more conduits into a main conduit.

Land Surveyor - A person licensed under the laws of the State of Indiana to practice land surveying.

Lateral Storm Sewer - A sewer that has inlets connected to it but has no other storm sewer connected.

Life Cycle Cost - Cost based on the total cost incurred over the system life including research, development, testing, production, construction, operation, and maintenance. Costs are normally determined on present worth or equivalent annual cost basis.

Low Entry Elevation - The elevation in a structure where overbank flooding can enter the structure.

Lowest Floor - Refers to the lowest of the following:

- A. The top of the basement floor;
- B. The top of the garage floor, if the garage is the lowest level of the building;
- C. The top of the first floor of buildings constructed on a slab or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
- D. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless;
 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters.
 2. Such enclosed space shall be usable only for the parking of vehicles or building access.

Major Drainage System - Drainage system carrying runoff from drainage area of one (1) or more square miles.

Manhole - Storm sewer structure through which a person may enter to gain access to an underground storm sewer or enclosed structure.

Manning Roughness Coefficient or Manning's N Value - A dimensionless coefficient (n) used in the Manning's equation to account for channel wall frictional losses in steady uniform flow.

Minor Drainage System- Drainage system caring runoff from a drainage area less than one (1) square mile.

National Flood Insurance Program (NFIP) - The NFIP is a Federal program enabling property owners to purchase flood insurance. The Federal Emergency Management Agency administers the NFIP in communities throughout the United States. The NFIP is based on an agreement between local communities and the Federal government which states that if a community will implement floodplain management measures to reduce future flood risks to new construction and substantially improved structures in flood

hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood losses that do occur.

National Pollution Discharge Elimination System (NPDES) - Permit system under the authority of the U.S. Environmental Protection Agency regarding point and non-point sources of water pollution.

Nonpoint Source Pollution - Pollution that enters a water body from diffused origins on the watershed or drainage basin and does not result from discernible, confined or defined conveyances or discharge points.

Off-site - Everything not located at or within a particular site.

Off-site Land Areas - Those areas which by virtue of existing topography must outlet through the developing property.

100-Year Frequency Flood - See regulatory flood.

On-Site - Located within the controlled or urbanized area where runoff originates.

Open Channels - Open channels include not only those which are completely open overhead, but also closed conduits which are flowing partly full. Examples of such closed conduits are tunnels, storm sewers, sanitary sewers, and various types of pipelines. Flow in open channels involves a free surface.

Orifice - A device which controls the rate of flow from a detention basin.

Outfall - The point or location where storm runoff discharges from a sewer or drain. Also applies to the outfall sewer or channel which carries the storm runoff to the point of outfall.

Overland Flow - Consists of sheet flow, shallow concentrated flow and open channel flow.

Peak Flow - The maximum rate of flow of water at a given point in a channel or conduit resulting from a predetermined storm or flood.

Planimetric Data - Horizontal measurements involving distances or dimensions on a diagram, map, Plat of Survey or topographic map. Normally in units of feet.

Plat of Survey - A scaled diagram showing boundaries of a tract of land or subdivision. This may constitute a legal description of the land and be used in lieu of a written description.

Probable Maximum Flood - The most severe flood that may be expected from a combination of the most critical meteorological and hydrological conditions that are reasonably possible in the drainage basin. It is used in designing high-risk flood protection works and siting of structures and facilities that shall be subject to almost no risk of flooding. The probable maximum flood is usually much larger than the 100-year flood.

Professional Engineer - A person licensed under the laws of the State of Indiana to practice professional engineering.

Radius of Curvature - Length of radius of a circle used to define a curve.

Rainfall Intensity - The cumulative depth of rainfall occurring over a given duration, normally express in inches per hour. In the Rational Formula, this represents the average rainfall intensity over a duration equal to the time of concentration for the catchment.

Reach - Any length of river, channel or storm sewer.

Recurrence Interval - A statistical expression of the average time between floods equaling or exceeding a given magnitude.

Redevelopment - See the definition for Development.

Regulated Area - All of Adams County, except for land areas lying within incorporated areas of Adams County.

Regulated Drain - A drain subject to the provisions of the Indiana Drainage Code, I.C. 36-9-27.

Regulatory or 100-Year Flood - The flood having a one percent (1%) probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. If a permit from the Indiana Department of Natural Resources - Division of Water (IDNR-DOW) for construction in the floodway is required, then the regulatory flood peak discharge should be calculated by a method acceptable to the IDNR-DOW. The regulatory flood is also known as the base flood.

Regulatory Floodway - See floodway

Release Rate - The amount of stormwater released from a stormwater control facility per unit of time.

Reservoir - A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

Retention Facility - A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration or pumping. The volumes are often referred to in units of acre-feet.

Return Period - The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a one percent probability of being equaled or exceeded in any one year.

Right-of-Way for a County Drain - Land over which a regulated county drain passes and is controlled without restriction or interruption by the property owner.

RipRap - Large rock that when installed along an erodible surface reduces the erosion potential.

Riverine - Relating to, formed by, or resembling a stream (including creeks and rivers).

Runoff - The waters derived from melting snow or rain falling within a tributary drainage basin that exceed the infiltration capacity of the soils of that basin, flow over the surface of the ground or are collected in channels or conduits.

Runoff Coefficient - A decimal fraction relating the amount of rain which appears as runoff and reaches the storm sewer system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as stormwater runoff.

Sanitary Backup - The condition where a sanitary sewer reaches capacity and surcharges into the lowest area, normally a basement.

Scour - The clearing and digging action of flowing water.

Sediment - Material of soil and rock origin, transported, carried or deposited by water.

Sedimentation - The process that deposits soils, debris and other materials either on the ground surfaces or in bodies of water or watercourses.

Seepage - The passage of water or other fluid through a porous medium, such as the passage of water through an earth embankment or masonry wall.

Silt Screen Fence - A fence constructed of wood or steel supports and either natural (e.g. burlap) or synthetic fabric stretched across area of flow during site development to trap and retain on-site sediment due to rainfall runoff.

Siphon - A closed conduit or portion of which lies above the hydraulic grade line, resulting in a pressure less than atmospheric and requiring a vacuum within the conduit to start flow. A siphon utilizes atmospheric pressure to effect or increase the flow of water through a conduit. An inverted siphon is used to carry stormwater flow under an obstruction such as a sanitary sewer.

Special Flood Hazard Area (SFHA) - Those lands within the jurisdiction of a community which are subject to inundation by the regulatory or 100-year flood. Special Flood Hazard Areas are usually designated on a Flood Hazard Boundary Map as Zone A. After detailed evaluation of local flooding characteristics, the Flood Insurance Rate Map will refine this categorization into Zones A, AE, AH, AO and A1-30.

Spillway - A waterway in or about a hydraulic structure, for the escape of excess water.

Standard Project Flood - A term used by the U.S. Army Corps of Engineers to designate a flood that may be expected from the most severe combination of the meteorological and hydrological conditions that are considered reasonable characteristics of the geographical area in which the drainage basin is located, excluding extremely rare combinations. The peak flow for a standard project flood is generally 40 to 60 percent of the probable maximum flood for the same location.

Stilling Basin - A basin used to slow water down or dissipate its energy.

Storm Duration - The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

Storm Sewer - A closed conduit for conveying collected stormwater.

Stormwater Facility - All ditches, channels, conduits, levees, ponds, natural and manmade impoundments, wetland, tiles, swales, sewers and other natural or artificial means of draining surface and subsurface water from land.

Stormwater Runoff - The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

Structure - Refers to a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Structural Engineer - A person licensed under the laws of the State of Indiana to engage in the designing or supervising of construction, enlargement or alteration of structures or any part thereof, for other, to be constructed by persons other than himself or herself.

Structural Floodplain Management Measures - Those physical or engineering measures employed to modify the way floods behave, e.g., dams, dikes, levees, channel enlargements and diversions.

Subarea/Subbasin - Portion of a watershed divided into homogenous drainage units which can be modeled for purposes of determining runoff rates. The subareas/subbasins have distinct boundaries, as defined by the topography of the area.

Substantial Improvement - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure at the time of the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary or safety code requirements or any alteration of a historic structure, provided that the alteration will not preclude the structures continued designation as a historic structure.

Sump Failure - A failure of the sump pumps that results in inundation of a crawl space or basement.

Sump Pump - A small pump that discharges seepage from foundation footing drains.

Surcharge - Backup of water in a sanitary or storm sewer system in excess of the design capacity of the system.

Tailwater - The water surface elevation at the downstream side of a hydraulic structure (i.e. culvert, bridge, weir, dam, etc.)

Thalweg - The deepest point of a channel.

Time of Concentration - Is the travel time of a particle of water from the most hydraulically remote point in the contributing area to the point under study? This can be considered the sum of an overland flow time and times of travel in street gutters, storm sewers, drainage channels, and all other drainage ways.

Topographic Map - Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

Topography - The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

TP-40 Rainfall - Design storm rainfall depth data for various durations published by the National Weather Services in their Technical Paper 40 dated 1961.

Transition Section - Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice-versa.

Tributary - Based on the size of the contributing drainage area, a smaller watercourse which flows into a larger watercourse.

Underdrain - A small diameter perforated pipe that allows the bottom of a detention basin to drain.

Unit Hydrograph - A unit hydrograph is the hydrograph that results from one inch of precipitation excess generated uniformly over the watershed at a uniform rate during a specified period of time.

Urbanization - The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

Watercourse - Any river, stream, creek, brook, branch, natural or man-made drainage way in or into which stormwater runoff or floodwaters flow either regulatory or intermittently.

Watershed - The land area drained by contributing water to a specific point that could be along a stream, lake or other stormwater facilities. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

Watershed Area - The total area from which surface runoff is carried away by a drainage system.

Weir - A device which is used to restrict the flow of water thereby limiting the discharge rates. A weir can also facilitate calculation or measurement of the discharge rates. These are often used to control the rate of flow out of stormwater storage facilities.

