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**Chapter 1**  
**General Provisions and Definitions**

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**Chapter 1**  
**General Provisions and Definitions**

**1.1 TITLE.** This Ordinance shall be known and may be cited as the Wabash County Zoning Ordinance. References herein to the "Zoning Ordinance" shall mean this Ordinance.

**1.2. Power to Zone; Rules of Construction; Purposes.**

1.2.1. The power to zone belongs to the State of Indiana. Such power has been delegated to Indiana counties and other political subdivisions pursuant to the provisions of Indiana Code 36-7.

1.2.2. This Ordinance is adopted under the provisions of Indiana Code 36-7, and shall be liberally construed and applied to promote its underlying purposes and policies.

1.2.3. The underlying purposes and policies of this Ordinance are to improve the health, safety, convenience, and welfare of the citizens of Wabash County, Indiana, and to plan for the future development of their communities to the end that (a) highway systems are carefully planned, (b) new communities grown only with adequate public way, utility, health, educational, and recreational facilities; (c) the needs of agriculture, industry, and business be recognized in future growth; (d) residential areas provide healthful surroundings for family life; and (e) the growth of the County is commensurate with and promotive of the efficient and economical use of public funds.

1.2.4. This Ordinance confines certain classes of uses and structures to certain areas of the County; it divides the County into districts and (a) regulates buildings and structures according to their construction and the nature and extent of their use, and (b) regulates land according to its nature and uses.

**1.3. JURISDICTION.**

1.3.1. This Ordinance shall apply to all of the unincorporated areas of Wabash County, Indiana, not subject to the zoning jurisdictions of the City of Wabash and the Town of North Manchester.

1.3.2. This Ordinance shall also apply to all of the following areas in Wabash County:

1.3.2.1. The incorporated area of LaFontaine, Indiana, if adopted by the Town Board of LaFontaine, Indiana;

1.3.2.2. The incorporated area of Lagro, Indiana, if adopted by the Town Board of Lagro, Indiana; and

1.3.2.3. The incorporated area of Roann, Indiana, if adopted by the Town Board of Roann, Indiana.

**1.4. CONFLICTS.**

1.4.1. Where the provisions of this Ordinance conflict with the provisions of the federal, state, or local statutes, ordinances, rules, or regulations, the more restrictive provisions shall apply.

1.4.2. Where the provisions of this Ordinance conflict with one another, general and specific provisions should be harmonized, if possible; if not possible, specific provisions shall be regarded as an exception to the general provision so that both may be given effect.

**1.5. REPEAL OF PRIOR ORDINANCE AND ZONING MAPS.**

1.5.1. This Ordinance repeals and replaces the 1965 Wabash County Zoning Ordinance and all zoning maps, including all amendments thereto, and replaces them in their entirety.

1.5.2. Matters pending at the time of adoption of this Ordinance shall be addressed as follows:

1.5.2.1. Any pending application for an Improvement Location Permit and/or of an amendment to the zoning map shall be governed by the provisions of the former zoning ordinance.

1.5.2.2. Any pending application before the Board of Zoning Appeals shall be governed by the provisions of the former zoning ordinance; except that if the relief sought in such application is not required by this Ordinance, such application shall be dismissed.

1.5.2.3. All permits and approvals granted prior to adoption of this Ordinance for work not completed prior to adoption of this Ordinance, shall be void one (1) year after approval.

**1.6. ZONING AUTHORITIES AND PROCEEDINGS.**

1.6.1. There has been established an area planning department operated by an executive director and such other staff as the Plan Commission considers necessary.

1.6.2. There has been established an advisory plan commission called the Wabash County Plan Commission, the membership of which is provided by Indiana statute, and which is authorized to exercise exclusively the planning and zoning functions of Wabash County, Indiana. The duties and powers of the Plan Commission are specified by Indiana statute and include promulgation of rules pertaining to investigations and hearings and the conduct of such proceedings.

1.6.3. There has been established an advisory board of zoning appeals called the Wabash County Board of Zoning Appeals, the membership of which is provided by Indiana statute. The Board of Zoning Appeals is the administrative appeals agency that has jurisdiction over appeals of orders and decisions of zoning authorities, as specified by Indiana statute. The Board of Zoning Appeals has authority to approve or deny all special exceptions, special uses, contingent uses, and conditional uses from the terms of the zoning ordinance, has jurisdiction over variance applications, and may promulgate rules pertaining to the conduct of such proceedings.

**1.7. DEFINITIONS.**

All words, terms, and/or phrases not specifically defined by this Ordinance shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

As used in this Ordinance:

**“A - Weighted Scale”** means a specific scale used for sound measurement that is meant to simulate the subjective response of the human ear.

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

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

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

- A. demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the County Ordinances;
- B. Is under a condemnation notice or other order to vacate, or is under a notice for being in violation of County ordinances;
- C. Is the site of loitering or vagrancy;
- D. Has been secured or boarded up for at least one hundred eighty (180) days;
- E. Has real estate taxes in arrears for more than three hundred sixty-five (365) consecutive days; or
- F. Has had utilities disconnected or not in use.

**“Abandonment”** or **“Abandoned”** means the relinquishment of property or a cessation of the use of the property for a continuous period of at least one hundred eighty (180) days by the owner with no action taken to either transfer the rights to the property to another owner or to resume the use of the property. Dwellings offered on the market for sale shall not be considered as abandoned.

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

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

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

**“Accessory Structure”** means a structure which:

- A. Is subordinate to a principal structure in area, intent, use or purpose.
- B. Contributes to the comfort, convenience, or necessity of occupants of the principal structure.
- C. Does not alter or change the premise character.
- D. Is located on the same zoning parcel as the principal structure, use.
- E. Conforms to requirements of this Ordinance unless otherwise provided for.
- F. May not be constructed prior to principal structure unless in an A1 or A2 zoned District.
- G. Is used for agricultural or personal storage or otherwise specified in this Ordinance.
- H. Is not designed for human occupancy.
- I. May be referred to as an "Outbuilding"

**"Accessory Use"** A use customarily incidental and subordinate to the primary use or building and located on the same lot therewith. A use which dominates the primary use or building in area, extent, or purpose shall not be considered an accessory use.

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

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

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

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

**"Adjacent"** lying near, close; contiguous; adjoining; neighboring.

**"Adjoining"** being in contact at some point or line; contiguous; bordering

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

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

- A. Contract sorting, grading, and packaging services for fruits, vegetables, plants, seeds.



- B. Crop harvesting, crop maintenance, land tillage and planting services.
- C. Farm equipment sales and service, fertilizer and agricultural chemical sales.
- D. Recycling and recovery of wood products, provided that all operations be conducted within an enclosed building.
- E. Food production, processing, packaging, and grain handling facilities.
- F. Horticultural services.
- G. Hatchery services.
- H. Preparation of feeds for animals and fowl production.
- I. Production of natural and processed cheese; production of condensed and evaporated milk, production of creamery butter, fluid milk processing.
- J. Production of wine, brandy and brandy spirits.
- K. Spring water bottling.
- L. Other Agricultural related businesses not elsewhere defined or specified this Ordinance.

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

**“Agricultural Structure”** means a structure located on agriculturally used property and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the agricultural use. An agriculture structure shall not include structures used for dwellings by operators or the public.

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

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

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

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

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

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

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

**“Apartment”** means a dwelling unit in a structure with One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit of a single family, an individual, or group of individuals. Each unit must be complete with kitchen and bathroom facilities permanently installed.

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

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

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

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

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

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

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

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

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

**“Battery Back-Up”** A battery system that stores electrical energy from a solar PV system, making the electricity available for future use. Battery Back-Up systems are common in Off-Grid Systems and Hybrid Systems.

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

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

**“Board”** means the Board of Zoning Appeals of the County of Wabash, Indiana.

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

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

**“Brewery”** means a business where facilities are established for brewing beer or other malt liquors.

In addition, a brewery may:

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

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

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

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

**“Buffer Strip”** An area of land maintained to provide screening by use of permanent, different configurations of grasses, trees, shrubs, soil for the purpose of concealing.

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

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

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

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

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

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

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

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

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

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

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

**“Campsite, Dependent”** means a campsite without individual sewer connections. An **“Independent Campsite,”** is a campsite with individual sewer and water connections.

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

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

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

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

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

**“Commission”** means the Wabash County Plan Commission.

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

**“Common Area”** means land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complimentary structures and/or other improvements.

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

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

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

**“Concentrated Solar Thermal Power (CST)”** A Solar Energy Systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit, such as a sterling engine. Although several concentrating solar thermal technologies exist, the most developed types are the solar trough, parabolic dish and solar power tower.

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

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

**“Confined Feeding”** means the confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where animals are confined, fed and maintained for at least Forty Five (45) days during a Twelve (12) month period, and ground cover or vegetation is not sustained over at least Fifty percent (50%) of the animal confinement area.

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

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

**“Conforming Structure”** means a structure which conforms to all the regulations set out in this Ordinance for the zone in which the structure is located.

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

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

**“Construction Trailer”** means a manufactured mobile unit without cooking or bathroom facilities, used as a temporary onsite office or tool storage unit during construction. Not designed for dwelling purposes.

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

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

**“County”** means Wabash County, Indiana.

**“County Drainage Board”** means the Wabash County Drainage Board.

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

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

**“County Jurisdictional Area”** means the areas of Wabash County, Indiana in which the County exercises planning and zoning jurisdiction namely:

A. All unincorporated areas of Wabash County, Indiana.

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

**“County Recorder”** means the County official empowered with recording and maintaining the public records and documents of Wabash County.

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

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

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

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

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

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

**“Decibel”** means a unit of measurement of the intensity of the loudness of sound.

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

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

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

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

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

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

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

**“Developer”** means any person or entity engaged in developing a lot or group of lots or structures thereon for use or occupancy.

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

A. Preparing a site for a structure, installing a manufactured home; installing utilities, erection of walls and fences, construction of roads, or similar projects; construction of flood control structures such as levees, dikes, dams, channel improvement, etc., mining, dredging, filling, grading excavation, drilling operations, construction and/or reconstruction of bridges, or culverts, storage



of materials or any other activity that might change the direction, height, or velocity of flood or surface waters.

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

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

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

**“Discard”** means to abandon, deposit, desert, dispose, drop, dump, eliminate, emit, jettison, leave, pitch, place, put, scrap, spill, throw, toss any item, any solid waste or derivative thereof, or any inherently waste-like material in any manner such that the discarded substance remains upon the land as solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

**“Easement”** means an authorization or grant by a property owner to a specified person(s), or entity, or to the public, to use land for specified purposes where the ownership of such easements is retained by the granting property. The right of a person, government agency, or public utility company to use, for specific purpose, the public or private land owned by another.

**“Economic Development Agreement”** An agreement between the applicant, owner and/or operator and the county setting forth the applicant, owner and/or operator's financial commitment to support economic development and/or provide other financial assistance in the county.

**“Egress”** means an exit from a property.

**“Electricity Generation” (aka production, output):** - The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).

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

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

**“Enforcement Authority”** means the Wabash County Advisory Plan Commission or its designee.)

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

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

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

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

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

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

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

**“Farm”** means a tract of agricultural zoned land which is primarily adapted by reason of nature for agricultural land use including but not limited to: farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, woodland, forestry, animal husbandry, poultry husbandry, and the necessary accessory uses for processing, packing, treating, or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the primary agricultural activities, and when required the structures and equipment essential to agricultural production and primary processing. “Farms” shall not include industrial or commercial operations or structures, which are not directly related to agricultural production.

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

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

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

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

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

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

**“Fence”** means a barrier, closing, or partition bordering a field, yard, lot, parcel, or structure; usually crafted of posts, wire, wood, or vinyl and intended to prevent intrusion from without and straying from within the area controlled. Does not include a hedge or other natural growth.

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

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

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

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

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

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

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

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

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

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

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

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

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

**“Geothermal”** means a system that extracts heat from the earth in heating mode and/or rejects heat into the earth in cooling mode.

**“General Business District”** refers to zoned districts designated as General Business District, (GBD).

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

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

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

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

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

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

**“Greenhouse, Private”** means a small structure where residents grow flowers, shrubs, vegetables and the like which are primarily intended for the family’s own private use.

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

**“Ground-Mount System”** A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home, building or utility. Ground-mount systems may be applicable when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.

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

**“Hardship”** means a perceived difficulty that is exceptional, unusual, and peculiar to the property involved, with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. Mere economic or financial hardship or self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a Variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

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

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

- A. The coping of a flat roof.
- B. The deck line of a mansard roof.
- C. The peak of the highest gable of a pitched roof.
- D. For all other structures the height shall be measured from ground level to the absolute highest vertical point of the structure.

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

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

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

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

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

**“Hotel / Motel”** means a series of attached, semi-detached, or detached dwellings containing, at minimum, bedroom, bathroom and closet space in which lodging is provided for compensation on a daily, weekly or similar short-term basis. Such an establishment may be designated as a hotel, motel, resort, inn, court, motor

inn, motor lodge, tourist cabin, or otherwise. A hotel or motel may include separate cooking facilities for each unit or common area providing nourishment and meeting room amenities. It shall not include use of rooms for retail or other commercial purposes for a period exceeding seven days, nor does it include group-housing quarters, bed and breakfast establishments. With the exception of the apartment of the manager or caretaker, the units are built for and devoted to the use of transients.

**"IAC"** Indiana Administrative Code.

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

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

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

**"Indiana Electric Code"** Identified in 675 IAC 17 Indiana Residential Code- Identified in 675 IAC 14 Indiana Building Code- Identified in 675 IAC 13.

**"Industrial Park"** means a defined tract of land that is planned and developed as a distinctive unit for various industrial uses or several manufacturing businesses and the associated activities which are located on the same or divided parcels of land. Park is controlled by an organization guaranteeing the continued maintenance of all commonly used areas, installations, and undeveloped areas of the Park. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to infrastructure, vehicular circulation, parking, utilities, storm water management, building design, signage, and landscaping.

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

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

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

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

**"Inverter"** A device that converts the Direct Current (DC) electricity produced by a solar photovoltaic system is converted to useable alternating current (AC).

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

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

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

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

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

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

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

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

**“Landscaping”** means the improvement of a lot with grass, shrubs, trees, ornamentals and other vegetation which may include but not be limited to walks, flowerbeds, fountains, lighting, timbers, decorative fencing, stone, mulch, and the maintenance thereof. (157)

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



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

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

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

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

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

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

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

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

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

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

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

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

**“Lot Owners Association”** means an incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization’s activities, such as maintaining common property.

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

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

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

**“Manufactured Home Park”** means an area of land, being licensed and registered, having required improvements and utilities, on which Three (3) or more mobile homes/manufactured homes are regularly occupied, with or without charge, including any structure, enclosure, street, equipment, park community area, used or intended for use incidental to the harboring or occupancy of mobile homes or manufactured homes in the park.

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

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

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

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

**“Megawatt” (MW)** Equal to 1000 Kilowatts, or 1,000,000 Watts a measure of the use of electrical power.

**“Megawatt-hour” (MWh):** A unit of energy equivalent to one Megawatt (1 MW) of power

expended for 1 hour of time.

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

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

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

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

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

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

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

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

- A. Unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations.
- B. An alternative development proposal deemed by the Plan Commission to meet the intent and spirit of this Ordinance and representing a creative and desirable application of different standards.

