

3-1: County Plan Commission

3-2: Typical Lot Layout Requirements and Chart #1

3-3: Structure Numbering System

4-4: Rules and Procedures

4-4-1: Appendix i – Official Schedule of Fees

4-4-2: Appendix ii -Petitions

4-4-3: Appendix iii - Instructions

4-4-4: Appendix iv – Interested Party Notification

ARTICLE 3: PLAN COMMISSION

3-1: County Plan Commission

There is hereby established a County Plan Commission under the authority of I.C. 36-7-4 and shall be known as the Starke County Plan Commission.

The membership of the Starke County Plan Commission shall be as set out under the advisory planning law in I.C. 36-7-4-208. The Starke County Plan Commission shall appoint an Executive Director under the authority of I.C. 36-7-4-311 and may appoint such other employees as permitted by law. The Executive Director shall be known as the Starke County Planning and Zoning Administrator.

The Starke County Plan Commission shall operate under the authority of I.C. 36-7-4 and shall have all the powers and duties given by said law and other laws that may apply.

The Starke County Planning and Zoning Administrator shall have all the powers duties allowed by law.

The Indiana Building Codes shall be enforced in Starke County by the Starke County Planning and Zoning Administrator and the Planning and Zoning Administrator shall be responsible for enforcing these codes in addition to the other duties of his office.

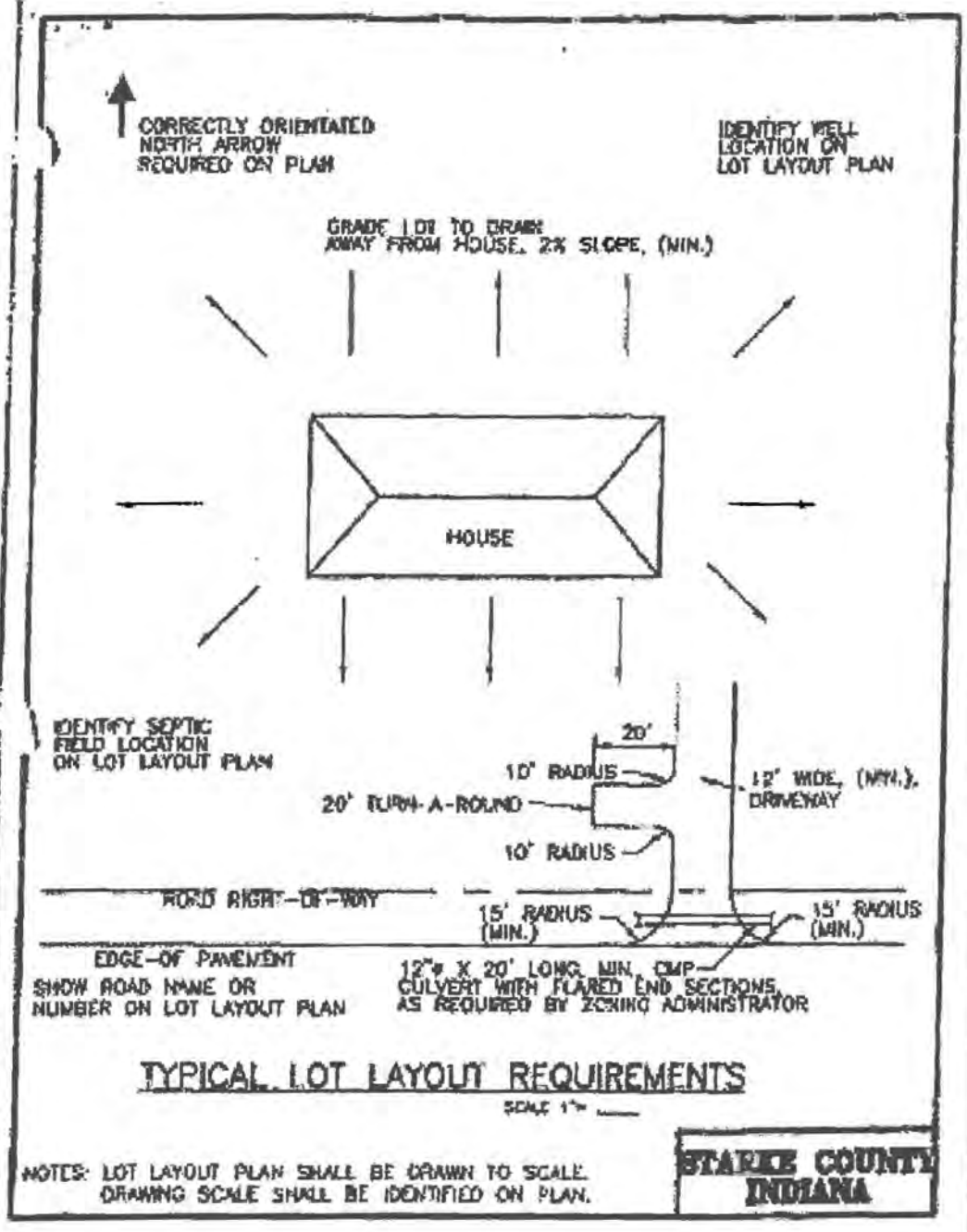


Chart #1 Residential Uses

District Restrictions

Minimum Standards: Except as noted under Specification C-Section 5; General Provisions and Exceptions	Single Family Dwellings				Double Family		Multiple Family	
	R-3	Major Subd. & R-1	Ag Parcel & Minor Subd.	All Others & R-2	R-3	All other Except R-1 & New Subd	R-3	All other Except R-1
Yards: (See Note 1)								
Front: Distance from Highway	75'	100'	100'	100'	75'	100'	75'	100'
From all other roads	50'	75'	75'	75'	50'	75'	50'	75'
Side: Corner lots on Highway	60'	75'	75'	75'	60'	75'	60'	75'
Cor. Lots-other roads	45'	75'	75'	75'	60'	75'	60'	75'
Interior Lots	5'	15'	15'	10'	10'	15'	10'	15'
Accessory Bldgs-Side	3'	5'	5'	5'				
Rear: All Lots	10'	20'	20'	15'	10'	15'	10'	15'
Lot Dimensions: (see note 2)								
With Public Sewer (sq ft)	5000	10,000		10,000	6000'	10,000	3500 Per Each Family Unit	
Minimum Lot Width	50'	100'		70'	50'	70'	80'	
Without Pub Sewer (sq ft)	10,000	35,000	1 acre	15,000	15,000	35,000	5000 Per Each Family Unit	
			43,560				10,000 Per 1st floor Unit	
Minimum Lot width	75'	150'	100'	100'	100'	150'	125'	
			8-21-06					
Minimum Ground Floor Living Area (square feet)	700'	900'	900'	800'	Double-1400' Duplex- 700'		700 Per 1st Floor Family	
Maximum Lot Coverage:	40% R3 w/Public Sewer- All others 30%				35%		40%	
Maximum Height: Dwellings	35 feet; or up to 45 feet if side yards are each 25 feet, Minimum.							
Residential Accessory buildings	18 feet; or up to 25 feet if side yards are each 15 feet, Minimum.							
Maximum Ground Floor Area: Resident Accessory Buildings	2 times the size of dwelling unit. This applies to property less than 2 acres.							
Vehicle Parking Provision:	Dust-Free, off street as required, but at least 2 spaces per family.							
Driveways	12' wide with 4 inches of pit run gravel to front line of house to the road.							

Note 1: All yard dimensions on roads are measured from the CENTER of surface or paved area. All setbacks are measured from the overhang. Plan Commission meeting of May 16, 1990.

Note 2: The depth to width ratio of a lot for residential building purposes shall be no greater than 3 to 1 not less than 1 to 1 and the width of a lot shall front on a public road.

Note 3: The two hundred (200) foot lot requirement with two acres on Chart #1 for agricultural parcels shall apply only to parcels that were created after June 19, 1998. For all lots created in area zoned agricultural before June 19, 1998, only 100 foot long frontage and fifteen thousand square feet is required.

Note 4: Minor subdivision lots would consist of two (2) acres, two hundred (200) feet of road frontage, and would be considered the same size as an agricultural parcel.

Zoning clearance for construction or use, when sanitary facilities are required, is hereby declared invalid until such facilities have been investigated and approved by the Starke County Health Board.

On an undersized lot in any type zoning an applicant may reconstruct the same ground floor coverage for dwelling unit as what was removed as long as (1) one

year has not passed since dwelling unit was removed and it meets all other requirements in the Starke County Z-1 Zoning Ordinance.

3-3: Structure Numbering System

That it shall be the duty of the owner or occupant of each house, business structure or other structure within the unincorporated areas of Starke County, Indiana, now existing or hereafter erected which has been assigned a mailing address for E 911 purposes to place on such structure and mailbox in front of said structure, within ninety (90) days from the date of passage of this ordinance, letters or numerals (not Roman numerals or written words) not less than three (3) inches high showing the number of the mailing address of each such structure. The aforesaid letters or numerals shall be placed on said structure and mailbox so that they are visible from the street and shall contrast with the color of the background upon which they are placed.

**STARKE COUNTY
PLAN COMMISSION
RULES AND PROCEDURE**

**AMENDED BY THE PLAN COMMISSION
JULY 18, 1984**

**STARKE COUNTY PLAN COMMISSION RULES OF
PROCEDURE**

Article I: Authority

Article II: Duties and Authority of Commission

Article III: Commission Membership

Article IV: Officers, Employees and Their Responsibilities

- 1: President**
- 2: Vice-President**
- 3. Executive Secretary or Administrator**
- 4. Recording Secretary**
- 5. Legal Counsel**
- 6. Additional Employees**

Article V: Meetings

- 1. Regular Meetings**
- 2. Special Meetings**
- 3. Public Hearings**

Article VI: Miscellaneous Provisions

- 1. Subdivisions**
- 2. Schedule of Fees**
- 3. Petitions**

4. Amendments

Appendix I: Schedule of Fees

Appendix II: Petition of Procedure

Appendix III: Change of Zoning District

Appendix IV: Interested Party Notification Affidavit

1. A President shall be selected to uphold the following standards that include, direction of the staff in matters other than routine, appoint investigative committees from the Commission membership, rule on all points of order and procedural matters in question and to exercise his right to vote in order to break a tie vote or to provide a uniform quorum vote. He shall also inaugurate whatever action may be found necessary to further the purpose, intent, and interests for which the Plan Commission is responsible.

2. A Vice-President shall be selected by the Commission in the same manner prescribed for the President and shall have full authority to act as President and Chairman during the absence or disability of the President.

3. An Executive Secretary, or Administrator, may be elected from the membership of the Commission in the same manner as other officers, or may be appointed from outside the membership, and shall be fully qualified as an Administrator of all Planning and Zoning matters. He shall keep abreast of all Federal, State, and local statutes and regulations as currently amended, pertaining to such matters and be prepared to present a knowledgeable analysis of such laws and changes to the Commission which are pertinent to the issues at hand. His further duties shall include;

a) Receipt of all petitions, documents, subdivision proposals, plats, and other materials of activities upon which the Plan Commission is required to act, at least ten (10) days prior to a regular meeting, for presentation to the Commission at their next meeting with a comprehensive opinion of the procedure and facts to be

considered in order for the members to arrive at a proper decision and analysis of the subject at hand. All such matters that are first brought before the Commission during a regular meeting, or placed before any other County official or board, shall be referred to the Commission Administrator, prior to any other action thereon, for such investigation and report.

b) Supervise all Zoning and office procedures, personnel and records. Assume full responsibility for all planning and zoning fees collected, approve all Zoning Clearance Permit applications and handle all Commission and office correspondence.

c) Maintain uniform office hours for discussion of planning and zoning matters with interested parties and assist them in the planning of proposed building plans, subdivisions, and other improvements, and the necessary procedures to accomplish such proposals.

d) Perform all required field inspections for adherence to permit requirements, tour the entire County as often as possible for the discovery and handling of zoning violations to a satisfactory conclusion and meet with property owners and contractors for on-site inspection appointments when required.

e) Attend all zoning and planning related meetings when possible and report such programs and data presented, to the Plan Commission and/or the Board of Zoning appeals, in all out of town seminars attended.

f) Prepare agendas for all Commission meetings at least a week ahead of the scheduled date and forward copies along with available case data to all members and counsel. Also provide local news media with copies of the agenda, prepare and arrange for proper advertising of all Commission public hearing notices as required and assure that all interested parties, as determined by the Commission, have received proper personal notification.

g) Prepare annual budgetary requirements for review and recommendation by the Commission, complete an annual report for the Board of Commissioners covering all major Commission activities through the year and a complete analysis of all zoning permits and other zoning office responsibilities including fee receipts, field inspections, milage involved and outside meetings attended.

h) Maintain a close relationship with other County departments and Officials with respect to their responsibilities where they overlap with the zoning and planning activities and co-operate fully with representatives of the news media in the preparation of their reports covering zoning and planning actions.

i) Promptly investigate and report on all informational requests received from the Starke County Commissioners and keep them advised of all new planning and zoning related statutes affecting their procedural requirements.

j) Personally present all Plan Commission recommendations to the Board of Commissioners and follow through on all such legislative decisions for proper distribution, recording and filing.

k) Maintain a continuous review of the current zoning, subdivision and planning regulations. Prepare and bring to the attention the Plan Commission all amendments, resolutions, or new ordinances required.

l) Provide any case records available at the request of the Board of Zoning Appeals and assist them in the determination of all factual information possible.

m) In the absence, disability or termination of the Administrator, the President shall assume the responsibilities of that office through the temporary appointment of committees and/or members to accomplish the necessary functions.

4. A Recording Secretary shall be appointed at a salary commensurate with related clerical compensation currently established by the Starke County Board of Commissioners and approved by the County Council. The Recording Secretary shall be proficient in typing, shorthand and general office procedures and shall assume responsibility for the following duties subject to the direction of the Commission President and the Administrator:

a) Set up and operate the cassette recording equipment at all regular and internal special meetings and record the entire proceedings on tape for permanent file in the Zoning Office.

b) Specifically note all important facts pertaining to each meeting and hearing, every resolution agreed upon by the Commission and all motions and votes of the members upon any resolution or upon the final determination of any question, indicate the names of the members absent or failing to vote.

c) Prepare the meeting minutes as soon as possible after each meeting, including the important facts as specified in paragraph b) above, and review the minutes with the Administrator for proper content and accuracy. Complete special on-site meeting minutes as dictated by the Administrator, President, or attending member. All minutes shall be permanently bound, indexed and maintained in the Commission files.

d) Type and prepare for signature and routing all Commission and office correspondence, Zoning Clearance Applications, Permits, fee receipts, clear all incoming telephone calls for reference to the proper authorities, maintain records, files, and routine activities required and generally perform all office functions with the assistance and under the direction of the Administrator.

e) Type and mail all meeting agendas to the members, Counsel and news media at least one week ahead of the meeting date and include with the Commission mailing, any available informational materials pertinent to the subjects to be discussed.

f) Prepare, for approval of the Administrator, all budgetary claims, including compensation, milage, and other routine items. Review with the Administrator any orders and claims for supplies, equipment, and repairs or other special requirements, also, transfers of budgetary funds and requests for additional appropriations.

5. An Attorney at Law shall be retained for legal advice and services as agreed upon at the time of appointment within reasonable limitations of the retaining fee provided by budgetary allowances by the County Council. He shall be qualified by his interest in planning and zoning purposes and interests in the improvement of public services. The routine responsibilities within the retainer provision should include:

a) Attendance at all regular Commission meetings in order to provide legal advice and counsel and interpretation of procedure as required.

b) Advise the Commission and/or the Administrator of all new planning statutes or amendments as soon as possible after passage by the General Assembly.

c) Assist the Administrator with occasional difficult usage decisions and interpretations, and provide him with whatever reasonable help, short of

b) litigation, may be determined as necessary in order to endeavor to bring the more complicated violations to a satisfactory conclusion.

c) Represent the Plan Commission in all matters of litigation, at their request, ONLY upon assurance by the County Council that all legal fees involved shall be provided as required.

6. Additional full or part time employees may be appointed if justified by increased work load demands and if adequate additional appropriations to the budget have been made available by the Commissioners and Council.

ARTICLE V: MEETINGS

The Plan Commission shall hold three classifications of meetings: regular, special and public hearings. All subjects requiring Commission consideration and having cleared through the Administrator at least ten (10) days prior to the next scheduled meeting, shall be generally described in and with the notice of meeting agenda and mailed to the members and other interested parties at least a week prior to the meeting date. Any other business matters received within that ten (10) day period shall be cleared through the Administrator and placed on the agenda for the following regular meeting. The Commission should not have to consider any matters requiring their attention without prior knowledge of the subject, provided by analysis and procedural recommendation by the Administrator.

1. Regular Meetings: The Plan Commission shall fix the time for holding regular meetings each month, or as necessary. It is the policy of the Starke County Plan Commission to schedule regular meetings on the third Wednesday of each month unless the President finds it necessary to cancel or postpone the meeting because of circumstances related to lack of quorum, insufficient business, or other extenuating circumstances. Notification of such action shall be provided to all members and all interested parties in time to arrange their schedules accordingly.

a) Each Commission member shall be aware of his responsibility to the public and the other members for attendance at all meetings. However, it must be recognized that there will be occasions when such attendance may be superseded by important outside commitments, or due to illness. In that event, notification to the Zoning Office shall be required as soon as possible prior to the scheduled meeting. Failure of any member to attend three consecutive meetings or to consistently fail to attend, without notice and reasons acceptable to the Commission, may be reported, at the discretion of the Commission, to the required appointing body for resignation request or dismissal and/or replacement.

b) The entire proceedings of each meeting shall be recorded on tape for temporary file and all fundamental Commission actions shall be recorded in written records and considered as the written meeting minutes which shall be maintained in permanent indexed binders for Plan Commission files.

c) It shall be the sense of the Commission that no member who has a direct or indirect financial interest in any project being considered officially by the Commission, shall act or vote upon such project, but that he shall signify such interest and be excused from the proceedings as they apply thereto. The written minutes of such meetings shall clearly indicate the non-participation of such member and the reasons therefore.

d) Prior to the meeting or hearing, the members should familiarize themselves with the items of business to be reviewed. This may require, when possible, a personal inspection of the property or site described in the agenda or the accompanying materials. All primary proposals undoubtedly need to be carefully checked out and evaluated before a decision may be reached. The Administrator's evaluation should not be considered as a substitute for any members direct understanding and analysis of the case at hand. Each member should base his final decision on his personal interpretation of the facts and information presented.

e) All Commission meetings shall be open to the public except for purposes as set forth in IC 5-14-1.5-6. Every effort shall be exercised to discourage executive sessions, however, such sessions may be called for discussion of responsibility performance of employees or members, interviews with prospective or acting employees, re-appointments, procedural matters and forms, and current or pending matters of litigation. All final administrative action must be taken in a meeting open to the public.

f) The Commission should start meeting ON TIME. Citizens in attendance often become very annoyed if they are forced to wait ten or twenty minutes (or longer) for a meeting to start. Once started, the meeting should be conducted in a businesslike manner with the President in firm control. The items on the agenda should be handled as rapidly as good judgement permits. When the agenda is cleared and the call for further business is completed, the meeting should be formally adjourned by motion and vote of the Commission. The general order of business in a regular meeting, subject to revision by the President, shall be set forth in the agenda as follows:

(1) Roll call. (All attending members, employees and visitors and their interests shall be noted by the Recording Secretary).

(2) Corrections and approval of the previous meeting minutes.

(3) Public Hearing(s).

(4) Correspondence and reports by Administrator and/or Committees.

(5) Unfinished business.

(6) New business.

(7) Adjournment.

2. Special Meetings: Special meetings are called, when necessary, for a specific purpose, usually to accommodate a matter of special urgency or to relieve the work load of a regular meeting. All special meetings should include NO OTHER review, investigation, or discussion than for the purpose of call. There are some special meetings that may be conducted in the established meeting facilities and others that are called for on-site inspection and investigation of the physical features involved. The rules established for regular meetings shall also apply to special meetings with the exception of the tape recording of the proceedings during an on-site meeting. In such event, the Administrator shall complete a general coverage of the conditions viewed and discussed, by written special meeting minutes. The findings of the attending members shall be reviewed and recorded in the next regular meeting with notice to the interested parties accordingly. The general order of business in a special meeting shall be set forth in the agenda as follows:

a) Roll call. (The Administrator shall note all those in attendance).

b) Statement of call.

c) The special business.

d) Adjournment.

3. Public Hearings: Upon receipt, by the Plan Commission, of any petition or request requiring a public hearing, and which has been cleared through the

Administrator, the Commission shall review the materials received and determine by the required information is complete and acceptable. If not, the petitioner shall be requested to supply whatever additional material is required to the Administrator at least ten (10) days prior to the next regular meeting for clearance and submission to the Commission for public hearing determination. When all requirements have been met, the Commission shall determine the time and date for public hearing and also, the location of those property owners that may be considered as parties that would have an interest in the subject proposal, and that should receive personal notice of the date, time, and content of the hearing. The Administrator shall assure that all Statutory requirements are followed in the advertising of the hearing and the personal notification of all interested parties, specified by the Commission. The costs of this action shall be borne by the petitioner. At the time of the hearing, the Commission President shall preside as Chairman of the public hearing, or he may appoint any other informed person to act as temporary Chairman and to conduct the hearing in the capacity of Hearing Officer. The general conduct of the public hearing shall proceed as follows;

a) The Chair shall call the hearing to order and explain the ground rules to be followed, which may include; order shall be maintained at all times, no person shall speak until recognized by the Chair, each person recognized shall be requested to stand up and clearly state his name and address, all comments shall relate ONLY to the subject at hand, if necessary, time limits may be established for each speaker, argumentative discussions will not be considered as evidence or tolerated, and only those called upon shall speak, one at a time. If the hearing should become too disorderly for the Chair to control, it may be continued by the Chair to a later scheduled meeting, or, if the Commission determines that sufficient evidence has been heard to arrive at a decision, the hearing may be terminated at that time by motion and quorum vote.

b) The Administrator shall be requested to report on the proper completion of the required advertising of the public hearing and the notification of the specified parties of interest. He shall also read the petition and/or other subject materials received and explain the request in lay terms, with reference to graphic illustrations if necessary, in a manner audible to, and understandable by, all present.

c) The Chair shall recognize those appearing in behalf of the petition, in order that they may state their case and, in order to eliminate repetition, shall

after each citizen's statement, call for any NEW testimony in behalf of the proposal.

d) Those parties appearing in opposition to the proposal shall be recognized, one at a time, until all opposing evidence, without repetition, has been heard.

e) All rebuttal discussion shall be presented at the discretion of the Chair.

f) The members of the Commission shall be given the opportunity to ask questions of the participants, discuss the more controversial matters and express their desire for further investigation and study, if considered necessary.

g) The Chair shall then call for a motion for closing the hearing, or continuing the hearing at a later date.

h) If, after closing the hearing, it is determined that there is no requirement for further investigation, information or an on-site inspection, in order for the Commission to reach a decision on the request, the President may call for a motion for such decision, however, if further information is required, the Commission should move accordingly and set a future date for final decision.

i) Once a public hearing is closed, there shall be no further testimony accepted except upon explicit request of the Commission members, and once a decision has been duly resolved, the matter may not again be placed before the Commission unless it includes a substantial change of circumstances, the sufficiency of which shall be determined by the Commission, or, unless ordered by a court of law.

ARTICLE VI: MISCELLANEOUS PROVISIONS

1. Subdivisions: The final approval of a subdivision is the only action that does not require final legislative confirmation by the Board of Commission upon recommendation by the Plan Commission, as the Indiana General Assembly has placed exclusive responsibility for the control of subdivisions in the hands of the Commission after a comprehensive subdivision ordinance has been adopted by the County Legislative Body. Re; IC 36-7-2(d), 36-7-4-405, (a), (2), (A), (B), 36-7-4-701,(b). Starke County has adopted such an ordinance, Z-1-A. Amended August 23, 1982, and all subdivisions shall be processed as set forth in detail therein.

2. A SCHEDULE OF FEES shall be prepared by the Administrator periodically for review and approval by the Commission. Such Schedule shall be posted in a conspicuous location in the Zoning Office. Such service charges shall in no circumstance exceed the actual costs for services rendered and shall be maintained at as nominal a level as good judgement indicates. All service charges received shall be receipted and deposited in a Plan Commission bank account and checks for each month, total receipts shall be drawn on this account by the Administrator and submitted to the Starke County Auditor after the close of each month's records. A copy of the current Schedule of Fees is included in the following Appendix.