Wet Bottom Retention Facility - A facility designed to retain a permanent pool of water after having provided its planned detention of runoff during a storm event.

Wetlands - Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adapted for line in saturated soil conditions.

B. Abbreviations

BFE	Base Flood Elevation
CFS	Cubic Feet Per Second
CLOMR	Conditional Letter of Map Revision (from FEMA)
CLOMR-F	Conditional Letter of Map Revision Based on Fill (from FEMA)
CN	Curve Number
COE	United States Army Corps of Engineers
ERM	Elevation Reference Mark
ETJ	Extraterritorial Jurisdiction
FBFM	Flood Boundary and Floodway Map
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FPG	Flood Protection Grade
FPS	Feet Per Second
HGL	Hydraulic Grade Line
IDEM	Indiana Department of Environmental Management
IDNR	Indiana Department of Natural Resources
LAG	Lowest Adjacent Grade
LOMA	Letter of Map Amendment (from FEMA)
LOMR	Letter of Map Revision (from FEMA)
LOMR-F	Letter of Map Revision Based on Fill (from FEMA)
NFIP	National Flood Insurance Program
NAVD	North American Vertical Datum of 1988
NGVD	National Geodetic Vertical Datum of 1929
NPDES	National Pollution Discharge Elimination System
SFHA	Special Flood Hazard Area
tc	Time of Concentration

5. Stormwater Control Policy

It is recognized that the watercourses serving Adams County do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, the storage and controlled release rate of excess stormwater runoff shall be required for the following instances:

- A. All new business, commercial and industrial developments more than one (1) acre and up to three (3) acres in size and exceeding 33% impervious surface,
- B. All new business, commercial and industrial developments over three acres in size,
- C. Developments as defined above,
- D. Any new highway, street, or road construction that adds impervious surface over and above the existing condition and in the opinion of the Adams County Surveyor adds significantly to the storm water runoff so as to require the application of this ordinance.

The release rate of stormwater from developments and redevelopments may not exceed the peak 5-year return period stormwater runoff from the land area in its present state of development.

The developer shall submit to the Adams County Surveyor and the Adams County Drainage Board, detailed computations of runoff before and after development or redevelopment which demonstrates that runoff will not be increased. These computations shall show that the peak runoff rate after development for the 100-year return period storm of 24-hour duration shall not exceed the 5-year return period pre-development peak runoff rate.

The method for computations as applied to this ordinance for development sites shall be approved by the Adams County Surveyor.

6. **Information Requirements**

The following information and data prepared by a licensed professional engineer or land surveyor engaged in storm drainage design shall accompany plans for each regulated development lying within the Regulated Area prior to Final Plat Approval by the Adams County Plan Commission as follows:

A. **Topographic Survey Map**

A topographic map of the land to be subdivided and such adjoining land whose topography may affect the layout or drainage of the development. The contour intervals shall be one foot when slopes are less than two percent and shall be two feet when slopes exceed two percent. On this map, the following shall be shown:

1. The location of streams and other flood water runoff channels, the extent of the floodplains at the established 100-year flood elevation where available and the limits of the regulatory floodway, all properly identified and sources noted. NOTE: the regulatory floodway may be measured from the effective FEMA map. However, floodplain boundaries shall be determined based on the 100-year flood elevation/profile and the Topographic Survey Map prepared according to this section.
2. The normal shoreline of lakes, ponds, swamps and detention/retention facilities, their floodplains and direction of inflow and outflow if any.
3. The location of regulated drains, farm drains, inlets and outfalls, if any of record.
4. Storm, sanitary and combined sewers and outfalls, if any of record.
5. Septic tank systems and outlet, if any of record.
6. Seeps, springs, flowing and other wells, that are visible or of record.
7. Soil names and their hydrologic classification for the proposed development when hydrologic methods requiring soils information are used.

B. Preliminary Drainage Plans

A comprehensive plan, in preliminary form (or in combined preliminary and final form), designed to safely handle the stormwater runoff and detain the increased stormwater runoff. The plan shall provide or be accompanied by maps or other descriptive material indicating the feasibility of the drainage plan and showing the following:

1. The extent and area of each upstream, off-site watershed tributary to the subject site. Required materials for preliminary review include:
 - b. Exhibit showing each upstream, off-site drainage area tributary to the subject site on USGS Quadrangle Maps or other more detailed topographic maps.
 - c. Preliminary plan to convey upstream, off-site runoff through the subject property, shown on the preliminary drainage plan for the site.
2. The capacity of the downstream, off-site receiving system (outlet). Information must be submitted to show that the downstream, off-site drainage system has the capacity to convey the expected runoff from the subject property and any upstream, off-site areas. The Adams County Surveyor may also determine the capacity of the downstream drainage system.
3. The general drainage plan for the subject property must include the following items:
 - a. The extent and area of each watershed on the subject property in the existing condition. Calculations to determine the allowable release rate from the subject property should also be included.
 - b. The extent and area of each watershed affecting the design of detention facilities as shown on USGS Quadrangle Maps or other more detailed topographic maps.
 - c. Elevations in either National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum of 1998 (NAVD).
 - d. The estimated location and percentage of impervious surfaces expected to be constructed when the development is completed.
 - e. Existing detention/retention facilities to be maintained, enlarged or otherwise altered and new ponds or basins to be built and the basis of their design.
 - f. The estimated depth and amount of storage required by design of the new facilities.
 - g. The preliminary layout and design of street storm sewers, where proposed, and other storm drains to be built, the outfall and outlet locations and approximate elevations, the receiving stream or channel and its 100-year return period water elevation.
 - h. The preliminary layout of swales which collect runoff from on-site and/or off-site watersheds.
 - i. Proposed culverts and bridges to be built, their material, elevations, waterway openings and basis of their design.
 - j. Identification of overland flow routes to detention/retention facilities.
4. Existing streams and floodplains to be maintained, and new channels to be constructed, their locations, cross-sections and profiles.

5. Any interim drainage plan which is to be incorporated into the development pending completion of the development and the final drainage plan.
6. A copy of the effective FEMA map, annotated to show the project location and property boundaries in relation to the regulatory floodplain and floodway.
7. The location of any regulatory wetlands on the subject property.
8. A report summarizing the hydraulic design parameters and detailing how this design satisfies this ordinance.

C. Valley Cross-Sections

One or more typical cross-sections of all existing and proposed channels or other open drainage facilities carried into the overbank to a point above the 100-year flood elevation. These shall also show the elevation of the existing land and the proposed changes thereto, together with the high water elevations expected from the 100-year flood under the controlled conditions called for by this ordinance, and the relationship of structures, streets and other facilities. Cross-sections must be represented perpendicular to the expected flow path.

D. Site Engineering Plans

Site engineering plans shall be drawn to scale and show the dimensions and features of the proposed development. The requirements for the site plan contents and format are as follows:

1. The set of plans shall contain the following sheets as a minimum:
 - a. Title Sheet, with project name and location map. The title sheet shall also include the name, address, telephone number and seal of the registered professional engineer or the licensed/registered land surveyor preparing the plans.
 - b. Topographic Survey Map.
 - c. Geometric Plan showing all dimensions of existing property boundaries, and necessary data to layout the proposed development.
 - d. Grading/Drainage Plan which identifies all existing and proposed drainage characteristics such as swales, drainage break points and storm sewers and detention facilities.
2. Each plan sheet shall include:
 - a. A title block located in the lower right hand corner that includes the project name, job number, sheet title (Geometric, Grading, etc.), sheet number, date of preparation and latest revision date and description.
 - b. North arrow.
 - c. Graph scale (bar scale), preferably with a scale between 1 inch = 20 feet and 1 inch = 100 feet.
 - d. A legend clearly identifying all symbols indicated on that plan sheet.
 - e. Plan sheets shall be twenty-four inches (24") buy thirty-six inches (36") in size.
 - f. An adequate number of benchmarks shown with elevations referenced to NGVD or NAVD to facilitate checking of elevations without more than one setup of a surveyor's level, except for large development sites where additional setups may be warranted.

- g. Delineation of all existing and proposed easements for underground and overhead utilities and drainage.

E. Final Drainage Plans

Upon approval of the preliminary drainage plans by the Adams County Drainage Board, final drainage plans shall be submitted to the Drainage Board. In addition to data provided on the preliminary drainage plans, the final plans shall provide or be accompanied by calculations, maps and other descriptive material including the following:

1. A set of plan drawings stamped by an Indiana Registered Professional Engineer or an Indiana Registered Land Surveyor showing all proposed detention areas, storm sewers, inlets, outfall structures, open ditches, culverts (including driveway crossings) and bridges. At the minimum, these plan drawings should show or accompany the following:
 - a. The extent and area of each watershed area tributary to the drainage channels in the development.
 - b. Elevations in either National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum of 1988 (NAVD).
 - c. Proposed contours and where they tie into existing contours at the property boundaries.
 - d. The street storm sewers and other storm drains to be built, the basis of their design, outfall and outlet locations and invert elevations, receiving stream or channel and its 100-year flood conditions.
 - e. The parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and over the curb runoff resulting from the heavier rainstorms and the outlets for such overflow.
 - f. Existing streams and 100-year floodplains to be maintained, and new channels to be constructed, their locations, cross-sections and profiles.
 - g. Proposed culverts and bridges to be built, their materials, elevations, waterway openings and basis of their design.
 - h. Existing detention/retention facilities to be maintained, enlarged or otherwise altered and new facilities to be built and the basis of their design.
 - i. The estimated location and percentage of impervious surfaces existing and expected to be constructed when the development is completed.
 - j. The slope, type and size of all sewers and other waterways.
2. A written report stamped by an Indiana Registered Professional Engineer or an Indiana Registered Land Surveyor shall be included with each preliminary and final drainage plan. The report will contain a summary description of the following:
 - a. The significant drainage problems associated with the project.
 - b. The analysis and procedure used to evaluate these problems and propose solutions.
 - c. Any assumptions or special conditions associated with the use of these procedures, especially the hydrologic or hydraulic methods.