**“Monument”** means a permanent physical structure which marks the location of a corner or other survey point.

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

**“National Electric Code” (NEC):** Sets standards and best practices for wiring and electrical systems.

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

**“Net Metering”** A billing arrangement that allows customers with grid-connected solar electricity systems to receive credit for any excess electricity generated on-site and provided to the utility grid.

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

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

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

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

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

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

**“Off-Grid Solar Photovoltaic Systems with battery back-up”** Solar photovoltaic electricity systems designed to operate independently from the local utility grid and provide electricity to a home, building, boat, RV (or remote agricultural pumps, gates, traffic signs, etc.). These systems typically require a battery bank to store the solar electricity for use during nighttime or cloudy weather (and/or another back-up generation). Typical system components include: PV panels, battery bank, a charge controller, inverter(s), required disconnects, and associated electrical safety gear.

**“Ordinance”** means this Zoning Ordinance, including any amendments thereto.

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

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

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

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

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

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

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

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

**“Passive Solar”** Techniques, design, and materials designed to take advantage of the sun's position throughout the year (and the local climate) to heat, cool, and light a building with the sun. Passive solar incorporates the following elements strategically to maximize the

solar potential of any home or building (namely, maximizing solar heat gain in winter months and minimizing solar heat gain in summer months to reduce heating/cooling demand; and maximizing the use of daylighting to reduce demand for electricity for lighting): strategic design and architecture, building materials, east-west and building lot orientation, windows, landscaping, awnings, ventilation.

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

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

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

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

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

**“PV-Direct Systems”** The simplest of solar photovoltaic electric systems with the fewest components (no battery back-up and not interconnected with the utility) designed to only provide electricity when the sun is shining. Typical system components include: PV panels, required electrical safety gear, and wiring.

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

**“Planned Development”** means a large-scale unified development meeting the requirements for zoning approval under the provisions of this Ordinance. Generally, a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk, type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments.

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

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

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

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

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

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

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

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

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

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

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

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

**“Primary Road”** means a thoroughfare within the county designated as a Primary Road do to having a higher volume of traffic regularly traveling on it. (see Thoroughfare Map).

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

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

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

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

**“Private School”** means a school other than a public school.

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

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

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

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

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



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

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

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

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

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

**“Racking”** Solar energy systems are attached securely and anchored to structural sections of the roof-mounted or pole-mounted systems. Specially designed metal plates called flashings prevent leaks and are placed under shingles and over bolts to create a water-tight seal.

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

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

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

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

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

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

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

**“Redevelopment”** means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.

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

**“Register Professional Engineer”** means a person properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

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

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

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

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

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

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

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

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

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

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

**“Roof, Mansard”** means a roof with Two (2) slopes on each of Four (4) sides, the lower, steeper than the upper.

**“Roof-Mount System” (aka rooftop mounted, building mounted)** A solar energy system consisting of solar panels are installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, and/or shed. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.

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

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

**“Salvage Yard”** means a place where one (1) or more of the following occur:

- A. Land or buildings on which motorized vehicles and/or vehicle parts are collected, disassembled, assembled and resold.
- B. A place where second hand goods including but not limited to waste paper, bottles, tires, clothing, rags, bones, bicycles, steel, old metal, other scrap material or salvage are bought, sold, exchanged, baled, packed, disassembled, handled for further use, or collected to be sorted.
- C. A place where used lumber and used building materials are collected, stored, and offered for sale, resale or exchange.

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

**“Satellite Manure Storage Structure” “SMSS”** means a building, lagoon, pad, pit, pond, tank or storage system that is not located at a livestock or poultry facility and is designed for use in part or in whole for the storage of manure, as defined in this ordinance, in volumes exceeding one million (1,000,000) gallons of manure or five thousand (5,000) cubic yards of manure per IC 13-11-2-196.2 as amended.

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

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

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

**“Sensitive Area”** means a site where conditions pose a specific water quality threat to one (1) or more of the following:

- A. Public water supply wells, wellhead protection areas, drinking water supply wells.
- B. Identified wetlands, habitat of endangered species, natural areas including parks, natural preserves, historic sites, and public lands.

**“Septic System, Private”** means a septic tank, filtration field and subsurface drainage, if required, which are located on an individual parcel.

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

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

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

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

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

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

**“Sign”** means any name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Types of signs include but are not limited to a ground sign, mural sign, off-premise sign, on premise sign, portable sign, temporary sign, building mounted sign, free-standing sign, canopy sign, projecting sign, monument style sign, illuminated sign, pole sign, wall sign, awning sign, and electronic sign.

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

- A. The boundaries of the site, the location of all current and proposed structures, uses and principal site development features with all utilities and applicable easements identified.
- B. Setbacks from lot lines, structure heights, floor areas, percent of impervious lot Coverage.
- C. Septic tank /leach field, tile fields, proposed interior vehicular and pedestrian access.

- D. Any special or particular use for a specific parcel of land.
- E. The plan shall be prepared in accordance with the rules and regulations of the appropriate jurisdiction, and submitted to the Wabash County Plan Commission or other designated body or authority for review or approval. The plan shall illustrate the proposed development or alterations of the site.

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

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

**“Slope”** means the degree of deviation of a surface from horizontal, expressed in percentage or degrees.

**“Solar Access”** means the ability to receive sunlight, for any solar energy device, across property lines without obstruction from another property.

**“Solar Array”** Multiple solar panels combined together to create one system.

**“Solar Collector”** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.

**“Solar Easement”** An easement recorded pursuant to Chapter IC 32-23-4, obtained for the purpose of insuring exposure of a solar energy device or a passive solar energy system to the direct rays of the sun. Solar Easements are further described and regulated in subsections 19-6-2-9 & 19-7-6-6 Solar easements are to follow the state requirements of recording (IC32-23-2-5).

**“Solar Energy System”** SES Solar Energy System (“SES”) means the components and subsystems required to convert solar energy into electric or thermal energy suitable for use; the area of the system includes all the land inside the perimeter of the system, which extends to any fencing, buffer and landscaping. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A regulated SES fits into one of two system types: Commercial (C-SES) or Noncommercial (NC-SES) (as hereinafter defined). For purposes of this ordinance an SES does not include concentrated solar thermal systems and such systems are not permitted.

**“Solar Energy System, Commercial” (C-SES):** means a utility-scale commercial facility that converts sunlight into electricity with the primary purpose of wholesale or retail sales of generated electricity. A Concentrated Solar Thermal (CST) is not permitted or considered a C-SES for the purposes of this Ordinance.

**“Solar Energy System, Noncommercial” (NC-SES):** include any photovoltaic, solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an

authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

**“Solar Glare”** The potential for solar panels to reflect sunlight, with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**“Solar Photovoltaic (Solar PV) System”** Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity (in the form of direct current (DC)) when they are exposed to sunlight. A typical PV system consist of PV panels (or modules) that combine to form an array; other system components may include racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.

**“Solar Photovoltaic Systems, Hybrid” (aka grid-tied PV with battery back-up):** Solar photovoltaic electricity generation systems designed to serve the electricity needs of the building to which it is connected, thus offsetting a home's or business's electricity usage, while also utilizing a battery back-up in the event of a power outage. This is the only system that provides the ability to have power when the utility grid is down. Typical system components include: PV panels, inverter(s), and required electrical safety gear, battery bank, and a charge controller.

**“Solar Panel” (or module):** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).

**“Solar Thermal System” (aka Solar Hot Water or Solar Heating Systems):** A solar energy system that directly heats water or other liquid using sunlight. Consist of a series of tubes that concentrate light to heat either water or a heat-transfer fluid (such as food- grade propylene glycol, a non-toxic substance) in one of two types of collectors (flat- plate collectors and evacuated tube collectors). The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

**“Solid Waste”** 40 CFR 261.2. A solid waste is any discarded material that is not excluded under 40 CFR 261.4(a), or that is not excluded by a variance granted under 40 CFR 260.30 and 260.31 or that is not excluded by a non-waste determination under 40 CFR 260.30 and 260.34. A discarded material is any material which is: abandoned by being disposed of, or burned or incinerated, or accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated, or sham recycled, which is recycling that is not legitimate recycling. Solid waste is the useless and unwanted products in the solid state, semi-solid state, liquid state, or gaseous state, derived from the activities of and discarded by society. It is produced either by product of production process or arise from the domestic or commercial sector when objects or materials are discarded after use. However, the term solid waste shall not include manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation.

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

**“Sound Level Meter”** means an electronic instrument that includes a microphone, output meter and amplifier, and measures sound pressure levels. (167)

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

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

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

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

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

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

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

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

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

**“Subdivision, Administrative”** means any division of land which:

- A. Is a division of land into lots, tracts, or parcels creating no more than Two (2) parcels including the parent parcel,
- B. Does not require the addition or extension of public ways, public utilities, public places, or storm water control,
- C. Is exempt from many of the provisions of the Wabash County Subdivision Control Ordinance, and

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

**“Subdivision, Major”** means any division of land which:

- A. Is any division of land into lots, tracts, or parcels creating Two (2) or more parcels in addition to the parent parcel,
- B. Any segment of the division results in the addition or extension of public ways, public utilities, public places, or storm water control,
- C. Must follow the major subdivision procedures as outlined in Chapter 8, Section 14 of this Ordinance, and
- D. Requires application review and approval of the primary and secondary plat by the plan commission board as outlined in this Ordinance.

**“Subdivision, Minor”** means any division of land which:

- A. Is a division of land into lots, tracts, or parcels creating Two (2) parcels or less in addition to the parent parcel,
- B. Is located along an existing public or private street or private drive, and
- C. Does not require the addition or extension of public ways, public utilities, public places, or storm water control.

**“Substantial Damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed fifty-one percent (51%) of the market value of the structure before the damage occurred.

**“Substantial Modification”** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds Fifty One percent (51%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

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

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



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

**“Surface Water”** means the water on the earth’s surface exposed to the atmosphere as rivers, lakes, streams, ponds and ocean.

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

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

**“Telecommunications Tower”** means any structure that is designed and constructed primarily for the purpose of supporting One (1) or more antennas. The term includes radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

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

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

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

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

**“Topography”** means the configuration of the earth’s surface, including the relative relief, elevations, and position of land features.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“Vibration”** means the oscillatory motion transmitted through the ground.

**“Vicinity Map”** means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed development or use to other nearby developments or landmarks and community facilities and service within the general area in order to better locate and orient the area in question.

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

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

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

**“Visual Barrier”** is landscaping in height and density that will provide a visual barrier to camouflage visual contact with solar arrays, CFOs and the associated equipment. Barrier may be a variation of landscape trees, landscape shrubs and landscape mounds as selected by the land owner under the supervision and guidance of a certified professional landscape designer.

**“Waiver”** Waiver Agreement - An agreement to modify a standard required in this Ordinance which is entered into by and between the landowner burdened by lessening the standard required by the Ordinance and the landowner requesting the modification of the standard required by this Ordinance. An agreement to modify a standard required by this Ordinance, or "waiver agreement", is permissible only when a waiver of such standard is specifically authorized by this Ordinance. In order to be valid, a "waiver agreement" must be in writing, specifically state that the document is a waiver agreement, briefly describe the standard or requirement which is being modified, briefly describe the standard agreed upon by the parties to the waiver agreement, be executed in a manner free from coercion or duress, be executed by both parties to the waiver agreement, be subject to the approval of the PC Director, and filed with the PC office.

**“Watts” (W):** A measure of the use of electrical power (power (Watts) = voltage (volts) X current (Amps)).

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

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

**“Weeds and Other Rank Vegetation”** means any and all plant, grass, brush, vegetation life, that, when left uncut, produce an excessive growth and may harbor vermin, insects, disease that can be harmful to the health or well-being of citizens. This term does not include shade trees, ornamental shrubs, fruit trees,

domesticated berry bushes and vines, wetlands, storm water best management practice areas, cover crops and domestic grains and plantings that are appropriately maintained.

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

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

**“Wetland”** means land that has a predominance of hydric soils which:

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

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

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

**“Winery”** means an establishment which is primarily engaged in one (1) or more of the following:

A. Growing grapes and manufacturing wines and brandies.

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

C. Blending wines and brandies.

D. Bottling wines and brandies.

In addition, a winery may:

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

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

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

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

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

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

**“Zoning Ordinance”** means this Ordinance, including any amendments thereto.

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



**Chapter 2**  
**Zoning Districts**

- 2.1 Districts
- 2.2 Official Zoning Map
- 2.3 Effect of Vacation on Zoning District





## **Chapter 2** **Zoning Districts**

**2.1. DISTRICTS.** For the purpose of this Ordinance, the following Zoning Districts are established:

2.1.1. Agriculture 1 District ("A1"). An area that contains the County's most productive farmland; generally flat with little slope, few wooded areas, little or no urbanization present or likely to occur; primary use is the growing of crops and/or raising of livestock.

2.1.2. Agriculture 2 District ("A2"). An area that contains farmland that generally is not as productive as that in an A1 District.

2.1.3. Flood Plain District ("FP"). An area subject to flooding which may result in the loss of life and/or damage to property; established by FEMA and the Indiana Department of Natural Resources, Division of Water, Floodplain Management Section, with the intent of providing guidelines for communities to aid in protecting public health, safety, general welfare, and minimize public and private loss due to flood conditions in specific areas.

2.1.4. Forest, Recreation, Conservation, District ("FRC"). An area that includes extensive forests and lands which are primarily in State or Federal ownership. "Recreation" includes areas with parks and other areas where organized public recreational activities are held.

2.1.5. Residential 1 District ("R1"). An area designated for low density residential dwellings.

2.1.6. Residential 2 District ("R2"). An area designated for single and two family dwellings.

2.1.7. Residential 3 District ("R3"). An area designated for single family, two family, and multi-family dwellings.

2.1.8. Residential Lake 1 District ("RL1"). An area designated for lakefront and non-water front development for both seasonal and year round living along the water bodies; density is insufficient to require central sewage.

2.1.9. Residential Lake 2 District ("RL2"). An area designated for lakefront and non-water front development for both seasonal and year round living along the water bodies; density is sufficient to require central sewage.

2.1.10. General Business District ("GB"). An area designated for Businesses.

2.1.11. Industrial District ("I"). An area designated for the development and expansion of manufacturing and wholesale business establishments which are clean, quiet and free from hazardous or objectionable elements and generate a low impact traffic flow; such business establishments shall be encouraged to establish operations in an appropriate Industrial or Business Park.

**2.2 OFFICIAL ZONING MAP.** All Zoning Districts are shown on the Zoning Map, which Map is incorporated herein by reference.

**2.3. EFFECT OF VACATION ON ZONING DISTRICT.** Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the Zoning Districts adjoining each side of the area vacated shall be extended automatically to the center of the vacated

area. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

## **Chapter 3** **Authorized Uses**

- 3.1 Permitted Uses
- 3.2 Special Exceptions
- 3.3 Unauthorized Uses
- 3.4 Unlisted Uses
- 3.5 Accessory Use
- 3.6 Chart of Designated Use
- 3.7 Factor Point System
- 3.8 Variances
- 3.9 Nonconforming Buildings, Structures, Lots, or Uses
- 3.10 Nonconforming Lots of Record
- 3.11 Nonconforming Miscellaneous
- 3.12 Nonconforming Agricultural Use
- 3.13 Travel Trailer Residency
- 3.14 Repairs and Maintenance
- 3.15 Avoidance of Undue Hardship



## Chapter 3

### Authorized Uses in Established Zoning Districts

**3.1. PERMITTED USES.** Permitted Uses are those designated by the letter “P” on the Chart of Designated Uses contained in Section 3.6 of this Chapter. Even though a Use is a Permitted Use, an Improvement Location Permit must be obtained pursuant to Chapter 4 of this Ordinance.