3. Petitions: Requests for changes or additions to Starke County Zoning and Planning ordinances and vacation and/or relocation of public ways or public places are usually submitted by petition, advisedly drawn up by an Attorney at Law, and directed to the attention of the County Board of Commissioners. Said Board should then submit the materials received to the Plan Commission, in care of the Administrator, for public hearing and return with approval or disapproval recommendation. All final legislative decisions shall be passed, after due process, only by a two-thirds vote by the County Commissioners. Detailed Commission procedure for processing such petitions may be found in the Appendix to these Rules of Procedure.

a) In reaching a decision on a particular petition to change the district map of the zoning ordinance by amendment, the Commission shall recognize that zoning must first of all be based on the present and anticipated future land use needs of the whole area as well as any part of it, and the relationship to the comprehensive zone plan. It must be assumed that these factors were carefully taken into consideration when the existing district program was established or amended, therefore, the burden of proof for a proposed change lies with the applicant based on an analysis of all the facts pertinent to the request.

b) It must be recognized that the following factors shall be given complete consideration by the Commission in any decisive action on all rezoning petitions:

1. Location.
2. Need.
3. Topography.

4. Increased demands on streets and utilities.
5. Effect on adjacent property.
6. Relationship to general land use pattern of neighborhood and community.
7. Relationship to the comprehensive zone plan, existing or future.
8. That, generally, the test is not one of size but of demonstrated community need.
9. Finally, that zoning is not a tool for special privilege for the use of individuals, pressure groups or public officials and a re-zoning action that does not result in a commensurate community benefit may be declared an illegal act of spot zoning by a competent court of law.

c) Petitions for the relocation and/or vacation of public ways or places shall be referred to the Commission for public hearing and recommendation to the Board of Commissioners prior to the Statute requirement that said Board shall also advertise and hold a public hearing and render a decision only after due process. Again, it must be assumed that the existing County road and street network has been carefully designed and developed to best accommodate the public interests and service and to provide for future development of internal or isolated properties. Therefore, all such petitions should be thoroughly investigated before recommendation decision is reached, by on-site inspection, when feasible, and/or by detailed examination of the informed residents of the surrounding area. All parties with a possible interest in the action to be considered shall be notified of the ending hearing by the petitioner with proof of such notification to be presented at the hearing. The commission shall determine who such interested parties shall be at the time, date of hearing is established. Before approving the vacation of a public way, the Commission shall have evidence in the records that: The vacation will NOT;

(1) Hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.

(2) Make access to the lands of any person by means of public way, difficult or inconvenient.

(3) Hinder the public's access to a church, school or other public building or place.

(4) Hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

4. Amendments: The Commission may, as required, amend, supplement, or change these Rules of Procedure as set forth herein. Such amendments shall be accomplished by resolution motion and passage with a uniform vote.

Starke County Planning Commission

All Fees Payable Upon Submission of Application or Petition:

Applications:

<u>A. Zoning Clearance Permits</u>	<u>Regular Fees</u>	<u>Late Filing</u>
1. Primary Uses	\$ 25.00	\$ 50.00
2. Secondary Uses	15.00	30.00
3. All Other Uses (Minor)	5.00	10.00
 <u>B. Subdivisions</u>		
1. Major - Filing	10.00	20.00
Per Lot	2.00	4.00
Advertising	15.00	
2. Minor	25.00	50.00
3. Planned Unit Developments, Filing Advertising	15.00	
 <u>C. Petitions</u>		
1. Vacation of Public Ways or Places:		
2. Rezoning Filing	15.00	
Rezoning Advertising	15.00	
 <u>D. Miscellaneous Chargers:</u>		
1. Zoning Ordinance	5.00	
2. Subdivision Ordinance	5.00	
3. Duplicate Copies, 1 to 4 Pages	1.00 Minimum	

All fees are based on average or below cost to the actual processing time involved.

Starke County Plan Commission

Procedure for presenting petitions for changes in Starke County ordinances, streets, public ways, existing or legally established under planning and zoning statutes of the state of Indiana.

Such petitions shall be addressed to the Board of Starke County Commissioners and directed to the attention of the Starke County Plan Commission Executive Secretary at least ten (10) days prior to a regularly scheduled commission meeting (third Wednesday of each month), with the required fees for processing.

The Commission Secretary shall review the documents for acceptance and shall include the matter under new business on the agenda for the next plan commission meeting. The Secretary shall present the petition with his comments to the Commission at the scheduled time. The Secretary shall also review the petition in detail and determine acceptability for public hearing. If considered satisfactory, date for hearing will be set and the secretary will be requested to advertise the hearing according to law and shall determine the parties with probable interests in the requested action that should receive personal notification of the scheduled hearing and subject.

If further information or understanding of the petition request is required, the Secretary shall notify the petitioner(s) accordingly; otherwise, petitioner(s) will be notified of hearing date, time, and location and their responsibilities in the notification of interested parties personally or by receipted mail of said hearing.

Petitioner(s) or a qualified, informed representative shall appear at the hearing to present the request and to answer questions which may be asked.

At the conclusion of the hearing, the Commission may either: continue the hearing to a later meeting, or postpone decision for further investigation, or resolve to recommend favorable or unfavorable consideration to the Starke County Commissioners.

Final decision is the responsibility of the Board of Commissioners.

It is suggested that the Commission Secretary be contacted with respect to petition requirements prior to submission in order to prevent any misunderstandings or delays in proper processing toward final decision.

Starke County Plan Commission

It is advisable to consult the Commission Administrator prior to submission of request for changes in zoning districts in order to conserve processing time and to assure the petition includes all information necessary for acceptance by the Commission.

All such petitions should be prepared by an Attorney at Law, submitted in triplicate, and directed to the attention of the Starke County Board of Commissioners. The commissioners will forward the proposal to the Plan Commission for public hearing and recommendation.

Petition should include ALL the following information to qualify for consideration:

1. Full legal description for area for which re-zoning is requested...

Note 1. A request for zoning which confers special benefit on a relatively small tract of land without commensurate community benefit is "Spot Zoning" and is not permissible.

2. Include present and proposed zoning.

3. Describe the actual contemplated use of land, including type of use, brief description of proposed structures, estimated expenditures, etc., and attach a detailed plan indicating all existing and proposed improvements, their dimensions and location.

4. Provide specific reasons for not establishing this usage in an already appropriately zoned district.

5. What changes have evolved in this area that would indicate a requirement for a change in zoning.

6. How will this proposed zoning aid and promote orderly growth and progress in the community.

Petition for Change of Zoning - Instructions Rules of Procedure - Appendix iii -
Cont.

7. Express an opinion of the effect that such a zoning change will have upon property values in the immediate vicinity and the reasons for that opinion.
8. Has this proposal been discussed with the surrounding property owners and what is their attitude relative to such action.
9. Include full name, address and signature(s) of petition sponsor(s).
10. Petition shall include signatures, addresses and legal description (as shown on tax notices) of lands held by property owners of record of fifty percent or more of the area described in item #1, above. Signatures shall be those of individual owners (not "Mr. & Mrs.") and should be witnessed by a Notary Public.

Interested Party

Rules of Procedure - Appendix- iv

Notification

Affidavit

I/We _____ do hereby certify that notice of a hearing before the Starke County Plan Commission, in accordance with the attached copy of such notice, was sent by Certified or Registered Mail, return receipts requested and attached to this file, or acknowledged by personal signature (below), to the recorded owners of property listed as follows and considered by the Commission to be interested parties in the case to be considered,

Property Owner of Record

Address

and that such notification was accomplished on or before _____, 19__ being at least ten (10) days prior to the date set for hearing:

Applicants Signature _____

COUNTY OF STARKE

STATE OF INDIANA: Subscribed and sworn to before me, a Notary Public, in and for said County and State, this ____ day of _____, 19__.

My Commission expires _____, 19__:

NOTARY PUBLIC _____

Printed Name _____

5-1: General Provisions

5-1-1: Title

5-1-2: Authority

5-1-3: Policy

5-1-4: Purpose

5-1-5: Jurisdiction

5-1-6: Interpretation

5-1-7: Combining of Permits

5-1-8: Variances

5-1-9: Public Hearing

5-1-10: Amendments

5-1-11: Resolutions

5-1-12: Re-subdivision – Replat

5-1-13: Vacation

5-1-14: Fees

5-1-15: Approval by Certiorari

5-1-16: Severability

5-1-17: Enforcement

5-1-18: Repeals, Approvals, and Effective Date

5-2: Definitions

5-2-1: Application and Interpretation

5-3: Application and Approval Process

5-3-1: General Procedure

5-3-2: Sketch Plat

5-3-3: Application for Subdivision Approval

5-3-4: Technical Committee Review and Report

5-3-5: Plan Commission Review

5-3-6: Public Hearing

5-3-7: Commission Decision

5-3-8: Conditions on Primary Approval

5-3-9: Secondary Approval

5-3-10: Recording

5-3-11: Planned Unit Development

5-3-12: multifamily Developments

5-4: Minimum Residential Standards

5-4-1: Administrative Provisions

5-4-2: Definitions

5-4-3: Inspection

5-4-4: Violation Notification

5-4-5: Failure to Conform

5-4-6: Kitchens, Toilets, Baths, Sanitary Facilities, Hot Water

5-4-7: Egress, Light, Ventilation, Electric Fixtures, Heat, Screens

5-4-8: General Structural, Plumbing, and Open Area Requirements

5-4-9: Rooms, Access, Area, height, basements, and Cellars

5-4-10: Sanitary and Rubbish Disposal Responsibilities, Pest Control

5-4-11: Rooming Houses

5-4-12: Violation Remedies

5-4-13: Non-Interference with Greater Restrictions

5-5: Improvement Standards

5-5-1: General Requirements

5-5-2: Construction and Drainage Plans

5-5-3: Jurisdictional Boundaries

5-5-4: Public Improvements

5-5-5: Street Location and Arrangement

5-5-6: Lot Arrangement

5-5-7: Block Arrangement

5-5-8: Subdivision and Street Names

5-5-9: Public Sites and Open Spaces

5-5-10: Non-Residential Subdivisions and Planned Units

5-6: Design Standards and Specifications

5-6-1: General Provisions

5-6-2: Monuments

5-6-3: Signs and Traffic Control Devices

5-6-4: Streets and Roads

5-6-5: Starke County Road Ordinance, SCR-1

5-6-6: Subdivision Specifications

5-6-7: Miscellaneous County Specifications

5-6-8: Effective Date and Approval Certifications

5-7: Design Standards

5-7-1: Drainage Facilities

5-7-2: Waters and Sewers

5-7-3: Erosion Control

5-8: Specifications for Documents

5-8-1: Sketch Plat

5-8-2: Application

5-8-3: Soils Survey

5-8-4: Feasibility Report

5-8-5: Construction and Drainage

5-8-6: Public Hearing Notification Affidavit

Checklist of Requirements for Subdivision/Development Plan Processing

Plat and Plan Requirements Chart

Form SD-1 Application for Preliminary Subdivision Approval

Form SD-2 Request for Minor Subdivision Approval

Form SD-3A Signature Pages

Form SD-4 Notification Affidavit

Form SD-5 Maintenance or Completion Agreement

Form SD-6 Certifications

Drawings of Street Surfaces

ARTICLE 5: SUBDIVISION

ARTICLE 5: SUBDIVISION

5-1: GENERAL PROVISIONS

5-1-1: Title

This Article 5 shall be known and cited as the Subdivision Control Regulations of the County of Starke, Indiana, and shall be inclusive with, and supplementary to the Starke County General Zoning Ordinance Z-1, and shall be administered in full accordance with the provisions delineated in the Starke County Subdivision Comprehensive Program.

5-1-2: Authority

These regulations are authorized by Indiana Code, 36-5-7-4, 1981, as subsequently amended.

5-1-3: Policy

It is hereby declared to be the policy of the County of Starke, Indiana to consider the subdivision of land and the subsequent development of the subdivided plat and unit development plan as subject to the exclusive control of the Starke County Plan Commission pursuant to a comprehensive planning objective to maintain orderly, planned, efficient, and economical development within the jurisdictional planning area of the Starke County, Indiana Plan Commission.

5-1-4: Purpose

The purpose of these regulations are to protect and promote the public health, safety, and general welfare and to provide for:

A. Subdivided land of such character that it may be used for safe building purposes without danger to health or peril from fire, flood, or other menace, with required provisions for drainage, water and sewerage with consideration of facilities for recreation and schools, transportation requirements and other elements of viable community infrastructure.

B. To encourage, when feasible, the development of land and construction through planned unit residential developments in order to achieve a maximum

choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building set-backs, and area requirements, with full consideration of the provisions set forth in Paragraph 1, this Section 5-1-4, in order to provide more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through shorter utilities and streets, and other public improvements.

C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the natural drainage patterns from being disrupted and a more useful designation of open space and recreational areas, and, if permitted as part of the subdivision, more convenience in the location of accessory commercial uses and services.

D. Consideration of the preservation of useful agricultural land, woodland, wildlife, and wetland resources and the compatibility of these and other uses with the development under study.

E. Provide for adequate air, light, and privacy, prevention of overcrowding or undue congestion, prevention of pollution of air and water and ensure proper drainage facilities to safeguard the water table and minimize flooding conditions.

F. Avoidance of scattered and uncontrolled subdivisions that would result in the unnecessary imposition of excessive expenditures of public funds for the supply of community services and establishment of reasonable standards of design and minimum requirements for the installation and improvement of physical facilities which will be maintained for the benefit and use of the general public.

G. Employ reasonable standards and procedures for major and minor subdivisions, re-subdivisions and planned unit developments, in order to further the orderly layout and use of land, accurate legal descriptions, proper monumenting of subdivided land, and administration of their regulations by defining the powers and duties of approval authorities, including the manner and form of making, filing and processing of all plats.

5-1-5: Jurisdiction

These regulations shall apply to all subdivisions of land, as defined herein, located within the Starke County Plan Commission jurisdictional area, described as follows: All land lying within the official boundaries of Starke County, Indiana, with the exception of the incorporated areas of the towns of North Judson and Hamlet, the City of Knox and within the two mile contiguous area of Knox, bounded on the North by County Road 200 North, on the East by County Road 600 East, on the South by County Road 300 South (Toto Road) and on the West by County Road 200 East. No land shall be subdivided within said jurisdictional area until:

A. The subdivider or his agent has consulted with the Administrator for determination of all requirements necessary for subdivision approval consideration.

B. Certification of primary approval and date has been endorsed on the subdivision plat with signatures of the Commission President and the Administrator, and secondary approval has been endorsed with signature of the Administrator.

C. The Board of Commissioners has endorsed all capital improvements to be dedicated for public use, approved the final construction of such improvements, and/or accepted the specified completion and maintenance bonds, assuring such completion or maintenance.

D. A copy of the recorded plat, bearing the County Auditor and Recorder certifications, has been returned to the Administrator.

5-1-6: Interpretation

All subdivisions and planned unit developments as defined herein shall comply with the provisions of these regulations, and shall be held to be the minimum requirements.

A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements.

B. Questions of interpretation shall be resolved by the Plan Commission and their attorney after all interested parties have been heard.

C. These regulations shall supplement all other regulations and where at variance with other laws, regulations, ordinances or resolutions, legally in effect, the more restrictive requirement shall apply.

5-1-7: Combining of Permits

The Plan Commission is hereby required to coordinate with other interested departments and agencies concerning all permits which may be required in these subdivision regulations and all lawful previously or subsequently adopted ordinances.

5-1-8: Variances

When the Plan Commission is assured through its findings, based upon the evidence presented to it in each specific case that extraordinary hardships or practical difficulties may result from the strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that:

A. The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property.

B. The conditions upon which the request for variance is based, are unique to the property in question and not generally applicable to other properties.

C. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

D. The variance will not in any manner vary the provisions of the Starke County Zoning Ordinance Z-1, or fail to accomplish the purpose and intent of an overall comprehensive plan. Such variances shall be appealed and processed before the Starke County Board of Zoning Appeals as set forth in the Zoning Ordinance, except as provided in this Article for the development of Planned Unit Developments.

E. In approving variances, the Commission may require such conditions as will in its judgement, secure substantially the objectives of the standards or requirements of these regulations.

F. Petitions for variances shall be submitted by the subdivider with the subdivision plat. Such petition shall state fully all the facts and grounds necessary to substantiate the request.

5-1-9: Public Hearing

No major subdivision plat shall be considered for primary approval until at least one (1) public hearing has been held by the Commission and the testimony therefrom has been given full consideration in the decision rendered.

A. Public hearings shall be advertised in a newspaper of general circulation within Starke County for publication at least ten (10) days prior to the date set for hearing and the subdivider shall be required to submit a Notification Affidavit on a form prepared by the Commission, certifying that all property owners of record, contiguous to the parcel to be subdivided, have been notified by registered mail of the date, time, and location of said hearing, at least ten days prior to such date.

B. The Plan Commission, at its discretion, may waive public hearing when a minor subdivision plat is under consideration, however, the Notification Affidavit shall be required as set forth in paragraph A above. Such waiver shall require a quorum vote.

5-1-10: Amendments

For the purpose of protecting and promoting public health, safety, and general welfare, the Commission may from time to time amend the restrictions imposed by these regulations.

A. Public hearings on all proposed amendments shall be held by the Commission under the same procedure outlined in Section 5-1-9 prior to formal approval and recommendation to the Board for final decision.

B. All such amendments having received final approval by the Board shall be filed accordingly with the County Recorder by the Administrator.

5-1-11: Resolutions

The Commission may occasionally find that in the interests of efficiency, economics, expediency or practicality, it may become necessary to revise certain Commission procedures, set forth in these regulations. Such changes may be authorized by resolution through quorum vote by the Commission.

5-1-12: Re-subdivision — Re-plat

For any change in a map of an approved or recorded subdivision plat, such change(s) shall be considered a re-subdivision and shall be subject to approval by the same procedure, rules, and regulations as required for a new subdivision.

A. This requirement shall include a re-subdivision that affects any street lay-out shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan developed prior to the adoption of any regulations controlling subdivisions, except as defined under “Subdivision” in Section 5-2.

B. Whenever a parcel of land is subdivided and the plat shows one (1) or more lots containing one (1) or more acres of land and there are indications that such lots will eventually be re-subdivided, the Plan Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. An easement reservation, providing for the future opening and extension of such streets, may be made a requirement of plat.

5-1-13: Vacation

A. Application Procedures

The owners of land in a subdivision plat desiring to vacate all or part of that plat shall apply for approval of a vacation of the plat or part of the plat with the Plan Commission staff. The petitioner must:

- a. State the reasons for and the circumstances promoting the request; and
- b. Specifically describe the property in the plat proposed to be vacated; and
- c. Give the name and address of every other owner of land in the plat.

Not more than thirty (30) days after receipt of the petition, the Plan Commission shall announce a date for a hearing before the Plan Commission (or Plat Committee acting on the Plan Commission's behalf). The petitioner shall pay all expenses of providing the noticed required by this section.

The Plan Commission or Plat Committee may approve a request to vacate all or part of a plat if it makes a determination that:

- a. Conditions in the platted area have changed so as to defeat the original purpose of the plat;
- b. It is in the public interest to vacate all or part of the plat; and
- c. The value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation.

The Plat Committee may impose reasonable conditions as a part of any approval.

2. At least thirty (30) working days prior to the Plan Commission meeting at which the request will be heard, a petition requesting the vacation of the plat or part of the plat shall be filed with the enforcement official accompanied by a fee as established under this ordinance. The petition shall include the names and addresses of adjacent property owners and other interested parties.

3. The petition for vacation of the plat or part of the plat will be scheduled for a public hearing review by the Plan Commission.

B. Public Hearing

The Plan Commission shall hold a public hearing on the proposed vacation of the plat or part of the plat after ensuring due notice has been given to all interested parties. The petitioner is required to notify all adjacent property owners and other interested parties by certified or registered mail.

C. Final Decision

The Plan Commission shall forward its recommendation to the Board of Commissioners, which shall make the final decision.

D. Plat Vacation; Record

A copy of the vacated plat or part of the plat shall be filed in the Office of the Plan Commission and enforcement official, after recording, so accurate subdivision maps are maintained.

In a case in which all of the owners of land in a plat are in agreement to a proposed vacation of the plat, the owners may file a written instrument to vacate all or part of that plat. That written document offered for later recording must first be submitted to the Plan Commission, or Plat Committee, as the Plan Commission may so designate. Such agreed vacation of all or part of a plat may be granted without the requirement of a hearing. If approved, such written instrument must be executed, acknowledged, and recorded in the same manner as a deed to land and must comply with all of the requirements of I.C. 36-7-3-10.

5-1-14: Fees

At the time of filing an application for Plan Commission review and approval of a subdivision plat, applicant shall pay an amount of fees established by the Commission in a schedule of fees for checking and verification of such plat and for other services in connection therewith including public hearing and other notification costs as required.

5-1-15: Appeal by Certiorari

The primary approval or disapproval of a subdivision plat, or the imposition of a condition of primary approval, is a final decision of the Plan Commission that may be reviewed by certiorari procedure as set forth in I.C. 36-7-4-1003.

Any person aggrieved by the final decision of the Commission, may present to the Starke County Circuit Court, a verified petition, setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. No change of venue from Starke County may be had in any cause arising under this section. Such petition shall be presented to the Circuit Court no later than thirty (30) days from the date of entry, the decision, or order being challenged.

5-1-16: Severability

Should any section, subsection, paragraph, clause, word or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect, the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

5-1-17: Enforcement

It shall be the duty of the Administrator to perform whatever investigation necessary to detect and correct any violation of these regulations and to bring before the Commission and their attorney any lack of compliance therewith.

A. No owner or agent of the owner, of any parcel of land located within a proposed subdivision, shall transfer or sell any part of such parcel before a plat of such subdivision has been approved and duly recorded in accordance with the provisions of this Article, but if done in violation hereof, no permit for construction or land use shall be issued prior to the recording of the subdivision plat.

B. The Plan Commission shall, in addition to taking whatever action deemed necessary to maintain compliance with the terms of this ordinance, require their attorney to take steps to civilly enjoin any violation of these regulations.

C. Failure to comply with the provisions of a Court order and its requirements, shall constitute a contempt, and any person, firm, or corporation who commits such contempt, may be assessed an amount not to exceed five hundred (\$500.00) dollars. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such contempt, may be found in contempt on a separate offense, and each day such contempt continues shall be considered a separate offense.

D. Nothing herein contained shall prevent the Plan Commission, County Commissioners, or any other public official or private citizen from taking such lawful action as may be found necessary to restrain or prevent any violation of these regulations.

5-1-18: Repeals, Approvals, and Effective Date

All other Starke County regulations or parts thereof, in conflict with these regulations are hereby repealed to the extent necessary to give this ordinance full force and effect as amended and approved.

5-2: DEFINITIONS

5-2-1: Application and Interpretation

For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this section.

A. Words and terms not defined herein shall have their usual accepted meaning, or as defined in the state laws regulating the creation and function of various planning agencies unless the context indicates otherwise.

B. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.

C. The singular number includes the plural, the masculine includes the feminine, the present tense includes the past and future.

D. The word "shall" is mandatory, the word "may" is permissive and the words "will" or "should" are preferred requirements.

E. The words "used" or "occupied" includes the "intention" of use or occupancy and, a parcel, plot, or tract is herein interpreted to be a "lot."

5-2-2: Words and Phrases Defined

A. Administrator: An official, having knowledge in the principals and practices of subdividing, zoning, and planning, who is approved by the Commission to administer this Article 5.

B. Applicant: The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

C. Area of Critical Concern: A geographic area or site, regardless of size, that is significantly affected by, or has a significant effect upon natural, man-made, historic or environmental resources, or is in limited supply and is of local, regional, statewide, or natural importance.

D. Block: A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

E. Board: The Starke County Board of County Commissioners.

F. Board of Health: An agency responsible for the administration of all public health policies and regulations in the State of Indiana.

G. Bond: Any form of security including a cash deposit, escrow arrangement, collateral, property or instrument of credit in the amount and form in surety, satisfactory to the Board.

H. Building: A type of construction designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind and includes structure.

I. Building Site: An area proposed or provided for improvement by grading, filling, excavation, or other means for erecting pads or foundations for buildings.

J. Capital Improvements: Any improvements indicated on or with a subdivision plat that are, or intended to be, dedicated for public use, such as streets, parks, recreation areas or other public places, ways, or easements.

K. Central Sewer System: A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying or generally rural area.

L. Central Water System: A private water company formed by a developer to serve a new community development in an outlying or generally rural area, including water treatment and distribution facilities.

M. Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

N. Commission: The Starke County Plan Commission, appointed by the Board in accordance with the appropriate Indiana Planning Enabling Act consisting of five (5) citizen members and four (4) County Officials who serve by virtue of their office.

O. Comprehensive Plan: A document that herein may be referred to as a comprehensive plan, a comprehensive development plan or program and is a plan for an orderly physical development of the community, prepared by the Commission and adopted, pursuant to state law and including any part of such plan separately adopted and any amendment to such plan separately adopted and any amendment to such plan, or parts thereof. The document may include the general location and extent of present and proposed physical development, including, but not limited to: housing, industrial and commercial uses, streets, parks, schools, and other community facilities.

P. Condominium: The individual ownership of a single unit of a multi-unit structure, together with an interest in the common land and building areas and the underlying land.

Q. Construction Plan: The maps, drawings, and textual descriptions that may accompany a subdivision plat and showing the specific location and design of improvements to be installed within the subdivision in accordance with the requirements of the Commission as a condition for plat approval. See Section 5-6-5, for further detail.