- d. The proposed design of the drainage control system.
 - e. The results of the analysis of the proposed drainage control system showing that it does solve the project's drainage problems.
 - f. As an appendix to the report, a hydraulic report detailing existing and proposed drainage patterns on the subject site. The report should include a description of the present land use as well as proposed land use. Any off-site drainage entering the site should also be addressed. This report should be comprehensive and detail all the steps which the design engineer took during the design process. All hydrologic and hydraulic computations should be included in the submittal. These calculations should include, but not be limited to: development of runoff curve numbers or runoff coefficients; runoff calculations; stage-discharge relationships for detention/retention facility outfalls; times of concentration; and storage volume. A map showing any drainage subareas used in the analysis shall accompany the report.
 - g. Copies of all computer model runs used in the drainage analyses. These computer runs should include both the model inputs and the outputs. A floppy diskette with input files will expedite the review process.
 - h. For all detention/retention facilities, a plot or tabulation of storage volumes with corresponding water surface elevations and a plot or tabulation of the facility outflow rates for those water surface elevations.
3. In addition to the criteria and requirements set in this ordinance, the plans and calculations should also meet the following criteria:
- a. If roadside ditches are used rather than storm sewers, the bottom of the ditch should be low enough to install adequately sized driveway culverts without creating speed bumps.
 - b. Driveway culvert inverts shall be designed to adequately consider upstream and downstream culvert elevations.
 - c. Minimum swale and yard slopes are 0.3% unless otherwise approved by the Plan Commission.
 - d. Maximum yard slopes are 3:1 unless otherwise approved by the Plan Commission.
 - e. Top of foundation no less than 0.5 feet above finished grade.
 - f. Spot elevations shown at the drainage break points.
 - g. Pipes have adequate slope to maintain 2.5 feet per second (fps) velocity (cleaning velocity).
 - h. When changing pipe size from a smaller to a larger pipe, match crowns of pipes.
 - i. Inlets are placed such that the tributary flows are in accordance with the grate capacity (i.e. depth of inundation above rim is tolerable in 10-year and 100-year storms).

F. Submittal and Consideration of Plans

Preliminary and final drainage plans and/or construction plans shall be submitted to the Adams County Drainage Board twenty (20) days prior to their regularly scheduled meeting. All preliminary plans, final plans and construction plans in compliance with the standards of this ordinance shall be approved by the Drainage Board. The Drainage Board or the County Surveyor shall stamp such

approval on a copy of such plans and deliver the same to the applicant. The Drainage Board shall approve or disapprove any preliminary plans, final plans and construction plans within sixty (60) days of submission unless applicant consents to a continuance or extension. All approvals and disapprovals with written reasons shall be incorporated into the Drainage Board minutes.

The County Surveyor is authorized to either review or appoint someone to review engineering summaries of projects and based upon the same, grant exemptions from any and all requirements of this ordinance and/or waive any requirements of this ordinance upon approval of the Drainage Board. Any applicant may appeal the decision of the County Surveyor to the Drainage Board which shall also be authorized to grant exemptions from any and all requirements of this ordinance and/or waive any requirements of this ordinance in its discretion.

G. Determination of Runoff Quantities

Runoff quantities shall be computed for the area of the parcel under development plus the area of the watershed flowing into the parcel under development. The quantity of runoff which is generated as the result of a given rainfall intensity shall be computed by a method as approved by the Adams County Surveyor.

H. Amount of Runoff to be Accommodated by Various Parts of the Drainage Facility

Various parts of a drainage facility shall accommodate runoff water as follows:

1. Minor Drainage System

The minor drainage system such as inlets, catch basins, street gutters, swales, sewers and small channels which collect stormwater shall accommodate, as a minimum, peak runoff from a 10-year return frequency storm.

These minimum requirements shall be satisfied:

- a. The allowable spread of water on Collector Streets is limited to maintaining two clear 10-foot moving lanes of traffic. One lane is to be maintained on Local Roads, while other access lanes (such as a subdivision cul-de-sac) can have a water spread equal to one-half of their total width.
- b. Open channels carrying greater than 30 cubic feet per second shall be capable of accommodating peak runoff for a 24-hour, 50-year return frequency storm within the drainage easement.
- c. Culverts shall be capable of accommodating peak runoff from a 24-hour, 50-year return frequency storm when crossing under a road which is part of the INDOT rural functional classification system.
- d. Rear and side lot swales shall not carry more than 4 cfs and only 2 cfs is a swale crosses a sidewalk.

2. Major Drainage System

Major drainage systems are defined in Section 4 and shall be designed in a method approved by the Adams County Surveyor.

I. Level of Protection

1. The lowest floor elevations of all residential, commercial or industrial buildings, shall be such that all floors, including basement, shall be at the flood protection grade and therefore have 2 feet of freeboard above the 100-year flood, whichever is greater, together with a freeboard of two feet, as applies to ponds and swales. Pad elevations shall be a minimum of 15 inches above an adjacent road elevation.

2. The low entry elevation for residential buildings outside the 100-year floodplain shall be based upon the maximum flood of record or upon the 100-year flood, whichever is greater, together with a freeboard of two feet, as applies to ponds and swales. Pad elevations shall be a minimum of 15 inches above an adjacent road elevation.

J. Storm Sewer Design Standards

1. All storm sewers, whether private or public, and whether constructed on private or public property shall conform to the design standards and other requirements contained herein.
2. **Minimum Size for Storm Sewers**
The minimum diameter of all storm sewers shall be 12 inches. The rate of release for detention storage shall be controlled by an orifice plate or other device, subject to approval of the Drainage Board, when the minimum 12-inch diameter pipe will not limit the rate of release to the required amount.
3. **Pipe Cover and Grade**
Sewer grade shall be such that, in general, a minimum of one and one-half (1.5) feet of cover is maintained over the top of the pipe. If the pipe is to be placed under pavement, then the minimum pipe cover shall be two (2.0) feet. Pipe cover less than the minimum may be used only upon approval of the Drainage Board. All pipe crossings involving a County Highway, street or road shall require the approval of the County Engineer. Uniform slopes shall be maintained between inlets, manholes and inlets to manholes. Final grade shall be set with full consideration of the capacity required, sedimentation problems and other design parameters. Minimum and maximum allowable slopes shall be those capable of producing velocities of between 2.5 and 15 feet per second, respectively, when the sewer is flowing full.
4. **Alignment**
Storm sewers shall be straight between manholes.
5. **Manholes**
Manholes shall be installed to provide access to continuous underground storm sewers for the purpose of inspection and maintenance. Manholes shall be provided at the following locations.
 - a. Where two or more storm sewers converge.
 - b. Where pipe size changes.
 - c. Where a change in horizontal alignment occurs.
 - d. Where a change in grade occurs.
 - e. At intervals in straight sections of sewer, not to exceed the maximum allowed.

The maximum distance between storm sewer manholes shall be as follows:

Size of Pipe (Inches)	Maximum Distance (Feet)
12 through 42	400
48 and larger	600

6. **Inlets**
Inlets or drainage structures shall be utilized to collect surface water through grated openings and convey it to storm sewers, channels or culverts. The inlet grate opening provided shall be adequate to pass the culverts. The inlet grate opening provided shall be adequate to pass the design 10-year flow with 50% of the sag inlet areas clogged. An overload channel from sag inlets to the overflow channel or basin shall be provided at sag inlets, so that the maximum

depth of water that might be ponded in the street sag shall not exceed 7 inches. Inlet design and spacing may be done using the hydraulic equations by manufacturers or orifice/weir equations. Gutter spread on continuous grades may be determined using equations or methods approved by the Adams County Surveyor.

K. **Workmanship and Materials**

1. **Workmanship**

The specifications for the construction of storm sewers shall not be less stringent than those set forth in the latest edition of the Indiana Department of Transportation “Standard Specifications”. Additionally, ductile iron pipe shall be laid in accordance with American Water Works Association (AWWA) C-600 and clap pipe shall be laid in accordance with either American Society of Testing Materials (ASTM) C-12 or the appropriate American Association of State Highway and Transportation Officials (AASHTO) specifications.

2. **Materials**

Storm sewer manholes and inlets shall be constructed of masonry, cast in place concrete or precast reinforced concrete. Material and construction shall conform to Indiana Department of Transportation “Standard Specifications”, Section 720.

Pipe and fittings used in storm sewer construction shall be extra-strength clay pipe (ASTM C-76). Other pipe and fittings not specified herein may be used only when specifically authorized by the Drainage Board. Pipe joints shall be flexible and watertight and shall conform to the requirements of Section 715.02 - Materials, of the latest edition of the Indiana Department of Transportation “Standard Specifications”.

3. **Special Hydraulic Structures**

Special hydraulic structures required to control the flow of water in storm runoff drainage systems include junction chambers, drop manholes, inverted siphons, stilling basins and other special structures. The use of these structures shall be limited to those locations justified by prudent planning and by careful and thorough hydraulic engineering analysis.

L. **Open Channel Design Standards**

1. All open channels, whether private or public, and whether constructed on private or public land, shall conform to the design standards requirements of the Adams County Surveyor.

2. **Channel Cross-Section and Grade**

The required channel cross-section and grade are determined by the design capacity, the material in which the channel is to be constructed, and the requirements for maintenance. A minimum depth may be required to provide adequate outlets for subsurface drains, tributary ditches or streams. The channel grade shall be such that the velocity in the channel is high enough to prevent siltation but low enough to prevent erosion. Velocities less than 1.5 feet per second should be avoided since siltation will take place and ultimately reduce the channel cross-section. The maximum permissible velocities in vegetal-lined channels are shown in Table 4. Developments through which the channel is to be constructed shall be considered in the design of the channel section.

3. **Side Slopes**

Earthen channel side slopes shall be no steeper than 2 horizontal to 1 vertical (2:1). Flatter slopes may be required to prevent erosion and for ease of maintenance. Where channels will be lined, side slopes shall be no steeper than 1-1/2 horizontal to 1 vertical (1.5:1) with adequate provisions made for weep holes. Side slopes steeper than 1-1/2 horizontal to 1 vertical (1.5:1) may be used for lined channels provided that the side lining is designed and constructed as a structural retaining wall with provisions for live and dead load surcharge.