**3.2. SPECIAL EXCEPTIONS.** A proposed Use which is not a Permitted Use may be allowed as a Special Exception if designated by the letter “S” on the Chart of Designated Uses contained in Section 3.6 of this Chapter, and granted by the Board of Zoning Appeals following the procedures set forth in Chapter 4 of this Ordinance. Even though a Use may be allowed as a Special Exception, an Improvement Location Permit must be obtained pursuant to Chapter 4 of this Ordinance.

**3.3. UNAUTHORIZED USES.** Unauthorized uses are those designated by the letter “X” on the Chart of Designated Uses contained in Section 3.6 of this Chapter.

**3.4. UNLISTED USES.** The absence of a proposed Use being shown precisely on the Chart of Designated Uses contained in Section 3.6 of this Chapter does not prohibit one from seeking a Special Exception. Proponents of proposed Uses that are not precisely shown as Permitted Uses nor listed as a Special Exception on the Chart may nevertheless seek a Special Exception by identifying with a Use on the Chart most closely identified with the proposed Use.

**3.5. ACCESSORY USES.** Accessory Uses and structures shall be incidental to, subordinate to, and commonly associated with, the operation of the principal use of the property, are permitted in all Zoning Districts in accordance with this Ordinance, and shall be operated and maintained under the same ownership as the principal use, subject to the following:

3.5.1. Except for A-1, A-2, and Industrial Districts in which the use is clearly for agricultural purposes, accessory uses shall be clearly subordinate in height, area, bulk, extent, and purpose to the principal use served. Accessory structures shall not contain a dwelling, habitable room or rooms except as allowed in Section 7.6 of Chapter 7 of this Ordinance.

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

3.5.3. Accessory uses, buildings, and structures shall comply with all development standards of the applicable zoning district unless a Variance is granted by the Board of Zoning Appeals.

3.5.4. By way of example only, the following are typical accessory uses: private garage, carport, canopy, mini barn, storage shed, portable shed, pole building, fence, private greenhouse, porch enclosure, pavilion, cabanas, gazebo, swimming pool, pool house, hot tub room, sauna room, recyclable collection station, green energy apparatus, outdoor merchandise display in a business zone, and signage.

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

### 3.6 CHART OF DESIGNATED USES.

#### USE IDENTIFICATION

P = USE PERMITTED IN DESIGNATED ZONE

P\* = PERMITTED RESIDENCE/BUSINESS DETERMINED BY POINT SYSTEM

P\*\* = REVIEW BY PC BOARD REQUIRED

S = USE PERMITTED ONLY BY SPECIAL EXCEPTION IN DESIGNATED ZONE

X = USE NOT PERMITTED IN THIS CATEGORY FOR THE DESIGNATED ZONE

Z = ONLY IN A MANUFACTURED HOME PARK

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

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



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

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

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

**3.7. FACTOR POINT SYSTEM.** Every parcel located in an A1 District selected as a potential site for construction of a residential structure or a non-agriculture related business structure shall be evaluated for use as a residential or non-agriculture related business site using the "Factor Based Point System," to wit:

3.7.1. This point system is based on the Land Evaluation and Site Assessment (LESA) program guidelines and shall be the guideline for issuing permits for residential or business structures in Ag 1 District. The evaluation shall be completed under the guidelines of the Wabash County Plan Commission Point Factor Evaluation Instructions, as may be amended from time to time.

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

**3.8. VARIANCES.** Variances from this Ordinance may be granted by the Board of Zoning Appeals following the procedures set forth in Chapter 4 of this Ordinance.

**3.9. NONCONFORMING BUILDINGS, STRUCTURES, LOTS AND USES.** Upon adoption of this Ordinance, some buildings, structures, lots, and uses may no longer conform to the regulations of the Zoning District in which they are located. The following are applicable to such buildings, structures, lots and uses:

3.9.1. **Illegal Nonconforming.** A building, structure, lot, or use, without an approved Improvement Location Permit or approval from the BZA or Plan Commission, is considered Illegal Nonconforming. An Illegal Nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable County ordinances and shall be altered to conform to all applicable standards and regulations of this Ordinance. Illegal nonconforming results from the act or omission of the owner, tenant, or property manager, as applicable.

3.9.2. **Legal Nonconforming.** Legal Nonconforming differs from Illegal Nonconforming because nonconformance results from the enactment of the new Zoning Ordinance or a change to the Zoning Ordinance, i.e., the previously conforming building, structure, parcel, lot or use has not changed, but due to the enactment of a new Zoning Ordinance or an Amendment to the Zoning Ordinance, the building, structure, parcel, lot, or use no longer conforms to the Ordinance. When this situation occurs, the building, structure, parcel, lot, or use is deemed Legal Nonconforming or another term commonly used is "grandfathered."

3.9.3. **Nonconforming Buildings, Structures, and Uses of Land.** Any continuously occupied, lawfully established structure, building, or use of land prior to the effective date of this Ordinance, or its subsequent amendments, that no longer complies with this Ordinance shall be deemed a Legal Nonconforming Building, Structure, or Use of Land. A Legal Nonconforming structure or use of land no longer meets one or more of the following development standards of this Ordinance (1) Front, Side or Rear Yard Setbacks, (2) Maximum Lot Coverage, (3) Minimum Ground Floor Living Area, (4) Structure Height, (5) Buffer Yard, (6) Parking, (7) Use, (8) Accessory Structures, or (9) any other provision of this Ordinance that is applicable to the structure.

3.9.4. A Legal Nonconforming structure, or use of land may continue only if it remains the same or fits within the following:

3.9.4.1. A Legal Nonconforming building, structure, or use of land may be enlarged, altered, provided it does not increase the breach of the development standards for which the nonconformity exists, and does not create an additional nonconformity,

3.9.4.2. A Legally Established Nonconforming Single Family or Two Family Dwelling may be enlarged or extended one (1) time along a legally established nonconforming side yard provided that the lineal footage of such enlargement or extension does not exceed Fifty percent (50%) of the lineal footage of the original dimension of the Single Family or Two Family Dwelling along that side yard setback, provided such enlargement or extension does not interfere with a Vision of Clearance area or encroach into any Right-of-Way, easement, or property line,

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

3.9.4.4. Primary residential structures and churches are exempt from the fifty one percent (51%) rule. However, if a residential structure or church is rebuilt, such must comply with this Ordinance.

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

3.9.4.6. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to this Ordinance.

### **3.10. NONCONFORMING LOTS OF RECORD.**

3.10.1. All legally established and recorded parcels or lots, prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet one (1) of the parcel or lot standards listed below shall be deemed a Legal Nonconforming Lot of Record (1) Parcel or Lot Area, (2) Parcel or Lot Width, (3) Parcel or Lot Depth, (4) Parcel or Lot Frontage, or (5) any other provision of this Ordinance that is applicable to Parcels or Lots.

3.10.2. Legal Nonconforming Parcels or Lots of Record may be built upon only by complying with this Ordinance.

3.10.3. Parcels of record, or parcels individually held, prior to the passage of Wabash County Onsite Sewer System Ordinance #2012-85-18, effective 12/17/2012, which are used for single family dwellings and have an individual septic system which has been approved by the Wabash County Health Department, may be smaller than the one and one half (1 ½ ) acre parcel size prescribed in this Ordinance and will not be classified as Nonconforming parcels for being less than one and one half (1 ½ ) acres, provided (1) said parcel was not previously nonconforming due to parcel size, and (2) the Wabash County Health Department issues or has issued a septic permit or a septic approval for a residential single family dwelling.

### **3.11. NONCONFORMING, MISCELLANEOUS**

3.11.1. A nonconforming structure may be enlarged, increased, expanded, extended, reconstructed, moved or structurally altered provided the changes create a structure, use, or combination thereof that conforms to the standards of the zoning district and this Ordinance.

3.11.2. No new structure shall be constructed in connection with an existing legal nonconforming use of land, until such time that the existing structure conforms to this Ordinance.

3.11.3. Any legal nonconforming use of a structure may be extended throughout any part of a building which was clearly arranged or designed for such use by the effective date of this Ordinance or its subsequent amendments, in accordance with this Ordinance.

3.11.4. If no structural alterations are made, a legal nonconforming use of a structure, or structure and land in combination, may be changed to another legal nonconforming use, provided that the zoning administrator shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing legal nonconforming use. With the exception that, if the new use requires more parking or loading area than the previous use, such new use will comply with the parking requirements set by this Ordinance unless a Variance from developmental standards is granted by the Board of Zoning Appeals.

3.11.5. If a legal nonconforming use is discontinued or abandoned for two (2) years, except when government action impedes access to the premises, any subsequent use of such land, structure or combination thereof shall conform to the provisions of this Ordinance.

3.11.6. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the district, and may not thereafter be resumed.

3.11.7. Where a legal nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate both the nonconforming use of the structure and the land. Destruction shall be considered as damage of seventy five percent (75%) or more of its fair market value at the time of destruction.

3.11.8. When a mobile home/manufactured home is legally nonconforming due to the size and/or type of structure, it may only be replaced by a structure that conforms to the zoning of the district. When the structure is another manufactured home, the home shall meet the standards established in Chapter 5 7 of this Ordinance.

**3.12. NON-CONFORMING AGRICULTURAL USE.** As used in this section, "Agricultural Nonconforming Use" means the agricultural use of land that is not permitted under the most recent Comprehensive Plan or Zoning Ordinance, including any amendments, for the area where the land is located. An agricultural use of land that constitutes an agricultural nonconforming use may be changed to another agricultural use of land without losing nonconforming use status.

**3.13. TRAVEL TRAILER RESIDENCY.** No person shall reside in a travel trailer or motor home for more than seven (7) days during any ninety (90) day period. However, this provision shall not apply to a person residing in a travel trailer or motor home in a campground licensed by the State of Indiana, or an approved county campground, or when permitted under Chapter 7, Section 7.6.

**3.14. REPAIRS AND MAINTENANCE.** The following apply to legal nonconforming structures or buildings, and legal nonconforming uses of structures, or structures and land in combination:

3.14.1. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming shall not be increased.

3.14.2 If a structure or portion of a structure were to become unsafe or condemned due to lack of repairs or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition, Chapter 20 of this Ordinance shall apply.

3.14.3. If a building or structure becomes unsafe or unlawful due to physical condition and is razed, the new building or structure shall be built in accordance with this Ordinance.

3.14.4. Nothing herein shall be deemed as preventing the strengthening, repairing, or restoring, to a safe condition, any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety, when said official issues such order.

**3.15. DEADLINES TO COMMENCE AND COMPLETE CONSTRUCTION.** Construction must be completed within twelve (12) months after issuance of an Improvement Location Permit, absent an exemption granted by the Board of Zoning Appeals.





**Chapter 4**  
**Permits, Special Exceptions and Variances**

- 4.1. Improvement Location Permits
- 4.2. Application for an Improvement Location Permit
- 4.3. Additional Application Requirements for an Improvement Location Permit in an Agricultural Zone
- 4.4. Additional Application Requirements for an Improvement Location Permit for Industrial Uses
- 4.5. Application for Subdivisions
- 4.6. Application for Planned Developments
- 4.7. Application for CFO/CAFO
- 4.8. Application for Wind Energy Conversion System
- 4.9. Application for Rezoning or to Vacate
- 4.10. General Provisions Related to Improvement Location Permits
- 4.11. Special Exceptions
- 4.12. Variance from Development Standards
- 4.13. Variance of Use
- 4.14. Application for Special Exceptions
- 4.15. Certificates of Occupancy
- 4.16. Fees



## Chapter 4

### Permits, Special Exceptions and Variances

**4.1. IMPROVEMENT LOCATION PERMITS.** No structure, improvement, or use of land, may be altered, changed, placed, erected or located on in Wabash County without first obtaining an Improvement Location Permit from the Director. No such Permit shall be issued until the Director is satisfied that the proposed structure, improvement, or use of land complies with the provisions of this Ordinance and Indiana law, unless a written order is received from the Board of Zoning Appeals, Plan Commission, or a court of competent jurisdiction.

**4.2. APPLICATION FOR AN IMPROVEMENT LOCATION PERMIT.** Applications for Improvement Location Permits shall include:

- 4.2.1. Name, address, and phone number of the Applicant,
- 4.2.2. Verification of Property Owner by Assessor data, Deed, or Survey,
- 4.2.3. Verification that all property taxes are paid current,
- 4.2.4. Septic permit, including dimensional and location information,
- 4.2.5. Site plan drawing including boundaries, setbacks, roads, existing structures, proposed structures, driveway location, well location, and parcel size,
- 4.2.6. Structure drawing and specifications,
- 4.2.7. Name, address, phone number of contractor,
- 4.2.8. Address of site which improvements are to be made,
- 4.2.9. E-911 address established when necessary,
- 4.2.10. Parcel ID number,
- 4.2.11. Township Name,
- 4.2.12. Section, Township, Range,
- 4.2.13. Parcel Zoning verification,
- 4.2.14. Flood Plain and Wetland verification,
- 4.2.15. Flowage Easement verification,
- 4.2.16. Verification of drainage plan,
- 4.2.17. Any easements identified,
- 4.2.18. CFO siting verification.

**4.3. ADDITIONAL APPLICATION REQUIREMENTS FOR AN IMPROVEMENT LOCATION PERMIT IN AN AGRICULTURAL ZONE.** To promote awareness, wakefulness, cognizance, comprehension, safety, morals, convenience, general welfare, and plan for future development for anyone who is purchasing land to potentially construct a residential dwelling or business in an Agriculture 1 or Agriculture 2 District, or is purchasing an existing residential structure or business located in an Agriculture 1 or Agriculture 2 District, the purchaser shall, as part of the permit application process, read the following document., and initial the document verifying that the document was provided to them and that they have read it:

#### Notice of Agricultural Activity

*To: All Applicants applying for the transfer of land in an area of Wabash County, Indiana, that is zoned Agriculture 1 or Agriculture 2.*

*This notice is given to you because of your application for the transfer of land in an area of Wabash County that is zoned Agriculture 1 or Agriculture 2.*

*The purpose of this notice is to assure that you are aware that all agricultural operations are allowed in the area, and expansion of such operations is possible.*

*Agricultural activity may include, but is not limited to, grazing of livestock, confined feeding of livestock, application of animal manure to land, application of fertilizer, pesticides and herbicides to fields and crops, harvesting of crops, creation of dust during field operations and noise from livestock and machinery operations at all hours.*

*Under the guidelines of this Zoning Ordinance, single family dwellings or businesses may be permitted uses in an Agricultural District. While such is discouraged in order to preserve farm land, it is not completely restricted. However, people who choose to buy or develop a residence or business in these areas must understand that agricultural operations will be occurring nearby.*

*Indiana has a "RIGHT TO FARM" law that protects farm operations from unwarranted nuisance suits by neighbors who choose to buy or develop a residence or business in an Agricultural District. Farm operations do not constitute a nuisance so long as they are not negligently maintained, do not endanger human health and do not cause bodily injury to third parties.*

*By signing this notice form you verify that you have received it, read it and understand it. You are not giving up the right to seek redress for negligence by individuals associated with a farm operation or by residents of the area.*

*MY SIGNATURE (INITIALS) CERTIFIES THAT I HAVE RECEIVED THIS NOTICE, I HAVE READ IT AND I UNDERSTAND IT.*

**4.4. ADDITIONAL APPLICATION REQUIREMENTS FOR AN IMPROVEMENT LOCATION FOR INDUSTRIAL USES.** If an application for an ILP relates to a light or general industrial use, it must be accompanied by a Certificate of Compliance, subscribed by a Registered Professional Engineer of the State of Indiana, stating that the use will meet the performance standards established in Chapter 6, Section 6.3 of this Ordinance.