R. Contiguous Property Owner: Property owners closest to the premises under consideration, including only those properties touching or separated from such area by streets, easements, channels, or other natural barriers not more than one hundred (100) feet in width.

S. Council: The Starke County Council.

T. County: County of Starke, Indiana whose jurisdiction includes the parcel of land under consideration.

U. Covenant: A private legal restriction on the use of land, included with the subdivision plat, contained in the deed to the property and otherwise formally recorded.

V. Culvert: A drain that channels water under a bridge, street, or driveway.

W. Dedication: The setting apart of land or interests in land for use by the public by ordinance, resolution, or entry in the official minutes of the Board and by the recording of a plat.

X. Density: A unit of measurement of the number of dwelling units per acre of land.

(1) Gross density is the number of dwelling units per acre of the total land to be developed, including dedicated rights-of-way.

(2) Net density is the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding dedicated rights-of-way.

Y: Density, High: Any subdivision with a density greater than six (6) dwelling units per acre of gross land area.

Z: Density, Medium: Any subdivision with a density of two (2) to six (6) dwelling units per acre of gross land area.

AA. Density, Low: Any subdivision with a density less than two (2) dwelling units per acre of gross land area.

BB. Developer: Authorized agent(s) of a subdivider or the subdivider himself. The developer may be the owner of the land proposed to be subdivided, his representative, or the subdivider.

CC. Dwelling: A fixed structure or building, containing one (1) or more dwelling units.

DD. Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and it's household employees, including provisions for living, sleeping, cooking, and eating. The term shall include manufactured housing, exclusive of travel trailers or recreational vehicles.

EE. Dwelling, Double: A two (2) family dwelling unit, both of which are side by side on the ground floor.

FF. Dwelling, Duplex: A two (2) family dwelling unit with one (1) located above the other.

GG. Dwelling, Multiple Family: A dwelling unit containing three (3) or more family dwelling units such as apartment houses, condominiums, or connected garden apartments.

HH. Easement: An authorization or grant by a property owner to specific person(s) or to the public to use land for designated access purposes.

II. Engineer: Any person who is licensed in the State of Indiana to practice professional engineering.

JJ. Escrow: A deposit of secured cash, payable to the Board, in lieu of an amount required, and still in force, on a performance or maintenance bond, also, the arrangement for the handling of instruments or money not to be delivered until specified conditions are met.

KK. Feasibility Report: A written report, prepared by a qualified professional engineer or land surveyor and considered acceptable to the Commission and Health Department, pertaining to the suitability of the land to be subdivided and improved for drainage retention or dispersion, subsoil conditions related to street construction and adaptability of the soil classifications within each proposed lot for water and sewer systems as required by the Health Department and/or Board of Health. (See Section 5-6-4 for further detail.)

LL. Flood (or Floodwater): The temporary inundation of land adjacent to a river, stream, lake, or other body of water.

MM. Flood Control: The prevention of floods by control, regulation, diversion, or confinement of flood water or flood flow, according to sound and accepted engineering practice.

NN. Flood Hazard Area: A flood plain or portion thereof which has not been adequately protected from floodwater by means of dikes, levees, reservoirs, or other works approved by the Indiana Department of Natural Resources Commission.

OO. Flood Plain: The relatively flat area or low land adjoining a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe.

PP. Floodway: The channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any river or stream.

QQ. Floodway Fringe: Those portions of the flood hazard areas lying outside the floodway.

RR. Frontage: The width along the street right-of-way line of a single lot, tract, or development area, between the side lot lines of the property. It is that side of a lot abutting a street and usually regarded as the front of a lot.

SS. Governing Body: The Starke County, Indiana Board of Commissioners, more correctly referred to as the Legislative Body.

TT. Grade: The slope of a road, street, or other public way, specified in terms of percentage (%).

UU. Health Department: An agency consisting of seven (7) members, appointed by the Board to establish rules and regulations within Starke County to carry out and provide enforcement of the policies of the Indiana State Board of Health, and to employ a nurse, sanitarian, and the necessary office personnel to perform these functions.

VV. Highway: For the purposes of this Article 5, this term shall refer to all state and federal highways.

WW. Improvement: Any alteration to the land or other physical construction associated with subdivision and building site development.

XX. Improvement, Lot: Any building, structure, place, work of art, other object, or improvement of the land on which they are situated, constituting a physical betterment of real property, or any part of such betterment.

YY. Improvement, Public: Any drainage ditch, roadway, sidewalk, easement, park, tree, lawn, off-street parking area, lot improvement, or other facility for which the local or state government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local or state government responsibility is established.

ZZ. Improvement, Temporary: Improvement built and maintained by a subdivider during construction and prior to release of the performance bond or scheduled completion date.

AAA. Individual Sewage Disposal System: A septic tank, seepage tile sewage system, or any other sewage treatment device, approved by the Health Department and/or the Board of Health for use in a limited area.

BBB. Interested Parties: Generally considered to be those property owners of record, adjacent and opposite to, within one hundred (100) feet, of the land to be developed, or any other persons the Commission may consider as having a vested interest in the project under consideration.

CCC. Jurisdiction: Jurisdiction of local government means, all land within its boundaries and any land outside its boundaries over which it is authorized to exercise powers under State Planning Legislation and these regulations.

DDD. Land: The earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

EEE. Land Use: The development existing on land, or the proposed use of the premises.

FFF. Land Surveyor: Any person who is licensed in the State of Indiana to practice professional land surveying.

GGG. Local Government: For the purposes of these regulations, any city, town, or county authorized by law to enforce subdivision regulations.

HHH. Lot: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

III. Lot Area: The area of the horizontal plane of the lot bounded by the vertical planes of the front, side, and rear lot lines.

JJJ. Lot Types: Terminology used in this Article 5-1, with reference to different types of lots, is interpreted as follows:

(1) Corner Lot: A lot located at the intersection of two (2) or more streets, the interior angle of such intersection not exceeding 135 degrees.

(2) Interior Lot: A lot with only one (1) frontage on a street.

(3) Through Lot: A lot other than a corner lot with frontage on more than one street, usually referred to as a double frontage lot.

(4) Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

KKK. Manufactured Housing: A complete dwelling designed for year-around living and delivered on wheels from the manufacturing source to a residential site, in whole or in sections, for permanent placement and occupancy.

LLL. Mobile Home: A single unit manufactured home, no greater than fourteen (14) feet in width and transported on its own wheels, after fabrication, to the building site.

MMM. Mobile Home Park: An area of land upon which more than two (2) mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes, including any required roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the park facilities. Such park shall be licensed by the Board of Health when five (5) or more mobile units are involved.

NNN. Model Home: A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

OOO. Modular Home: A manufactured dwelling, no less than twenty (20) feet in width and transported, after fabrication, on wheels to a building site in two (2) equal length halves.

PPP. Monument: Any permanent marker either of concrete, galvanized pipe, or iron or steel rods, used to identify the boundary lines of any tract, parcel, lot, or street rights-of-way.

QQQ. Off-Site: Any premises or structure not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

RRR. Open Space: A public or private outdoor area expressly set aside for the use and benefit of many unrelated people.

SSS. Outlot - Reserved Area: Property shown on a subdivision plat within the boundaries of the land which is to be developed but is to be excluded from the current subdivision development because of its potential use as a street extension or other public purpose.

TTT.Owner: Any person, firm, association, syndicate, partnership, corporation, or any other legal entity having legal title to or sufficient, or proprietary interest in the land to be subdivided.

UUU. Performance Bond: An amount of money or other negotiable security which guarantees that the subdivider will perform all actions required by the Board regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

VVV.Planned Unit Development: A development which permits flexibility in large scale proposed units through exceptions in regulated land use controls that will foster good environmental design without violating the purpose and intent of this Article 5, that permits a variety of housing accommodations and/or commercial facilities, the grouping of open spaces, recreational areas, lands for public use, and school sites, and that permits the orderly physical and aesthetic relationship of residential and commercial uses and permits the development of the area rather than the individual lot arrangement.

WWW.Plat: The drawing, map, or plan of a subdivision, public way, other tract of land, or a replat of such, including required certifications, descriptions, and approvals.

XXX. Plat, Primary: The formal presentation of the map, plan, or record of a proposed subdivision or resubdivision and any accompanying documents as described and required in these regulations, for primary approval consideration by the Commission.

YYY. Plat, Secondary: The approved primary plat or replat, including all conditions on primary approval and all certifications required for secondary approval and recording.

ZZZ. Plat, Sketch: A sketch of a subdivision proposal designed to facilitate a consultation with the Administrator in order to provide the subdivider with a full understanding of these requirements.

AAAA. Public Way: Public way includes, highway, street, avenue, boulevard, road, lane, alley, or any other definition as described under **Street**.

BBBB. Recreational Vehicle (RV): A vehicle designed for temporary living quarters for recreation, camping, or travel, either under its own power or mounted on or towed by a powered vehicle, and no more than eight (8) feet in width or thirty (30) feet in length.

CCCC. Resubdivision (Replat): Any change in a map of an approved or recorded subdivision plat or if such change affects any map or plan legally recorded prior to adoption of any regulations controlling subdivisions.

DDDD. Right-of-Way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which the width and length of such right-of-way is clearly established, the width to be determined by the distance between property lines measured at right angles to the street center line.

EEEE. Road: See **Street**.

FFFF. Screening: Any means of protecting an area of land from the adverse visual, audible, and other offensive land use effects of another area. Various methods of providing such screening may be specified and required by the Commission of certain subdivision plats.

GGGG. Setback: The distance that any part of a structure shall extend toward a frontage or side road. For the purposes of these regulations, such setback shall be measured from the centerline of the paved or surfaced area of the road.

HHHH. Shopping Center: A large tract to be developed into a center including various commercial outlets, principally of a retail nature, and designed as a single architectural unit with appropriate landscaping treatment of the entire unit area, encompassing maximum off-street parking facilities fully integrated in to the architectural design of the overall unit.

III. Street: A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way, whether designated as a

highway, parkway, road, thoroughfare, avenue, boulevard, lane, court, place, or any other such term. Some types of streets and their usage are:

(1) **Alley:** A public way providing secondary access to the rear of lots and buildings and not intended for the purpose of accommodating through vehicular traffic. Alleys are usually more acceptable and necessary for access to loading and unloading docks required for commercial or industrial uses.

(2) **Arterial:** A highway system of State and Federal roads which form an integrated network of continuous routes primarily for through traffic. The "arterial" system is stratified into "principal" (or major) and "minor" categories.

(3) **Collector:** A system of streets and roads which generally serve travel of primarily intra-area and intra-county importance with the approximately equal emphasis to traffic circulation and land access service. The "collector" system is generally further stratified into "major" and "minor" categories. The system collects and distributes traffic between arterial and local systems.

(4) **Cul-de-sac:** A local street open at one and only end with a special provision for vehicles turning around.

(5) **Dead-End:** A local street open at one end only and without a special provision for vehicles turning around.

(6) **Frontage (Marginal Access):** A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas, and for control of access.

(7) **Highway:** A term applied to streets and roads that are under the jurisdiction of the Indiana State Highway Commission.

(8) **Local:** A system of streets and roads which primarily provides land access service and access to higher order systems.

(9) **Loop:** A local street with both terminal points on the same street of origin.

(10) **Perimeter:** Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

(11) **Private:** A local street that is not accepted for public use or maintenance.

(12) **Public:** A street that has been dedicated for public use by the land owner and lawfully accepted by the Board and for the maintenance of which they are responsible, or any public way, lawfully acquired by the governing authorities.

JJJJ. Subdivider: A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust, or other legal entity that executes the application and initiates proceedings for the subdivision of land. The subdivider need not be the owner of the property, however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

KKKK. Subdivision: A subdivision is the division of any land, vacant or improved, into lots, parcels, sites, units, plots, or interests, more than once within any successive two (2) year period, including re-subdivision and any division of land. This restriction will follow each parcel so divided from the parent parcel.

This regulation, however, shall not apply to the following:

1. An adjustment of lot lines as shown on a recorded plat which does not reduce the angle, frontage, depth, or building setback lines of each building site below the minimum zoning requirements and does not change the original number of lots in any block of the recorded plat.

2. The division of land into tracts of ten (10) acres or more for agricultural uses, including the construction of no more than one (1) dwelling on each tract after zoning clearance approval.

3. An allocation of land in the settlement of an estate of a decedent or a court decree for distribution of property.

4. The unwilling sale of land as a result of condemnation as defined and allowed in the Indiana state law.

5. The acquisition of street rights-of-way by a public agency in conformance with a comprehensive or governmental plan.

6. The exchange of land between neighbors for the purpose of straightening property boundary lines which does not result in the change of usage.

LLLL. Subdivision, Major: All subdivisions not classified as minor subdivisions, including but not limited to six (6) or more contiguous lots,

planned unit developments, or any development project requiring any new streets, or the extension of local governmental facilities, or the creation of any public improvements.

MMMM. Subdivision, Minor - (Land Division): Any subdivision containing not more than five (5) contiguous lots that front on an existing street, not involving any new street or road or the creation of any public improvements, and not in conflict with any provision of portion of a comprehensive plan.

NNNN. Subdivision Regulations or Subdivision Control Ordinance: An ordinance for ensuring the orderly development of land by requiring coordination of new public facilities with existing facilities and providing standards for lot layout, street design, utilities and easements to assure compatibility with long-range comprehensive planning.

OOOO. Terrain Classification: For purposes of these regulations and to guide the application of geometric design criteria, terrain has been classified as follows:

(1) **Level:** That condition where street sight distances, as governed by both horizontal and vertical restrictions, are generally long or could be made to be so without construction difficulty or major expense.

(2) **Rolling:** That condition where the natural slopes consistently rise above and fall below the street grade line and where occasional steep slopes offer some restriction to normal street horizontal and vertical alignment.

a. The division of land into tracts of ten (10) acres or more for agricultural uses, including the construction of no more than one (1) dwelling on each tract after zoning clearance approval.

b. An allocation of land in the settlement of an estate of a decedent or a court decision for distribution of property.

c. An unwilling sale of land as a result of condemnation as defined and allowed in the Indiana state law.

d. The requisition of street right-of-ways by a public agency in conformance with a comprehensive or governmental plan.

e. The entrance of land between neighbors for the purpose of straightening property around any lines which does not result in the change of usage.

(3) **Hilly:** That condition where longitudinal and transverse changes in the elevation of the ground with respect to a street are abrupt and where the roadbed is obtained by fragment benching or side hill excavation.

PPPP. Traffic Control Devices: All signs, signals, markings and devices, placed by requirement of the Board, for the purpose of regulating, warning, or guiding traffic.

QQQQ. Utilities: Installations for transmission of water, sewage, gas, electricity, telecommunications, storm water, and similar facilities providing service to, and used by, the public.

RRRR. Utility Easements: Easements of a regulated width, shall be platted and dedicated on all subdivision plats, for the installation and maintenance of all public utilities. Such easements are usually required at the rear of lots with side lot easements where necessary to provide access to the rear, however, such easements may be approved for underground installations only where a lot abuts a front or side street.

SSSS. Variance: A modification of the strict terms of the relevant regulations of this Article 5 at the discretion of the Commission, where such modifications will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of any action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

TTTT. Vicinity Map: A small scale map showing the location of a parcel of land in relation to the surrounding area.

UUUU. Zoning Administrator: The person designated by the Commission to enforce the Zoning Ordinance. If no other person is appointed to administer these regulations, they shall be administered and enforced by the Zoning Administrator.

VVVV. Zoning Ordinance: A legal tool for accomplishing the objectives of a land use plan. It is an effective regulatory measure designed to encourage high standards of development and to foster the most efficient use of land. All regulations set forth in the Starke County Zoning Ordinance, Z-1, shall be considered as the minimum standards for the development of subdivisions unless otherwise stipulated in this Article 5.

5-3: Application and Approval Process

5-3-1: General Procedure

Any person desiring to create a subdivision as herein defined, shall submit all required applications, plats, fees, plans, and other necessary documents to the Administrator.

A. No subdivider shall enter into any agreement, nor shall any agreement, written memorandum, or instrument of conveyance, for any part of a subdivision, be recorded, and no improvements or building shall be effected on the property until the subdivider applies for, secures all required approvals and has recorded such proposed subdivision in accordance with the procedures set forth in this Article 5. No subdivision plat shall be filed with the recorder until the plat has received secondary approval and endorsement with signature of the Administrator.

B. No Zoning Clearance Permits shall be issued until the subdivision plat, having received secondary approval, has been filed with the Auditor and the Recorder and a copy of the recorded plat has been returned to the Administrator.

C. For the purpose of these regulations, the date upon which any plat receives primary or secondary approval or denial, shall constitute the official date from which the applicable statutory period, as set forth in these regulations, shall commence to run. Failure to meet this regulation may require any subsequently adopted ordinance amendment to be imposed.

5-3-2: Sketch Plat

Prior to submission of an application for subdivision approval, the subdivider should prepare a proposed sketch plat, including all data necessary for a comprehensive pre-platting conference with the Administrator. This discussion will provide the subdivider with all procedures for the adoption of subdivision plats, the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, safety protection, and similar matters, as well as the availability of existing services. The applicant will also be advised, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve the aspects of the subdivision coming within their jurisdiction.

5-3-3: Application for Subdivision Approval

An application for primary approval, on a form available from the Commission Office, shall be filed in duplicate with the Administrator at least three (3) weeks prior to a regularly scheduled Commission meeting, together with the required fees as established in the current official fee schedule. The application shall be accompanied by:

A. Ten (10) copies of the subdivision plat, prepared in accordance with the requirements of this Article 5 by a licensed surveyor or engineer, of a size not to exceed twenty-four (24) by thirty-six (36) inches (clearly identified additional pages may be used, if required) and drawn to an appropriate scale in order to provide full clarity of information preferably one hundred (100) feet to the inch.

B. A soils survey, prepared by the U.S. Department of Agriculture, Soil Conservation Service, indicating the classification and limitations of all soils within the proposed subdivision.

C. A copy of a letter from the Starke County Surveyor indicating that the Starke County Drainage Board has received an application for approval of the subdivision drainage as an urban drain under I.C. 36-9-27.

D. Three (3) copies of a Feasibility Report, prepared in full accordance with Section 5-8-4 of this Article 5, including a Health Department review relating to the suitability of the soils within each lot, for sanitary waste disposal.

E. Upon receipt of the application and all pertinent documentation, the Administrator shall review the materials received for technical conformity with the standards specified in this Article 5 and stamp the date of receipt on the application.

F. Within thirty (30) days after receipt of the application for primary subdivision approval, the Administrator shall announce the date for a hearing before the Commission and provide for public notice in accordance with Section 5-1-1 of this Article 5. The subdivider shall be notified accordingly, in writing, and notified of his responsibilities prior to hearing.

5-3-4: Technical Committee Review and Report

Within ten (10) days from receipt of an application for primary approval of a proposed subdivision and all required supplemental materials, the Administrator will call a meeting of the Technical Committee for its review, recommendations, and report of the proposal to the Commission. Such review may be waived if the subdivision is classified as minor, with five (5) lots or less, and no public improvements to be considered. The Committee report and all related documentation shall be placed before the Commission at their next meeting. The applicant, or his informed representative, will be requested to attend the Commission meeting.

5-3-5: Plan Commission Review

The Commission shall review the subdivision application, plat, supporting documents, and the Committee report with the Administrator and the subdivider. Any further information or revisions that may be considered necessary to assist in the decision making process shall be determined at this time, and the subdivider advised accordingly.

5-3-6: Public Hearing

On the date and at the time scheduled for public hearing, the Commission shall assure that all requirements for public hearings, as set forth in this Article 5, have been met and upon such assurance, shall proceed with the hearing. All parties attending the hearing shall be identified and their interests recorded.

5-3-7: Commission Decision

After the hearing, the Commission shall review the testimony presented and, at that time or at a subsequent meeting, if additional information is required, either:

A. Determine that all requirements, standards, and regulations of this Article 5 have been complied with and shall make written findings and a decision granting primary approval to the subdivision plat as submitted, imposing any conditions found necessary for primary approval, and certified to with signatures of the Commission President and the Administrator. The subdivider shall be notified accordingly, in writing, and advised of the requirements for secondary approval.

B. Disapprove the subdivision with written findings and decision, denying primary approval, setting forth the specific reasons for denial, signed by the Administrator and the subdivider provided with a copy.

C. Any subdivision or plat for which primary approval has been denied, shall not be resubmitted within one (1) year, unless this regulation is waived, in the particular instance, by motion and approval by the full membership of the Commission, however, where conditions have been imposed and they may not be met, the plat may be resubmitted for the change of conditions, or the imposition of new conditions.

5-3-8: Conditions on Primary Approval

After the subdivision plat has been granted primary approval, the subdivider may:

A. Complete all platted improvement within eighteen (18) months from the date of such approval and, within this time period, provide the Administrator with a certificate, signed by the Board of Commissioners, assuring that all such required improvements have been completed in full accordance with the standards as specified in this Article 5 and, an acceptable maintenance agreement has been negotiated, or;

B. In lieu of said completion and certification, the subdivider may execute a performance bond or other negotiable instrument which shall run to the Board of Commissioners, state completion date for a quality installation of all required improvements and be in amount and of surety satisfactory to the Commission, based on standards submitted by the Board for such installations. Any money received from the bond or otherwise by the Board, shall be used only making the improvements and installations for which said bond was provided. This money may be used for these purposes without appropriation.

5-3-9: Secondary Approval

The Administrator shall have full authority to grant secondary approval of the subdivision plat. Such approval shall be granted upon receipt of assurance from the Board that all improvements have been satisfactorily installed as specified in Section 5-3-8 (A), above, or that a completion bond has been finally negotiated as specified in Section 5-3-8 (B), above, and provided that:

A. All required certifications, covenants, restrictions, descriptions, dedications, and any other conditions found necessary for secondary approval are included on or with the subdivision plat.

5-3-10: Recording

After secondary approval has been provided the approved mylar or original subdivision plat, with supporting documents, shall be returned to the subdivider for reduction in size if required to meet the filing requirements of the Auditor and the Recorder and submission to those departments for certification

A. A copy of the recorded plat and supporting documents, bearing said certifications, shall be returned to the Administrator within thirty (30) days.

B. No Zoning Clearance Permits shall be approved within the subdivision until the Administrator has received assurance from the Board that satisfactory completion of all required improvements have been effected and that a maintenance bond has been executed as specified in Section 5-5-6 (N), in this Article 5.

C. No Zoning Clearance Permits for improvements requiring any type of sanitary facilities shall be issued without approval of such facilities by the Health Department.

D. Any and all expenditures relating to a subdivision, effected by the subdivider prior to secondary approval and recording of the subdivision plat, by signed endorsement, shall be considered the sole responsibility of the subdivider and in no way shall be construed as a inducement, motivation, or any other reason to require or encourage such approval.

5-3-11: Planned Unit Development

A. Purpose

It is the intent of this Planned Unit Development (PUD) District Ordinance to provide land use and design regulations through the use of performance criteria so that small-to-large scale neighborhoods or portions thereof, may be developed with a variety of residential types and non-residential uses, which are planned and developed as a unit.

This Ordinance specifically encourages innovations so that the growing demands for housing may be met by greater variety of type, design, and siting of dwellings while conserving and more efficiently using land. This Ordinance also encourages the conservation and more efficient use of the land for non-residential development.

This Ordinance recognizes that a rigid set of space requirements along with building and use specifications would frustrate the application of this concept. Therefore, where PUD techniques are deemed appropriate, the land may be designated for PUD development as a PUD District. When an area is so designated, the use and dimensional specifications elsewhere in the Zoning Ordinance are replaced by an approval process in which an approved development plan as allowed in IC 36-7-4-1500, becomes the basis for continuing land use control within the PUD.

B. Objectives

To carry out the intent of this Ordinance, a PUD endeavors to provide:

1. A choice in the types of environment, occupancy tenure, types of housing, types of ownership, and community facilities available to existing and potential residents.

2. Usable open space and recreation areas.

3. Convenience in the location of accessory commercial and service areas.

4. Preservation of natural topographical and geological features with emphasis on:

A. prevention of soil erosion,

B. conservation of existing surface and subsurface water, and

C. preservation of tree cover and other environmentally enhancing features

5. An efficient network of streets and utilities;

6. The development of a pattern in harmony with the objectives of the County's Comprehensive Plan

7. A more efficient utilization of land than what might be obtained through other development procedures

C. Delegation and Election

The Starke County Commissioners, pursuant to IC 26-7-4-1511, hereby delegates to the Plan Commission:

1. Authority to conduct primary and secondary review of a PUD district ordinance under IC 36-7-4-1509(c):

2. Authority to modify permitted uses or development requirements that are specific in a PUD district ordinance.

Except as provided in Section P, there shall be no appeal to the Starke County Commissioners from any decision of the Plan Commission pursuant to (1) or (2) above. Such decisions of the Plan Commission may be reviewed by certiorari procedure in the same manner as that provided for the appeal of a decision of the Board of Zoning Appeals.