Table 1**Maximum Permissible Velocities in Vegetal-Lined Channels¹**

Cover	Side Slope Range ³ (Percent)	Permissible Velocity ² Erosion Resistant Soils (ft. per second) ⁴	Permissible Velocity ² Easily Eroded Soils (ft. per second) ⁴
Bermuda Grass	0-5	8	6
	5-10	7	5
	Over 10	6	4
Bahia Buffalo Grass Kentucky Bluegrass Smooth Brome Blue Grama	0-5	7	5
	5-10	6	4
	Over 10	5	3
Grass Mixture Reed Canary Grass	0-5 ³	5	4
	5-10	4	3
Lespedeza Sericea Weeping Lovegrass Yellow Bluestem Redtop Alfalfa Red Fescue	0-5 ⁴	3.4	2.5
	5-10		
Common Lespedeza ⁵ Sudangrass ⁵	0-5 ⁶	3.5	2.5

*1 From Soil Conservation Service, SCS-TP-61, Handbook of Channel Design for Soil and Water Conservation.

*2 Use velocities exceeding 5 feet per second only where good channel ground covers and proper maintenance can be obtained.

*3 Do not use on slopes steeper than 10 percent except for vegetated side slopes in combination with a stone, concrete or highly resistant vegetative center section.

*4 Do not use on slopes steeper than 5 percent except for vegetated side slopes in combination with a *4stone, concrete or highly resistant vegetative center section.

*5 Annuals - use on mild slopes or as temporary protection until permanent covers are established.

*6 Use on slopes steeper than 5 percent is not recommended.

4. Channel Stability

a. Characteristics of a stable channel are:

- i. It neither promotes sedimentation or degrades the channel bottom and sides beyond tolerable limits.
- ii. The channel banks do not erode to the extent that the channel cross-section is changed appreciably.
- iii. Excessive sediment bars do not develop.
- iv. Excessive erosion does not occur around culverts, bridges, outfalls or elsewhere.
- v. Gullies do not form or enlarge due to the entry of uncontrolled flow to the channel.

b. Channel stability shall be determined for an aged condition and the velocity shall be based on the design flow or the bank full flow, whichever is greater, using an N value for various channel linings as shown in Table 3 of this ordinance. In no case is it necessary to check channel stability for discharges greater than that from a 100-year frequency storm.

5. Drainage of Waterways

Vegetated waterways that are subject to low flows of long duration or where wet conditions prevail shall be drained with a tile system or by other means such as paved gutters. Tile lines

may be outletted through a drop structure at the ends of the waterway or through a standard tile outlet.

6. **Establishment of New Regulated Drain**

When the Drainage Board determines it is necessary to establish a new regulated drain, each developer shall provide the necessary information and meet the requirements of the 1965 Indiana Drainage Code, as amended, for the establishment of a new Regulated Drain. The Drainage Board shall determine necessary easements for adequate maintenance of any new Regulated Drain.

7. **Appurtenant Structures**

The design of channels will include provisions for operation and maintenance and the proper functioning of all channels, laterals, travel ways and structures associated with the project. Recessed inlets and structures needed for entry of surface and subsurface flow into channels without significant erosion or degradation shall be included in the design of channel improvements. The design will also provide for necessary flood gates, water level control devices, and any other appurtenance structure affecting the functioning of the channels and the attainment of the purpose for which they are built.

The effects of channel improvements on existing culverts, bridges, buried cables, pipelines and inlet structures for surface and subsurface drainage on the channel being improved and laterals thereto shall be evaluated to determine the need for modification or replacement. Culverts and bridges which are modified or added as part of channel improvement projects shall meet reasonable standards for the type of structure and shall have a minimum capacity equal to the design discharge or governmental agency design requirements, whichever is greater.

8. **Disposition of Spoil**

Spoil material resulting from clearing, grubbing, and channel excavation shall be disposed of in such a manner which will:

- a. Minimize overbank wash.
- b. Provide for the free flow of water between the channel and floodplain boundary unless the valley routing and water surface profiles are based on continuous dikes being installed.
- c. Not hinder the development of travel ways for maintenance.
- d. Leave the right-of-way in the best condition feasible, consistent with the project purposes, for productive use by the owner.
- e. Improve the aesthetic appearance of the site to the extent feasible.
- f. Be approved by the IDNR or US Army Corps of Engineers (whichever is applicable), if deposited in the floodway.

M. **Construction and Materials**

1. **Construction**

Specifications shall be in keeping with the proceeding standards and shall describe the requirements for proper installation of the project to achieve its intended purpose.

2. **Materials**

Materials acceptable for use as channel lining are:

- a. Grass
- b. Revetment Riprap
- c. Concrete
- d. Hand Laid Riprap
- e. Precast Cement Concrete Riprap
- f. Grouted Riprap
- g. Gablons
- h. Mattins

Other lining materials shall receive specific approval of the County Surveyor. Materials shall comply with the latest edition of the Indiana Department of Transportation Standard Specifications.

N. Stormwater Detention

The following shall govern the design of any improvement with respect to the detention of stormwater runoff.

1. Acceptable Detention Methods

The increased stormwater runoff resulting from a proposed development should be detained on-site by the provisions of appropriate wet bottom retention or dry bottom detention facilities, storage on flat roofs, parking lots, streets, lawns or other acceptable techniques. Measures which retard the rate of overland flow and the velocity in runoff channels shall also be used to partially control runoff rates. Detention/retention facilities shall be sized to store excess flows from storms with a 100-year return period. Control devices shall limit the discharge to a rate no greater than that prescribed by this ordinance.

2. Design Storm

Design of stormwater detention/retention facilities shall be based on a storm with a 1% chance of occurrence every year, also known as a 100-year storm. The storage volume and outflow rate shall be sufficient to handle stormwater runoff from a 24-hour duration storm.

3. Allowable Release Rate

Only methods approved by the Adams County Surveyor shall be used to determine the 5-year return period pre-development release rate for development sites controlled by this ordinance.

In the event the natural downstream channel or storm sewer system is inadequate to accommodate the release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the receiving downstream channel or storm sewer system and additional detention as determined by the Adams County Surveyor.

If more than one detention/retention facility is involved in the development of the area upstream of the limiting restriction, the allowable release rate off of the site from any one detention basin shall be in direct proportion to the ratio of its drainage area to the drainage area of the entire watershed upstream of the restriction.

4. Drainage System Overflow Design

Drainage systems, including all ditches, channels, conduits, swales, etc., shall have adequate capacity to convey the stormwater runoff from all upstream tributary areas (off-site land areas) through the development under consideration for a 100-year return period design storm calculated on the basis of the upstream land in its present state of development. Swales between privately owned residential lots shall not be used to convey the above referenced stormwater runoff unless the discharge paths are confined within the drainage easements and/or common areas. An allowance, equivalent to the reduction in flow rate provided, may be made for upstream detention when such upstream detention and release rate have previously been

approved by the Drainage Board and evidence of its construction and maintenance can be shown.

5. Acceptable Outlet

Design and construction of the stormwater facility shall provide for the discharge of the stormwater runoff from off-site land areas as well as the stormwater from the area being developed (on-site land areas) to an acceptable outlet(s) having capacity to receive upstream (off-site) and on-site drainage.

The acceptable outlet for stormwater discharge shall be a regulated open (ditch) drain or a Blue Line open drain as shown on the U.S.G.S. Quadrangle Maps. Blue Line open drains shall have adequate available capacity to handle design runoff. Roadside ditches may be acceptable provided permission is granted from Right-of-Way owner, roadside ditch is in a maintained condition, and the outlet for the roadside ditch is a regulated open drain or Blue Line open drain.

In case of extreme hardship, the Drainage Board has final authority over the acceptable outlet.

Where the outfall from the stormwater drainage system of any developer flows through real estate owned by others prior to reaching a regulated drain or natural waterway, no approval shall be granted for such stormwater drainage system until all impacted owners consent in writing to such use of their real estate or are notified of such use in writing of a hearing by the Drainage Board to review such use. The notification shall include the time and place of a hearing and be delivered either personally or by certified mail, at least five (5) days prior to the hearing thereon and proof of such notice to each landowner shall be filed with the Drainage Board prior to such hearing, which proof shall be by affidavit.

6. Determination of Storage Volume

The required volume of stormwater storage for development sites shall be approved by the Adams County Surveyor.

7. General Detention Basin Design Requirements

Basins shall be constructed to temporarily detain the stormwater runoff which exceeds the maximum peak release rate authorized by this ordinance. The volume of storage provided in these basins, together with such storage as may be authorized in other on-site facilities shall be sufficient to control excess runoff from the 100-year storm.

The following design principles shall be observed:

- a. The maximum volume of water stored and subsequently released at the design release rate shall not result in a storage duration in excess of 48 hours from the start of the storm unless additional storms occur within the period.
- b. All stormwater detention facilities shall be separated by not less than 25 feet from any building or structure to be occupied.
- c. All excavated excess spoil to be spread onsite shall be spread so as to provide for aesthetic and recreational features such as sledding hills, sports fields, decorative mounds, etc. Slopes no steeper than 6 horizontal to 1 vertical (6:1) for safety, erosion control, stability and ease of maintenance shall be permitted.
- d. Safety screens having a maximum opening of four (4) inches shall be provided for any pipe or opening to prevent children or large animals from crawling into the structures.