**4.5. APPLICATION FOR SUBDIVISIONS.** The process to obtain an ILP for the creation or expansion of a Subdivision is contained in Chapter 17 of this Ordinance.

**4.6. APPLICATION FOR PLANNED DEVELOPMENTS.** The process to obtain an ILP for a Planned Development is contained in Chapter 16 of this Ordinance.

**4.7. APPLICATION FOR CFO/CAFO.** The process to obtain an ILP for the creation or expansion of a CFO/CAFO is contained in Chapter 11 of this Ordinance.

**4.8. APPLICATION FOR WIND ENERGY CONVERSION SYSTEM.** The process to obtain an ILP for the creation or expansion of a WECS is contained in Chapter 12 of this Ordinance.

**4.9. APPLICATION TO REZONE OR TO VACATE.** The process for rezoning land and vacating a plat is governed by Indiana Code.

**4.10. GENERAL PROVISIONS RELATED TO IMPROVEMENT LOCATION PERMITS.** Construction must be completed within twelve (12) months from the issue date of the ILP. The Director may issue extensions upon a showing that the failure to commence or complete construction as required was beyond the control of the applicant.

**4.11. SPECIAL EXCEPTIONS.** The Board of Zoning Appeals, upon appeal, shall have the power to authorize Special Exceptions if the following requirements are met:

4.11.1. The Exception is listed as such in Section 3.6 of this Ordinance,

4.11.2. The Exception will not be detrimental to or endanger the public health, safety, or welfare,

4.11.3. The Exception will not substantially diminish or impair property values within the neighborhood, and

4.11.4. The Exception will not impede the normal and orderly development and improvement of the neighborhood.

**4.12. VARIANCE FROM DEVELOPMENTAL STANDARDS.** The Board of Zoning Appeals, upon appeal, shall have the power to authorize a Variance from Developmental Standards, and to attach any conditions to the Variances it deems necessary to assure compliance with the purposes of this Ordinance if it is shown:

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

4.12.2. The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner,

4.12.3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property, and

4.12.4. The Variance will not interfere substantially with the County's Comprehensive Plan.

**4.13. VARIANCE OF USE.** The Board of Zoning Appeals, upon appeal, shall have the power to authorize a Variance of Use, and to attach any conditions to the Variances it deems necessary to assure compliance with the purposes of this Ordinance if it is shown:

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

4.13.2. The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner.

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

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

4.13.5. The Variance will not interfere substantially with the County's Comprehensive Plan.

A Variance of Use does not follow the land, but expires when the applicant ceases to occupy the land or ceases to do business for which the Variance was approved.

**4.14. APPLICATIONS FOR SPECIAL EXCEPTIONS AND VARIANCES.** Application for a Special Exception of a Variance shall include but not limited to:

- 4.14.1. Name, address, and phone number of Applicant,
- 4.14.2. Verification of property Owner by Assessor data, deed, or survey,
- 4.14.3. Verification that all property taxes are current for deeded owner,
- 4.14.4. Septic approval, when required, including dimensional and location information,
- 4.14.5. Site Plan Drawing including boundaries, setbacks, roads, existing structures, proposed structures, driveway location, well location, and parcel size.
- 4.14.6. Structure drawings and specifications,
- 4.14.7. Name, address, phone no. of contractor,
- 4.14.8. Legal description and address of site on which improvements are to be constructed, including E-911 address, if any,
- 4.14.9. Zoning Verification,
- 4.14.10. Flood Plain verification,
- 4.14.11. Flowage Easement verification,
- 4.14.12. Verification of location of certified drains,
- 4.14.13. Easements affecting the site, and
- 4.14.14. Identification of all deeded owners within Two Hundred Fifty (250) feet of said parcel for which application is being requested.

The application shall also include the following when requested by the Director:

- 4.14.15. Written approval for construction from any developer or homeowners' association having jurisdiction over the site and structure per covenants and restrictions,
- 4.14.16. Written approval for construction from any agency, commission, board, or other department of the State of Indiana having jurisdiction over the proposed structure prior to issuance of the ILP, and
- 4.14.17. Written approval for the proposed water and sewage facilities from the Wabash County Health Department, and when applicable, and written approval of the driveway from the Wabash County Highway Department.

**4.15. CERTIFICATE OF OCCUPANCY.** The Plan Commission does not employ the services of a Certified Inspector and therefore cannot attest to the quality of work or verify Building Codes have been met. The issuance of a Certificate of Occupancy, when requested by the Applicant, shall include the following disclaimer: "In the issuance of this Certificate of Occupancy no representation is made

concerning the fitness, habitability or condition of any building or structure located on the premises. Note that Wabash County does not employ the services of a building inspector. Any such inspection that is desired shall be at your own request and expense.”

**4.16. FEES.** The Wabash County Plan Commission shall establish a schedule of fees, charges, and expenses that are required and said schedule shall be posted in the Planning Department. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.





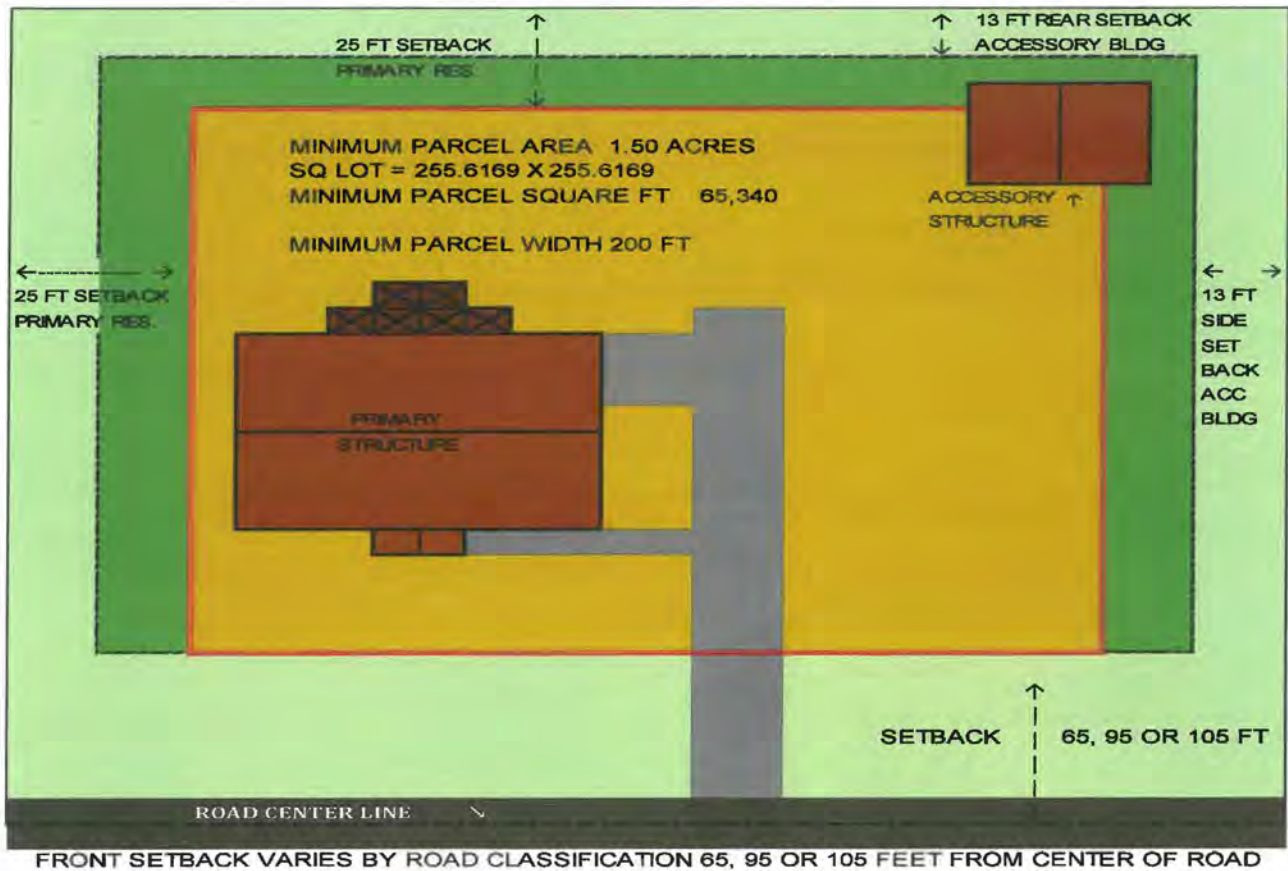
## Chapter 5 Development Standards

The development standards set forth in this Chapter are applicable to all Improvements within the jurisdiction of the Plan Commission and the Board of Zoning Appeals.

- 5.1. Agriculture 1 District w/ Private Septic and Well; designated "A1"
- 5.2. Agriculture 2 District w/ Private Septic and Well; designated "A2"
- 5.3. Agriculture 2 District w/ Public Sewer; designated "A2"
- 5.4. Floodplain District w/ Private Septic and Well; designated "FP"
- 5.5. Forest Recreation Conservation District w/ Private Septic and Well designated "FRC"
- 5.6. Residential 1 District Single Family w/ Private Septic and Well; designated "R1"
- 5.7. Residential 1 District Single Family w/ Public Sewer; designated "R1"
- 5.8. Residential 2 District One and Two Family w/ Public Sewer; designated "R2"
- 5.9. Residential 3 District One or Multi –Family w/ Public Sewer; designated "R3"
- 5.10. Residential Lake 1 District, Lake Front Property, Single Family w/ Private Septic; designated "RL1"
- 5.10A. Residential Lake 1 District, Non-Lake Front Property, Single Family w/ Private Septic, designated "RL1"
- 5.11. Residential Lake 2 District, Lake Front Property, Single or Multi Family w/Public Sewer (7,200 Min Sq. Ft Lot); designated "RL2"
- 5.11A. Residential Lake 2 District, Non-Lake Front Property, Single or Multi Family w/Public Sewer (7,200 Min Sq. Ft Lot); designated "RL2"
- 5.12. General Business District / w Private Septic; designated "GB"
- 5.13. General Business District /w Public Sewer; designated "GB"
- 5.14. Industrial District w/ Public Sewer; designated "ID"



**5.1 Agriculture 1 District (A1): Single Family Residence; Private Septic**



Development Standards

Minimum Lot Area  
Per Residential Unit  
\*1 ½ Acres

Minimum Lot Width  
\*200 Feet

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

Water Utility  
\*Private Well

Sanitary Utility  
\*Private Septic

Maximum Residential  
Structures  
\*One (1)

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

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

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

Minimum Aggregate Distance  
Residential Structures  
\*50 Feet

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet

SECTION		AGRICULTURE 1 DISTRICT A1			SPEC	
5.1		SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC			65,34 <sup>^</sup>	
MINIMUM LOT SIZE	W SEWER	N/A	MINIMUM ROOF PITCH	RES STRU	5/12	
	W/O SEWER	1.5 A		ACC STRU	5/12	
MINIMUM LOT WIDTH	200 FT		CORNER LOT VISION ENFORCED		YES	
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL	50 FT		MINIMUM GRND FLR LIVING AREA (PER UNIT)	SINGLE FAM	840 SQ FT	
	NOT TO BE INCLUDED IN PARCEL ACREAGE			2 FAMILY	N/A	
				MULTI FAM	N/A	
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE	10 FT		MINIMUM TOTAL LIVING AREA (PER UNIT)	SINGLE FAM	840 SQ FT	
				2 FAMILY	N/A	
				MULTI FAM	N/A	
MIN SIDE YD SETBACK	RES STRU	25 FT	MAXIMUM LOT COVERAGE STRUCTURES		25%	
	ACC STRU	13 FT				
MIN REAR YD SETBACK	RES STRU	25 FT	MAXIMUM LOT COVERAGE IMPERVIOUS		35%	
	ACC STRU	13 FT				
FRONT YARD SET BACK	ST RD	RES STRU	105 FT	MAXIMUM LOT COVERAGE AG STRUCTURES		N/A
	ST RD	ACC STRU	105 FT			
	PRI CO RD	RES STRU	95 FT			
	PRI CO RD	ACC STRU	95 FT			
	SEC CO RD	RES STRU	65 FT			
	ACC STRU	65 FT				
MAXIMUM STRUCTURE HEIGHT	RES STRU	36FT	MIN REAR YARD SETBACK WITH ALLEY	RES	N/A	
	ACC STRU	36FT		ACC	N/A	
	AG STRU	N/A				
MIN AGGREGATE DISTANCE SIDE & REAR YARD	RES STRU	50 FT	MIN SIDE YARD SETBACK WITH ALLEY	RES	N/A	
	ACC STRU	26 FT		ACC	N/A	
	RES TO ACC	38 FT				
WELL	PRIVATE		SEPTIC	PRIVATE		
SIGNS	BY PERMIT		LANDSCAPE REQUIREMENTS	YES		
TEMPORARY USE PERMITTED	YES		FENCING PERMITTED	YES		

**SECTION 5.1 AGRICULTURE 1 DISTRICT (A1)**  
**SINGLE FAMILY RESIDENCE PRIVATE SEPTIC**

LOT DIM.