The Starke County Commissioners pursuant to IC 36-7-4-1509(a)(1) hereby elect to establish development requirements expressed in general terms.

D. Definitions

1. Concept Plan - a plan for an entire parcel of land, drawn to scale, that generally indicates densities, uses, a calculation of what percentage of the entire parcel is devoted to each different use classification, and ultrastructure locations including open space - common and public.

2. Development Plan - as defined in state statutes as a plan that includes "development requirements that are required for the development of a parcel of land according to standards; and requirements that conform to IC 36-7-4-14-1403. Once approved, the development plan shall designate the PUD parcel as a PUD District and the zoning map shall be amended to so indicate.

3. Open Space - any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment. Such areas may be improved with only those buildings, structures, streets, off-street parking, and other improvements that are designed to be incidental to the natural openness of the land.

4. Planned Unit Development (PUD) - the development of an area of land as a single entity for a number of dwelling units or a number of uses conforming to an approved development plan, which may not correspond in lot size, bulk, type of dwelling, density, lot acreage, or require open space to the regulations otherwise required by other Ordinances.

5. Primary Plat Approval - the conferral of certain rights pursuant to this act prior to final plat approval after specific elements of the development plan have been agreed upon by the Plan Commission and the Starke County Commissioners.

6. Secondary Plat Approval - the official action of the Plan Commission taken after all conditions, engineering plans, and other requirements have been completed or fulfilled, and the required improvements have been installed or guarantees properly posted for their completion or approval conditioned on the posting of such guarantees within sixty (60) days of Secondary Plat approval.

7. Site Plan - a site development plan of the entire PUD which delineates: (1) the existing and proposed topography of the lots, (2) the location of all existing and proposed buildings (other than single family residential), parking spaces, means of ingress and egress, drainage facilities, landscaping, structure and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed decision.

E. General Process for Development of a PUD

1. Developer files a concept site plan and draft development plan for a PUD with the Planning Office.
2. A site review is scheduled for the concept and development plans.
3. Both concept and development plans are presented to the Plan Commission in a public hearing.

4. The Plan Commission recommends to the Starke County Commissioners both the concept and the draft development plan, and that this parcel be rezoned as a PUD.
5. The Starke County Commissioners vote on rezoning to PUD, the concept and the draft development plans with any written commitments attached.
6. The Developer files a primary plat and final development plans with the Planning Office. Both are scheduled for public hearing before the Plan Commission.
7. The Plan Commission holds a public hearing on the primary plat and final development plans.
8. The primary plat and final development plans are approved by the Plan Commission.
9. The secondary plat is filed with the Planning Office.
10. The secondary plat is approved by the Plan Commission and the plat and development plans are recorded by the developer.

If a PUD is halted or abandoned for longer than one year, it is considered abandoned, and the developer must ask the Plan Commission for an extension, or reaffirm approved plans, or ask for amendments to approved plans.

F. Uses

Same as existing ordinances. All uses shall be specified in the final development plan.

G. General Requirements

1. No building shall be closer than 25 feet to any lot line dividing land inside the PUD from land zoned or used as residential outside the PUD.
2. Site and structure regulations for PUDs shall adhere to the following regulations:

A. Plot and lot sizes, dimensions, structure heights, and locations may be freely made and arranged in conformity to the overall density standards recommended by the Plan Commission or stated in this Ordinance. Minimum lot size, frontage, and maximum lot coverage are not specified but the Plan Commission may be guided by standards set in other zoning ordinances and by common good practice.

B. A minimum of a 30-foot front yard setback shall be provided on any highway or thoroughfare designated as arterial or collector on the Official Thoroughfare Plan.

C. Every residential dwelling unit, commercial, industrial complex, or building shall have access to a public street, court, cul-de-sac, walkway, other area dedicated to public use, or subject to an easement for access. The boundaries and extent of the lot or plot upon which any single unit detached or attached dwelling is located shall be clearly defined and monumented.

D. Right-of-way and pavement widths for internal ways, streets, and alleys shall be determined from sound planning and engineering standards in conformity with the estimated needs of the full development proposed, the traffic to be generated and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking, loading needs, and the access of fire-fighting equipment and other emergency vehicles.

3. Utilities

A developer of a PUD shall furnish public water and sanitary sewage facilities based on agreement with the appropriate municipal officials. The developer shall provide all necessary storm drainage, highway access, paved service streets, parking facilities, fire hydrants, off-street lighting, other public improvements deemed necessary by the County, and shall make reasonable provisions for service to the connections with adjoining properties in other ownership.

4. If the PUD contains ten (10) to fifty (50) residential units, the PUD shall contain a minimum open space of 0.1 acre per residential unit. If the PUD contains more than fifty (50) residential units, the minimum open space is 0.01 acre per residential unit. The open space may consist of:

- A. an area owned and maintained by a Property Owner's Association; or
- B. with the consent of the Starke County Commissioners, an area dedicated to the public for park purposes.

If neither A nor B are feasible, the PUD district ordinance may, with the agreement of the developer, be made subject to a written commitment that the developer will pay an amount equal to the value of such acreage to the county for park purposes.

H. Residential PUDs

If a residential PUD is greater than twenty-five (25) acres, the site plan may include a parcel of land designated for commercial use that is not more than ten (10) percent of the total gross development. The types of commercial uses shall be determined and specified as part of the development plan. All change of use after the development plan approval shall be reviewed and approved by the Plan Commission.

I. Commercial PUDs

All commercial PUDs shall be in compliance with the following regulations:

1. All commercial PUDs abutting a residential district shall provide a minimum twenty-five (25) foot planted green belt along the entire width of abutment.
2. All commercial PUDs shall provide a ten (10) foot planted greenbelt around the perimeter of the entire development excluding streets, sidewalks, and drives. This greenbelt shall not be considered part of the required open space.
3. A maximum of ten (10) percent of the total commercial PUD may be used for residential purposes.
4. A maximum of five (5) percent of the total commercial PUD may be used for industrial purposes if they are deemed compatible with the commercial and/or residential uses. Compatibility shall be determined as part of the PUD development plan.

J. Industrial PUDs

All industrial PUDs shall be in compliance with the following regulations:

1. A minimum of a twenty (20) foot planted greenbelt shall be provided around the entire perimeter excluding drives, streets, and sidewalks. This greenbelt shall not be part of the required open space.
2. A maximum of thirty (30) percent of the total area can be used for commercial uses.

K. Variances

All variances to this ordinance shall be part of the approved development plan. Variances shall be determined acceptable if the Plan Commission finds:

1. The general requirements of this ordinance would cause unnecessary, hardship because of exceptional and unique topography, access, location, shape, size, drainage, or other physical features of the site; or
2. The Plan Commission finds that due to the size, shape, location, permitted use, or uniqueness of the development, a variance would constitute good planning and would not adversely affect the public health, safety, morals, welfare, or the rights of adjacent property owners.

All variances recommended by the Plan Commission based on the above findings shall be part of the approved development plan, and may include conditions imposed by the Plan Commission to substantially secure objectives of this ordinance.

For variances requested after the secondary plat and/or development plan has been approved, see Section D. All approved variances shall be recorded.

L. Primary Plat Procedures

All PUD developers shall present a complete concept site plan and draft development plan to the Site Review Committee at least a month before the public hearing before the Plan Commission. The Site Review Committee shall review both and comments shall be recorded, and minutes distributed to participants and

Commission members. The Plan Commission shall, if all issues are resolved, make a recommendation on the concept plan and draft development plan to the Starke County Commissioners.

At the next Starke County Commissioners meeting, a vote on the concept plan and draft development plan may be requested. When the concept plan and draft development plan are approved by the Starke County Commissioners, then the primary plat can go to a public hearing before the Plan Commission.

A proposed primary plat for a PUD shall be filed with the Planning Office as part of a primary plat petition. The petition shall include a list of all property owners within three hundred (300) feet of the PUD, and a legal description of the PUD.

At least a month before the Plan Commission public hearing for the primary plat, the PUD developer shall present to the Site Review Committee a primary plat and final development plan. Comments shall be recorded and distributed to participants.

The Planning and Zoning Administrator will set a public hearing before the Plan Commission. The Plan Commission shall within forty-five (45) days of the public hearing approve or deny the primary plat with findings of fact. It is the obligation of the Plan Commission to work with PUD applicants to get the best possible development. If the Plan Commission approves the primary plat, development plan, and PUD findings of fact, the developer can then present a secondary plat. Approval of a primary plat shall not constitute authority to proceed with any construction of any improvements.

If the Plan Commission denies the primary plat or the development plan, it may specify reasons in a Finding of Facts Statement. The Plan Commission may recommend a further study of the site and/or development plan and resubmission at a later date. Approval of a primary plat does not obligate the Plan Commission to approve a secondary plat.

An approved primary plat is valid for two years. If no secondary plat is approved within the two years, the PUD developer must appear before the Plan Commission and request an extension. The Plan Commission may approve or deny the extension.

M. Primary Plat Contents

All PUD primary plats shall contain the following information:

1. Name and address of applicant, developer, and owner
2. Location of PUD parcel per a scaled location map
3. Existing topography features of the site
4. Phasing schedule of development
5. Location of purposed open spaces
6. Delineation of all uses and area in acres of each use
7. Total number of residential units and percent of each type of residential uses
8. Delineation of each commercial and/or industrial use, and total number of such units and percent allocated to these uses
9. Density percents of every residential use based on gross acres
10. Delineation of areas subject to flooding including data on frequency and extent
11. Delineation of all areas that lie in an aircraft pattern drainage plan
12. Delineation of all easements, right-of-ways, covenants, or any other restrictions imposed upon the land or buildings.
13. Delineation of all proposed utilities, pavements, sidewalks, alleys, and parking including widths
14. Letter form the County Drainage Board approving plan
15. General description of community services available to the development's residents including schools, fire protection, parks, and all public/private utilities

16. General statement on proposed ownership and maintenance of common open spaces

17. Proposed construction schedule

18. Adjacent land uses, topography, all existing streets and driveways on the perimeter of the PUD.

19. A final development plan with all written commitments approved by the Starke County Commissioners

N. Secondary Plat Content and Procedures

A PUD secondary plat of all or part of a PUD primary plat can be filed with the Planning Office any time after the Plan Commission approves a primary plat. The secondary plat will be placed on a Plan Commission agenda. It does not require a public hearing. The Plan Commission shall have a maximum of forty-five (45) days to approve or deny a secondary plat. Approval of a secondary plat does not authorize construction unless the Plan Commission has approved construction plans and any necessary surety. The recording of the approved secondary plat shall inform all whom deal with the PUD of the restrictions placed on the land and act as a zoning control device.

1. Content of a PUD secondary plat

A. Final uses delineated and suitable for recording

B. All subdivided lands delineated as required for all subdivisions

C. Legal description for each subdivided lot including all common open space

D. Address for each lot and common open space

E. Street names that have been approved by the Plan Commission, postal service, and local emergency care providers

F. Location and dimensions of all building lots, permanent common open spaces, easements, and right-of-ways

- G. Reference to protective covenants, final total acres, building sites by use, and density of each use
 - H. Other information as required in the Subdivision Ordinance
2. At the time a secondary plat is presented, a PUD developer also shall provide:
- A. Six (6) copies of engineering plans that are drawn to scale and include all easements and building plans for infrastructure prepared, signed, and sealed by an Indiana licensed engineer
 - B. An affidavit guaranteeing the completion of all public infrastructure. The guarantee may be in the form of:
 - 1. a developer's bond one and one-half times the amount of the estimated cost of all public improvements yet to be completed; or
 - 2. cash in the amount of one and one-half times the estimated cost of all public improvements yet to be completed; or
 - 3. a lien to be recorded on all the land proposed to be part of the PUD, with partial releases possible after the loan company and the Starke County Commissioners agree on the estimated cost of all public improvements yet to be completed and the loan company agrees to hold in escrow one and one-half times the estimated cost; or
 - 4. a deposit of other collateral equivalent to one and one-half times the estimated uncompleted public improvement cost with the County.

The Plan Commission must approve the construction plans for any public improvements and any necessary surety prior to recording the secondary plat.

O. Findings of Fact Planned Unit Development

The Plan Commission will use the following findings form for all PUD primary plat approval or denial.

The Starke County Plan Commission now makes the following findings of fact in support of its approval/denial of the following petition for a primary plat of a Planned Unit Development:

Name of Petitioner: _____

Date: _____

Name of project: _____

This primary plat of a Planned Unit Development:

___ is consistent with the stated purposes of the PUD regulations

___ meets the requirements and standards of the PUD regulations

___ deems the proposed departures from the zoning regulations including but not limited to density, dimensions, area, bulk, and use, to be in the public interest

___ there are adequate provisions in the physical design for public services, control over vehicle traffic, and protection of designated open spaces that further the amenities of light, air, recreational use, and visual enjoyment

___ includes adequate structures and roadways built high enough in areas susceptible of flooding, ponding, or erosion

___ is compatible and beneficial to the adjacent properties and neighborhood

___ adds to the physical development, tax base, and economic well-being of the entire community

___ conforms with recommendations of the Comprehensive Plan

___ appears to conform with all existing federal, state, and local legislation and regulations

The Plan Commission approved/denied by a vote of _____ to _____

President of the Plan Commission: _____

P. Major Conceptual Changes

At any time after Starke County Commissioners approval of a PUD and development plan pursuant to Section E, no major conceptual change to the PUD or plan may be made without the approval of both the Plan Commission and the Starke County Commissioners. A major conceptual change is defined as any of the following:

1. the land area covered by the PUD is changed;
2. a use previously not permitted is added;
3. 10% or more of the land area of the PUD is shifted from one zoning classification to another, net of any compensating changes;
4. within any residential use classification, the density of the use (as measured by living units) is increased by 10% or more;
5. any other specific type of change which the Starke County Commissioners specifies at the time it approves the PUD and development plan; or
6. any other change which so modifies the intent or concept of the PUD that the Plan Commission determines requires action by the Starke County Commissioners

Q. Amending a PUD and/or a Development Plan

All PUDs shall be constructed and developed as delineated on the approved secondary plat and development plan as recorded. All recorded documents and amendments shall be binding on applicants, their successors, grantees, and assigns, and shall limit and control the use of the PUD land and location or structures. After all plats and documents have been recorded, any major amendments to the PUD will require a public hearing and approval by the Plan Commission. Any minor amendments will require approval by the Plan Commission by may be done so without a public hearing. Both major and minor approved amendments shall be recorded with the Starke County Recorder.

1. Major amendment - any change which alters the concept, uses, or intent of the PUD including increase in density, increase in height of buildings, reduction of

open space, changes in sequence of development, changes in road/street standards, and/or changes in covenants and/or the approved development plan.

2. Minor amendment - any change that does not alter the concept or intent of the PUD or the development plan and is not defined as a major amendment.

All changes to the secondary plat shall be recorded with the County Recorder as amendments to the secondary plat or reflected in the recording of a new corrected secondary plat.

In addition to any requirement in this section, any change which fits the definition in Section P of a "major conceptual change" shall require the approval of the Starke County Commissioners.

R. Fees

Any person, firm, corporation, or agent who shall file a petition for amendment, or application for appeal, variance, special use, Planned Unit Development (PUD), or for other certificate of license required under the terms of this ordinance, shall be charged a fee in accordance with the County of Starke's established schedule of fees as listed in the Plan Commission Office.

S. Penalties

Any person, firm, corporation, agent, any employee, or contractor of same who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance shall be subject to fines as provided in the Starke County Zoning Ordinance. An offense is deemed committed each day during, or on, which a violation has occurred.

T. General Administration

In administering its responsibilities under this ordinance, the Plan Commission may promulgate any rules, regulations, or procedures consistent with this ordinance or state law.

5-3-12: Multifamily Developments

All multifamily developments shall be processed and meet all procedural requirements as set forth in these regulations for major subdivisions.

5-4: Minimum Residential Standards

5-4-1: Administrative Provisions

A. Title: These regulations are designated as the Minimum Residential Standards for unincorporated areas in the County of Starke, State of Indiana.

B. Scope: The provisions of this Article 5-4 shall be held to be the minimum requirements for regulating the erection, construction, repair, alteration, enlargement, removal, relocation, maintenance of, and additions to, all one and two family residential buildings, rooming houses, apartments, structures, and land accessory thereto; within the County of Starke, Indiana, and shall supplement all provisions of the Starke County Zoning Ordinance, General Ordinance Z-1, including all amendments thereto, and shall further constitute an amendment as an addition to the Starke County Master Plan.

C. General Administration: All provisions formerly defined in Starke County General Ordinance Z-1 under Articles, Administration, Board of Zoning Appeals, Amendments, Remedies and Penalties, Validity, Availability for Public Inspection, and Litigation against Officials, shall retain full effect and control in the Administration of this Article 5.

5-4-2: Definitions

A. Whenever the words “dwelling”, “dwelling unit”, “rooming house”, “rooming unit”, or “premises” are used in this Article 5, they shall be construed as though they were followed by the words “or any part thereof.”

B. Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular.

C. In all other respects, the following definitions shall apply in the enforcement of this Article 5:

1. Basement: That portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

2. Cellar: That portion of a building located partly or wholly underground, but having half or more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

3. Dwelling: Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

4. Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used for or are intended to be used for, living, sleeping, cooking, and eating.

5. Extermination: The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized legal pest elimination methods approved by the Health Officer.

6. Garbage: Animal and vegetable waste resulting from handling, preparing, cooking, and consumption of food.

7. Habitable Room: A room or enclosed floor space used or intended to be used for living, sleeping, cooking, eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets, and storage spaces.

8. Health Officer or Director of Public Health: The legally designated health authority of the County of Starke, Indiana, or his authorized representative.

9. Infestation: The presence, within or around a dwelling, of any insects, rodents, or other pests.

10. Multiple Dwelling: Any dwelling containing more than two dwelling units.

11. Occupant: Any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.

12. Operator: Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

13. Owner: Any person who, alone, jointly or severally with others:

a. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

b. Shall have charge, care, or control of any dwelling unit, as owner or agent of the owner, as land contract buyer, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

c. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Article 5, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

14. Person: Any individual, firm, corporation, association, or partnership.

15. Plumbing: Shall include all the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

16. Premises: All areas including but not limited to, yards, out-buildings, and courts.

17. Rooming Unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

18. Rooming House: Any dwelling, or that part of any dwelling containing one or more rooming unit(s) in which space is let for valuable consideration by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

19. Rubbish: Combustible and non-combustible waste materials except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, glass crockery, and dust.

20. Supplies: Any materials paid for, furnished, or provided by or under the control of the owner or operator.

21. Temporary Housing: Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days.

5-4-3: Inspection

A. The Building Commissioner is hereby authorized to make such inspections as are required to determine the condition of dwellings, dwelling units, buildings used as dwellings, and premises located within the County of Starke, Indiana, in order that he may perform his duty of safeguarding the safety and health of the occupants of dwellings and the general public.

B. For the purpose of making such inspections, all applicable laws regarding right-of-entry shall be observed.

C. The Building Commissioner may and shall have authority to call upon the County Sheriff for aid and assistance, and it shall be the duty of the Sheriff, when so called upon, to cooperate with the Building Commissioner in order to enforce the provisions of this Article 5.

5-4-4: Violation Notification

A. Whenever the Building Commissioner determines that there are reasonable grounds to believe there has been a violation of any provisions of this Article 5 which affects the safety or health of the occupants of any dwelling, dwelling unit, rooming unit or premises, or the safety or health of the general public, or whenever a petition is filed with the Building Commissioner by at least twenty residents of the County, charging that any such structure or premises is unfit for human habitation, or is dangerous to the general public; such petition to accurately

identify the name and address of the owner of record of such premises; then the Building Commissioner shall give notice of such violation found to exist to the person or persons responsible therefor, and to any known agent of such person as hereinafter provided.

B. Such notice shall be put in writing, and,

1. Include a statement of why it is being issued.

2. Allow reasonable time for the performance of any act it requires.

3. Be served upon the responsible party; provided that such notice shall be deemed to be properly served upon such person if a copy thereof is served upon him personally, or if he is served with such notice by any other method authorized or required under the laws of this state.

C. Any person so served may request, in writing, a hearing for appeal of any directive of the Building Commissioner, before the Starke County Plan Commission, provided that such written request is effected within five (5) days of receipt of such notice, unless otherwise directed by the Plan Commission. In the event such action is taken, the Building Commissioner shall delay further proceedings in the matter under consideration until directed to proceed by the Plan Commission.

5-4-5: Failure to Conform

A. If any person shall fail to respond to such written notice, or fail to comply with such final directive as found necessary by the Building Commissioner in order to enforce this Article 5, such Commissioner shall thereupon report his findings, decision, and action to the Starke County Plan Commission, whereupon it shall be the duty of such Commission to take further action as determined necessary by general agreement among the members of said Commission in order to enforce the provisions of this Article 5.

B. Any person who may be aggrieved by directive of the Plan Commission in affirming an order of the Building Commissioner shall have the right to appeal to the Starke County Circuit Court from such action of said Commission in accordance with all state laws pertaining thereto.

5-4-6: Kitchens, Toilets, Baths, Sanitary Facilities, Hot Water

No person shall occupy as owner-occupant or lett to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, or cooking and eating therein, which does not comply with the following requirements:

1. Where public water supply and sewage disposal facilities do not exist, every dwelling unit shall be required to meet the minimum requirements established for such facilities in Extension Circular 454, 1961 entitled "Septic Tank Sewage Disposal Systems" for farm and suburban homes, as approved by the Indiana State Board of Health in Bulletin S.E. 8.

2. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to an approved water and sewer system.

3. Every dwelling unit (except as otherwise permitted under Subsection "5" of this section) shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and lavatory basin in good working condition and properly connected to an approved water and sewer system.

4. Every dwelling unit (except as otherwise permitted under Subsection "5" of this section) shall contain within a room which affords privacy to a person within said room, a bathtub or shower in good working condition, and properly connected to an approved water and sewer system.

5. The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin; and a single bathtub or shower if:

a. Neither of the two dwelling units contains more than two rooms; provided that, for the purpose of this subsection, a kitchenette, or efficiency kitchen with not more than sixty (60) square feet of floor area shall not be counted as a room; and that

b. The habitable area of each such dwelling units shall equal not more than two hundred and fifty (250) square feet of floor area; and that

c. Such water closet, lavatory, basin and bathtub or shower shall be in good working condition and properly connected to an approved water and sewer system.

6. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of Subsections 2, 3, 4, and 5, of this Section shall be properly connected with both hot and cold water lines.

a. **Exception:** Owner-occupied single family dwellings, only, need not be provided with water heating facilities.

7. Every dwelling unit shall be supplied with adequate rubbish storage facilities, the type and location of which are approved by the Building Commissioner.

8. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, type, and location of which are approved by the Building Commissioner.

9. Every dwelling unit shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with hot water lines as required under Subsection 6 of this Section, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at a required kitchen sink, lavatory, basin, bathtub, or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under Subsection 7 of Section 5-4-7 are not in operation. The exception provided under Subsection 6-a of this Section 5-4-6 shall also apply to the requirements of this Subsection 9.

5-4-7: Egress, Light, Ventilation, Electric Fixtures, Heat, Screens:

No person shall occupy as owner-occupant or let to another for occupancy of any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

1. Every dwelling shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the state and the County of Starke.

2. Every habitable room shall have at least one window or skylight directly facing the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than three (3) feet from the window and extended to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors, and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.

3. Every habitable room shall have at least one window or skylight which can be opened easily, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight type window size, as required in Subsection 2 of this Section 5-4-7, except where there is supplied some other device affording adequate ventilation and approved by the Building Commissioner.

4. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsections 2 and 3 of this Section 5-4-7, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation and is approved by the Building Commissioner.

5. Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor or wall type electric convenience outlets, or one such convince outlet and one supplied ceiling type electric light fixture and every water closet compartment, bath room, laundry room, furnace room, and public hall shall contain at least one supplied ceiling type or wall type electric light fixture. Every such outlet and fixture shall be properly installed and maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

6. Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public

hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be tuned on when needed, instead of full-time lighting.

7. Every dwelling unit shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, except those used for sleeping purposes exclusively, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least sixty (60) degrees Fahrenheit, at a distance of three (3) feet above floor level, under zero weather conditions.

8. During that portion of each year from April 1st to October 1st, for protection against insect pests, every door opening directly from a dwelling unit to outdoor space shall have supplied screens with metal or plastic screen wire of not less than sixteen (16) meshes to the square inch, and a self closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with such screens, provided that such screens shall not be required during such period in rooms deemed by the Health Officer or Building Commissioner to be free from such insects when located high enough in the upper stories of buildings.

9. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with such a screen or other device as will effectively prevent their entrance.

5-4-8: General Structural, Plumbing, and Open Area Requirements:

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

1. Every foundation, floor, wall, ceiling, and roof shall be reasonably weathertight, watertight, and rodent-proof; shall be capable of affording privacy; shall be kept in good repair, and be capable of safely supporting all design and imposed loads.

2. Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodent-proof, and shall be kept in sound working condition and good repair.

3. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

4. Every plumbing fixture, water pipe, and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

5. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water, and so as to permit such floor to be easily kept in a clean and sanitary condition.

6. Every supplied facility, piece of equipment or utility which is required under this Article 5 shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

7. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Article 5 to be removed from, shut off from, or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health Officer or Building Commissioner.

8. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy.

9. All courts, yards, or other areas on the premises outside of every dwelling shall be drained so as to prevent the accumulation of surface water, and shall be kept free from rubbish, garbage, other matter deleterious to health, or constituting a fire hazard, and from rodent infestation.

10. The Building Commissioner shall determine that a dwelling is unfit for human habitation or a building is dangerous if he finds that interior walls or other vertical structural members which list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its

base; supporting members show thirty-three (33) percent or more damage or deterioration; or non-supporting enclosing, outside walls, or covering which shows fifty (50) percent or more damage or deterioration; floors or roofs which have improperly distributed loads which are so damaged by fire, wind, or other causes as endangers the lives, safety, or welfare of the occupants or other people in the area.

5-4-9: Rooms, Access, Area, Height, Basements, and Cellars:

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements, provided however, that the minimum standards for dwelling units shall be met when such requirements are more restrictive;

1. Every dwelling unit shall contain at least 150 square feet of floor space for the first two occupants thereof, and at least eighty (80) additional square feet of floor space for each additional occupant thereof, the floor space is to be calculated on the basis of total habitable room area.

2. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than two occupants shall contain at least thirty-five (35) square feet of floor space for each occupant thereof.

3. No dwelling unit in a dwelling containing two (2) or more dwelling units, which said dwelling unit contains two (2) or more bedrooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

4. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

5. No cellar space shall be used as a habitable room or dwelling unit.

6. No basement space shall be used as a habitable room or dwelling unit unless:

- a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
- b. The total of window area in each room is equal to at least the minimum window area size as required in Subsection 2 of Section 5-4-7.
- c. Such required minimum window area is located entirely above the grade of the ground adjoining such window area.
- d. The total of openable window area in each room is equal to at least the minimum as required under Subsection 3 of Section 5-4-7, except where there is supplied some other devices affording adequate ventilation, and approved by the Building Commissioner.
- e. The central heating plant of the dwelling in which such habitable room is located is separated from such habitable room by one-hour fire resistive material.

5-4-10: Sanitary and Rubbish Disposal Responsibilities, Pest Control:

A. Every owner of a dwelling containing three or more dwelling units shall be responsible for maintaining a clean and sanitary condition of the shared or public areas of the dwelling and premises thereof.

B. Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

C. Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Subsection 7 of Section 5-4-6.

D. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in garbage disposal facilities or garbage storage containers required by Subsection 8 of Section 5-4-6. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four (4) dwelling units, and for all dwelling units located on premises where more than four (4) dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish such facilities or containers.

E. Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double, or storm doors and windows whenever the same are required under the provisions of this Article 5, or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

F. Every provision of this Article 5-4-10 which applies to rooming houses shall also apply to hotels, except to the extent that any such provisions may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

5-4-11: Rooming Houses

A. At least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Building Commissioner and in good working condition, shall be supplied for each eight (8) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Building Commissioner.

B. The operator of every rooming house who supplies linens and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

C. Every room in a rooming house occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) person shall contain at least forty (40) square feet of floor space for each occupant thereof.

D. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this state and the County of Starke, Indiana.

E. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises within which the structure or building is leased or occupied by the operator.

F. Every provision of this Article 5-4-11 which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

5-4-12: Violation Remedies

In case any dwelling, dwelling unit, or part thereof is used, occupied, or maintained in violation of this Article 5. The Plan Commission or Board of Appeals, in addition to the remedies herein otherwise provided for, may institute any appropriate legal action or proceeding to prevent, restrain, correct, or abate such unlawful uses, maintenance, or occupancy, contrary to, or is illegal under this Article 5.

5-4-13: Non-Interference with Greater Restrictions:

Nothing herein contained shall be deemed to reduce, limit, or remove any of the power or authority of any state or local civic board, agency, or officer. This Article 5 shall be construed to be supplementary to all other pertinent ordinances now in effect unless the provisions of such other ordinance or ordinances are directly in conflict herewith or less stringent than similar provisions of this Article 5.

5-5: Improvement Standards

5-5-1: General Requirements

In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:

- A. All applicable statutory provisions.
- B. The local zoning ordinances, building and housing codes, and all other applicable laws of the appropriate jurisdictions.
- C. The Starke County Comprehensive Plan and Capital Improvement Programs of the local government, including all public facilities, open space, and recreation plans as adopted.
- D. The rules and regulations of the Board of Health, local Health Department, Natural Resources Commission, Administrative Building Council, Aeronautics Commission, and other appropriate agencies.
- E. The rules, regulations, and standards of the State Highway Commission if the subdivision or any lot contained therein abuts a highway under their jurisdiction.

5-5-2: Construction and Drainage Plans

Plat approval may be withheld if a subdivision is not in conformity with the following requirements:

- A. It shall be the responsibility of the subdivider of every proposed subdivision to have a complete set of construction plans, prepared by a qualified surveyor or engineer, including profiles, cross-sections, specifications, and other supporting data for all drains, streets, utilities, and other public facilities.
- B. Final construction plans shall be based on preliminary plans which were considered at the time of primary approval and shall include any revisions or additional data required by the Commission.

C. Construction plans shall be prepared in accordance with the standards and specifications as required under the Starke County Road Ordinance, SCR-1, and all supplementary specifications set forth in this Article 5.

5-5-3: Jurisdictional Boundaries

To eliminate potential jurisdictional disputes and to facilitate effective coordination and control of development, the Commission, and subdivider shall be guided by the following policies:

A. Whenever access to the subdivision is required across land controlled by another local government, assurance shall be required from the proper authority of that government that access is legally established and the access street shall be adequately improved, or that a performance bond has been duly executed in amount to assure the construction of such street.

B. Lot lines shall be laid out so as not to cross boundary lines between adjacent units of government which have separate governing bodies for the purpose of regulation and control of land use and development, as well as for tax purposes.

5-5-4: Public Improvements

Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications in these regulations.

A. Permanent reference monuments shall be placed in locations, and of materials as specified in this Article 5, and all lots shall be identified and staked out at the time of presentation of the primary plat.

B. Streets and alleys shall be constructed in accordance with the standards and specifications as approved by the Board.

C. Bridges and culverts shall be constructed in accordance with applicable engineering standards as approved by the Board.

D. All driveways shall be approved by the County Highway Superintendent.

E. Underground installation of communication and electric utilities is encouraged and may be required by the Commission.

F. All public and private water supply and waste disposal systems shall be constructed in accordance with state and local Health Department plans and specifications.

G. Pedestrian walkways and bicycle pathways, if required, shall have easements at least ten (10) feet in width.

H. Greenbelt or landscape screening may be required for the protection of residential properties from adjacent major highways, railroad rights-of-way, commercial or industrial areas, or other features of an incompatible nature.

5-5-5: Street Location and Arrangement

Streets within a proposed subdivision shall be dedicated to public use and shall be designed to conform with the following:

A. When an official street plan or comprehensive plan has been adopted, subdivision streets shall conform substantially with such plans.

B. Local streets shall be so arranged as to discourage their use by through traffic, however, in the interests of public safety and welfare, all streets should be designed to provide at least two (2) points of access to the subdivision.

C. Perimeter streets shall be the full required minimum right-of-way width and shall abut the subdivision boundary line, except as provided for frontage roads required for service from highways, as described herein. Half streets will not be permitted.

D. Where a subdivision abuts or contains an arterial highway, it shall be required that frontage roads be constructed approximately parallel to and on each side of such highway. The Commission may require such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic. A single row of lots backing up to the arterial will not be discouraged, however, vehicular access from the lots to the arterial shall be prohibited.

E. Local streets shall be arranged in proper relation to topography in a manner which results in usable lots, safe streets, and acceptable gradients without unnecessary destruction of drainage courses, trees, and other natural features of land.

F. Whenever a proposed subdivision borders an existing street, the Commission may require the reconstruction or widening of such street as a condition of plat approval. Additional dedication of right-of-way may also be required.

G. No intersection shall be constructed with more than four (4) approach legs, and the development of three (3) legged "T" intersections shall be encouraged due to the increased safety of such intersections.

H. When there is a situation of unusual physical conditions or a controlled design environment in evidence and it can be satisfactorily demonstrated to the Commission that a private street is the only feasible solution, said private streets may be authorized provided pavement construction standards shall be the same as the minimum public standard, and adequate covenant provisions are made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability, and maintenance of said private streets at no expense to the governmental unit.

5-5-6: Lot Arrangement

Design and location of subdivision lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with zoning and other regulations, and in providing safe driveway access to buildings on such lots from an approved street.

A. Lot dimensions and size shall comply with the minimum standards of the Starke County Zoning Ordinance and Health Department.

B. Double frontage and reversed frontage lots shall be discouraged except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

C. The side lines of lots shall generally be at right angles to straight street lines and radial to curved street lines. Front building set-back lines shall be platted and the minimum lot width may be determined at the set-back line.

D. Lots shall not generally derive access exclusively from an arterial highway or major collector street. Where driveway access from such streets may be necessary for several adjoining lots, the Commission may require that the lots be served by a common and combined driveway in order to limit possible traffic hazards on such streets.

E. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

F. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and shall be stabilized by seeding or planting as provided for erosion control in this Article 5.

G. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street at the time the buildings are ready for occupancy.

5-5-7: Block Arrangement

Generally, blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, however, exceptions to this width shall be permitted in blocks adjacent to major transportation facilities, water courses, and commercial or industrial areas.

A. Whenever practical, blocks along arterial highways and major collector streets shall not be less than one quarter (1/4) mile in length. In other residential areas, blocks shall not be more than one quarter (1/4) mile in length nor less than four hundred (400) feet.

B. In long blocks, the Commission may require an easement through the block to accommodate utility installations, drainage facilities, or pedestrian walkways.

C. Where blocks are developed along arterial highways that shall contain alleys, the alleys shall run parallel to the highway and not perpendicular or radial to it so that no intersection is created between the highway and the alley.

5-5-8: Subdivision and Street Names

The names of the subdivision and all streets included therein should be determined prior to preliminary plat submission and shall be considered as follows:

A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or community within the area covered by these regulations. The Commission shall have final authority to approve the name of the subdivision at the time of preliminary plat conditional approval.

B. Street names shall not duplicate any existing name within the area covered by these regulations except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same as existing streets shall not be used. The Commission shall have the authority to name any street in case of conflict.

5-5-9: Public Sites and Open Spaces

Existing natural features which add value to any proposed development and that will enhance the attractiveness of the community shall be preserved in the design of the subdivision.

A. Where it is determined that a proposed park, playground, school, or other public use as planned by any authorized governmental unit, is located in whole or in part within a proposed subdivision, sufficient area for such public use shall be dedicated to the public, reserved, and/or offered for public purchase. If within ten (10) years of plat recording, the purchase is not agreed upon, the reservation shall be cancelled or shall automatically cease to exist.

B. Upon receipt of final approval and recording of any subdivision plat, the Subdivider shall be held responsible for maintaining the entire area included within the subdivision in an orderly, presentable, and attractive condition. Such maintenance shall include, but not be limited to, the necessary trimming of trees, the removal of all debris, undergrowth, dead trees and limbs, all types of

substandard structures, the seeding of all areas of disturbed soils that may be subject to erosion, the maintenance of all ditches and drainage facilities, and whatever methods that may be required to prevent any and all accumulation of junk or rubbish of any kind. Such aesthetic control shall be a continuing process prior to the transfer of property to a new owner, at which time the new owner shall assume the same responsibility with respect to the properties under his ownership.

5-5-10: Non-Residential Subdivisions and Planned Units

If a proposed subdivision includes land that is zoned or proposed to be rezoned for commercial or industrial purposes or if a tract of land is proposed for a planned unit development, the layout of the plat with respect to such land shall make such provisions as the Commission may require.

A. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the Applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, lot, and block pattern proposed, is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Each non-residential lot or parcel shall be shown and marked on the plat as to its intended use.
2. Proposed parcels or lots shall be suitable in area and dimensions to the types of development anticipated.
3. Special requirements may be imposed by the local government with respect to street, curb, driveway, sidewalk design, and construction.
4. Special requirements may be imposed with respect to the installation of public utilities including water, sewer, and storm water facilities.
5. Every effort shall be made to protect adjacent areas from potential nuisance from the proposed development, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer when necessary.
6. Truck routes shall be established so as to prevent industrial traffic from encroaching into adjacent residential areas.

7. To the greatest degree possible, non-residential subdivisions shall be located on major thoroughfares or arterial highways and local residential streets shall be discouraged from extending into non-residential subdivisions.

B. All development plans for unitized uses, in addition to meeting all requirements set forth in this Article 5 for conventional subdivisions may be subject to the following requirements, as determined by the Commission:

1. The applicant may be required to provide, along with the subdivision plat, special reports on the geology, soils, hydrology, and other features of the land in order to determine the suitability of the land for its proposed use. All such reports shall be certified by a professional engineer unless such information is available through an appropriate government agency.
2. If the proposed project is fully controlled by an Indiana State Agency with respect to design, standards, licensing or any other controls, the Applicant shall be required to submit a written report or approval from such agency, stating the requirements for approval, to the Commission Administrator prior to consideration of the proposal.
3. The geometric design standards for streets may be reduced or amended, and the development of one way streets may be allowed as well as the streets with a variable width. However, in no case shall a one way street be less than a paved width of sixteen (16) feet.
4. Combinations of collective private driveways, cluster parking areas, parallel or diagonal parking bays, and other special provisions may be allowed in order to reduce traffic conflicts on through streets and to provide more acceptable applications in design and aesthetics.
5. Storage areas may be required for anticipated needs of the residents to conveniently store boats, campers, or other recreational vehicles. At a minimum, for typical residential development, one (1) adequate storage space should be provided for every two (2) living units.
6. The Commission may require that a maintenance building be provided the size, location of which should be suitable to include the service needs

necessary for the repair, and maintenance of all common areas within the project.

C. A unitized development plan may include provision for later division of the land into separate units under one (1) ownership, or in to one (1) or more separately owned and operated units. If approved with the development plan, such proposed division of land may be made without further approval, otherwise, a later division of land may be made only upon re-application for approval under the full terms set forth in these regulations.

D. All planned unit developments shall contain a total area of square footage as determined by the sum of minimum square footage requirements for each conventional use as set forth in the Starke County Zoning Regulations.

5-6: Design Standards and Specifications

5-6-1: General Provisions

The following regulations shall be considered supplementary and, where more restrictive, preferential to the Starke County Road Ordinance, SCR-1, which is hereby declared to be included in and made part of these subdivision regulations.

A. All standards shall be considered as minimum standards and no subdivision plat shall be finally approved and recorded until all installations have been completed in full accordance with all specifications set forth herein.

5-6-2: Monuments

All monuments shall be properly set flush with the ground and approved by a registered land surveyor or engineer prior to the time the Commission recommends approval of the final plat.

A. The external boundaries of a subdivision shall be monumented in the field and constructed of stone or concrete, not less than thirty (30) inches in length, nor less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely imbedded.

B. The spacing and exact location requirements for external boundaries shall be established by the County Surveyor.

C. All internal boundaries and those corners and points not covered by the preceding paragraphs, shall be monumented in the field by steel or iron pipes one (1) inch in diameter and thirty (30) inches in length, and shall be placed at all block and lot corners at each end of all curves, and at all internal angle points as required by the County Surveyor.

5-6-3: Signs and Traffic Control Devices

All street name signs, regulatory signs, warning signs, and other traffic control devices shall be installed by the subdivider prior to final plat approval. Such devices shall be determined as to material, size, shape, type, and location by the Starke County Highway Superintendent under the direction of the Board.

5-6-4: Streets and Roads

In order to provide for streets of suitable location, width, and improvement to accommodate expected traffic and afford satisfactory access to police, fire-fighting, snow removal, sanitation, school buses, road maintenance equipment, to coordinate street development in order to compose a convenient system, avoid undue hardships to adjoining properties, and assure compatibility with long range comprehensive plans, all streets shall be designed according to the geometric patterns set forth in these regulations with clear and unobstructed rights-of-way.

A. Subdivision street design, as a general rule, deals with the design of streets which are part of a functionally classified overall street and road system of an area. In designing and approving subdivision streets, the following factors shall receive consideration:

1. Safety for both vehicular and pedestrian traffic.
2. Efficiency of service of all users.
3. Livability or amenities as effected by traffic elements in the circulation system and economy of both construction and use of land.

B. Intersections, including median openings, shall be designed with adequate corner sight distance. In order to maintain these distances, the Board may restrict the height of embankments, location of structures, screening fences, landscaping, and other provisions necessary for intersection sight control.

C. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve shall be introduced providing for a minimum radii of two hundred (200) feet, but should be greater whenever possible.

D. Service alleys are required for loading and unloading in all business, commercial and industrial subdivisions and shall have a minimum paved right-of-way width of twenty (20) feet.

E. The Commission may require construction of parking, turning lanes, and transitional tapers where required.

5-6-5: Starke County Road Ordinance, SCR-1

The following standards shall be considered as minimum standards, provided however, if due to unusual or extenuating circumstances, a decision of the County Commissioners shall determine more or less restrictive standards shall better serve the public interests and orderly development, such decision shall take precedence over the minimums specified.

5-6-6: Subdivision Specifications

Public way specifications for application within subdivisions as defined in Article 5.

A. The minimum right-of-way width for all streets shall be clearly identified as fifty (50) feet. Half streets shall not be platted. All minimum standards indicated in Chart SCR-1A, attached, shall be adhered to.

B. Alleys in residential areas shall be discouraged, however, where approved, shall be a minimum surface width of sixteen (16) feet. In commercial or industrial areas, alleys, where required, shall be provided with a minimum width of twenty (20) feet, or of a greater width if necessary to provide adequate loading and unloading facilities. All alleys shall meet the surfacing standards set forth in Chart SCR-1, within their full width as approved.

C. A dead end street or cul-de-sac, if permitted, shall terminate in a circular right-of-way with a minimum outside paved diameter of one hundred twenty (120) feet. The maximum length of a cul-de-sac street shall be no greater than the width of

five (5) residential platted lots, measured from a corner of the intersecting through street to the nearest outside circumference of the turn-around.

D. Intersection of more than two (2) streets at one point and street jogs with centerline offsets of less than one hundred twenty five (125) feet shall be avoided.

E. All streets shall intersect at ninety (90) degrees whenever possible and under no circumstances at an angle of less than sixty (60) degrees.

F. Clear visibility, measured along the center-line of a street, shall be provided for at least two hundred (200) feet. The maximum vertical grade for all streets shall not exceed twelve (12) percent, provided however, the maximum grade shall be no more than six (6) percent within two hundred (200) feet of a street or railway intersection.

G. Streets without a curb or gutter shall include the following:

1. Side ditch swales measuring twelve (12) inches deep at a point three (3) feet inside the right-of-way lines.
2. A swale or culvert at all driveways, sized according to the amount of storm water flow.
3. Culverts under the roadway where necessary. Size of culvert to be according to the amount of storm water flow but not less than twelve (12) inches. All culverts shall extend at least five (5) feet beyond either edge of the paved roadway.
4. Relief of side ditches and swales along the road-way through the use of off-street retention basins or existing drains.

H. The subdivider shall provide the subdivision with standard County identification street and traffic control signs at the intersection of all streets and other locations as required by the County Commissioners. No street names shall be used which will duplicate or be confused with the names of existing streets, provided however, existing street names shall be protected whenever possible.

I. Utility easements shall be required on all lots. Such easements shall be platted at the rear line of the lot or, along the street line on front or side streets if

underground installations are required. The minimum width of such easements shall be sixteen (16) feet and may be shared in eight (8) foot widths to the rear line of back-to-back lots and on all street frontage installations.

J. Street surfaces shall be a flexible pavement, meeting the required widths and fully compacted to the depths and of materials as detailed in Chart SCR-1A and as follows:

1. Sub-base - Two (2) feet of compaction as approved by the County Highway Superintendent. Width thirty-six (36) feet.
2. Six (6) inches of an approved aggregate. Width twenty-two (22) feet.
3. Binder - Two (2) inches of hot asphaltic concrete. Width twenty (20) feet.
- 3A. Surface - One and one-half (1 & 1/2) inches of hot asphalt (#11 surface) with two (2) inches of binder, and a six (6) inch base of compacted aggregate #53 limestone.
4. All street surfacing shall begin within six (6) months of Plan Commission approval and shall be completed within one (1) year of such approval unless otherwise approved by the County Commissioners.

K. After Commission approval of a final plat and prior to any construction of capital improvements, the subdivider shall submit copies of construction plans for streets, drainage facilities, and other required installations to the County Commissioners at least thirty (30) days before construction begins. Supervision and inspection shall be effected under the direction of the Board of County Commissioners. The contractor shall also be required to notify the Starke County Highway Superintendent forty-eight (48) hours in advance (exclusive of Saturday, Sunday, and holidays) of the need for the following inspections:

1. Inspection and approval of the sub-grade prior to the placing of the base course shall be as follows:
 - a. All fill shall be free of organic and frozen material. No fill shall be placed over organic, frozen, or unstable material.
 - b. Fill shall be placed in layers not to exceed six (6) inches in depth in a

loose state. Compaction shall be accomplished by an approved method with suitable equipment for the type of material being placed.

c. It shall be the responsibility of the subdivider to provide in-place density tests which shall be conducted by a reputable testing laboratory. Copies of test results, certified by a qualified professional engineer, shall be distributed to the Starke County Plan Commission and the Starke County Highway Superintendent. Density tests shall be taken every seven hundred (700) feet, within the roadway area, with a minimum of three (3) tests on the sub-grade per project. Additional tests may be required by the County Highway Superintendent as conditions require.

d. Compaction shall be ninety (90) percent of standard proctor for the top two (2) feet, for cut areas and for the entire depth of fill areas. Moisture content shall be within four (4) percent of the optimum moisture value for the material used.

2. Inspection and approval of the Base Course prior to the placing of the hot asphalt concrete shall be as follows:

a. In-place density test for the base course shall be as required in 1c.

b. Compaction requirements for the base course shall be ninety-five (95) percent of standard proctor. Moisture content shall be within four (4) percent of optimum moisture value for the material used.

3. Final inspection of bituminous surface upon completion prior to acceptance.

L. Streets (and alleys, if approved) shall be completed to grades, materials, and dimensions shown on plans, profiles, and cross sections provided by the subdivider, and approved by the County Commissioners.

M. The County Commissioners may temporarily approve the construction of streets with a compacted depth, consisting of a sub-base and base as specified in J-1 and J-2, provided that a completion bond or binding agreement, in amount and surety satisfactory to the Commissioners, is executed for the construction of the

binder, no more than two (2) years from the date of completion of the sub-base and base.

N. Upon completion of all improvements and installations required of the subdivider, or the provision of a bond in amount and surety to the Board of County Commissioners to cover all such completion costs, and prior to the acceptance and approval thereof for County maintenance, the subdivider shall be required to provide a two (2) year maintenance bond or binding agreement which shall:

1. Run to the Board and be in an amount equal to twenty (20) percent of the cost of said improvements as estimated by, and be of surety, satisfactory to the Boards.
2. Warrant the workmanship and all materials used in the construction, installation, and completion of said improvements and installations, to be of good quality and to have been constructed and completed in full accordance with the standards, specifications, and requirements of this Article 5 and with the plans and specifications approved.

5-6-7: Miscellaneous County Specifications

Miscellaneous provisions affecting all Starke County Highways and Public Roads.

A. No private or legal ditch or drain of greater than two (2) feet in depth shall be constructed within six (6) feet of any road or street right-of-way line, nor shall the expansion or extension of such existing ditch or drain be constructed within this limitation. Any construction or reconstruction meeting the forgoing description shall require full written approval of the Board of Starke County Commissioners and/or the Starke County Drainage Board at least two (2) weeks prior to commencement.

B. Drainage swales or ditches along roads or streets shall not be filled, tiled, or altered in any way without prior written approval of the Board of Starke County Commissioners.

C. No structure or planting of any kind which obstructs sight lines within elevations between two and one-half (2 1/2) feet and eight (8) feet above the road or street grade shall be permitted on any corner property within the triangular area

formed by the street right-of-lines and a line connection points forty (40) feet from the intersection of said right-of-way lines, extended.

5-6-8: Effective Date and Approval Certifications

This Article 5, with respect to its specific terms, shall be given full force and effect upon passage. All other existing provisions for the design and standards for Starke County roads, streets, public ways, and drainage requirements are hereby repealed.

5-7: Design Standards

5-7-1: Drainage Facilities

The Commission shall not recommend for approval any subdivision plat when provision has not been made for adequate storm or flood water runoff. Drainage systems shall be separate and independent of any sanitary sewer system. Storm sewer drainage, where required, shall be designed according to professional, acceptable engineering standards, and approved by the Board. Inlets shall be so constructed that surface water is not carried across or around any intersection, nor for a distance of more than four hundred (400) feet in any gutter without emptying into a catch basin. Surface water drainage patterns shall be shown for each and every lot and block.