- e. Outlet control structures shall be designed to operate as simply as possible and shall require little or no maintenance and/or attention for proper operation. They shall limit discharges into existing or planned downstream channels or conduits so as not to exceed the predetermined maximum authorized peak flow rate.
- f. Emergency overflow facilities such as a weir or spillway shall be provided for the release of at least 100-year storm runoff (or, if applicable, the minimum required under the IDNR dam safety criteria) or in emergency conditions should the normal discharge devices become totally or partially inoperative. The overflow facility shall be of such design that its operation is automatic and does not require manual attention.
- g. Grass or other suitable vegetative cover shall be provided throughout the entire detention storage basin area. Grass should be cut regularly at approximately monthly intervals during the growing season or as required to maintain facility.
- h. Debris and trash removal and other necessary maintenance shall be performed on a regular basis to assure continued operation in conformance to design.
- i. Hydraulic calculations shall be submitted to substantiate all design features.
- j. No detention facility or other water storage area, permanent or temporary, shall be constructed under or within then (10) feet of any pole or high voltage electric line. Likewise, poles or high voltage electric lines shall not be placed within ten (10) feet of any detention facility or other water storage area.
- k. No residential lots or any part thereof, shall be used for any part of a detention basin or for the storage of water, either temporary or permanent.

8. **Dry Bottom Facility Design Requirements**

Detention facilities which will not contain a permanent pool of water shall comply with the following requirements:

- a. Provisions shall be incorporated into facilities for complete interior drainage of dry bottom facilities, including the provisions of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facility, paved gutters or the installation of subsurface drains.
- b. The detention facility may, whenever possible, be designed to serve as a secondary or multipurpose function. Recreational facilities, aesthetic qualities (open spaces) or other types of use shall be considered in planning the detention facility.
- c. In excavated detention facilities, a minimum side slope of 3:1 shall be provided for stability. In the case of valley storage, natural slopes may be considered to be stable.

9. **Wet Bottom Facility Design Requirements**

Where part of a detention facility will contain a permanent pool of water, all the items required for detention storage shall apply except that the system of drains with a positive gravity outlet required to maintain a dry bottom facility will not be required. A controlled positive outlet will be required to maintain the design water level in the wet bottom facility and provide required detention storage above the design water level. However, the following additional conditions shall apply:

Facilities designed with permanent pools or containing permanent lakes shall, if fish are to be used to keep the pond clean, a minimum depth of approximately eight (8) feet over at least 25 percent of the pond area.

In excavated ponds, the underwater side slopes in the lake shall be stable. In the case of valley storage, natural slopes may be considered to be stable.

A safety ledge four (4) to six (6) feet in width at a slope of 5:1 is required and shall be installed in all ponds.

Periodic maintenance is required in lakes to control weed and larval growth. The facility shall also be designed to provide for the easy removal of sediment which will accumulate during periods of reservoir operation.

For emergency use, facility cleaning, or shoreline maintenance, additional facilities may have to be provided or plans prepared for auxiliary equipment to permit emptying and drainage.

10. **Roof Top Storage**

Detention storage requirements may be met in total or in part by detention on flat roofs. Details of such design to be included in the building permit application shall include the depth and volume of storage, details of outlet devices and down drains, elevations of emergency overflow provisions, and certification of the structural portion of the building design plans by a structural engineer.

11. **Parking Lot Storage**

Paved parking lots may be designed to provide temporary detention storage of storm waters on all or a portion of their surfaces. Outlets will be designed so as to empty the stored waters slowly. Depths of storage shall be limited to a maximum depth of seven (7) inches so as to prevent damage to parked vehicles and so that access to parked vehicles is not impaired. Ponding should in general, be confined to those positions of the parking lots farthest from the area served.

12. **Facility Financial Responsibilities**

The construction cost of stormwater control systems and required facilities which are identified in the Stormwater Ordinance of Adams County shall be accepted as part of the cost of land development.

13. **Facility Maintenance Responsibilities**

Maintenance of detention/retention facilities during construction and thereafter, shall be the responsibility of the land developer/owner. Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and shall be determined before the final drainage plans are approved.

14. **Inspections**

All public and privately owned detention storage facilities may be inspected during construction by representatives of Adams County.

15. **Corrective Measures**

If deficiencies are found by the inspector prior to final approval of the drainage facility, the owner of the detention/retention facility will be required to take the necessary measurements to correct such deficiencies. If the owner fails to do so, the Drainage Board will undertake the work and collect the cost of maintenance or repair from the owner using lien rights if necessary.

16. Joint Development of Control Systems

Stormwater control systems may be planned and constructed jointly by two or more developers as long as compliance with this ordinance is maintained.

17. Detention Facilities in Floodplains

If detention storage is provided within a 100-year floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the elevation of the regulatory flood at the location unless compensatory storage is also provided.

O. Certifications Required

After completion of the project and before final approval and acceptance can be made, a professionally prepared and certified “As-Built” set of plans shall be submitted to the Drainage Board for review. These plans shall include all pertinent data relevant to the completed storm drainage system and shall include as a minimum:

1. Pipe size and pipe material
2. Invert elevations.
3. Top rim elevations.
4. Lengths of all pipe structures.
5. Submittal of the data and calculations showing detention basin storage volume.
6. Certified statement on plans saying the completed storm drainage system substantially complies with construction plans as approved by the Drainage Board.

All such submitted plans shall be reviewed for compliance within 30 days after submission to the Drainage Board or the County Surveyor.

P. Changes in Plan

Any significant change or deviation in the detailed plans and specifications after granting formal approval shall be filed in duplicate with and approved by the Drainage Board prior to the land development involving the change. Copies of the changes, if approved, shall be attached to the original plans and specifications.

Q. Other Requirements

1. Sump Pumps

Sump pumps installed to receive and discharge groundwaters or other storm waters shall be connected to the storm sewer where possible or discharged into a designated storm drainage channel. Sump pumps installed to receive and discharge floor drain flow or other sanitary sewage shall be connected to the sanitary sewers. A sump pump shall be used for one function only, either the discharge of storm waters or the discharge of sanitary sewage.

2. Down Spouts

All down spouts or roof drains shall discharge onto the ground or be connected to the storm sewer. No down spouts or roof drains shall be connected to the sanitary sewers.

3. Footing Drains

Footing drains shall be connected to storm sewers where possible or designated storm drainage channels. No footing drains or drainage tile shall be connected to the sanitary sewer.

4. Basement Floor Drains

Basement floor drains shall be connected to the sanitary sewers.

R. Disclaimer of Liability

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may

occur or stormwater runoff depths may be increased by man-made or natural causes. This ordinance does not imply that land uses permitted will be free from stormwater damage. This ordinance shall not create liability on the part of Adams County or any officer or employee thereof for any damage which may result from reliance on this ordinance or on any administrative decision lawfully made thereunder.

S. **Corrective Action**

Nothing herein contained shall prevent Adams County by and through the Drainage Board, County Surveyor, Plan Commission, Plan Commission Director or other County official or officials from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible.

T. **Repealer**

All ordinances or parts thereof in conflict with the provisions of this ordinance are repealed.

U. **When Effective**

This ordinance shall become effective after its final passage, approval and publication as required by law.

V. **Exempt Projects**

All residential, commercial, or industrial subdivision (major or minor) or construction project thereon, which has had its drainage plan approved by the Drainage Board prior to the effective date of this ordinance shall be exempt from all of the requirements of the ordinance.

W. **No private Rights Conferred**

Notwithstanding any provision as contained herein, this ordinance shall not be construed to confer any private enforceable rights upon any private person, firm or corporation for enforcement of this ordinance, for damages, for injunctive relief or for any cause of action whatsoever resulting of non-compliance herewith. All rights to enforcement of this ordinance shall be exclusively delegated to the County of Adams acting in its public capacity.

Article 8: Administration and Enforcement

Chapter 1: Administration

8-1-1 The Plan Commission shall appoint the Zoning Administrator who shall have duty to enforce the provisions of this ordinance in the manner and form and with the powers provided in the laws of the State of Indiana and in the ordinances of the County.

Chapter 2: Plan Commission

8-2-1 Membership of Commission

- A. All members of the Adams County Plan Commission shall be residents of the jurisdiction of the County as defined in Section 1-2-4 of Article 1. The Commission shall be made up of nine (9) members as follows:
1. One (1) member appointed by the Adams County Commissioners from its membership.
 2. One (1) member appointed by the Adams County Council from its membership.
 3. The Adams County Surveyor or a qualified deputy surveyor appointed by the surveyor.
 4. The Adams County agricultural agent.
 5. Five (5) citizen members, of whom no more than three (3) may be of the same political party, appointed by the Adams County Commissioners.
- B. The term of office of the Commission shall be governed by I.C. 36-7-4-217, as may be amended from time to time, for those members appointed from the Adams County Commissioners and Council membership and by I.C. 36-7-4-218 for citizen appointed members.

8-2-2 Organization of Commission

The organization and procedures of the Commission, for the purposes of this ordinance, shall be governed by the 300 Series - Commission Organization of I.C. 36-7-4, as the same may be amended from time to time, and by any rule or regulation duly adopted by the Commission.

8-2-3 Powers and Duties of Commission

The Duties of the Commission are governed by the provisions of the Area Plan Commission in I.C. 36-7-4-401, as the same may be amended from time to time. In addition, the Commission shall:

- A. Hear and determine all development plans which are required to be submitted under this article
- B. Be authorized and empowered to do and perform any act which is required or allowed under State law
- C. Be authorized and empowered to adopt, without public notice or hearing, any rules or regulations allowed or required under I.C. 36-7-4, as the same may be amended from time to time, or such other rules or regulations as the Commission may deem necessary or advisable for the effective administration of its duties under State law;
- D. Be authorized and empowered to appoint an Executive Director and/or a Zoning Administrator, as well as a secretary and such other employees as are necessary for the discharge of the duties of the Commission; and to prescribe any duties or responsibilities for such positions, subject to the requirements and limitations prescribed under this ordinance and under State law. The positions of Executive Director and Zoning Administrator may be held by the same person.

Chapter 3: Zoning Administrator

8-3-1 Powers and Duties of Zoning Administrator

The Zoning Administrator shall:

- A. Be empowered to enforce and, if necessary, prosecute any actions for violations of this ordinance, in the manner and form and with the powers provided under this ordinance.
- B. Be authorized and empowered to issue to qualified applicants such permits permitted or required under the provisions of this ordinance;
- C. Be authorized and empowered to do and perform such acts as may be required or prescribed under the provisions of this ordinance, or by the Commission under rules or regulations duly adopted, or otherwise.