326.7 X 200

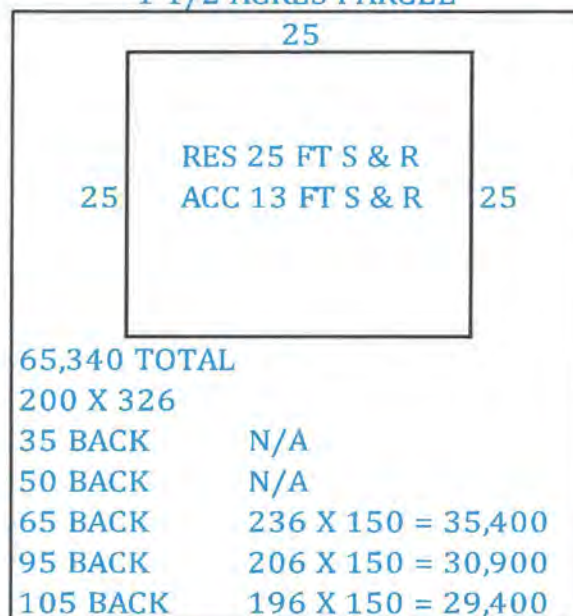
65,340

255.6169

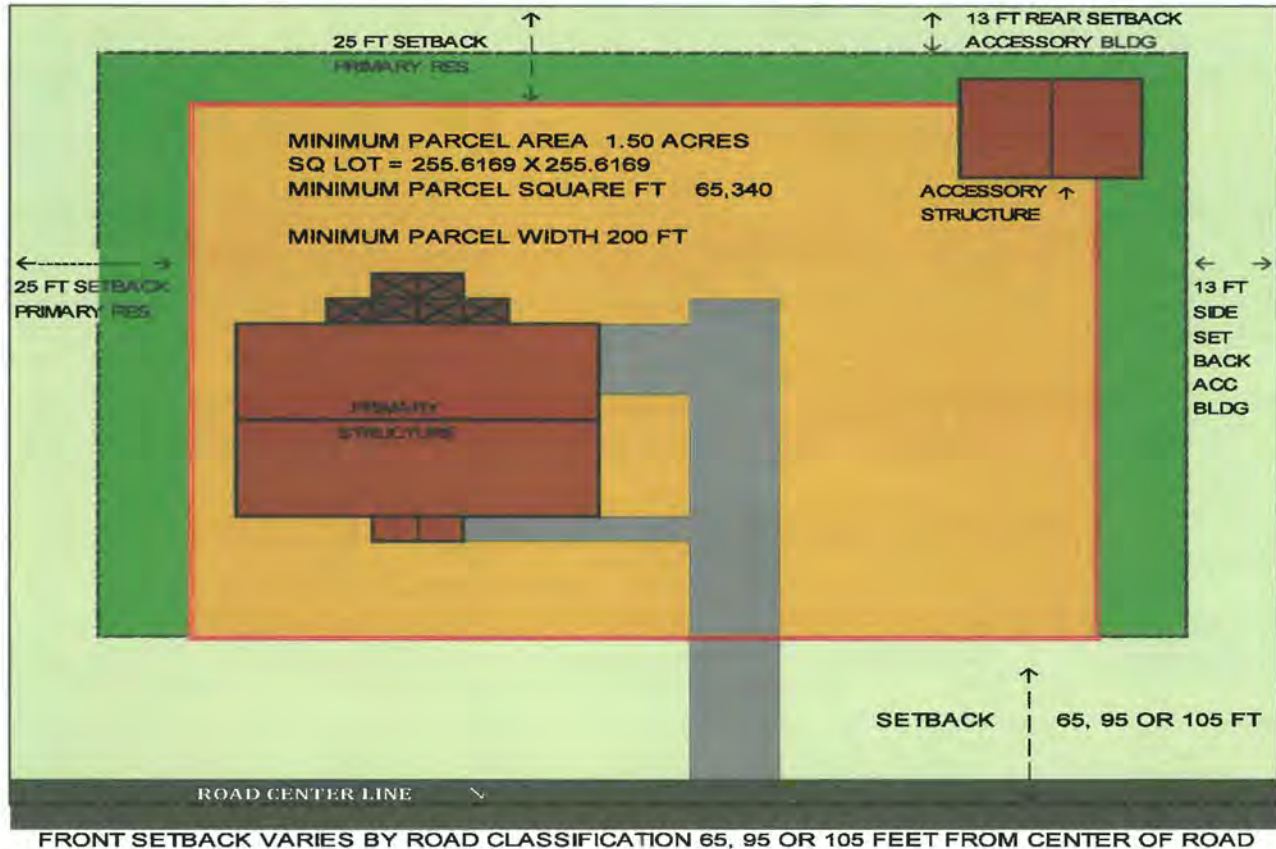
105 FOOT SETBACK	95 FOOT SET BACK	65 FOOT SETBACK	50 FOOT SETBACK	35 FOOT SETBACK
<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>
LOT DEPTH = 326.7	LOT DEPTH = 326.7	LOT DEPTH = 326.7	LOT DEPTH = 326.7	LOT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

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

**1 1/2 ACRES PARCEL**



## 5.2 Agriculture 2 District (A2): Single Family Residence: Private Septic



### Development Standards

Minimum Lot Area  
Per Residential Unit  
\*1 ½ Acres

Minimum Lot Width  
\*200 Feet

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

Water Utility  
\*Private Well

Sanitary Utility  
\*Private Septic

Maximum Residential  
Structures  
\*One (1)

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

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

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

Minimum Aggregate Distance  
Residential Structures  
\*50 Feet

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet

SECTION 5.2				AGRICULTURE 2 DISTRICT (A2) SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC		SPEC 65,340	
MINIMUM LOT SIZE		W SEWER	N/A	MINIMUM ROOF PITCH		RES STRU	5/12
		W/O SEWER	1.5 A			ACC STRU	5/12
MINIMUM LOT WIDTH			200 FT		CORNER LOT VISION ENFORCED		YES
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL		50 FT		MINIMUM GRND FLR LIVING AREA (PER UNIT)		SINGLE FAM	840 SQ FT
		NOT TO BE INCLUDED IN PARCEL ACREAGE				2 FAMILY	N/A
						MULTI FAM	N/A
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE		10 FT		MINIMUM TOTAL LIVING AREA (PER UNIT)		SINGLE FAM	840 SQ FT
						2 FAMILY	N/A
						MULTI FAM	N/A
MIN SIDE YD SETBACK		RES STRU	25 FT	MAXIMUM LOT COVERAGE STRUCTURES		25%	
		ACC STRU	13 FT				
MIN REAR YD SETBACK		RES STRU	25 FT	MAXIMUM LOT COVERAGE IMPERVIOUS		35%	
		ACC STRU	13 FT				
FRONT YARD SET BACK	ST RD	RES STRU	105 FT	MAXIMUM LOT COVERAGE AG STRUCTURES		N/A	
	ST RD	ACC STRU	105 FT				
	PRI CO RD	RES STRU	95 FT				
	PRI CO RD	ACC STRU	95 FT				
	SEC CO RD	RES STRU	65 FT				
	SEC CO RD	ACC STRU	65 FT				
MAXIMUM STRUCTURE HEIGHT		RES STRU	36FT	MIN REAR YARD SETBACK TO ALLEY		RES	N/A
		ACC STRU	36 FT			ACC	N/A
		AG STRU	N/A				
MIN AGGREGATE DISTANCE SIDE & REAR YARD		RES STRU	50 FT	MIN SIDE YARD SETBACK TO ALLEY		RES	N/A
		ACC STRU	26 FT			ACC	N/A
		RES TO ACC	38 FT				
WELL			PRIVATE		SEPTIC		PRIVATE
SIGNS			BY PERMIT		LANDSCAPE REQUIREMENTS		YES
TEMPORARY USE PERMITTED			YES		FENCING PERMITTED		YES

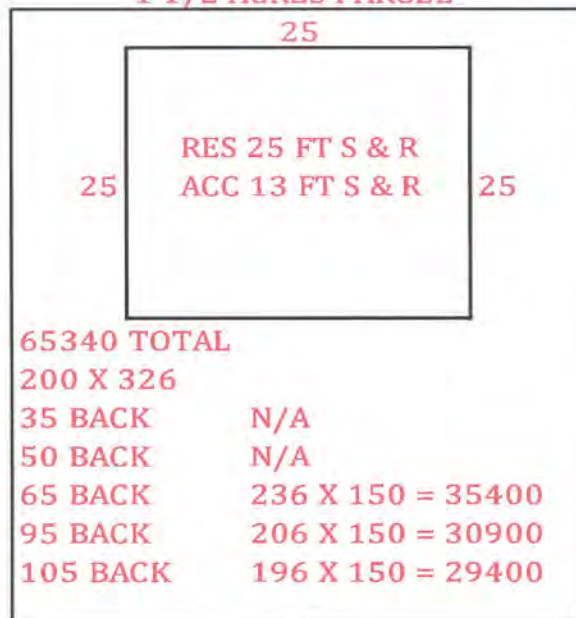
**SECTION 5.2 AGRICULTURE 2 DISTRICT (A2)**  
**SINGLE FAMILY RESIDENCE PRIVATE SEPTIC**

LOT DIM.            326.7 X 200                            65,340    255.6169

105 FOOT SETBACK RES. SPEC. DEPTH AREA	95 FOOT SET BACK RES. SPEC. DEPTH AREA	65 FOOT SETBACK RES. SPEC. DEPTH AREA	50 FOOT SETBACK RES. SPEC. DEPTH AREA	35 FOOT SETBACK RES. SPEC. DEPTH AREA
LOT DEPTH = 326.7 F SETBACK = 105 R SETBACK = 25 REMAINDER = 196.7	LOT DEPTH = 326.7 F SETBACK = 95 R SETBACK = 25 REMAINDER = 206.7	LOT DEPTH = 326.7 F SETBACK = 65 R SETBACK = 25 REMAINDER = 236.7	LOT DEPTH = 326.7 F SETBACK = 50 R SETBACK = 25 REMAINDER = 251.7	LOT DEPTH = 326.7 F SETBACK = 35 R SETBACK = 25 REMAINDER = 266.7
RES. SPEC. WIDTH AREA	RES. SPEC. WIDTH AREA	RES. SPEC. WIDTH AREA	RES. SPEC. WIDTH AREA	RES. SPEC. WIDTH AREA
LOT WIDTH = 200.0 S SETBACK = 25 S SETBACK = 25 REMAINDER = 150	LOT WIDTH = 200.0 S SETBACK = 25 S SETBACK = 25 REMAINDER = 150	LOT WIDTH = 200.0 S SETBACK = 25 S SETBACK = 25 REMAINDER = 150	LOT WIDTH = 200.0 S SETBACK = 25 S SETBACK = 25 REMAINDER = 150	LOT WIDTH = 200.0 S SETBACK = 25 S SETBACK = 25 REMAINDER = 150
RES. SPEC. AVAILABLE AREA	RES. SPEC. AVAILABLE AREA	RES. SPEC. AVAILABLE AREA	RES. SPEC. AVAILABLE AREA	RES. SPEC. AVAILABLE AREA
DEPTH = 196.7 WIDTH = 150 TOT SQ FT = 65,340 AVAIL SQ FT = 29,505	DEPTH = 206.7 WIDTH = 150.0 TOT SQ FT = 65,340 AVAIL SQ FT = 31,005	DEPTH = 236.7 WIDTH = 150.0 TOT SQ FT = 65,340 AVAIL SQ FT = 35,505	DEPTH = 251.7 WIDTH = 150.0 TOT SQ FT = 65,340 AVAIL SQ FT = 37,755	DEPTH = 266.7 WIDTH = 150.0 TOT SQ FT = 65,340 AVAIL SQ FT = 40,000
MAX COVERAGE OF AVAILABLE SQ FTT				
25% COVER 7,376 30% COVER 8,852 40% COVER 11,802 50% COVER 14,753 60% COVER 17,703 75% COVER 22,129	25% COVER 7,751 30% COVER 9,302 40% COVER 12,402 50% COVER 15,503 60% COVER 18,603 75% COVER 23,254	25% COVER 8,876 30% COVER 10,652 40% COVER 14,202 50% COVER 17,753 60% COVER 21,303 75% COVER 26,629	25% COVER 9,439 30% COVER 11,327 40% COVER 15,102 50% COVER 18,878 60% COVER 22,653 75% COVER 28,316	25% COVER 10,001 30% COVER 12,002 40% COVER 16,002 50% COVER 20,003 60% COVER 24,003 75% COVER 30,004

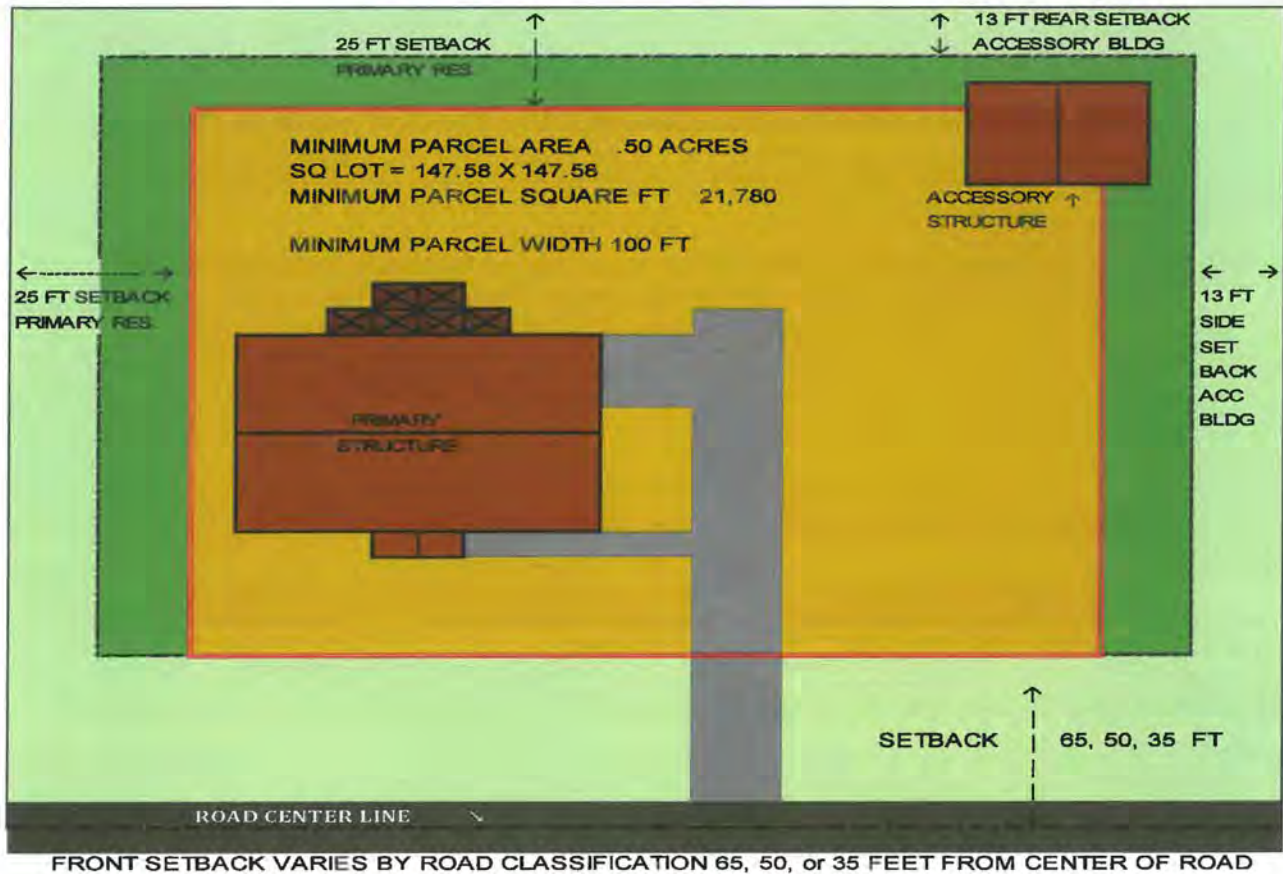
ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

**1 1/2 ACRES PARCEL**





### 5.3 Agriculture 2 District (A2); Single Family Residence: Public Sewer



#### Development Standards

Minimum Lot Area  
Per Residential Unit  
\* $\frac{1}{2}$  Acres

Minimum Lot Width  
\*100 Feet

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

Water Utility  
\*Private / Public Well

Sanitary Utility  
\*Public Sewer

Maximum Residential  
Structures\*One (1)

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

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

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

Minimum Aggregate Distance  
Residential Structures  
\*50 Feet

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet

SECTION		AGRICULTURE 2 DISTRICT (A2)			SPEC	
5.3		SINGLE FAMILY RESIDENCE / PUBLIC SEWER			21,78°	
MINIMUM LOT SIZE	W SEWER	.50 A	MINIMUM ROOF PITCH	RES	5/12	
	W/O SEWER	N/A		ACC	5/12	
MINIMUM LOT WIDTH	100 FT		CORNER LOT VISION ENFORCED		YES	
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL	50 FT NOT TO BE INCLUDED IN PARCEL ACREAGE		MINIMUM GRND FLR LIVING AREA (PER UNIT)	SINGLE FAM	840 SQ FT	
				2FAMILY	N/A	
				MULTI FAM	N/A	
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE	10 FT		MINIMUM TOTAL LIVING AREA (PER UNIT)	SINGLE FAM	840 SQ FT	
				2FAMILY	N/A	
				MULTI FAM	N/A	
MIN SIDE YD SETBACK	RES STRU	25 FT	MAXIMUM LOT COVERAGE STRUCTURES		30%	
	ACC STRU	13 FT				
MIN REAR YD SETBACK	RES STRU	25 FT	MAXIMUM LOT COVERAGE IMPERVIOUS		40%	
	ACC STRU	13 FT				
FRONT YARD SET BACK	SEC CO RD	RES STRU	65 FT	MAXIMUM LOT COVERAGE AG STRUCTURES		N/A
	SEC CO RD	ACC STRU	65 FT			
	FEEDER ST	RES STRU	50 FT			
	FEEDER ST	ACC STRU	50 FT			
	LOCAL ST	RES STRU	35 FT			
	LOCAL ST	ACC STRU	35 FT			
MAXIMUM STRUCTURE HEIGHT	RES STRU	36 FT	MIN REAR SETBACK TO ALLEY	RES	N/A	
	ACC STRU	36 FT		ACC	N/A	
	AG STRU	N/A				
MIN AGGREGATE DISTANCE SIDE & REAR YARD	RES STRU	50 FT	MIN SIDE SETBACK TO ALLEY	RES	N/A	
	ACC STRU	26 FT		ACC	N/A	
	RES TO ACC	38 FT				
WELL	PRIV/PUB		SEPTIC	PUBLIC		
SIGNS	BY PERMIT		LANDSCAPE REQUIREMENTS	YES		
TEMPORARY USE PERMITTED	YES		FENCING PERMITTED	YES		

**SECTION 5.3 AGRICULTURE 2 DISTRICT (A2)**  
**SINGLE FAMILY RESIDENCE PUBLIC SEWER**

LOT DIM.