A. The subdivider may be required to carry away by pipe or open ditch, any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in a perpetual unobstructed easement of appropriate width. Drain facilities shall be provided under driveways so that the flow of water in ditches is not impeded.

B. Where a public storm sewer is accessible, the subdivider shall install storm sewer facilities, or if no outlets are located within a reasonable distance, adequate provision shall be made for the disposal of storm waters subject to the approval of the Board.

C. If the Board determines that a connection to a public storm sewer will eventually be provided as shown in existing local plans or programs, the developer shall make arrangements for future storm water disposal in the subdivision, by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the bond or binding agreement required for completion of all public facilities.

D. Approval of a subdivision plat may be withheld or denied if the proposed site is subject to poor drainage or flooding, unless the subdivider presents a feasible plan designed to correct such conditions that may be considered acceptable to the Commission and the Board.

E. The Commission shall prohibit the subdivision of any portion of the property which lies within a flood plain when such action is deemed necessary for protection of the health, safety, or welfare of the present or future population of the area, and necessary for the conservation of water, drainage, and sanitary facilities. Any approvals within a flood plain shall, at a minimum, meet the requirements of the Indiana Department of Natural Resources.

F. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, the subdivider shall provide a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be acceptable to the Board. Such easement shall be adequately monumented by open channel with proper erosion control and landscaped banks.

G. Storm water management facilities shall be designed to meet the following criteria:

1. The post-developed peak flow rate shall not exceed the pre-developed peak flow rate for all storms, i.e. the post-developed peak flow rate generated by the annual storm shall not exceed the pre-developed peak flow rate generated by the annual storm, the post-developed peak flow rate generated by the two (2) year storm shall not exceed the pre-developed flow rate generated by the two (2) year storm, etc.

2. The maximum allowable post-developed peak flow rate shall not exceed the pre-developed peak flow rate generated by the ten (10) year storm.

3. All storm water management plans shall include emergency overflow routing.
4. All detention and retention ponds shall include a positive outlet.
5. Storm water flows shall be calculated using generally accepted methods appropriate for the size of the development such as the Rational Method, TR-55, TR-20, etc. Standard Intensity Duration Frequency (IDF) curves for Northwest Indiana shall be used for storm water calculations. A storm water management report and plan showing all assumptions, calculations, drainage basin delineations, etc, shall be submitted to the Administrator and the Starke County Drainage Board for review and approval.

5-7-2: Water and Sewers

Whenever possible, the subdivider may be required to provide a water supply system capable of providing water for domestic use and fire protection, and the location of such improvement shall be shown on the final plat.

A. In rural areas where a public water system is not available, in the discretion of the Commission, individual wells may be used, or a central system provided, in such manner that an adequate supply of water will be available to every subdivided lot. Individual wells and central systems shall be sampled and approved as directed by the State Board of Health.

B. All sanitary and sewer facilities shall be designed and installed under the direction of the Health Department. No septic system shall be located or constructed on any lot prior to application, inspection, and approval by the local health authority. No zoning clearance permits for land use or construction that requires new or improved sanitary facilities shall be issued until such Health Department approval has been received.

5-7-3: Erosion Control

The Commission may require an erosion control plan for those areas more likely to be subject to erosion during or after construction. All berm areas and disturbed soils as a result of excavating, leveling, or grading shall be newly seeded. An accepted method of accomplishing this purpose is outlined in the following procedure.

A. Fertilize, using six hundred (600) pounds per acre 12-12-12 or equal.

B. Seed mixture per acre:

1. Twenty (20) pounds, Tall Fescue.
2. Twenty (20) pounds, Smooth Brome Grass.
3. One (1) bushel, Agricultural, Wheat, Rye, or Oats.

C. If the earth is not disturbed, but exposed as a result of construction, or has poor seed stand, the area shall be over seeded. Over seeding shall consist of the following per acre:

1. Fertilize, using six hundred (600) pounds per acre, 12-12-12 or equal.
Follow with a seed mixture per acre of:

- a. Twenty (20) pounds, Tall Fescue, and
- b. Twenty (20) pounds, Smooth Brome, Grass.

5-8: Specifications for Documents

(See Form SD-1, for all required plat data)

5-8-1: Sketch Plat

A professional drawing is not required for preparation of a sketch plat. It may be hand drawn on an appropriate size sheet of paper to accommodate a scale of approximately two hundred (200) feet to the inch, showing the necessary information for an informed discussion with the Administrator in order to provide the Subdivider with as complete an understanding as possible of his full responsibilities and procedures toward the development of the final plat, acceptable for approval consideration by the Commission. The following items should be made available for the pre-platting conference with the Administrator:

A. Location of property to be subdivided by section, township, and part of section, direction from the nearest county road intersection or other practical location information, dimensions, and acreage involved in the development.

B. Explanation of type of development proposed, such as residential, commercial, industrial, or other use classification.

C. Name, address, and telephone number of the legal owner of the property and his agent.

D. Description of any existing structures, legal rights-of-way, easements, covenants, highways, railroads, utilities, and waterways, inclusive or adjacent, that may affect the development plan.

E. Identification of all adjacent property owners, subdivision parks, schools, or other identifiable land uses within one hundred (100) feet of the proposed development area.

F. A general layout of streets, lots, blocks, all reservations for future roads, and private or public uses within the entire proposed project.

G. General information with respect to accommodation for sewage disposal, fresh water, and drainage facilities.

H. Existing topography and contour data, including drainage channels, streams, springs, flood zones, rock outcrops, structures, woodlands, or other features that may affect the proposal.

5-8-2: Application

An application for consideration for primary approval shall be submitted in conjunction with all subdivision proposals, which shall include any type of major development projects.

A. Application forms are available from the Administrator.

B. The applicant shall provide all the information set forth in the application and submit same in duplicate. The Administrator will review the information required with the applicant upon request.

C. In addition to the number of required copies of the plat, the application shall be accompanied by the various informational documents as specified in these regulations and the required fees.

5-8-3: Soils Survey

A general survey of the soil types within the proposed development area is available through the United States Department of Agriculture, Soil Conservation Service. The survey will provide a broad classification of soils in the area and their limitations as to various uses. A more detailed report by a qualified engineer will be required for the feasibility report.

5-8-4: Feasibility Report

This report, to be prepared by a thoroughly qualified engineer or land surveyor, will play a major part in the Commission's deliberation toward arriving at a decision to grant primary approval of the proposed project. Its authenticity shall be carefully considered by both the Health Board and the Commission as the information supplied will provide the first step in a determination of suitability for development in the area designated. In its scope, the report shall provide as accurately as possible, a general study and opinion of the effect of the following features on the area under study and the impact on surrounding land uses:

A. Will the development pattern utilize the natural topography and geologic features existing, including scenic vistas and trees?

B. What are the existing natural drainage patterns and to what extent will they be disturbed by the development of this project? Can a feasible construction plan be proposed to prevent such disruption and provide adequate facilities for proper drainage without adverse effects on surrounding lands, and will such facilities safeguard the water table and minimize flooding conditions?

C. Has consideration been given to the preservation of useful agricultural land, woodland, wildlife, wetland resources, and the compatibility of these and other uses with the development under study, and to what extent will the completed project affect the expenditure of public funds in respect to all public services such as utilities, roads, drains, police and fire protection, and schools?

D. Has a more detailed analysis of soil types than is available from the U.S. Soil Conservation Service survey provided, been completed for each platted lot, in order to determine individual lot suitability for building and sewage disposal

installations? This analysis shall be provided in the report prior to submission to the Health Department for their review and verification opinion.

5-8-5: Construction and Drainage

Plans shall be prepared for the installation of all required improvements to be completed by the subdivider, drawn to a scale of no more than fifty (50) feet to the inch, of a size equal to the subdivision plat. The following data shall be provided:

A. Profiles showing existing and proposed elevations along centerlines of all roads. Where an existing street is intersected by a proposed street, the elevation along the centerline of the existing street, within one hundred (100) feet of the intersection, shall be shown, plus approximate radii of all curves, lengths of tangents, and central angles on all streets.

B. The Commission may require, where steep slopes exist, that cross sections of all proposed streets at one hundred (100) foot stations shall be shown at all locations as follows: On line at right angles to the center-line of the street, each property line, and points twenty-five (25) feet inside each property line.

C. Plans and profiles showing the locations and typical cross-section of street pavements including curbs, gutters, sidewalks, if any, swales and drainage easements, servitudes, rights-of-way, manholes, catch basins, location of street signs, location, size and invert elevations of existing or proposed sanitary sewers, stormwater drains, fire hydrants, showing connections to any existing or proposed utility systems, and exact location and size of all water or other underground utilities or structures.

D. Location, size elevation, and other appropriate description of any existing or proposed facilities or utilities, including but not limited to streets, sewers, drains, water mains, easements, water bodies, streams, floodplains, and other pertinent features within the proposed project.

E. Topographic features at the required scale, with contour intervals of from two (2) to five (5) feet, as required, referred to sea level datum provided by the latest applicable U.S. Coast and Geodetic Survey, and should be so noted on the plat.

F. All specification and references required by the local government construction standards and specifications, including a site-grading plan for the entire development area, if required.

G. Printed title, name, address of the registered engineer or qualified professional person with certification by signature, registration number of such person responsible for the preparation of plans, and the date of the plan completion.

5-8-6: Public Hearing Notification Affidavit:

This affidavit, furnished by the Administrator, shall be completed by the Applicant prior to all hearings before the Commission. It does not require citizen approval of the proposed project, but merely constitutes an assurance that all persons, considered by the Commission to be “interested parties” have received notice of the hearing at least five (5) days prior to the scheduled date. The applicant shall present the completed affidavit at the time of the hearing.

CHECKLIST OF REQUIREMENTS FOR
SUBDIVISION/DEVELOPMENT PLAN PROCESSING

Administrative (major and minor subdivisions, commercial, and industrial developments)

1. Completed application
2. Fees paid
3. Feasibility report from the Starke County Health Department Sanitarian
4. Proposed restrictive covenants, property owner's association agreements, condominium agreements, etc.
5. Copy of "Rule 5" permit application
6. Drainage calculations
7. Drainage plan approval letter from Starke County Drainage Board

Plat and Plan Requirements

	<u>Sketch</u>	<u>Residential, Commercial, Major & Minor</u>
Vicinity Map	X	X
Site Plan with USDA SCS Soils Map/ Identifications	X	X
Site Plan Showing All Proposed Improvements		X
Site Drainage Plan Showing All Storm Water Management Facilities		X
Features, Inclusive and Adjacent		
a. All public rights-of-way	X	X
b. All easements	X	X
c. All waterways, legal drains, railroads, and utilities	X	X
d. Identification of all adjacent property owners with deed record numbers, parcel numbers, etc.		X
e. Public and private reservations	X	X
f. 1' Interval elevation contours referenced to USGS datum		X
Monuments, platted and described		X
Blocks lettered alphabetically		X

Plat and Plan Requirements		
	Sketch	Residential, Commercial, Major & Minor
Lot numbers and address for all lots		X
Lot dimensions, areas, and hard surface cover for all lots		X
All set-backs shown and dimensioned		X
Street names (no duplications)		X
All curve data		X
All cul-de-sac data (length, diameter, etc.)		X
All building and hard escape dimensions		X
Certifications by owner(s) and surveyor		X
Dedications as required by ordinance		X
Subdivision/development name (no duplications)		X
Property description prepared by a surveyor licensed in the State of Indiana		X
Existing and proposed zoning		X
Meet all requirements of "Rule 12"		X
Construction plans for all proposed improvements		X

Plat and Plan Requirements

	<u>Sketch</u>	<u>Residential, Commercial, Major & Minor</u>
Plats shall be prepared on vellum sheets, either 18" x 24" or 24" x 36" and drawn at 50 scale (1"-50"), or larger. Four (4) originals are required. The Recorder's Office requires one (1) half size copy on 11" x 17" paper		X

FORM SD-1

**Starke County Plan Commission
Courthouse, Knox, Indiana 46534**

Application for Primary Subdivision Approval

I hereby apply for consideration of approval for a subdivision located within Starke County and described as follows:

Subdivision Name: _____ **Addition to:** _____

Section: _____ **Township:** _____ **Part:** _____ **Parcel:** _____

On the: _____ **Side of:** _____

Feet of new roads, for the purpose of: _____
Residential, Commercial, or Other Use

Land Owner of Record: _____

Address: _____

Home Phone: _____ **Business Phone:** _____

Surveyor and/or Engineer: _____

Address: _____

Registration No. _____ **State:** _____ **Phone:** _____

Local Agent or Attorney: _____

Address: _____ **Phone:** _____

Dedications, Public and Private: _____

Existing Zoning: _____ **Proposed:** _____

Sewer & Water Facilities Existing: _____

Proposed: _____

Utility Provisions: _____

Signature (Owner of Record): _____

The following documentation is required for submission with this application:

Soils Survey, feasibility report, construction plans, proposed drainage plans, ten (10) copies of appropriate plat, required fees and advertising costs, application in duplicate, and a vicinity map of plat.

Received _____ **by** _____ **Fees: \$** _____

Filing: \$ _____ **per** _____ **Lot: \$** _____ **and**

\$ _____ **advertising. For a total of: \$** _____.

Comments:

Form SD-2 (04/82)

Date: _____

No. Pages: _____

Starke County Plan Commission
Request for Minor Subdivision Approval

Subdivision Name: _____ Sec. _____ Twp. _____

Owner(s) (PRINT): _____

Address: _____ Phone: _____

Received by: _____ Fee: \$ _____ Receipt No. _____

Date: _____

Plat and required data: include only the area to be improved.

Form SD - 3A

Subdivision Name: _____

Plat Continued: _____

I, _____, hereby certify that I am a professional land surveyor (engineer), licensed in compliance with the laws of the State of Indiana: that this plat correctly represents a survey completed (caused) by me, and that all monuments, elevations, soils information, descriptions, and other data specified hereon have been accurately determined, described, and stated:

Signed: _____

State License: _____ **Date:** _____

I/We own the land hereon described and have caused same to be subdivided and platted. All lands described herein for public use, without prior dedication, are hereby dedicated for public use.

Signature(s): _____ **Date:** _____

_____ **Date:** _____

County of Starke

State of Indiana

Before me, _____, a Notary Public in and for said County and State, do hereby state that on this _____ day of _____, 20__, personally appeared the principal(s) _____ and each separately and severally acknowledged the execution of the foregoing instrument as his voluntary act and deed.

Witness my hand and seal:

Signature: _____

My Commission Expires: _____

Plan Commission Decision: _____.

Meeting of: _____, 20____.

Approval in no way constitutes approval or guarantee of improvements within severe limitation soil areas, platted hereon and described by appropriate designation. All sanitary facilities shall be approved by the Starke County Health Department prior to installation.

Commission President: _____ **Date:** _____

Commission Secretary: _____ **Date:** _____

(Note 1: Starke County Commissioners Certification, only if plat includes any dedications of land for public use).

All lands herein platted and dedicated for public use are hereby considered acceptable by:

The Starke County Board of Commissioners:

1. _____ **Date:** _____

2. _____ **Date:** _____

3. _____ **Date:** _____

Attest: _____
Auditor

Date: _____

Page _____ **of** _____

Offices of Starke County Plan Commission
Court House
Knox, Indiana 46534
219-772-9133

Commission Hearing

I/We _____ do hereby certify that notice of a hearing to be held on _____, 20____, at _____ o'clock local time, in the Starke County Court House, Knox, Indiana, for Plan Commission consideration of the following proposal:

was sent by Certified or Registered Mail, return receipts requested, or acknowledged by personal signature (below), to all owners of property of record, located adjacent, opposite to, and within one hundred (100) feet of the premises described above.

Names of Parties Notified

Address

And that such mailing was accomplished on or before the _____ day of _____, 20____, being at least ten (10) days, prior to the date set for hearing:

Applicant's Signature: _____

County of Starke
State of Indiana

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this _____ day of _____, 20__.

My Commission expires: _____, 20__.

Notary Public: _____

Meets regularly third Wednesday of each month.

Maintenance or Completion Agreement

Form SD-5

General form of bond or secured agreement for maintenance or completion of all capital improvements required under the Starke County, Indiana subdivision regulations.

Know all men by these presents. That I/We.

_____ as Principal(s).

Address _____

and the (Company) _____, an _____ corporation authorized to do business in the State of _____, having an office and place of business at _____, as surety, are held and firmly bound unto the Board of Commissioners, Starke County, Indiana, as Obligee, in the sum of _____ dollars, (\$ _____) lawful money of the United States for the payment whereof to the Obligee, the Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns jointly and severally to these presents:

Signed, sealed and dated this _____ day of _____, 20__.

Whereas; Application was made to the Obligee for approval of a subdivision shown on the plat entitled “_____”, said final plat having been approved by the Starke County, Indiana. Plan Commission on _____, 20__ upon certain conditions, one of which is that prior to recording of the subdivision, a maintenance and/or completion bond or binding agreement in an amount equal to _____ percent (_____%) of the total cost of installation of all capital improvements required within said subdivision be filed with the Board of Commissioners, Starke County, Indiana, to guarantee certain construction conditions.

Now, therefore the condition of this obligation is such that if the above named Principal shall within _____ from the date of recording of the herein described subdivision plat truly make and perform the required maintenance or completion of capital improvements within said subdivision in

accordance with the local government specifications and standards as set forth in the Starke County Subdivision Ordinance, and shall also warrant the workmanship and all materials used in such construction, installation, and maintenance of said improvements, to be of good quality and to have been completed in full accordance with such standards, specifications, and requirements, and if any plans and specifications approved, this obligation shall be declared to be void; otherwise to remain in full force and effect.

It is hereby understood and agreed that in the event that any required maintenance and/or completion has not been installed as specified herein, within the term of this secured agreement, the governing body may declare this agreement to be in default. The governing body may then collect the sum remaining payable thereunder, and upon receipts of the proceeds thereof, the local government shall install and maintain such improvements as are covered herein and commensurate with the extent of construction development that has taken place in the subdivision, but not exceeding the amount of such proceeds.

Principal

Principal

Company

By: Attorney-in-Fact: _____

Certifications

Form SD-6

The following certifications shall be required on or with each subdivision plat, prior to secondary approval and recordings:

Owner(s) Certification:

Dedication:

I/We (Name) _____ do hereby certify that we are the owners of the land herein described and have caused the same to be surveyed, subdivided and platted in accordance with the within plat.

This subdivision shall be known and dedicated as:

an addition to _____, in Starke County, Indiana.

All streets, alleys, and other public improvements platted herein, and not heretofore dedicated, are hereby dedicated to the public and the County of Starke, Indiana.

Front and corner side yard building lines are hereby established as shown on this plat, between which lines, and the property, and street right-of-way lines, no structures or buildings shall be erected or maintained.

Restrictions and Covenants:

Provision for off-street easements, at the rear of lots sixteen (16) feet in width, indicated on this plat as "Utility Easement" are hereby reserved for the use of public utilities to install, lay, erect, construct, renew, operate, repair, replace, and maintain sewers, water mains, drainage facilities, gas mains, conduits, cables, and wires, either overhead or underground, with all necessary braces, guys, anchors, and other appliances in, upon, along, and over the strips of land so designated, together with the right to enter upon said easements for public utilities at all times, for any and all the purposes aforesaid, and to trim and keep trimmed any trees, shrubs, or saplings that interfere with any such utility equipment. No permanent structures shall be placed on such easements, but same may be used for gardening or other planting that does not interfere with the utility uses described. The

easement area of each lot shall be continuously maintained by the owner thereof. Road frontage easement may be provided in eight (8) foot widths, solely for the purpose of underground utility installations. No above ground installations shall be permitted along front or side road lines.

(Additional restrictions required by the Plan Commission shall be herein included. The subdivider may also include any protective covenants he may consider necessary. See **SD Supplement A**).

The foregoing conditions, decisions, limitations, and restrictions are to run with the land, for the common benefit and protection of the public, and all owners of lots platted herein, and shall extend to be obligatory and held binding upon the person or persons holding title to the lands herein described, or to whom title may be conveyed by the dedicators, and to the heirs, executors, administrators, successors, and assigns of such person(s). Invalidation of any one of the foregoing covenants or restrictions by judgement or court order shall in no ways affect any of the other covenants or restrictions, which shall remain in full force and effect.

In witness whereof, the undersigned have caused this instrument to be executed and hereunto set their hands and seals this ____ day of _____, ____20__:

(Notary Public)

The above certification shall be notarized here.

Surveyors Certificate:

Form SD-6

I, _____, hereby certify that I am a professional land surveyor (engineer), licensed in compliance with the laws of the State of Indiana: that this plat correctly represents a survey completed (caused) by me, and that all monuments, elevations, soils information, descriptions, and other data specified hereon have been accurately determined, described, and stated:

Signed: _____

Date: _____

State License: _____

Plan Commission Certificate:

Under authority provided by the Indiana Code 36-7-4-700, this subdivision plat was granted primary approval by the Starke County Plan Commission in a public meeting, held on _____, 20____, with provision that such decision in no way constitutes approval or guarantee of any improvements installed within areas classified as severe limitation soils by the U.S. Soil Conservation Service, indicated hereon by appropriate designation. Although some areas so indicated may be considered by the Starke County Health Department as marginally acceptable for sewage disposal installations, such determination shall be reserved pending the results of individual on-site inspections at time of application for improvement permits:

Starke County Plan Commission:

By: _____
(President)

Attest: _____
(Administrator)

Date: _____

Board of County Commissioners Certificate:

This is to certify that all regulations as set forth in Article 5, Subdivision of the Code of the County of Starke, Indiana have been met and completed, including required provisions and secured agreements for installation and maintenance of all

capital improvements as platted hereon and dedicated to the public. Such dedications are hereby accepted for public use:

Board of Commissioners, Starke County, Indiana:

1. _____ Date: _____

2. _____ Date: _____

3. _____ Date: _____

Attest: _____
Auditor

Date: _____

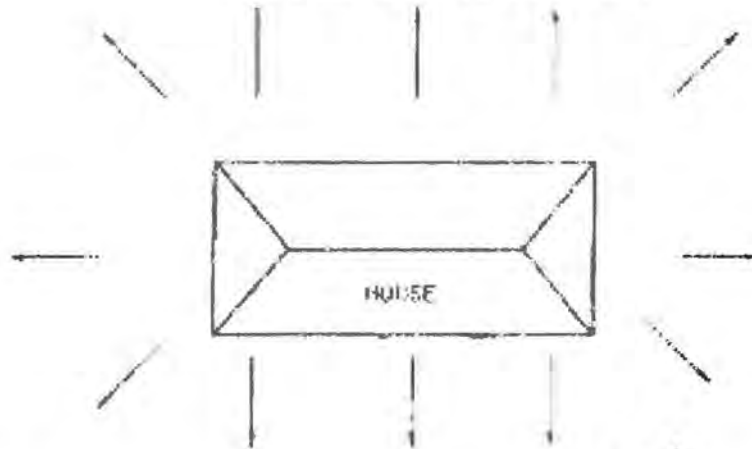
Auditors Certificate:

Recorders Certificate:

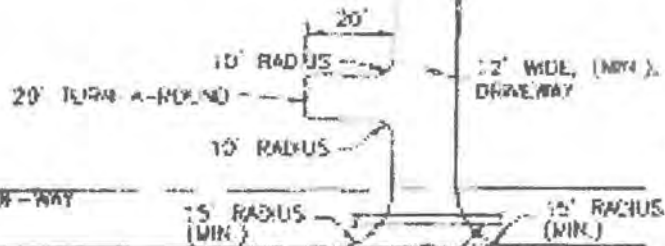
↑
CORRECTLY ORIENTED
NORTH ARROW
REQUIRED ON PLAN

IDENTIFY WELL
LOCATION ON
LOT LAYOUT PLAN

GRADE LOT TO DRAIN
AWAY FROM HOUSE, 2% SLOPE (MIN.)