Chapter 4: Board of Zoning Appeals

8-4-1 Membership of Board

- A. All members of the Adams County Board of Zoning Appeals shall be residents of the jurisdiction of the County as defined in Section 1-2-4 of Article 1. The Board shall be made up of five (5) members as follows:
 1. Three (3) citizen members appointed by the Adams County Commissioners, of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission.
 2. One (1) citizen member appointed by the Adams County Council, who must not be a member of the Plan Commission.
 3. One (1) citizen member appointed by the Plan Commission from its membership other than the member appointed under Subdivision 1 above.
- B. The term of office of the Board shall be governed by I.C. 36-7-4-906, as such may be amended from time to time.

8-4-2 Organization of Board

The organization and procedures of the Board, for the purposes of this ordinance, shall be governed by the 900 Series - Board of Zoning Appeals of I.C. 36-7-4, as such may be amended from time to time, and by any rule or regulation duly adopted by the Board.

8-4-3 Powers and Duties of Board

- A. The duties of the Board are governed by Section 918.1 through 918.7 of I.C. 36-7-4, as such may be amended from time to time, including the following:
 1. Hear and determine appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator.
 2. Hear and determine appeals from and review any order, requirement, decision or determination made by an administrative official, hearing officer, staff member, or administrative board designated by ordinance (other than the Plan Commission) made in relation to the enforcement of the Zoning Ordinance, Subdivision Control Ordinance and the enforcement of the Building and Occupancy Permits as adopted under I.C. 36-7 and all sections therein applicable.

3. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises and to that end shall have all the powers from whom the appeal is taken.
 4. Hear, approve, deny, permit, and authorize contingency uses, special uses and approve or deny variances of use from the terms of the Adams County, Indiana, Zoning Ordinance.
- B. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all powers of the officer or Board from whom the appeal is taken. It may impose such conditions regarding the location, character, and other features of the proposed building, structure or use with which the appeal before it is concerned as it may deem advisable in the furtherance of the purposes of this Ordinance and the protection of the public convenience and welfare.

Chapter 5: Permits, Certificates, and Procedures

8-5-1 Improvement Location Permit

- A. No building or structure shall be erected, reconstructed, enlarged, or moved until an Improvement Location Permit shall have been applied for in writing and issued by the Zoning Administrator. When a mobile home is used as an agricultural dwelling, a permit shall be required. Said permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement, or moving. The permit shall be valid for six (6) months after the date of issuance. The Zoning Administrator shall have the power to renew the Improvement Location Permit.
- B. In obtaining an improvement location permit as required by Chapter 5 of this code, the contractor or excavator who is to install the pond shall make application in the name of the owner of the pond and shall be responsible for obtaining the permit and displaying the permit at the job site before commencing any construction. No contractor or excavator shall do any work in installing or modifying and making improvement to any pond requiring a permit without informing the owner of the necessity thereof and personally obtaining the permit on behalf of the owner.
- C. The Zoning Administrator shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the County Master Plan.
- D. Every application for an Improvement Location Permit shall be accompanied by:
 1. A site plan drawn to scale showing the ground area of the building or structure, the building lines in relation to lot lines, the number of stories or the height of building or structure, the use to be made of the building, or structure, or land, and all other information required by the Zoning Administrator for the proper enforcement of this ordinance.
 2. The site plan shall be attached to the application for an Improvement Location Permit when it is submitted to the Zoning Administrator and shall be retained by the Plan Commission as a public record.
- E. Any decision of the Zoning Administrator concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by that decision.
- F. The issuance of an Improvement Location Permit cannot substitute for or supersede the requirement of any ordinance adopted by the Adams County Council which requires the issuance of a Building

Permit before the construction of any building or structure. The issuance of any Improvement Location Permit does not waive any requirement of any pertinent Municipal, County, State or Federal ordinance, rule, regulation or law.

- G. No Improvement Location Permit for erection of any building shall be issued before the application has been made for a Certificate of Occupancy.

8-5-2 **Certificate of Occupancy**

- A. No occupancy, use or change of use, except buildings incidental to agricultural operations shall take place until a Certificate of Occupancy shall have been applied for, in writing, and issued by the Zoning Administrator in the following cases.
 - 1. Occupancy and use of a building or structure hereafter erected or enlarged.
 - 2. Change in use of an existing building or structure.
 - 3. Occupancy and use of vacant land except for agricultural operations.
 - 4. Change in the use of land to a use of a different classification except for agricultural operations.
 - 5. Any change in the use of a non-conforming use.
- B. Written application for a Certificate of Occupancy for a new building or for an existing building which will be enlarged shall be made at the same time as the application for an Improvement Location Permit.
- C. Written application for a Certificate of Occupancy shall be applied for within ten (10) days of a contemplated change in use of a building or land. If the proposed use is in conformity with the provisions of this ordinance, the Certificate of Occupancy therefore shall be issued within four (4) days after the application for the same was made.
- D. A record of all Certificates of Occupancy shall be kept on file in the office of the Commission and a copy shall be forwarded, on request, to any person having proprietary or temporary interest in the building or land affected.
- E. Pending the issuance of such a certificate, a temporary Certificate of Occupancy may be issued by the Zoning Administrator for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate may be renewed, but it shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the County relating to the use of occupancy of the land or building, or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

8-5-3 **Sign Permit**

Prior to the construction, placement, alteration, or relocation of any sign covered by this ordinance, the individual responsible for such sign must first obtain a permit from the Zoning Administrator and make payment of the appropriate fee.

8-5-4 **Contingent and Special Use Permit Reviews**

- A. A public hearing shall be required before the Board may permit either a contingent use or a special use.
- B. Permitted contingent uses and consideration factors are identified in Section 2-4-2 of this ordinance.
- C. Permitted special uses and consideration factors are identified in Section 2-4-3 of this ordinance.

Chapter 6: Fees

- 8-6-1 Applications filed pursuant to the provisions of this ordinance requiring Plan Commission or Board of Zoning Appeals' approval shall be accompanied by the filing fees specified by the fee schedule adopted by Commission resolution. The fee schedule shall not be a part of this ordinance and may be revised from time to time by Commission resolution. Fees may be applied, but not limited to, the following applications:
- A. Variance Application
 - B. Special Use Permit Application
 - C. Contingent Use Permit Application
 - D. Sign Permit Application
 - E. Improvement Location Permit Application
 - F. Certificate of Occupancy Application
 - G. Development Plan Application
 - H. Amendment to approved development plan if public hearing is necessary
 - I. Application to amend this ordinance
 - J. Application to appeal an order, requirement, decision or determination made by the Zoning Administrator.

Chapter 7: Enforcement and Penalties

8-7-1 Enforcement

- A. It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance in the manner and form and with the powers provided by this ordinance.
- B. All departments, officials and employees of Adams County which are vested with the duty of authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.
- C. The Zoning Administrator or the Board, or with respect to the development plan, the Zoning Administrator or the Commission, shall also have the discretionary power to issue an order for proceedings and work on any structure, premises, land or lot which is in violation of this Ordinance, to be immediately stayed, and to call upon the police power of the County to give effect to such order. A decision by the Zoning Administrator to issue such an order may be appealed to the Board, or with respect to a development plan, to the Commission; however, the decision of the Zoning Administrator to issue a stay order shall remain in effect during the pendency of the appeal, and thereafter unless modified or revoked by the board, or if applicable, the Commission. A violation of such an order issued by the Zoning Administrator, the Board or the Commission shall be considered a violation of this ordinance.

8-7-2 Penalties

- A. Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise, who violates any provisions of this ordinance shall be guilty of a zoning ordinance violation and shall, upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Each day of the existence of any violation of this ordinance shall be a separate offense. In addition, the court may award a reasonable attorney fee in favor of Adams County against any person violating any provision of this ordinance which shall be deemed an additional penalty hereunder.
- B. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure; and the use of any land or structure which is continued, operated or maintained contrary to

any provision of this ordinance is hereby declared to be a nuisance and a violation of this ordinance in addition to the penalties provided for herein. The Zoning Administrator may institute a suit for injunction in the Circuit or Superior Court of Adams County, to restrain any person or governmental unit from violating any provision of this ordinance and to cause any such violation to be prevented, abated or removed. Such action may be instituted by any property owner who may be especially damaged by the violation of any provision of this ordinance, except that the attorney fees provision herein shall not apply to a suit instituted by a private person.

- C. In addition to the penalties provided for herein, Adams County shall be entitled to recover its costs and expenses in enforcing this ordinance including reasonable attorney fees which may be awarded by the court against any person violating any of the provisions of this ordinance. Such assessment of costs and attorney fees shall be in addition to the fines and penalties provided for herein except that such expenses of enforcement and attorney fees shall not apply to any action instituted by any private citizen instituting an action for enforcement of this ordinance.
- D. The remedies provided for in this section shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

Article 9: Adoption

Chapter 1: Effective Date

- 9-1-1 This ordinance shall take effect upon its passage and publication as required by law.
- 9-1-2 Part of County Code of Ordinances. Upon this Ordinance becoming effective, the same shall thereupon and thereafter be known as Chapter 121, 122 and 123 of "The Code of the County of Adams, Indiana, 1992-3" and shall then be and become a part of such County Code of Ordinances.
- 9-1-3 Repealer. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Index