217.8 X 100

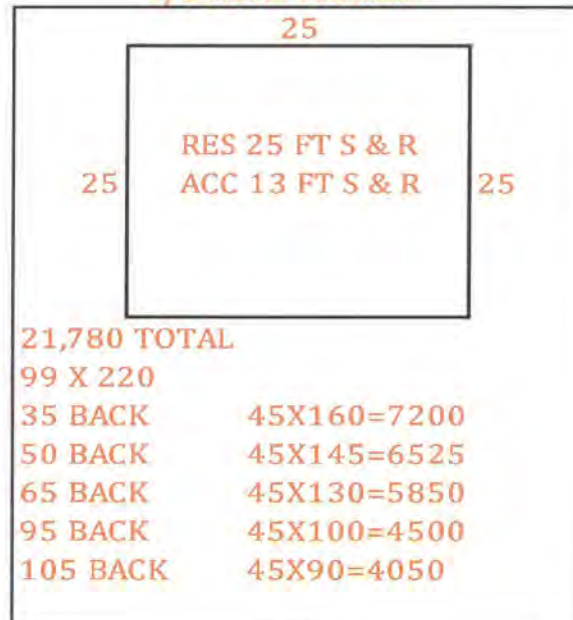
21,780

147.5805

105 FOOT SETBACK		95 FOOT SET BACK		65 FOOT SETBACK		50 FOOT SETBACK		35 FOOT SETBACK	
RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA	
LOT DEPTH =	217.8	LOT DEPTH =	217.8	LOT DEPTH =	217.8	LOT DEPTH =	217.8	LOT DEPTH =	217.8
F SETBACK =	105	F SETBACK =	95	F SETBACK =	65	F SETBACK =	50	F SETBACK =	35
R SETBACK =	25	R SETBACK =	25	R SETBACK =	25	R SETBACK =	25	R SETBACK =	25
REMAINDER =	87.8	REMAINDER =	97.8	REMAINDER =	127.8	REMAINDER =	142.8	REMAINDER =	157.8
RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA	
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S SETBACK =	25	S SETBACK =	25	S SETBACK =	25	S SETBACK =	25	S SETBACK =	25
REMAINDER =	50	REMAINDER =	50	REMAINDER =	50	REMAINDER =	50	REMAINDER =	50
RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA	
DEPTH =	87.8	DEPTH =	97.8	DEPTH =	127.8	DEPTH =	142.8	DEPTH =	157.8
WIDTH =	50	WIDTH =	50	WIDTH =	50	WIDTH =	50	WIDTH =	50
TOT SQ FT =	21,780	TOT SQ FT =	21,780	TOT SQ FT =	21,780	TOT SQ FT =	21,780	TOT SQ FT =	21,780
AVAIL SQ FT	4,390	AVAIL SQ FT	4,890	AVAIL SQ FT	6,390.0	AVAIL SQ FT	7,140	AVAIL SQ FT	7,890
MAX COVERAGE OF AVAILABLE SQ FTT									
25% COVER	1,098	25% COVER	1,223	25% COVER	1,598	25% COVER	1,785	25% COVER	1,973
30% COVER	1,317	30% COVER	1,467	30% COVER	1,917	30% COVER	2,142	30% COVER	2,367
40% COVER	1,756	40% COVER	1,956	40% COVER	2,556	40% COVER	2,856	40% COVER	3,156
50% COVER	2,195	50% COVER	2,445	50% COVER	3,195	50% COVER	3,570	50% COVER	3,945
60% COVER	2,634	60% COVER	2,934	60% COVER	3,834	60% COVER	4,284	60% COVER	4,734
75% COVER	3,293	75% COVER	3,868	75% COVER	4,793	75% COVER	5,355	75% COVER	5,918

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

**1/2 ACRE PARCEL**



**5.4 Floodplain District (FP); Private Septic or Public Sewer**

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

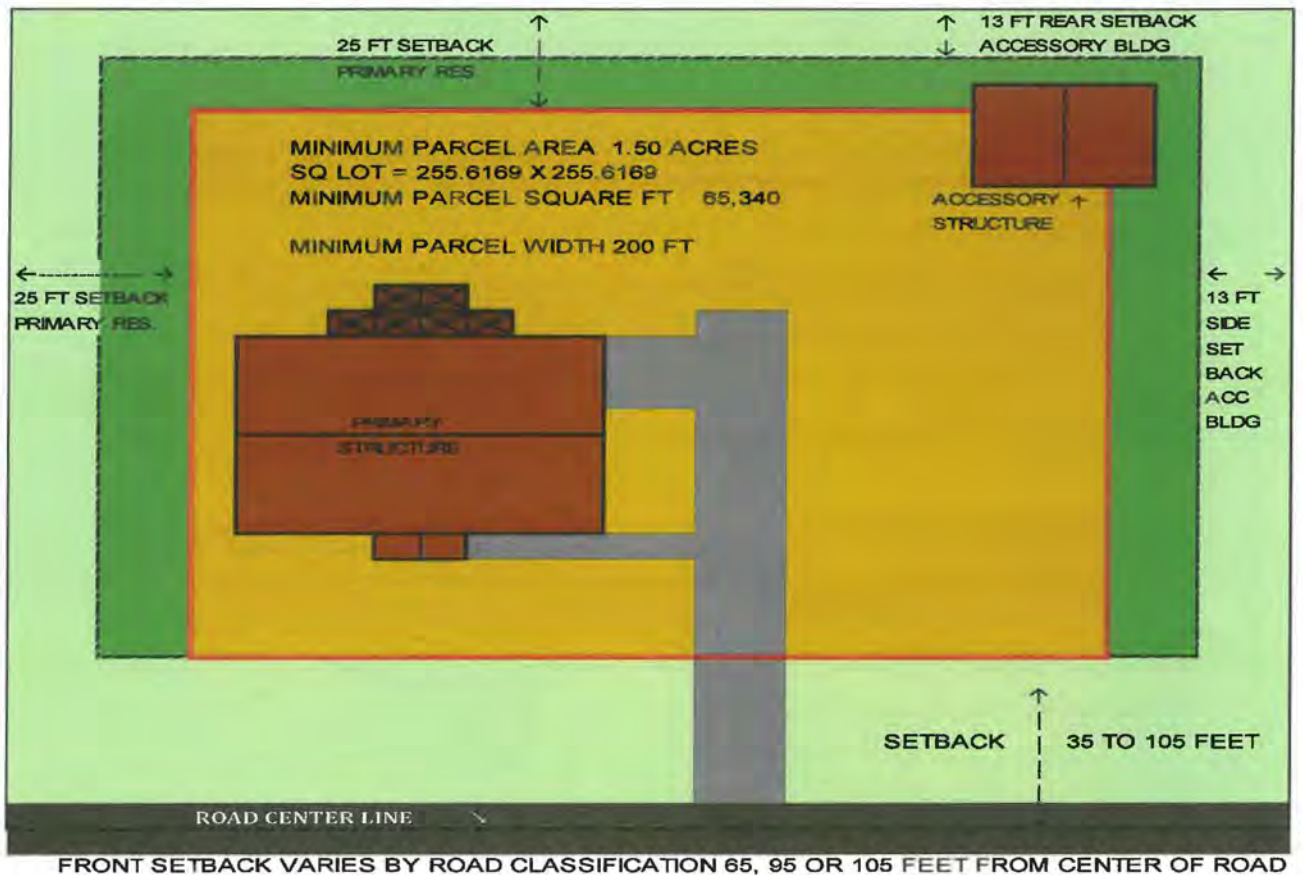
**IN ADDITION**

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

**AND**

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

**5.5 Forest, Recreation, Conservation District (FRC):  
Single Family Residence; Private Septic**



Development Standards

Minimum Lot Area  
Per Residential Unit  
\*1 ½ Acres

Minimum Lot Width  
\*200 Feet

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

Water Utility  
\*Private Well

Sanitary Utility  
\*Private Septic

Maximum Residential  
Structures  
\*One (1)

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

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

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

Minimum Aggregate Distance  
Residential Structures  
\*50 Feet

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet

SECTION 5.5 FOREST/RECREATION/CONSERVATION DISTRICT FRC SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC				SPEC 65,34 <sup>o</sup>		
MINIMUM LOT SIZE	W SEWER	N/A		MINIMUM ROOF PITCH	RES	5/12
	W/O SEWER	1.5 A			ACC	5/12
MINIMUM LOT WIDTH		200 FT		CORNER LOT VISION ENFORCED		YES
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL		50 FT		MINIMUM GRND FLR LIVING AREA (PER UNIT)	SINGLE FAM	840 SQFT
	NOT TO BE INCLUDED IN PARCEL ACREAGE				2 FAMILY	N/A
					MULTI FAM	N/A
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE		10 FT		MINIMUM TOTAL LIVING AREA (PER UNIT)	SINGLE FAM	840 SQ FT
					2 FAMILY	N/A
					MULTI FAM	N/A
MIN SIDE YD SETBACK	RES STRU	25 FT		MAXIMUM LOT COVERAGE STRUCTURES		25%
	ACC STRU	13 FT				
MIN REAR YD SETBACK	RES STRU	25 FT		MAXIMUM LOT COVERAGE IMPERVIOUS		35%
	ACC STRU	13 FT				
FRONT YARD SET BACK	ST RD	RES STRU	105 FT	MAXIMUM LOT COVERAGE AG STRUCTURES		N/A
	ST RD	ACC STRU	105 FT			
	PRI CO RD	RES STRU	95 FT			
	PRI CO RD	ACC STRU	95 FT			
	SEC CO RD	RES STRU	65 FT			
	SEC CO RD	ACC STRU	65 FT			
MAXIMUM STRUCTURE HEIGHT	RES STRU	36 FT		MIN REAR SETBACK TO ALLEY	RES	N/A
	ACC STRU	36 FT			ACC	N/A
	AG STRU	N/A				
MIN AGGREGATE DISTANCE SIDE & REAR YARD	RES STRU	50 FT		MIN SIDE SETBACK TO ALLEY	RES	N/A
	ACC STRU	26 FT			ACC	N/A
	RES TO ACC	38 FT				
WELL		PRIVATE		SEPTIC		PRIVATE
SIGNS		BY PERMIT		LANDSCAPE REQUIREMENTS		N/A
TEMPORARY USE PERMITTED		YES		FENCING PERMITTED		YES

**SECTION 5.5 FOREST, RECREATION, CONSERVATION DISTRICT (FRC)  
SINGLE FAMILY RESIDENCE PRIVATE SEPTIC**

LOT DIM.

326.7 X 200

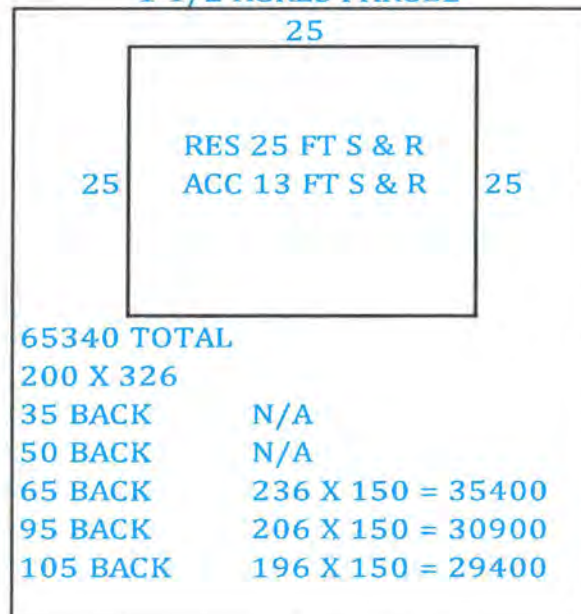
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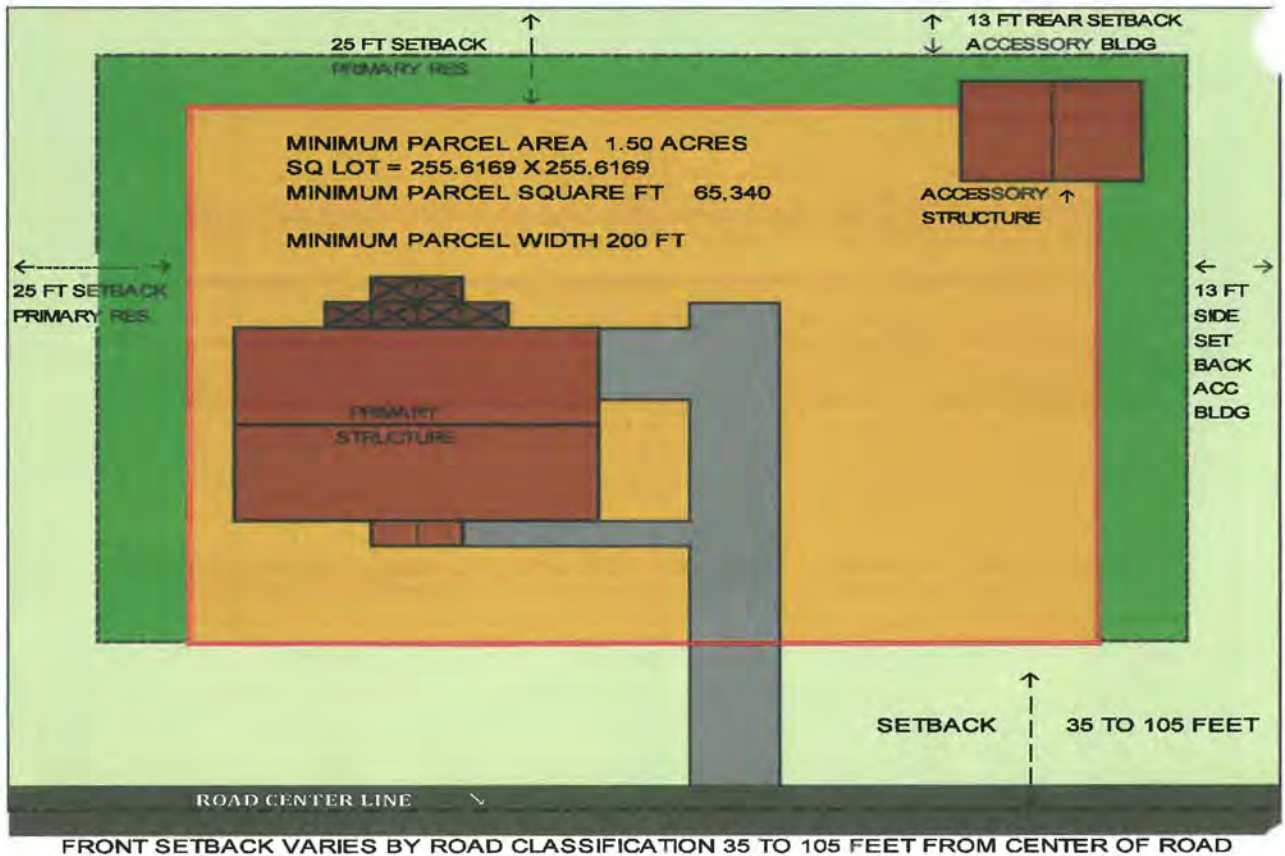
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LOT DEPTH = 326.7	LOT DEPTH = 326.7	LOT DEPTH = 326.7	LOT DEPTH = 326.7	LOT DEPTH = 326.7
F SETBACK = 105	F SETBACK = 95	F SETBACK = 65	F SETBACK = 50	F SETBACK = 35
R SETBACK = 25	R SETBACK = 25	R SETBACK = 25	R SETBACK = 25	R SETBACK = 25
REMAINDER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