IDENTIFY SEPTIC
FIELD LOCATION
ON LOT LAYOUT PLAN



EDGE-OF PAVEMENT
SHOW ROAD NAME OR
NUMBER ON LOT LAYOUT PLAN

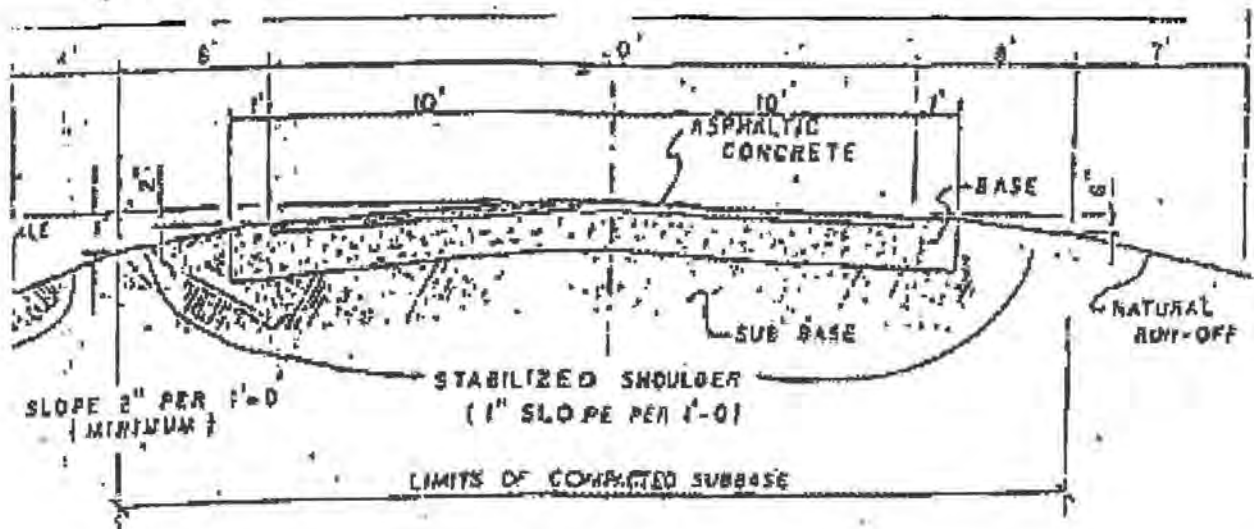
12" x 20" LONG, MIN. CMP—
CULVERT WITH FLARED END SECTIONS
AS REQUIRED BY ZONING ADMINISTRATOR

TYPICAL LOT LAYOUT REQUIREMENTS

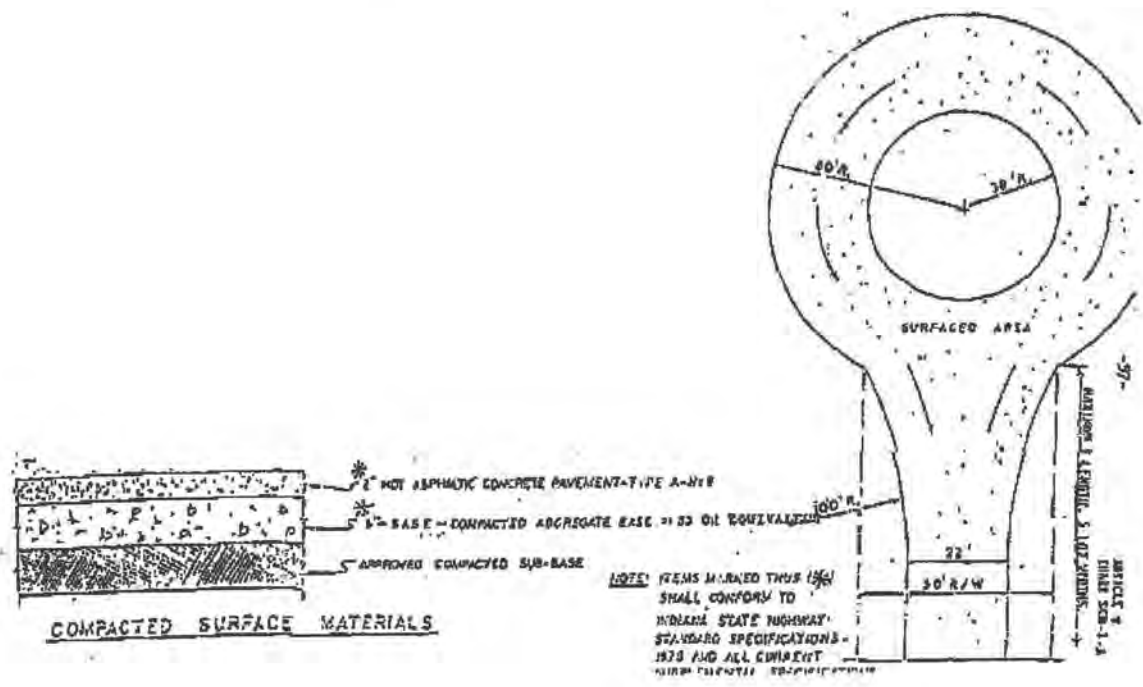
SCALE 1" = _____

NOTES: LOT LAYOUT PLAN SHALL BE DRAWN TO SCALE
DRAWING SCALE SHALL BE IDENTIFIED ON PLAN.

**STATE COUNTY
INDIANA**



CROSS - SECTION



ARTICLE 8
CHAP. 1-4

ARTICLE 6: ZONING

Ordinance No. 2022-017

SOLAR ENERGY ORDINANCE

Section 1. Commercial Solar Energy Systems, is added to read as follows:

Purpose. It is the purpose of these performance standards to enable Starke County to: regulate the permitting of commercial solar energy systems; be informed of the placement of commercial solar energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in Starke County. The terms; conditions and regulations set forth herein may be enforced through the issuance and enforcement of an **Improvement Location Permit**.

Commercial Solar Energy Stems (CSES) and Private Residential Solar Energy Systems (PRSES) are defined in Section 3 of this ordinance.

Permitted Accessory Use. CSES are a permitted accessory use in the zoning district(s) permitted below. CSES that do not meet the following design standards will require a conditional use permit.

DESIGN STANDARDS

- A. **Permitted Districts.** Subject to issuance of an **Improvement Location Permit** (hereinafter "Permit") a CSES may only be located in the following zoning districts:
 Zoning District: Agricultural
- B. **Parcel Line Setbacks.** Any CSES equipment, excluding any security fencing, poles, roads, and wires, necessary to connect to facilities of the electric utility, must be set back in accordance with the accessory structure standards for the zoning district. Ground mounted Solar Panels/arrays shall be set back a minimum of 50 feet from any adjoining property line and a minimum of 100 feet from the center of any public road. These setbacks shall not apply between adjoining participating parcels. Additionally, these setbacks may be waived in writing by adjacent property owners not participating in the CSES. Setbacks from center of any public road cannot be waived.
- C. **Height Limit.** The height of any CSES ground mounted solar equipment is limited to 35 feet, as measured from the highest natural grade below each solar panel. If a switchyard or substation is required to connect the project to the electrical grid, the switchyard's/substation's design shall not exceed 75 feet.

For CSES located within 500 feet of an Airport or within the approach zones of an airport, the applicant shall show that the height limits are consistent with the Federal Aviation Administration (FAA) Office of Airports Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

- D. **Noise Limit.** A noise study shall be performed and included with the submitted application for review. Noise caused by an operational CSES shall not exceed 55 dBA above background noise, as measured from the nearest residence during daylight hours. These limits may be waived-by the adjoining property owner.

E. Landscape Buffer/Screening

Landscape Buffer /Screening shall be provided for all ground mounted CSES along all highways, roadways and along all property lines adjoining the CSES.

Participating CSES Landowners adjoining another Participating CSES Landowner may opt out of the Landscape Buffer Screening requirement “along all property lines” upon written/recorded legal agreement between said land owners. Recorded legal agreement shall be submitted to Plan Commission for approval.

A Landscape Buffer/Screening Plan shall be submitted for review with the **Preliminary Site Plan and Specifications**.

The Landscape Buffer/Screening Plan shall include, at a minimum, one large native evergreen (Coniferous) tree (a minimum of 2 feet in height) or native evergreen (coniferous) shrub a minimum of every 20 linear feet.

In addition to the evergreen plantings, the Landscape Buffer/Screening plan shall include a range of additional native deciduous tree and shrub species interspersed (a minimum separation of 40 feet) with the evergreens in order to provide for wider habitat diversity and a more naturalized appearance.

The Landscape Buffer /Screening plan shall also include a ground cover planting of a Tall Grass Prairie Mix to provide additional screening and habitat value

All Native trees and shrubs utilized for the Landscape Buffer/Screening shall be chosen so as to reach a maximum height of approximately 20 feet or less in 20 years. Consideration for plantings of larger tree types in areas where maturity of trees may impact the array via shading will be made.

Landscape Buffer/Screening shall have a minimum width of 30 feet.
Plantings shall also be located a minimum of 5 feet off any fence line.

The Landscape Buffer/Screening cannot be within the Right of Way of any public road or within 20 feet of the edge of the improved portion of a public road.

In order for the Landscape Buffer/Screening plantings to be a success, the Landscape Buffer/Screening Plan shall also include a Monitoring and Maintenance Plan during both the establishment period and a long term management plan for the Landscape Buffer/Screening plantings.

F. Ground Cover

Ground cover shall be placed on all disturbed areas of the CSES facility.

Ground around the solar panels shall be planted, established and maintained for the life of the project in perennial vegetated ground cover that meets the **2020 Indiana Solar Site Pollinator Habitat Planning Scorecard** developed by Purdue University, or an equivalent pollinator-friendly standard designed for

Midwest ecosystems and conditions that will meet water quality and habitat goals by the local USDA/Natural Resources Conservation Service of Starke County or other qualified seed specialist.

Notes: Pollinator mixes are used only in buffer areas and around solar panels and are not intended to be planted under solar panels.

It is recommended that all vegetation in the field is dead prior to planting pollinator habitat and that seeds are not planted more than ¼”.

Converting areas of Non-native grasses to native grasses and wildflowers may require significant effort. It is recommended to seek out a specialist that can guide you in the process of planting and managing pollinator habitat.

Additionally, the vegetated groundcover shall be required to be planted and controlled On-Site to be free of invasive or noxious species (where identified within established ground cover) as listed by the Indiana Invasive Species Council and to further require that no insecticide or limited use of insecticide be permitted on the site. Also, ground cover must include permanent seeding specifications submitted with the final Landscape-Buffer/Screening Plan and shall meet required groundcover specifications mentioned above and also be reviewed and approved by the Starke County Plan Commission Board.

G. Drainage and Erosion Control

It is required that runoff calculations be included for all disturbed areas per the Starke County Drainage Ordinance, Section 5-7-1-G of the amended Code of the County of Starke, Indiana dated 1991, or most current. If it can be shown in submitted runoff calculations that the proposed Ground Cover perennial mix, as submitted in Section F above, meets or exceeds the “C” value of the existing ground cover condition of the site, then discharge and storage requirements may be waived for permeable surfaces.

It is required that a Drainage and Erosion Control Plan be prepared and submitted to local and State agencies in order to comply with the IDEM Construction Storm Water General Permit (formerly “Rule 5”).

Provide Temporary seeding mix specifications with Erosion Control Plan Submittal.

H. Application and Permits

Any CSES shall be required to submit a **Preliminary Site Plan and Specifications** to the Technical Advisory Committee for review. Such review shall occur within 30 days of filing. Once a **Preliminary Site Plan and Specifications** has been approved by the Plan Commission, an **Improvement Location Permit** shall be issued. The Improvement Location Permit Form is created by the Plan Commission once an **Improvement Location Permit** is applied for.

The Preliminary Site Plan and Specifications shall include and/or show the following:

1. Solar System specifications, including typical manufacturer and model and maximum spatial extent (height and fence lines).
2. Preliminary array/module design and site plans with the maximum spatial extent of the CSES and its perimeter fence indicated.
3. Certification on the Preliminary Site Plans and Specifications that layout, design, and installation conform to and comply with all applicable industry standards, such as the National Electrical Code (NEC) (NFPA-70), the American National Standards Institute (ANAI), the Underwriter's Laboratories (UL), the American Society for Testing & Materials (ASTM), the Institute of Electric & Electronic Engineers (IEEE), the Solar Rating & Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), and other similar certifying organizations, the Federal Aviation Administration (FAA), the Indiana Building Code (IBC), and any other standards applicable to solar energy systems. The manufacturer specifications for the key components of the CSES shall be included with the submittal.
4. All ground-mounted electrical and control Equipment for CSES shall be labeled and secured to prevent unauthorized access.
5. All CSES shall be installed so as not to cause significant wire or wireless communication signal disturbance. An Affidavit certifying compliance with this requirement shall be included with the Preliminary Site Plan and Specifications submittal.
6. All CSES shall be designed to avoid concentrated and prolonged glare onto abutting structures and roadways. An Affidavit certifying compliance with this requirement shall be included with the Preliminary Site Plan and Specifications submittal.
7. For CSES located within 500 feet of an airport or within approach zones of an airport, the Applicant shall complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy projects on Federally Obligated Airports, or most recent version adopted by the FAA.
8. All ground-mounted electrical and control equipment for CSES shall be fenced to prevent unauthorized access. The solar array and/or modules shall be designed and installed to prevent access by the public. A chain-link fence with three rows of secure wire on top with metal posts, and a locked gate are required. Show fence details, Gate Details and Locking mechanism details and Specifications on the Preliminary Site Plan and Specifications submittal.
9. To the greatest practical extent, all electrical wires and utility connections for CSES shall be installed underground, except for transformers, inverters, switchyards/substations, High Voltage Transmission lines, and controls. Any DC Above Ground Designs including any

system of hangars and exposed PV wiring shall meet current NEC Standards and also be installed at heights that allow necessary weed abatement.

10. Exterior lighting for CSES shall be limited to that required for safety, inspection/repair/maintenance, and operational purposes.
11. All signs, other than the manufacturer's or installer's identification, appropriate warning (including safety and trespassing) signs, or Owner identification on a solar panel array and/or module signage, building, or other structure associated with a CSES, shall be prohibited.
12. The CSES applicant shall certify by affidavit that they will comply with the utility notification requirements contained in Indiana law and accompanying regulations unless the applicant intends, and so states in an affidavit, that the system will not be connected to the electricity grid.
13. Prior to the start of construction, a Decommissioning Agreement must be executed by the applicant that stipulates that decommissioning of the entire facility will begin upon the occurrence of twelve consecutive months of no power generation at the facility.

In order to facilitate and ensure appropriate removal of the energy generation equipment of a CSES when it reaches the end of its useful life, or if the applicant ceases operation of the facility, applicants must file a Decommissioning Agreement which details the means by which decommissioning will be accomplished and the timeline for completion.

This agreement must include a description of implementing the decommissioning, a description of the work required, a cost estimate for decommissioning, a schedule for contributions to a decommissioning fund, and a demonstration of financial assurance.

Salvage value shall be considered in determining decommissioning cost.

In the event of a force Majeure, or other event which results in the absence of electrical generation for twelve months, or by the end of the twelfth month of non-operation, the applicant must demonstrate to Starke County's satisfaction that the decommissioning must be initiated eighteen months after the force Majeure or other event. The County considers a force Majeure to mean fire, earth quake, flood, tornado, or other acts of God and natural disasters, war, civil strife or other similar violence.

The operator of any CSES shall secure and provide a performance bond, escrow deposit, or other financial assurance in a form acceptable to the County in an amount determined by a third-party engineering firm to ensure the proper decommissioning and removal of the CSES.

The applicant will have the financial assurance mechanism in place prior to the start of the construction and will re-evaluate the decommissioning cost and financial assurance at the end of years five, ten, and fifteen. Every five years after the start of construction, updated

proof of acceptable financial assurance must be submitted to Starke County for review.

Proof of acceptable financial assurance will be required prior to the start of commercial operation.

A Draft of the proposed Decommissioning Agreement shall be submitted for review along with the **Preliminary Site Plan and Specifications**.

Final acceptance and approval of the Decommissioning Agreement shall be by the Starke County Commissioners.

14. The **Preliminary Site Plan and Specifications** shall include all required drainage calculations and "Rule 5" submittal information as outlined in Item G above for review. An approved Erosion and Sediment Control plan and permit in accordance with IDEM Construction Storm Water General Permit (formerly "Rule 5").standards shall be required before any construction can begin on site. IDEM Construction Storm Water General Permit shall be posted on-site.
15. Submit **Preliminary Site Plan and Specifications** to County Drainage Board for review and approval. Drainage Board written approval shall be required for all CSES. All CSES facilities shall be located a minimum of 75 feet from any county ditch bank, county tile and shall not be built over any county tile lines unless Drainage Board approval is given to such a request.
16. Must follow same rules as building in a Flood Plain, including raising elevation of structures if deemed necessary and/or applying for Letters of Map Amendment. Must submit Elevation Certificate for all sites with any electrical and/or permanent structures located within the IDNR published Flood Plain.
17. Applicant agrees to pay all reasonable County Attorney fees and costs in the enforcement of the terms of this Ordinance.
18. If Starke County finds it is necessary to hire an Engineering Consultant to review **Preliminary Site Plans and Specifications** for conformance to this Ordinance, the Applicant agrees to pay all reasonable Engineering Consultant fees according to the terms of this Ordinance.
19. All Preliminary (and final) Site Plans provided to the County shall require all roads, Section numbers, Range numbers, Township numbers, Governmental Townships, parcel numbers of each affected parcel, road names, Legal drain names, River names, North Arrow and other pertinent mapping information be shown on said plans.
20. A Road Use and Maintenance Agreement must be executed by the applicant prior to the start of construction. The Road-Use and Maintenance Agreement document shall be provided to the Applicant by the Starke County Highway Department Final acceptance and approval of the Road-Use and Maintenance Agreement shall be by the Starke County Commissioners.

21. The Applicant shall identify all State highways and local roads to be used in the transport of equipment and parts for construction of the CSES. They shall also prepare a timeline and phasing plan for construction and identify any known road closures. This information shall be released to the local newspapers as notice to persons who may be affected. This information shall also be conveyed to local law enforcement, emergency services, public school corporations, the United States Postal Service, and the regional office of the Indiana Department of Transportation (INDOT).
22. All adjacent land owners must be notified by certified mail of the CSES project. Mailings must include a toll-free phone number of the Applicant for adjacent land owners to direct their comments and questions to.
23. **Pre-Construction Survey.** The Applicant shall conduct a pre-construction baseline survey, acceptable to the Starke County Highway Superintendent, to determine existing road and culvert conditions for assessing potential future damage. The survey shall include photographs, or video, or a combination thereof, and a written agreement to document the condition of the public facilities. The Starke County Highway Superintendent shall have 10 business days to respond to the pre-construction baseline survey
24. **As-Built Plans Requirement.** Upon completion of the development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as-Built plans), as amended, to the Planning Administrator. After being satisfied that the measurements are substantially the same as indicated on the originally approved final plans, The Planning Administrator shall approve, date and sign said Final Construction Plans (as-Built plans) for the project, which the applicant, owner, or operator shall then record the As-Built document in the Office of the Starke County Recorder.
25. Preliminary (and Final) Site Plans and Specifications shall include a note indicating the following:

Contractors are to keep track of all installed utilities and structures and noted differences from the approved Final Construction Plans for inclusion into the final As-Built document.. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (As-Built plans), as amended, to the Planning Administrator. After being satisfied that the measurements are substantially the same as indicated on the originally approved final plans, The Planning Administrator shall approve, date and sign said Final Construction Plans (as-Built plans), for the project, which the applicant, owner, or operator shall then record the As-Built document in the Office of the Starke County Recorder.
26. **Change in Ownership.** It is the responsibility of the owner or operator listed in the application to inform the Starke County Plan Commission of all changes in ownership and

operation during the life of the project, including the sale or transfer of ownership or operation.

Section 2. Improvement Location Permit Fees, is amended by the addition of Solar Energy System Fees as follows:

1. CSES Permits

- a. Fees applicable to **Preliminary Site Plan and Specifications** submittal will also be required, as well as any and all other permits as required by Starke County.
- b. Engineering Consultant fees for review of **Preliminary Site Plan and Specifications** may also be required. Applicant shall be responsible for payment of said fees prior to receiving any **Improvement Location Permit**.

- c. An ILP application for a CSES permit shall be accompanied by a fee of:

0-10 kilowatts	\$150.00
11-50 kilowatts	\$300.00
51-100 kilowatts	\$600.00
101-500 kilowatts	\$1,200.00
501-1000 kilowatts	\$2,750.00
1,001-2,000 kilowatts	\$6,000.00
Over 2,000 kilowatts	\$6,000.00 + \$200.00 for each additional 1,000 kw

- d. Maximum Fee of \$50,000.00

- 2. PRSES Permits. Application shall be accompanied by an accessory use fee of \$150.00.

Section 3. Definitions:

“Commercial Solar Energy Systems (CSES)” means an area of land or other area used by a property owner, multiple property owners, and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing ground-mounted, solar arrays or modules, battery storage facilities, solar related equipment, and ancillary improvements, including substations. CSES are a minimum of 10 acres in total area.

“Private Residential Solar Energy Systems (PRSES)” means an area of land or other area used for a solar collection system principally used to capture solar energy convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. PRSES shall be permitted in all zoning districts and shall be treated as accessory structures in each zoning district in which they are erected. The maximum size of PRSES is limited to the maximum size allowed for an accessory structure in each zoning district (other accessory structures shall not be included in maximum size calculations).

8-5-22

Section 4. This Ordinance is effective upon passage this 8 of August 2022

Starke County Plan Commission Public Hearing Held On August 8, 2022

Recommended and Approved By The Starke County Plan Commission on August 8, 2022.

Presented to the Starke County Commissioners On September 19 2022.

This Ordinance shall be effective upon its passage and posting of law.

Dated this 19 day of September 2022.

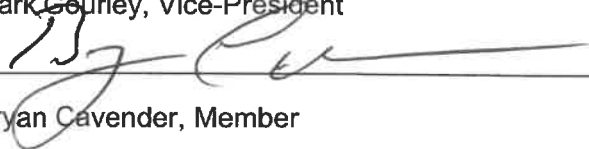
Starke County Board of Commissioners.




Charles Chesak, President



Mark Courley, Vice-President



Bryan Cavender, Member

Attest:  _____

Rachel Oesterreich, Auditor

WIND ENERGY CONVERSION SYSTEMS SITE REGULATIONS

1.0 PURPOSE, INTENT, AND ADMINISTRATION

Purpose

The purposes of this Chapter are to:

- a. Assure that any development and production of wind-generated electricity in Starke County is safe and effective;
- b. Facilitate economic opportunities for local residents; and
- c. Promote the supply of wind energy in support of Indiana's alternative energy sources potential and other such economic development tools.

Intent

It is the intent of the Wind Energy Conversion Systems (WECS) site regulations to provide a regulatory scheme for the construction and operation of WECS in the county; subject to reasonable restrictions these regulations are intended to preserve the health and safety of the public.

Administration

This ordinance shall be administered by the Starke County Planning and Zoning Administrator under the direction of the Starke County Planning Commission. The Starke County Planning Commission shall approve and issue all WECS permits. The Starke County Board of Zoning Appeals shall hear and decide all variations from this ordinance.

1.1 APPLICABILITY

The provisions of this Chapter are applicable to those areas which allow wind energy conversion systems (WECS), govern the sites of WECS and substations that generate electricity to be sold to wholesale or retail markets, or that generate electricity for private use. A reasonable attempt shall be made to notify all property owners within the defined area of the WECS project prior to making application for a WECS permit. Notification may be done by media, separate mailings, or through the public notice requirements prescribed by IC 5-3-1 as amended from time to time. Said notice shall inform land owners of the intent to build any WECS and/or WECS Project.

1.2 PROHIBITION

No applicant shall construct, operate, or locate a wind energy conversion system (WECS) within Starke County without having fully complied with the provisions of this Chapter.

1.3 CONFLICT WITH OTHER REGULATIONS

Nothing in this Chapter is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration rules and regulations and shall comply with the notification requirements of the Federal Aviation Administration. Nor are they intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute or other provision of law. In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provisions that are more restrictive or that imposes higher standards shall govern.

1.4 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

1. **WECS – Wind Energy Conversion System:** An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and metrological towers, which operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.
2. **Wind Turbine:** A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
3. **Commercial or Utility WECS:** Any WECS that is exclusively designed and built to provide electricity to the electric utilities power grid as an ongoing commercial enterprise or for commercial profit, and is over the size of 900kW.
4. **Micro- WECS:** Micro- WECS are WECS of 1kW or less that are used to power accessory machinery or buildings in a remote area where it is not feasible or cost effective to connect to a utility company.
5. **Non-Commercial or Industrial WECS:** Any WECS of less than 900kW but more than 40kW that is used for the purpose of supplying electric for use to a business or commercial enterprise, it may be connected to a utility power grid.
6. **Residential WECS:** Any WECS that is connected to a residence for the purpose of supplying electric for it's own use, and may be connected to the utility company through net-metering and not be of a size larger than 40kW.
7. **Aggregated Project:** Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
8. **Feeder Line:** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.
9. **Meteorological Tower:** For the purposes of the Wind Energy Conversion System Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to site development of a

WECS. Meteorological Towers do not include towers and equipment used by airports, the Indiana Department of Transportation, or other similar applications to monitor weather conditions.

10. **Property Line:** The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installing a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.
11. **Public Conservation Lands:** Land owned in fee title by State or Federal agencies and managed specifically for (grassland) conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to the public agencies or non-profit conservation organizations.
12. **Rotor Diameter:** The diameter of the circle described by the moving rotor blades.
13. **Substations:** Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines shall be located outside of the road right of way.
14. **Total Height:** The highest point above ground level reached by a rotor tip or any other part of the WECS.
15. **Tower:** Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
16. **Tower Height:** The total height of the WECS exclusive of the rotor blades.
17. **Transmission Line:** Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
18. **Default:** Any violation of the requirements of the approved application.