1		
100 Year Flood (Def.).....	174	
A		
Accessory Building		
Definition.....	4	
In A-Zone.....	28	
In R-1 Zone.....	29	
In R-3 Zone.....	30	
Accessory Use (Def.).....	4	
Accountants Office.....	19	
Acetylene gas.....	34	
Acre (Def.).....	54	
Acre Foot (Def.).....	166	
Adams County Drainage Board ..	167	
Administration and Enforcement	194	
Adult		
Arcade.....	21	
Bookstore.....	21	
Cabaret.....	21	
Novelty Store.....	21	
Nude Model Studio.....	21	
Organizations.....	19	
Theater.....	21	
Video Store.....	21	
Affidavit (Def.).....	54	
After Built Survey (Def.).....	54	
Agricultural Zone		
Building Size Regulations.....	28	
Permitted Uses.....	27	
Purpose.....	27	
Regulations.....	27	
Agriculture		
Implements in C-2 Zone.....	32	
In I-2 Zone.....	34	
Labor Camp Definition.....	4	
Uses Definition.....	4	
Airport		
Definition.....	16	
Height Regulations.....	35	
Alcohol Manufacture.....	34	
Alley (Def.).....	100	
Ammonia Manufacturing.....	34	
Amortization (Def.).....	4	
Amortization Period (Def.).....	166	
Amusement Enterprise.....	19, 32	
Animal		
Boarding.....	18	
Definition.....	54	
Hospital.....	18, 33	
Hospital Definition.....	7	
Antecedent Runoff Condition (Def.)		
.....	166	
Antique Shop.....	18, 33	
Applicant (Def.).....	54, 129	
Application		
Definition.....	54	
Fee Definition.....	54	
of the Ordinance.....	3	
Arcade.....	32	
Area Regulations.....	36	
Art Shop.....	33	
Arterial Thoroughfares.....	<i>See</i> Street	
Article 1, Basic Provisions.....	3	
Article 2, Zoning Regulations.....	13	
Article 3, Flood Hazard Areas.....	76	
Article 4, Subdivision Control.....	99	
Article 5, Wind Energy.....	129	
Article 7, Storm Drainage Control		
.....	166	
Article 8, Administration and		
Enforcement.....	194	
Article 9, Adoption.....	200	
Asphalt		
Manufacturing.....	34	
Refining.....	34	
Asylum.....	17, 18	
Auction		
Barns.....	19	
Hall.....	32	
Authority.....	3	
B		
Backflow Preventer (Def.).....	166	
Backwater (Def.).....	166	
Bakery		
Confectionary Store.....	31	
Balcony (Yard Projection).....	39	
Bank.....	31	
Barber Shop.....	31	
Base Flood Elevations (Def.)	78, 167	
Basement (Def.).....	167	
Beauty Parlor.....	31	
Benchmark (Def.).....	167	
Best Management Practices (Def.)		
.....	167	
Billiard or Pool Hall.....	32	
Blacksmith Shop.....	33	
Bleaching or Dyeing.....	34	
Bleaching Powder Manufacture....	34	
Block (Def.).....	100	
Board (Def.).....	4	
Board of Zoning Appeals.....	195	
Membership.....	195	
Powers and Duties.....	195	
BOCA (Def.).....	130	
Boilerworks Manufacturing.....	34	
Book or Stationery Store.....	31	
Bowling Alley.....	32	
Boxing Arena.....	32	
Breweries.....	34	
Brick Manufacturing.....	34	
Building (Def.).....	4	
Building Line (Def.).....	100	
Building Material Sales Yard..	32, 33	
Building Setback Line (Def.)..	5, 100	
Building Size Regulations		
In A-Zone.....	28	
In R-1 Zone.....	29	
In R-2 Zone.....	30	
Built Up Area (Def.).....	54	
Burial (Def.).....	54	
C		
C-1 Zone		
Development Plan.....	42	
Permitted Uses.....	31	
Purpose.....	30	
C-2 Zone		
Development Plan.....	42	
Permitted Uses.....	32	
Purpose.....	31	
C-3 Zone		
Development Plan.....	42	
Permitted Uses.....	32	
Purpose.....	32	
Cabinet Shop.....	33	
Cafe.....	31	
Campground.....	21	
Carpenter Shop.....	33	
Cemetery.....	17	
Definition.....	5	
Ceramics.....	33	
Certificate of Occupancy	125, 197	
Definition.....	5	
Channel (Def.).....	167	
Channel Modifications (Def.).....	167	
Chick Hatcheries.....	33	
Child Care Home.....	18	
Church (Def.).....	5	
Cinder Block Manufacturing.....	34	
Clinic.....	17, 31	
Definition.....	5	
Clothing Store.....	31	
Club, Lodge, or Fraternal		
Association.....	31	
Clubs.....	19	
Coal Distillation Manufacturing ...	34	
Coke Oven.....	34	
Commercial Dairy Processing.....	19	
Commercial Dog Breeders (Def.)..	66	
Commercial Dog Breeding Facility		
.....	66	
Animal Health Standards.....	73	
Facility and Operating Standards		
.....	68	
Penalties and Enforcement.....	75	
Registration.....	66	
Registration Fee.....	68	
Zoning and Set Backs.....	75	
Commercial Zone Regulations.....	30	
C-1 Zone.....	30	
C-2 Zone.....	31	

C-3 Zone	32
Commission (Def.).....	5
Commissioners (Def.).....	5
Communication Tower	17
Compensatory Storage (Def.)	167
Compliance	3
Composting (Def.)	54
Concrete Mixing Plant	34
Condominium (Def.).....	5
Confectionary Store	31
Confined Feeding Operations (Def.)	54
Contiguous (Def.)	167
Contingent Use	16, 197
Definition.....	11
Contour (Def.).....	167
Contour Line (Def.)	167
Contractors	
Equipment Storage Yard/Plant.....	33
Rental of Equipment	33
Control Structure (Def.).....	167
Convolution (Def.).....	167
Cotta Manufacturing	34
County (Def.).....	5
Court (Def.)	5
Covenant (Def.)	5
Crawl Space (Def.)	167
Cross-Section (Def.)	167
Crosswalk (Def.).....	100
Crown of Pipe (Def.)	167
Cul-de-Sac (Def.).....	100
Culvert (Def.).....	168

D

Dam (Def.).....	168
Damage (Def.)	168
Dance Hall	32
Datum (Def.).....	168
Dead End Street (Def.).....	100
Definitions	
Basic Provisions.....	4
Flood Hazard.....	77
Storm Drainage	166
Subdivision Control	100
Wind Energy	129
Delicatessen	31
Dentist	
Clinic.....	31
Office	19
Department Store	31
Depressional Storage (Def.).....	168
Design Storm (Def.).....	168
Designated Official (Def.)	100
Detention	
Dry Bottom Facility	169
Facility Definition	168
Storage Definition	168
Development (Def.)	168
Development Plan	
Definition.....	5
Design Standards	48

Parking Standards	50
Primary Approval.....	43
Purpose	42
Secondary Approval.....	45
Discharge (Def.)	168
District (Def.).....	<i>See Zone</i>
Doctors Office	19
Drainage Area (Def.)	169
Drainage Plans	179
Drainage Right-of-Way (Def.).....	100
Drainage Systems	
Major.....	183
Major Definition	172
Minor	183
Minor Definition	172
Drying Yard or Terminal	33
Drieway Spacing.....	106
Drive-in Movie	32
Drop Manhole (Def.)	169
Drug Store.....	31
Dry Cleaning.....	32
Duration (Def.)	169
Dwelling (Def.).....	5
Dwelling Unit (Def.).....	6

E

Easements	
Definition	6, 100
Ingress/Egress	117
Education Institution (Def.)	6
Electric Appliance Store	31
Electric Substations.....	17
Elevated Structure (Def.)	79
Elevation Certificate (Def.).....	169
Elevation Reference Mark (Def.)	169
Energy Dissipater (Def.)	169
Enforcement.....	198
Engineers Office	19
Environmental Assessment (Def.)	130
Erosion (Def.)	169
Essential Services (Def.).....	6
Expansion (Def.).....	55
Extraterritorial Jurisdiction (Def.)	169

F

Fairground	17
Family (Def.)	6
Farm Equipment	
Rental Establishment	32
Sales	19
Storage Yard	32
Farm Operations	28
Farm or Field Tile (Def.)	169
FBFM (Def.).....	79, 169
Feed Mill.....	19
Feed Sales	32
Feed Yard	33
Fees.....	198
FEMA (Def.).....	79, 169

Fence.....	39
Fertilizer Blending	19
FHBM (Def.)	170
Financial Assurance	129
Fire Escape (Yard Projection).....	39
Firearms	19
FIRM (Def.).....	79, 170
FIS (Def.).....	79, 170
Fishing Ponds.....	19
Flood (Def.)	79, 169
Flood Hazard Areas	
Administration	86
Variance Procedures	96
Violation	86
Zones.....	77
Flood Profile (Def.).....	170
Flood Protection Grade (Def.)	80
Flood Resistant Construction (Def.)	170
Flood Storage Areas (Def.).....	170
Flood Waters (Def.)	169
Floodplain (Def.)	6, 80, 170
Floodplain Management (Def.)..	170
Floodplain Regulations (Def.).....	170
Floodway (Def.).....	6, 80, 170
Floodway Fringe (Def.)	170
Floodway Obstructions (Def.).....	82
Floor Area	
Gross Definition.....	6
Net Definition	6
Florist	
Shop.....	31
Wholesale, Greenhouse.....	32
Footing Drain (Def.)	171
FPG (Def.)	170
Fraternal Organizations.....	19
Freeboard (Def.)	171
Freighting Yard or Terminal	33
French Drain (Def.).....	171
Front Building Line	36
Front Yard (Def.)	<i>See Yard</i>
Funeral Parlor	32
Furniture	
Manufacture	34
Store.....	31

G

Gabion (Def.).....	171
Garage	
Private Definition.....	7
Public Definition.....	7
Gasoline	
Above Ground Storage.....	35
Fuel Yard	33
Manufacture	34
Transmission Lines	17
Underground Bulk Storage	32
Gift Shop.....	31
Golf	
Course.....	17
Driving Tees or Ranges.....	32

Grade (Def.).....	171
Grain Mill	19
Greenhouse	19, 32
Wholesale	32
Grocery, Fruit, or Vegetable Store	31
Ground Mount Solar Energy (Def.)	
.....	144
Groundwater Recharge (Def.).....	171