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

1 1/2 ACRES PARCEL



**5.6 Residential 1 District (R1); Single Family Residence; Private Septic**



Development Standards

Minimum Lot Area  
Per Residential Unit  
\*1 ½ Acres

Minimum Lot Width  
\*200 Feet

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

Water Utility  
\*Private Well

Sanitary Utility  
\*Private Septic

Maximum Residential  
Structures  
\*One (1)

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

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

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

Minimum Aggregate Distance  
Residential Structures  
\*50 Feet

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet



SECTION 5.6			RESIDENTIAL 1 DISTRICT R1 SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC			SPEC 65,340	
MINIMUM LOT SIZE		W SEWER	N/A	MINIMUM ROOF PITCH		RES	5/12
		W/O SEWER	1.5 A			ACC	5/12
MINIMUM LOT WIDTH			200 FT		CORNER LOT VISION ENFORCED		YES
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL		50 FT		MINIMUM GRND FLR LIVING AREA (PER UNIT)		SINGLE FAM	840 SQFT
		NOT TO BE INCLUDED IN PARCEL ACREAGE				2 FAMILY	N/A
						MULTI FAM	N/A
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE		10 FT		MINIMUM TOTAL LIVING AREA (PER UNIT)		SINGLE FAM	840 SQ FT
						2 FAMILY	N/A
						MULTI FAM	N/A
MIN SIDE YD SETBACK		RES STRU	25 FT	MAXIMUM LOT COVERAGE STRUCTURES			
		ACC STRU	13 FT			25%	
MIN REAR YD SETBACK		RES STRU	25 FT	MAXIMUM LOT COVERAGE IMPERVIOUS			
		ACC STRU	13 FT			35%	
FRONT	PRI CO RD	RES STRU	95 FT	MAXIMUM LOT COVERAGE AG STRUCTURES			
	PRI CO RD	ACC STRU	95 FT			N/A	
YARD	SEC CO RD	RES STRU	65 FT	MIN REAR SETBACK TO ALLEY		RES	N/A
	SEC CO RD	ACC STRU	65 FT			ACC	N/A
SETBACK	FEEDER ST	RES STRU	50 FT	MIN SIDE SETBACK TO ALLEY		RES	N/A
	FEEDER ST	ACC STRU	50 FT			ACC	N/A
	LOCAL ST	RES STRU	35 FT	SEPTIC		PRIVATE	
	LOCAL ST	ACC STRU	35 FT	LANDSCAPE REQUIREMENTS		YES	
MAXIMUM STRUCTURE HEIGHT		RES STRU	36 FT	FENCING PERMITTED		YES	
		ACC STRU	36 FT	TEMPORARY USE PERMITTED		YES	
		AG STRU	N/A				
MIN AGGREGATE DISTANCE SIDE & REAR YARD		RES STRU	50 FT				
		ACC STRU	26 FT				
		RES TO ACC	38 FT				
WELL			PRIVATE				
SIGNS			BY PERMIT				

**SECTION 5.6 RESIDENTIAL 1 DISTRICT (R1)**  
**SINGLE FAMILY RESIDENCE PRIVATE SEPTIC**

LOT DIM.

326.7 X 200

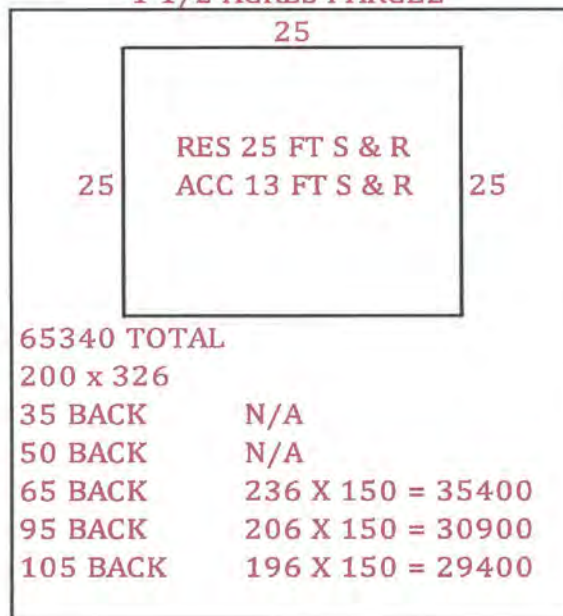
65,340

255.6169

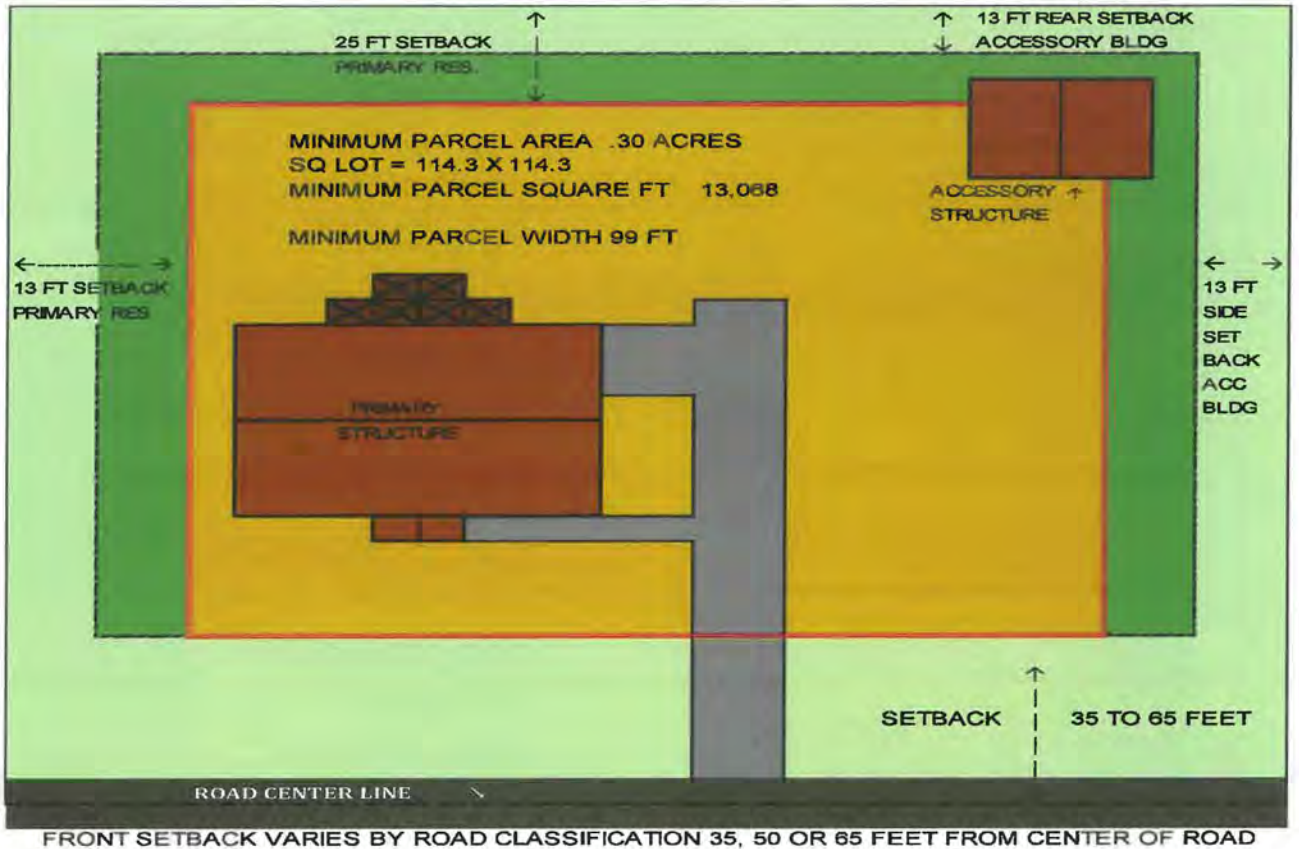
105 FOOT SETBACK	95 FOOT SET BACK	65 FOOT SETBACK	50 FOOT SETBACK	35 FOOT SETBACK
<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>
LOT DEPTH = 326.7	LOT DEPTH = 326.7	LOT DEPTH = 326.7	LOT DEPTH = 326.7	LOT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

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

1 1/2 ACRES PARCEL



### 5.7 Residential 1 District (R1); Single Family; Public Sewer



#### Development Standards

Minimum Lot Area  
Per Residential Unit  
\*0.30 Acres

Minimum Lot Width  
\*99 Feet

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

Water Utility  
\*Public / Private Well

Sanitary Utility  
\*Public Sewer

Maximum Residential  
Structures  
\*One (1)

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

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

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

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

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet

SECTION		RESIDENTIAL 1 DISTRICT R1		SPECIFICATIONS		
5.7		SINGLE FAMILY RESIDENCE / PUBLIC SEWER		13,000		
MINIMUM LOT SIZE	W SEWER	.30 A	MINIMUM ROOF PITCH	RES	5/12	
	W/O SEWER	N/A		ACC	5/12	
MINIMUM LOT WIDTH		99 FT		CORNER LOT VISION ENFORCED		
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL	50 FT		MINIMUM GRND FLR LIVING AREA (PER UNIT)	SINGLE FAM	840 SQ FT	
	NOT TO BE INCLUDED IN PARCEL ACREAGE			2 FAMILY	N/A	
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE		10 FT		MULTI FAM	N/A	
MIN SIDE YD SETBACK	RES BLDG	13 FT	MINIMUM TOTAL LIVING AREA (PER UNIT)	SINGLE FAM	840 SQ FT	
	ACC BLDG	13 FT		2 FAMILY	N/A	
MIN REAR YD SETBACK	RES BLDG	25 FT		MULTI FAM	N/A	
	ACC BLDG	13 FT	MAXIMUM LOT COVERAGE STRUCTURES			
FRONT	PRI CO RD	RES STRU	N/A	MAXIMUM LOT COVERAGE IMPERVIOUS		
	PRI CO RD	ACC STRU	N/A	45%		
YARD	SEC CO RD	RES STRU	65 FT	MAXIMUM LOT COVERAGE AG STRUCTURES		
	SEC CO RD	ACC STRU	65 FT	N/A		
SETBACK	FEEDER ST	RES STRU	50 FT	MIN REAR SETBACK TO 12 FT ALLEY	RES	19 FT
	FEEDER ST	ACC STRU	50 FT		ACC	7 FT
	LOCAL ST	RES STRU	35 FT	MIN SIDE SETBACK TO ALLEY		
MAXIMUM STRUCTURE HEIGHT	RES BLDG	36 FT	SEPTIC		PUBLIC	
	ACC BLDG	36 FT	LANDSCAPE REQUIREMENTS		YES	
	AG BLDG	N/A	FENCING PERMITTED		YES	
MIN AGGREGATE DISTANCE SIDE & REAR YARD	RES SIDE	26 FT	SIGNALS		BY PERMIT	
	RES REAR	50 FT	TEMPORARY USE PERMITTED		YES	
	ACC BLDG	26 FT				
WELL		PUBLIC				

**SECTION 5.7 RESIDENTIAL 1 DISTRICT (R1)**  
**SINGLE FAMILY RESIDENCE PUBLIC SEWER**

LOT DIM.