1.5 ZONING REGULATIONS

Location

Commercial, Non-commercial, and Micro WECS will be permitted, or not permitted, in various zoning districts as prescribed by the Official Schedule of Uses (Appendix A).

Height

A. Non-Commercial WECS or Meteorological Towers

Any Non-commercial WECS Towers or Meteorological Towers greater than two hundred (200) feet in height shall require a variance approval.

B. Commercial WECS or Operational Support Meteorological Towers

For Commercial WECS Towers and Operational Support Meteorological Towers there are no limitations on height, except those height limitations imposed by Federal Aviation Administration rules and regulations.

C. Micro WECS

No Micro WECS Tower shall exceed sixty (60) feet in height.

1.6 SETBACK REQUIREMENTS

Minimum setback distances for COMMERCIAL WECS TOWERS

Distance from a...	Minimum Setback Distance
Property line, measured from the center of the WECS Tower to the property line	The length of one blade of the WECS Tower being placed on such property. (i) The setback requirement is waived if the affected adjoining landowners sharing the common property line are Participating Landowners. (ii) A WECS Tower may be placed up to the property line, if a fully executed and recorded written waiver agreement is secured from the affected adjoining Non-Participating Landowner.
Residential dwellings, measured from the center of the WECS Tower to the nearest corner of the structure	One thousand (1,000) feet. ¹
Public road right-of-way, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than three hundred and fifty (350) feet ²
Other rights-of-way, such as railroads and public utility easements, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than three hundred and fifty (350) feet
Public conservation lands, measured from the center of the WECS Tower to the nearest point of the public conservation land in question	Seven hundred and fifty (750) feet

¹ The setback for residential dwellings shall be reciprocal in that no residential dwelling shall be constructed within one thousand (1,000) feet of a COMMERCIAL WECS Tower, measured from the center of the WECS Tower to the nearest corner of the structure.

² The setback shall be measured from future public rights-of-way width if a planned public road improvement or expansion is known at the time of application.

Distance from a...	Minimum Setback Distance
Wetlands, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS Tower to the nearest point of the wetland in question	As determined by a permit obtained from the Army Corps of Engineers
Yellow and Kankakee River measured from the center of the WECS Tower to the shoreline	One-half (1/2) mile
Incorporated limits of a municipality, measured from the center of the WECS Tower to the corporate limits	Fifteen hundred (1,500) feet
Above-ground electric transmission line, measured from the center of the WECS Tower	1.1 times the total height (where the blade tip is at its highest point)

Commercial WECS Power Collection and Transmission System

a. WECS Substation

For all Substations, setbacks from property lines are waived if the affected adjoining landowners sharing the common property line are all Participating Landowners.

a. Poles

For all poles carrying overhead wiring connecting Commercial WECS Towers to a Substation for connection to a utility's electric transmission line, there is no setback requirements from property lines as long as the poles are located within a recorded easement for such purpose.

Minimum setback distances for NON-COMMERCIAL and MICRO WECS TOWERS

Distance from a...	Minimum Setback Distance
Property line, measured from the center of the WECS Tower to the property line	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Residential dwellings, measured from the center of the WECS Tower to the nearest corner of the structure	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point)
Public road right-of-way, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less the required yard setback prescribed for that district ⁹

Distance from a...	Minimum Setback Distance
Other rights-of-way, such as railroads and public utility easements, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Public conservation lands, measured from the center of the WECS Tower to the nearest point of the public conservation land in question	Seven hundred and fifty (750) feet
Wetlands, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS Tower to the nearest point of the wetland in question	As determined by a permit obtained from the Army Corps of Engineers
Yellow and Kankakee River measured from the center of the WECS Tower to the shoreline	One half (1/2) of a mile
Above-ground electric transmission lines, measured from the center of the WECS Tower	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point)

Horizontal extension for Non-commercial and Micro WECS

The furthest horizontal extension (including guy wires) shall not extend into a required setback by the zoning district or be closer than twenty (20) feet to any primary structure, or public right-of-way easement for any above-ground telephone, electric transmission or distribution lines.

Minimum setback distances for all Meteorological Towers

Distance from a...	Minimum Setback Distance
Property line, measured from the center of the Meteorological Tower to the property line	1.1 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback (l) The setback requirement is waived if the affected adjoining landowners sharing a common property line are Participating Landowners
Residential dwellings, measured from the center of the Meteorological Tower to the nearest corner of the structure	1.1 times the total height of the Meteorological Tower
Public road right-of-way, measured from the center of the Meteorological Tower to the edge of the right-of-way	1.1 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback ⁴

³ The setback shall be measured from future public rights-of-way width if a planned public road improvement or expansion is known at the time of application.

Distance from a...	Minimum Setback Distance
Other rights-of-way, such as railroads and public utility easements, measured from the center of the Meteorological Tower to the edge of the right-of-way	1.1 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback

Horizontal extension for all Meteorological Towers

The furthest horizontal extension (including guy wires) shall not extend into a required setback by the zoning district or be closer than twenty (20) feet to any primary structure, or public right-of-way easement for any above-ground telephone, electric transmission or distribution lines.

1.7 SAFETY DESIGN AND INSTALLATION STANDARDS

Equipment type

a. Turbines

All turbines shall be constructed of commercially available equipment.

b. Meteorological Towers

All Meteorological Towers may be guyed.

c. Experimental, or proto-type equipment

Experimental or proto-type equipment still in testing which do not fully comply with industry standards may be approved by the Board of Zoning Appeals per the variance process established by this Ordinance.

Industry standards and other regulations

All WECS shall conform to applicable industry standards, as well as all local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanishcher Lloyd Wind Energie, or an equivalent third party.

Controls and brakes

a. Braking system

All WECS Towers 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.

b. Operation mode

All mechanical brakes shall be operated in a fail-safe mode.

⁴ The setback shall be measured from future public rights-of-way width if a planned public road improvement or expansion is known at the time of application.

Electrical components

a. Standards

All electrical components of all WECS shall conform to applicable local, state and national codes, and any relevant national and international standards.

b. Collection cables

All electrical collection cables between each WECS Tower shall be located underground wherever possible.

c. Transmission lines

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 designee until the same reach the property line or a substation adjacent to the property line.

Color and finish

In addition to all applicable Federal Aviation Administration requirements, the following shall also apply:

a. Wind turbines and towers

All wind turbines and towers that are part of a WECS shall be white, grey, or another non-obtrusive color.

b. Blades

All blades shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing.

c. Finishes

Finishes shall be matte or non-reflective.

d. Exceptions

Exception may be made for all Meteorological Towers, where concerns exist relative to aerial spray applicators.

Warnings

a. Commercial WECS

The following notices shall be posted for all Commercial WECS:

1. A sign or signs shall be posted on the pad-mounted transformer and the Substation(s) warning of high voltage.
2. Private roads providing access to Commercial WECS shall have posted an Emergency-911 address road sign.

b. Guy wires and anchor points

For all guyed towers, one of the following warning mechanisms shall be used for each anchor point:

1. Visible or reflective objects

Visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape placed on the anchor points of guy wires and along the innermost guy wires up to eight (8) feet above the ground.

2. Visible Fencing

Visible fencing not less than four (4) feet in height installed around anchor points of guy wires.

c. Non-commercial WECS and Micro WECS

The following notices shall be clearly visible on all Non-commercial WECS and Micro WECS Towers and accessory facilities:

1. "No Trespassing" signs shall be attached to any perimeter fence.
2. "Danger" signs shall be posted at the height of five (5) feet on WECS Towers and accessory structures.
3. A sign shall be posted on the WECS Tower showing an emergency telephone number.
4. The manual electrical and/or over speed shutdown disconnect switch(es) shall be clearly labeled.

d. Meteorological Towers

Consideration shall be given to paint aviation warnings as required by the Federal Aviation Administration on all Meteorological Towers.

Climb prevention

All Commercial WECS Tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:

- a. Fences with locking portals at least six (6) feet in height; or
- b. Anti-climbing devices fifteen (15) feet vertically from the base of the WECS Tower; or
- c. Locked WECS Tower doors.

Blade clearance

The minimum distance between the ground and any protruding blades(s) utilized on all Commercial WECS Towers shall be twenty-five (25) feet, as measured at the lowest point of the arc of the blades. The minimum distance between the ground and any protruding blade(s) utilized on all Non-commercial or Micro WECS Towers shall be a minimum of fifteen (15) feet, as measured at the lowest point of the arc of the blades, provided the rotor blade does not exceed 20 feet in diameter. In either instance, the minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

Lighting

- a. Intensity and frequency

All lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations.

b. Shielding

Except with respect to lighting required by the Federal Aviation Administration, lighting may require shielding so that no glare extends substantially beyond any WECS Tower.

Materials handling, storage and disposal

a. Solid wastes

All solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the WECS, including old parts and equipment related to the construction, operation and/or maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

b. Hazardous materials

All hazardous materials or waste related to the construction, operation and/or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

1.8 OTHER APPLICABLE STANDARDS

Guyed wire anchors

No guyed wire anchors shall be allowed within any required public road right-of-way setback.

Sewer and water

All facilities or structures that are part of the WECS Project shall comply with the existing septic and well regulations as required by the Starke County Health Department and/or the State of Indiana Department of Public Health.

Noise and vibration

The noise level of Non-commercial WECS shall be no greater than sixty (60) decibels measured from the nearest residence. This level may only be exceeded during short-term events such as utility outages and/or severe wind storms. All other noise and vibration levels shall be in compliance with all county, state and federal regulations.

Utility Interconnection

The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, as amended from time to time.

Signage

All signs pertaining to a WECS Project must comply with the Starke County Sign Ordinance, with the following exceptions.

a. Surface area

No sign shall exceed sixteen (16) square feet in surface area.

b. Height

No sign shall exceed eight (8) feet in height.

c. Manufacturer's or owner's company name and/or logo

The manufacturers or owner's company name and/or logo may be placed upon the compartment containing the electrical equipment.

d. Development signs

An identification sign relating to the WECS Project development may be located on each side of the total WECS Project area, provided that there are no more than four (4) signs located on any one WECS Project site.

e. Other signs and logos

No other advertising signs or logos shall be placed or painted on any structure or facility that is part of the WECS Project.

Feeder lines

Feeder lines installed as part of any WECS shall not be considered an essential service. To wit, all communications and feeder lines installed as part of any WECS shall be buried underground wherever possible.

Other appurtenances

No appurtenances other than those associated with the WECS construction, operations, maintenance, decommissioning/removal, and permit requirements shall be connected to any WECS Tower except those that have been granted a conditional use by the Starke County Board of Zoning Appeals.

1.9 OPERATION AND MAINTENANCE

Physical modifications

In general, any physical modification to any 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. Therefore, prior to making any physical modification, the owner or operator shall confer with the Starke County Planning and Zoning Administrator to determine whether the physical modification requires re-certification.

Interference

Prior to construction, a communications study to minimize interference with public or public serving utility microwave transmissions shall be completed. If necessary, the applicant, owner and/or operator shall mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by

any WECS. In addition, the applicant, owner, and/or operator shall comply with the following:

a. Pre-construction

The applicant shall complete a communications study prior to construction so as to minimize interference with any public or public serving utility microwave transmissions.

b. Post-construction

If, after construction of the WECS, the owner or operator receives a written complaint related to interference with the broadcast of residential television, telecommunication, communication or microwave transmissions, the owner or operator shall take reasonable steps to mitigate said interference. Interference with private telecommunications systems such as GPS shall be between the company and the complainant.

c. Failure to remedy a complaint

if an agreement to remedy a known interference is not reached within ninety (90) days, appropriate action will be taken, which may result in requiring the WECS to become inactive. This does not apply to interference with private telecommunications systems.

Declaration of public nuisance

Any WECS thereof declared to be unsafe by the Starke County Planning and Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, 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 approved Decommissioning Plan.

1.10 DECOMMISSIONING PLAN

Prior to receiving an Improvement Location Permit and Building Permit under this Ordinance, the County and the applicant, owner and/or operator shall formulate a decommissioning plan outlining the anticipated means and cost of removing a WECS at the end of their serviceable life or upon becoming a discontinued or abandoned use to ensure that the WECS is properly decommissioned.

Content

A decommissioning plan shall include, at a minimum, language to the following:

a. Assurance

Written assurance must be provided to insure that the WECS will be properly decommissioned upon the completion of the project life or in the event that the WECS project is abandoned.

b. Cost estimates

The applicant shall provide a contractor cost estimate for demolition and removal of the WECS. The cost estimates shall be made by a competent party: such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning WECS.

c. Financial assurance

Applicant will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, letter of credit or other security acceptable to the County, for the cost of decommissioning each WECS Tower and related improvements constructed under the permit. Said security will be released when each WECS Tower is properly decommissioned as determined by Starke County.

d. Abandonment by the owner or operator

In the event of abandonment by the owner or operator, the applicant will provide an affidavit to Starke County Planning and Zoning Administrator representing that all easements and/or leases for WECS Towers shall contain terms that provide financial assurances, including access to the salvage value of the equipment, for the property owners to ensure that the WECS Towers are properly decommissioned within one (1) year of expiration or earlier termination of the WECS Project.

Discontinuation and abandonment

Discontinuation

All WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Starke County Planning and Zoning Administrator outlining the steps and schedule for returning the WECS to service.

Removal

An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level within three hundred sixty-five (365) days of the discontinuation or abandonment of the WECS or WECS Project, and the restoration of the project area to as near as practicable the condition of the site immediately before construction of such improvements. Removal obligations shall be completed by the owner or by the Starke County Planning and Zoning Administrator at the owner's expense.

Written notices

Prior to implementation of the existing procedures for the resolution of such complaints, the appropriate County body shall first provide written notice to the owner and/or

operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).

Costs Incurred by the County

If the County removes a WECS Tower and appurtenant facilities, it may sell the salvage to defray the costs of removal. The permittee or grantor grants a license to Starke County to enter the property to remove a WECS Tower and appurtenant facilities pursuant to the terms of an approved decommissioning plan.

1.11 LIABILITY INSURANCE

The owner or operator of any WECS shall maintain a current general liability policy covering bodily injury and property damage and shall be required to name Starke County as an additional insured with dollar amount limits per occurrence, in the aggregate, and a deductible, all terms of which are suitable to the County.

1.12 APPLICATION PROCEDURES

Permits and variances shall be applied for and reviewed under the procedures established by this Ordinance and shall include the following information:

Applications for All Wind Energy Conversion Systems

An application for all WECS shall include the following information:

a. **Contact information of project applicant**

The name(s), address(es), and phone number(s) of the applicant(s), as well as a description of the applicant's business structure and overall role in the proposed project.

b. **Contact information of current project owner**

The name(s), address(es), and phone number(s) of the owner(s), as well as a description of the owner's business structure and overall role in the proposed project, and including documentation of land ownership or legal control of the property on which the WECS is proposed to be located. The Starke County Planning and Zoning Administrator shall be informed of any changes in ownership.

c. **Contact information of project operator**

The name(s), address(es), and phone number(s) of the operator(s), as well as a description of the operator's business structure and overall role in the proposed project.

d. **Legal description**

The legal description, physical address, and general location of the project must be included.

e. **Project description**

Starke County Zoning Ordinance WECS Site Regulations

A WECS Project Description, including to the extent possible, information on each wind turbine proposed, including:

1. Number of turbines
2. Type
3. Name plate generating capacity
4. Tower height
5. Rotor diameter
6. Total height
7. Anchor base
8. The means of interconnecting with the electrical grid
9. The potential equipment manufacturer(s)
10. All related accessory structures.

f. A site layout plan

A site layout plan drawn to appropriate scale, showing distances including all applicable setback requirements and certified by a registered land surveyor.

g. Engineering certification

For all WECS, the manufacturer's engineer or another qualified registered 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. An engineering analysis of the WECS Tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings.

h. Proof of correspondence and cooperation with wildlife agencies

For the purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act, the applicant shall provide written documentation that he or she is in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources.

i. Any other item reasonably requested by the Starke County Planning and Zoning Administrator.

Applications for Non-commercial Wind Energy Conversion Systems

In addition to the application requirements listed under application procedures. Applications for Non-commercial WECS shall also include the following information:

a. Demonstration of energy need

The primary purpose of the production of energy from a Non-Commercial WECS shall be to serve the energy needs of that tract. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of the WECS Towers fulfills this need. Net-metering may be allowed, but shall not be the primary intent of the WECS.

b. Statement of Federal Aviation Administration compliance

A statement of compliance with all applicable Federal Aviation Administration rules and regulations, including any necessary approvals for installations within close proximity to an airport.

c. Utility notification

No Non-commercial WECS shall be installed until evidence has been given that the local utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

d. Compliance with National Electrical Code

A line drawing of the electrical components must be provided. It must show enough detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

Applications for Commercial Wind Energy Conversion Systems

In addition to the application requirements listed the application procedures section. Applications for All Wind Energy Conversion Systems and applications for Commercial WECS shall also include the following information:

a. A preliminary site layout plan

In place of the site layout plan described above under the application procedures section. Applications for a Commercial WECS shall include a preliminary site layout plan with distances drawn to an appropriate scale illustrating the following:

1. Property lines, including identification of adjoining properties;
2. The latitude and longitude of each individual WECS Tower, along with individual identification of each WECS Tower;
3. Dimensional representation of the structural components of the WECS Tower construction including the base and footings;
4. WECS access roads;
5. Substations;
6. Electrical cabling;
7. Ancillary equipment;
8. Primary structures within one quarter (1/4) mile of all proposed WECS Towers;
9. Distances from each individual WECS Tower to each setback requirement;
10. Location of all public roads which abut, or traverse the proposed site;

11. The location of all above-ground utility lines within a distance of two (2) times the height of any proposed WECS structure;
12. The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources, within one (1) mile of a proposed WECS Tower
13. The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within one (1) mile of a proposed WECS Tower.
14. Topographic map
A USGS topographical map, or map with similar data, of the property and the surrounding area, including any other WECS Tower within a ten (10) rotor distance, but no less than a one quarter (1/4) mile radius from the proposed project site, with contours of not more than five (5) foot intervals.
15. Noise profile
16. Location of all known WECS Towers within one (1) mile of the proposed WECS Tower, including a description of the potential impacts on said WECS Tower and wind resources on adjacent properties.
17. Copy of the Communications Study

Applications for all Meteorological Towers

Applications for all Meteorological Towers shall include the following information:

1. A copy of the written agreement where the landowner has authorized the placement of a Meteorological Tower on their property.
2. A preliminary site layout plan with distances drawn to an appropriate scale including the following:
 3. Property lines, including identification of adjoining properties
 4. The latitude and longitude of each individual Meteorological Tower
 5. Dimensional representation of the structural components of the tower construction, including the base and footings
 6. Electrical cabling
 7. Ancillary equipment
 8. Required setback lines
9. Location of all public roads which abut, or traverse the proposed site
10. The location of all above-ground utility lines within a distance of 2 times the height of any proposed tower
11. The location of all underground utility lines
12. Any other items reasonably requested by the Starke County Planning Commission.
13. Variance approval if any Non-commercial Meteorological Tower is greater than 200 feet in height

Aggregated project applications

Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, and reviews and as appropriate, approvals.

Fees

- a. Commercial WECS Towers, Non-commercial WECS Towers, Micro WECS Towers, Meteorological Towers, and any accessory buildings,

As prescribed by the County's Official Schedule of Fees.

- b. Aggregated WECS Projects

Applications will be assessed fees for each construction phase within a single project, as prescribed by the County's Official Fee Schedule.

Permits

- a. Commercial WECS Towers, Non-commercial WECS Towers, Micro WECS Towers, Meteorological Towers, and any accessory buildings

1. All application requirements as stated in, APPLICATION PROCEDURES shall be completed before any Improvement Location Permit or Building Permit is issued.

2. A copy of all Memorandum of Agreements signed by Participating Landowners authorizing the placement of the identified WECS Towers on landowners property and/or adjoining properties.

3. A fully executed setback waiver agreement, if applicable, signed by Non-participating Landowners for adjoining properties.

- b. Aggregated WECS Projects

For aggregated projects, Improvement Location Permits and Building Permits will be issued individually for each WECS Tower or Meteorological Tower.

1.13 PRE-CONSTRUCTION REQUIREMENTS

Prior to the issuance of any Improvement Location Permit, the following shall be submitted to and reviewed by the Starke County Planning and Zoning Administrator, who shall certify that the following are in compliance with all applicable regulations:

FAA permit application

A Federal Aviation Administration permit application.

Decommissioning plan

A decommissioning plan as described above.

Economic Development, Drainage, and Road Use and Maintenance Agreements

An Economic Development Agreement, a Drainage Agreement, and a Road Use and Maintenance Agreement approved by the County Commissioners. The agreements shall be developed in conjunction with the Starke County Economic Development office

and copies provided to the Starke County Planning and Zoning Administrator. These agreements must be signed before any Building Permit is issued. The Drainage Agreement must prescribe or reference provisions to address crop and field tile damages.

Erosion control plan

An erosion control plan developed in consultation with the Natural Resources Conservation Services (NRCS), and any storm water quality management plan adopted by the applicable jurisdiction.

Utility plan

A utility plan drawn to the same scale as the site layout plan illustrating the location of all underground utility lines associated with the total WECS Project.

Avoidance and mitigation of damages to public infrastructure

In addition to complying with the approved Road Use and Maintenance Agreement, an applicant, owner, or operator proposing to use any county road(s), for the purpose of transporting any component of a Commercial WECS Project and/or equipment for construction, operation or maintenance of a Commercial WECS Project, shall comply with the following pre-construction requirements.

a. Identification of roads and services

All roads and services that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it shall be approved by the Starke County Highway Superintendent.

b. Pre-construction survey

The applicant shall conduct a pre-construction baseline survey acceptable to the Starke County Highway Superintendent to determine existing road conditions for assessing potential future damage. The survey shall include photographs, or video, or a combination thereof, and a written agreement to document the condition of the public facility.

1.14 CONSTRUCTION REQUIREMENTS

During construction, the applicant shall demonstrate that the following requirements are being met:

Dust control

Reasonable dust control measures shall be required by the County during construction of a Commercial WECS Project.

Drainage

Reasonable storm water best management practices as required by the approved Drainage Plan/Agreement on file with the Starke County Surveyor.

1.15 POST-CONSTRUCTION REQUIREMENTS

Post-construction, the applicant shall comply with the following provisions:

Road Repairs

Any road damage caused by the construction of project equipment, the installation of the same, or the removal of the same, shall be repaired as per the Road Use and Maintenance Agreement approved by the County Commissioners. The Starke County Highway Superintendent may choose to require either remediation of road repairs upon completion of the project or 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 Starke County Highway Superintendent 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.

As-Built Plans Requirement

Where upon completion of all development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as-built plans), as amended, to the Starke County Planning and Zoning Administrator with the exact measurements thereon shown. The Starke County Planning and Zoning Administrator, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s), shall approve, date and sign said Construction Plans for the project, which the applicant, owner, or operator shall then record.

Change in ownership

It is the responsibility of the owner or operator listed in the application to inform the Starke County Planning and Zoning Administrator of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or operation.

1.16 APPLICABILITY AND EFFECTIVE DATE

Starke County Zoning Ordinance WECS Site Regulations

This ordinance shall be enforced by the Starke County Planning Commission. All portions of former ordinances in conflict herewith are hereby repealed and superseded. This ordinance shall become in force and effect from and after its adoption and insertion in the Starke County Code Book of Ordinances

Starke County Planning Commission Public Hearing Held On June 16, 2010

Recommended and Approved by the Starke County Planning Commission On June 16, 2010

Presented to the Starke County Commissioners On June 21, 2010

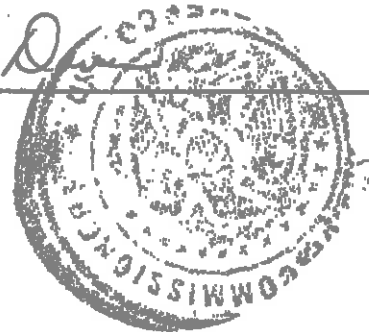
Approved by the Starke County Commissioners On July 19, 2010

Dated 7/19/10

Daniel Bridegroom
Daniel Bridegroom

Kathy Norem
Kathy Norem

Jennifer Davis
Jennifer Davis



Attest:
Michaelene J. Houston
Michaelene J. Houston, Auditor

**STARKE COUNTY PLANNING COMMISSION
APPENDIX A FOR WECS ORDINANCE**

1. **COMMERCIAL OR UTILITY WECS**-----Generating more than 900 kw are allowed in Agriculture zoned districts and HI, LI, I with planning commission approval.
2. **NON-COMMERCIAL OR INDUSTRIAL WECS**-----Generating less than 900 kw or more than 40 kw are allowed in these zoning districts AG, HI, LI, I, GB, LB with planning commission approval.
3. **MICRO WECS**-----Generating less than 1 kw are an allowable use in all districts except R-3 which will need approval from the planning commission.
4. **RESIDENTIAL WECS**----Generating more than 0 kw but less than 40 kw are allowed in all areas as long as set backs are in compliance.