H

Hardware Store	31
Hazardous Wastes (Def.)	7
Height Exceptions.....	36
Height Regulations	35
High Water (Def.).....	171
Historic Structures (Def.).....	81
Hobby Breeder (Def.)	66
Home Business <i>See</i> Home Workshop	
Home Occupations	
Definition	7
In A-Zone.....	27
In R-1 Zone.....	29
Home Workshop	
Definition	7
In R-1 Zone.....	29
Hospital.....	17, 18
Definition.....	7
Hotel or Motel.....	32
Definition.....	7
Housing Facility (Def.)	66

I

I-1 Zone	
Development Plan.....	42
Permitted Uses	33
Purpose	33
I-2 Zone	
Development Plan.....	42
Permitted Uses	34
Purpose	34
Impact Areas (Def.)	171
Impervious Surface (Def.)	66, 171
Improvement Location Permit ...	125, 196
Definition.....	7
Incineration (Def.)	55
Incinerator.....	18, 34
Incorporation (Def.).....	7
Indoor Housing Facility (Def.).....	66
INDR (Def.).....	171
Industrial Zone Regulations	33
I-1 Zone	33
I-2 Zone	34
Infiltration (Def.)	172
Infiltration Swales (Def.)	172
Injection (Def.)	7
Integrator (Def.).....	55
Intensive Livestock Operation (Def.)	
.....	55
Intensive Livestock Operations.....	54
Design Criteria.....	59

Development Plan	42
Enforcement.....	61
In A-Zone.....	28
Regulations	58
Requirements for Permit	56
Variance.....	60
Iron Foundry	34

J

Jewelry Store	31
Junction Chamber (Def.).....	172
Junk (Def.).....	7
Junkyard.....	23, 34
Definition.....	7
Jurisdiction	
Area	3
Definition.....	7

K

Kennel.....	33, <i>See</i> Commercial Dog
Breeding Facility for Regulations	
Definition.....	8

L

Lacquer Manufacture	34
Laundry.....	32
Lawyers Office	19
Life Cycle Cost (Def.)	172
Light Plant (Central Station).....	34
Linoleum Manufacture	34
Liquor Distilleries.....	34
Livestock (Def.).....	55
Livestock Sales	19
Local Street.....	<i>See</i> Street
Lodges	19
LOMA (Def.).....	81
Lot	
Corner (Def.).....	8, 101
Definition.....	8, 101
Depth of (Def.).....	8
Front (Def.).....	8, 101
Interior (Def.).....	8, 101
Lines (Def.).....	8
Through (Def.)	101
Width (Def.).....	101
Lowest Floor (Def.)	81, 172

M

Machine Shop	33
Major Subdivisions	
Development Plan.....	42
Manufactured Home	
Definition.....	8, 82
In A-Zone.....	27
In R-1 Zone.....	29
Manufactured Park (Def.)	82
Manure Application (Def.).....	8
Master Plan	12
Definition	8

Master Plan (Def.).....	101
Meat Market.....	31
Meat Products Manufacture	34
Medical Clinic	31
Medical Health Center	17
Definition.....	5
Medical Laboratory.....	31
Metal (sheet) Fabricating Shop	33
Migrant Worker Camp	19
Mining	19
Minor Subdivisions	
Development Plan.....	42
Mobile Home	
As Storage Shed.....	22
As Temporary Accessory.....	16
Definition.....	9
In A-Zone.....	22, 27
In C-Zones	21
Lot Definition	9
Park Definition.....	9
Park Development Plan.....	42, 50
Park Zone.....	30
Regualtions	22
Yard Limits	38
Mobile Traveling Housing Facilities	
(Def.).....	66
Motor Vehicle	
Assemble.....	33
Auto Wrecking Yard.....	34
Automobile Service Station	31
Definition.....	9
Inoperable Vehicles	23
Junk Yard.....	23
Painting/Upholster/Rebuild.....	33
Sales or Repair.....	32
Multiple Groups	
Development Plan.....	42
Municipality (Def.)	144
Music Store.....	31

N

Newstand	31
NFIP (Def.)	172
Non-Commercial Institutions	
In A-Zone.....	27
Non-Conforming	
Buildings.....	14
Buildings, Amortization.....	15
Buildings, Continuation	14
Buildings, Reclassifications	15
Buildings, Uses	14
Buildings, Variance.....	15
Structures Definition.....	9
Use Definition.....	11
Non-Profit Recreational	
Establishments	17
Nursery, Plants.....	19
Nursing Home.....	17, 18

O

Off Street Loading	25
--------------------------	----

In R-3 Zone.....	30, 64
Painting Shop.....	31
Permit.....	197
Planned Commercial Zone.....	64
Planned Industrial Zone.....	65
Planned Residential Zone.....	64
Regulations.....	62
Site (Def.).....	55
Sketch Plan (Def.).....	102
Slaughter Houses.....	19
Small Equipment or Appliance	
Repair.....	31
Small Retail Shopping Centers.....	31
Soap Manufacture.....	35
Soil Removal.....	19
Solar Energy.....	144
Solar Energy Systems (Def.).....	144
Solar Farm Energy System.....	146
Decommissioning Plan	
Agreement.....	155
Design and Installation Standards	
.....	152
Development Plan.....	148
Fencing and Landscaping.....	153
Improvement Location Permit	
and Fees.....	149
Operation, Maintenance,	
Inspections.....	154
Residential Property Value	
Protection Plan.....	156
Road Use Agreement.....	154
Setbacks.....	151
Special Use.....	146
Standards.....	146
Solar Farm Energy System (Def.).....	144
Solar Farm Energy System Project	
Area (Def.).....	145
Special Use.....	17, 197
Definition.....	11
Split (Def.).....	10
Stairway (Yard Projection).....	39
Steel Foundry.....	34
Steel Furnace.....	34
Stone Cutting.....	34
Stone or Rock Quarries.....	19
Storm Drainage.....	166
Storm Sewer (Def.).....	175
Storm Sewer Design Standards.....	184
Stormwater Control Policy.....	177
Stormwater Detention.....	188
Street	
Arterial Thoroughfares (Def.).....	10, 102
Definition.....	10, 102
Local Streets (Def.).....	11, 102
Marginal Access Streets (Def.)	
.....	102
Primary Thoroughfares (Def.).....	10, 102
Secondary Thoroughfares (Def.)	
.....	10, 102
Setbacks.....	37
Structure (Def.).....	11, 83
Structure Mount Solar Energy	
System (Def.).....	145
Subdivider (Def.).....	102
Subdivision	
Definition.....	102
Exempt Subd. (Def.).....	103
Major Subd. (Def.).....	103
Minor Subd. (Def.).....	103
Simple Subd. (Def.).....	102
Subdivision Control.....	99
Blocks.....	116
Cluster Development.....	123
Curbs and Gutters.....	119
Design Standards.....	114
Easements.....	117
General Requirements.....	103
Health Officer.....	125
Highway Department.....	124
Improvement Regulations.....	118
Inspections.....	127
Installation of Improvements.....	104
Lots.....	116
Major Subd. Requirements.....	106
Minor Subd. Requirements.....	105
Plan Commission.....	124
Plat.....	<i>See Plat</i>
Primary Plat Expiration.....	108
Primary Plat Procedures.....	106
Primary Plat Requirements.....	108
Public Use Areas.....	117
Public Utilities.....	122
Record of Plats.....	128
Recording Requirements.....	105
Required Restrictive Covenants	
.....	103
Rules of Construction.....	99
Sale of Land.....	104
Secondary Plat Performance	
Guarantee.....	113
Secondary Plat Plans.....	113
Secondary Plat Procedures.....	110
Secondary Plat Requirements.....	111
Sewage Disposal.....	120
Sidewalks.....	120
Signs.....	118
Storm Drainage.....	121
Street Lighting.....	118
Streets.....	118
Survey Requirements.....	105
Surveyor's Office.....	125
Utility Easements.....	116
Water Supply.....	121
Substation (Def.).....	130
Sump Pump (Def.).....	176
Surface Application (Def.).....	11
Swales (Def.).....	172
Swimming Pools	
In A-Zone.....	28
In R-1 Zone.....	29
Switching Station (Def.).....	130

T

Tailor, Clothing, or Apparel Store	31
Tar Distillation.....	35
Tar Products Manufacture.....	35
Telephone Exchanges.....	17
Television Tower.....	17
Temporary Buildings, Structures,	
and Mobile Homes.....	15
Theater (other than drive-in).....	31
Tile Manufacturing.....	34
Time Cure (Def.).....	55
Tire Store.....	31
Topographic Map (Def.).....	176
Tourist Home.....	21
Definition.....	11
In A-Zone.....	28
Trade or Business School (Def.).....	11
Transfer Station.....	<i>See Refuse Pickup</i>
Travel Trailer	
As Temporary Accessory.....	16
Tributary (Def.).....	176
Trucking Operation in A Zone.....	19
Trucking Terminal.....	33
Trucking Yard.....	33
Turpentine Manufacture.....	34

U

Use (Def.).....	11
-----------------	----

V

Variance (Def.).....	11
Variety Store.....	31
Varnish Manufacture.....	34
Veterinary Clinic.....	18

W

Warehousing.....	33
Water Wells.....	40
Watershed (Def.).....	177
WECS Project (Def.).....	130
WECS Tower (Def.).....	130
WECS Tower Height (Def.).....	130
Welding Shop.....	19
Wetlands (Def.).....	177
Wholesale Merchandise Storage.....	33
Wholesaling.....	33
Wind Energy.....	129
Application Requirements.....	131
Design and Installation.....	134
Improvement Location Permit.....	133
Operation.....	138
Setbacks.....	136
Special Use.....	131
Variance.....	133
Wind Energy Conversion System	
(Def.).....	129

Y

Yard	
------	--

Definition..... 11, 103
 Exceptions..... 38
 Front Yard Limits 37
 Mobile Home Limits 38
 Projections 39
 Rear Yard Limits..... 38
 Regulations 37

Required Area 36
 Side Yard Limits 37
 Youth Organizations 19

Z

Zone (Def.) 12

Zone Boundaries 13
 Zone Group Classifications..... 13
 Zoning Administrator 195
 Definition..... 12, 56, 100
 Zoning Regulations..... 13