132 X 99

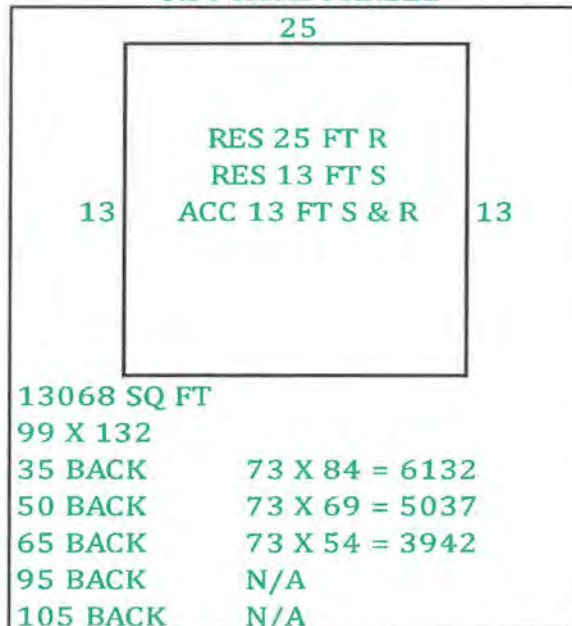
13,068

114.3154

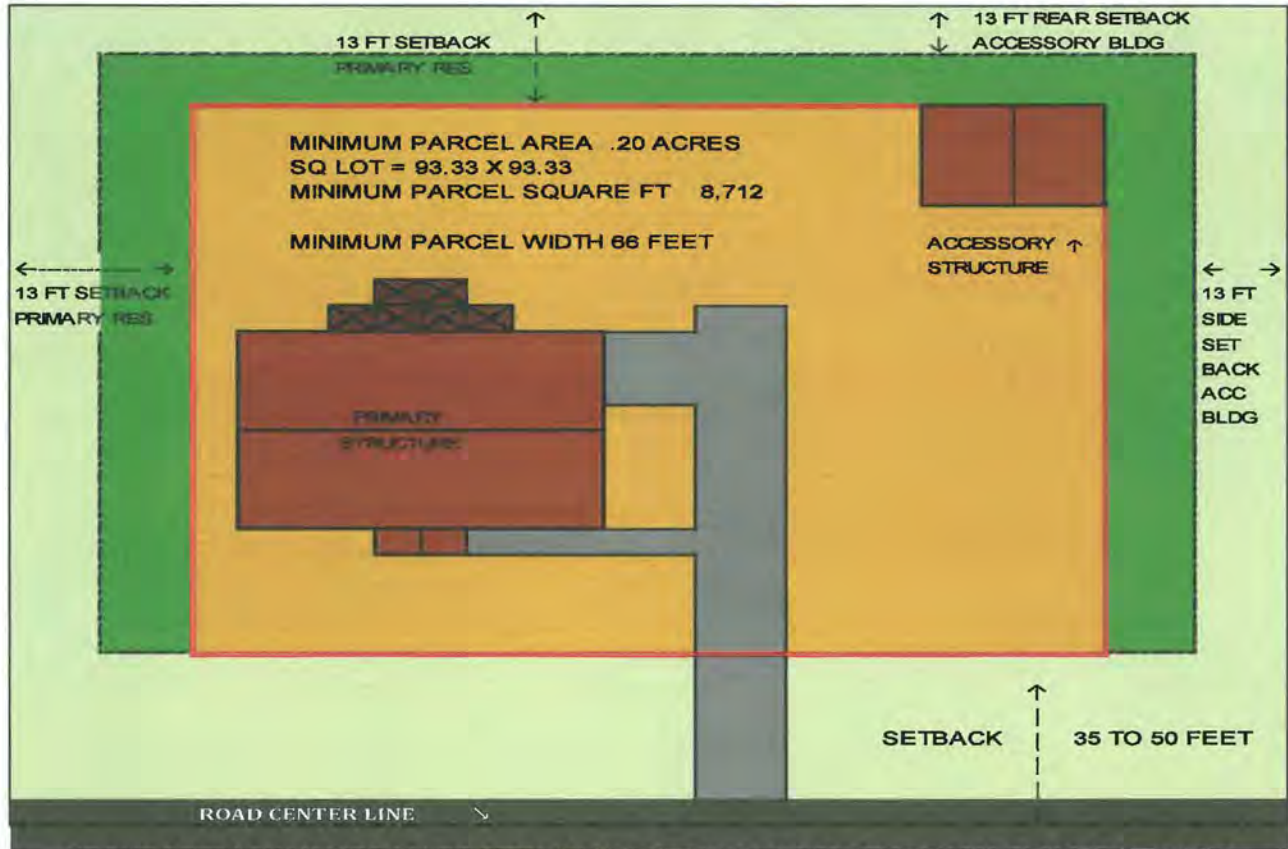
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LOT DEPTH = 132.0	LOT DEPTH = 132.0	LOT DEPTH = 132.0	LOT DEPTH = 132.0	LOT DEPTH = 132.0
F SETBACK = 105	F SETBACK = 95	F SETBACK = 65	F SETBACK = 50	F SETBACK = 35
R SETBACK = 25	R SETBACK = 25	R SETBACK = 25	R SETBACK = 25	R SETBACK = 25
REMAINDER = 2.0	REMAINDER = 12	REMAINDER = 42	REMAINDER = 57	REMAINDER = 72
RES. SPEC. WIDTH AREA	RES. SPEC. WIDTH AREA	RES. SPEC. WIDTH AREA	RES. SPEC. WIDTH AREA	RES. SPEC. WIDTH AREA
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REMAINDER = 73	REMAINDER = 73	REMAINDER = 73	REMAINDER = 73	REMAINDER = 73
RES. SPEC. AVAILABLE AREA	RES. SPEC. AVAILABLE AREA	RES. SPEC. AVAILABLE AREA	RES. SPEC. AVAILABLE AREA	RES. SPEC. AVAILABLE AREA
DEPTH = 2.0	DEPTH = 12.0	DEPTH = 42.0	DEPTH = 57.0	DEPTH = 72.0
WIDTH = 73	WIDTH = 73	WIDTH = 73	WIDTH = 73	WIDTH = 73
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AVAIL SQ FT 146	AVAIL SQ FT 876	AVAIL SQ FT 3,066	AVAIL SQ FT 4,161	AVAIL SQ FT 5,256
MAX COVERAGE OF AVAILABLE SQ FTT				
25% COVER 37	25% COVER 219	25% COVER 767	25% COVER 1,040.3	25% COVER 1,314
30% COVER 44	30% COVER 263	30% COVER 920	30% COVER 1,248.3	30% COVER 1,577
40% COVER 58	40% COVER 350	40% COVER 1,226	40% COVER 1,664.4	40% COVER 2,102
50% COVER 73	50% COVER 438	50% COVER 1,533	50% COVER 2080.5	50% COVER 2,628
60% COVER 88	60% COVER 526	60% COVER 1,840	60% COVER 2496.6	60% COVER 3,154
75% COVER 110	75% COVER 657	75% COVER 2,300	75% COVER 3120.75	75% COVER 3,942

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

**0.30 ACRE PARCEL**



**5.8 Residential 2 District (R2): One or Two Family Residence: Public Sewer**



FRONT SETBACK VARIES BY ROAD CLASSIFICATION 35 OR 50 FEET FROM CENTER OF ROAD

**Development Standards**

Minimum Lot Area  
Per Residential Unit  
\*0.20 Acres

Minimum Lot Width  
\*66 Feet

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

Water Utility  
\*Public Well

Sanitary Utility  
\*Public Sewer

Maximum Residential  
Structures  
\*Two (2)

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

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

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

Minimum Aggregate Distance  
Residential Structures  
\*26 Feet

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet

SECTION 5.8				RESIDENTIAL 2 DISTRICT R2 ONE & TWO FAMILY RESIDENCE / PUBLIC SEWER			SPEC 8,712			
MINIMUM LOT SIZE		W SEWER	.20 A	MINIMUM ROOF PITCH		RES	5/12			
		W/O SEWER	N/A			ACC	5/12			
MINIMUM LOT WIDTH			66 FT	CORNER LOT VISION ENFORCED		YES				
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL		N/A		MINIMUM GRND FLR LIVING AREA (PER UNIT)		SINGLE FAM	840 SQ FT			
		NOT TO BE INCLUDED IN PARCEL ACREAGE				2 FAMILY	800 SQ FT			
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE		10 FT				MULTI FAM	N/A			
MIN SIDE YD SETBACK		RES BLDG	13 FT	MINIMUM TOTAL LIVING AREA (PER UNIT)		SINGLE FAM	840 SQ FT			
		ACC BLDG	13 FT			2 FAMILY	800 SQ FT			
						MULTI FAM	N/A			
MIN REAR YD SETBACK		RES BLDG	13 FT	MAXIMUM LOT COVERAGE STRUCTURES						
		ACC BLDG	13 FT			35%				
FRONT YARD SETBACK		PRI CO RD	RES STRU			N/A	MAXIMUM LOT COVERAGE IMPERVIOUS			
		PRI CO RD	ACC STRU	N/A	45%					
		SEC CO RD	RES STRU	N/A						
		SETBACK		SEC CO RD	ACC STRU	N/A	MAXIMUM LOT COVERAGE AG STRUCTURES			
				FEEDER ST	RES STRU	50 FT			N/A	
				FEEDER ST	ACC STRU	50 FT				
				LOCAL ST	RES STRU	35 FT				
		MAXIMUM STRUCTURE HEIGHT		RES BLDG	36 FT	MIN REAR SETBACK TO ALLEY		RES	7 FT	
ACC BLDG	36 FT			ACC	7 FT					
AG BLDG	N/A									
MIN AGGREGATE DISTANCE SIDE & REAR YARD		RES BLDG	26 FT	MIN SIDE SETBACK TO ALLEY		RES	N/A			
		ACC BLDG	26 FT			ACC	N/A			
WELL			PUBLIC	SEPTIC		PUBLIC				
SIGNS			BY PERMIT	LANDSCAPE REQUIREMENTS		YES				
TEMPORARY USE PERMITTED			YES	FENCING PERMITTED		YES				

**SECTION 5.8 RESIDENTIAL 2 DISTRICT (R2)**  
**ONE OR TWO FAMILY RESIDENCE PUBLIC SEWER**

LOT DIM.

132 X 66

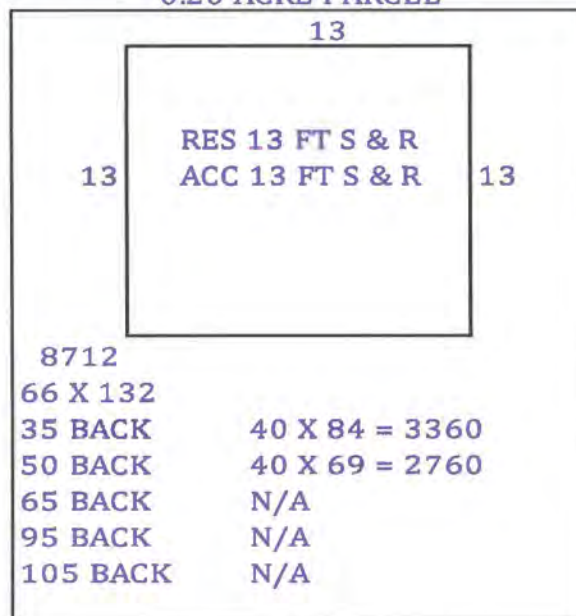
8,712

93.3381

105 FOOT SETBACK		95 FOOT SET BACK		65 FOOT SETBACK		50 FOOT SETBACK		35 FOOT SETBACK	
RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA	
LOT DEPTH =	132	LOT DEPTH =	132	LOT DEPTH =	132	LOT DEPTH =	132	LOT DEPTH =	132
F SETBACK =	105	F SETBACK =	95	F SETBACK =	65	F SETBACK =	50	F SETBACK =	35
R SETBACK =	13	R SETBACK =	13	R SETBACK =	13	R SETBACK =	13	R SETBACK =	13
REMAINDER =	14	REMAINDER =	24	REMAINDER =	54	REMAINDER =	69	REMAINDER =	84
RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA	
LOT WIDTH =	66	LOT WIDTH =	66	LOT WIDTH =	66	LOT WIDTH =	66	LOT WIDTH =	66
S SETBACK =	13	S SETBACK =	13	S SETBACK =	13	S SETBACK =	13	S SETBACK =	13
S SETBACK =	13	S SETBACK =	13	S SETBACK =	13	S SETBACK =	13	S SETBACK =	13
REMAINDER =	40	REMAINDER =	40	REMAINDER =	40	REMAINDER =	40	REMAINDER =	40
RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA	
DEPTH =	14	DEPTH =	24	DEPTH =	54	DEPTH =	69	DEPTH =	84
WIDTH =	40	WIDTH =	40	WIDTH =	40	WIDTH =	40	WIDTH =	40
TOT SQ FT =	8,712	TOT SQ FT =	8,712	TOT SQ FT =	8,712	TOT SQ FT =	8,712	TOT SQ FT =	8,712
AVAIL SQ FT	560	AVAIL SQ FT	960	AVAIL SQ FT	2,160	AVAIL SQ FT	2,760	AVAIL SQ FT	3,260
MAX COVERAGE OF AVAILABLE SQ FTT									
25% COVER	140	25% COVER	240	25% COVER	540	25% COVER	690	25% COVER	840
30% COVER	168	30% COVER	288	30% COVER	648	30% COVER	828	30% COVER	1,008
40% COVER	224	40% COVER	384	40% COVER	864	40% COVER	1,104	40% COVER	1,344
50% COVER	280	50% COVER	480	50% COVER	1,080	50% COVER	1,380	50% COVER	1,680
60% COVER	336	60% COVER	576	60% COVER	1,296	60% COVER	1,656	60% COVER	2,016
75% COVER	420	75% COVER	720	75% COVER	1,620	75% COVER	2,070	75% COVER	2,520

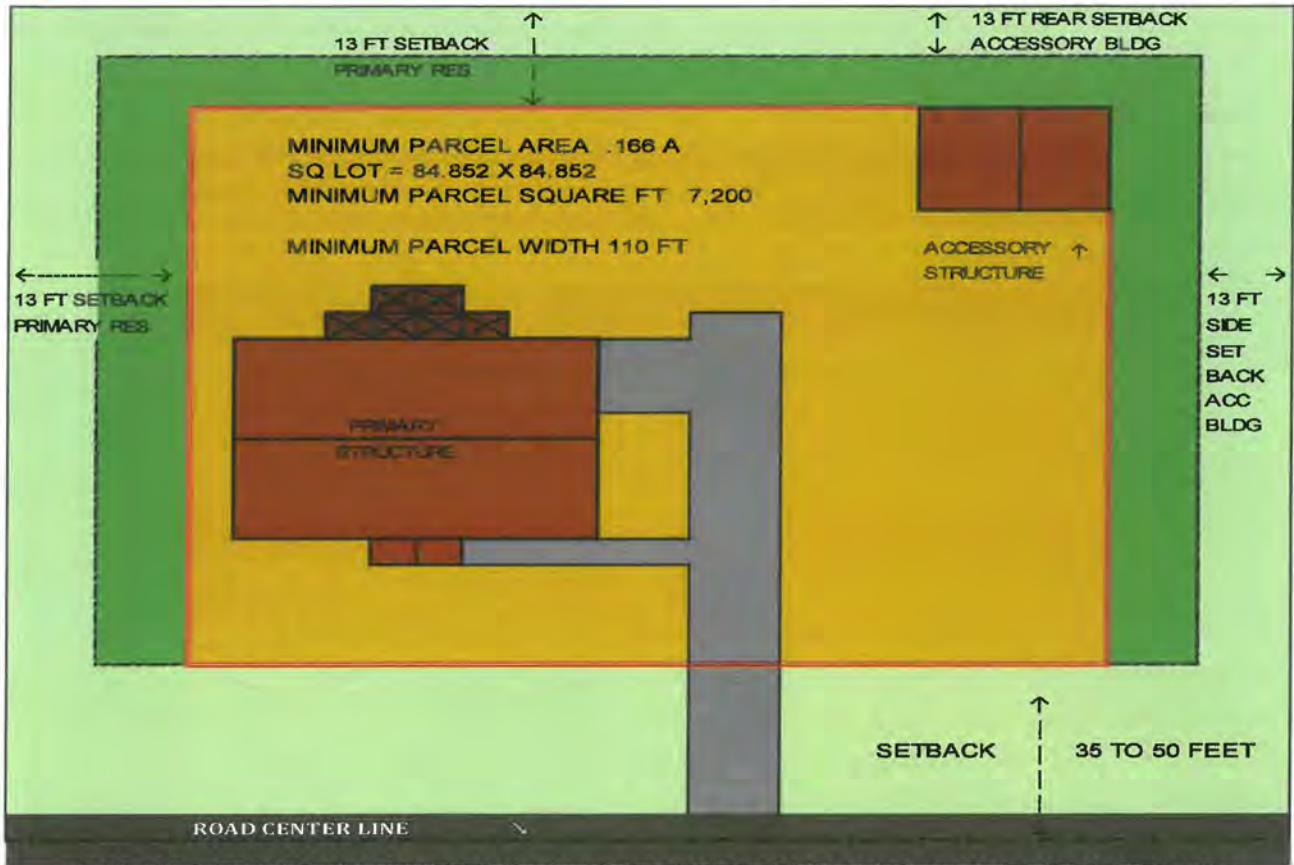
ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

**0.20 ACRE PARCEL**





**5.9 Residential 3 District (R3); One, Two, Multi Family Residence; Public Sewer**



FRONT SETBACK VARIES BY ROAD CLASSIFICATION 35 OR 50 FEET FROM CENTER OF ROAD

Development Standards

Minimum Lot Area  
Per Residential Unit  
\*0.166 Acres

Minimum Lot Width  
\*60 Feet

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

Water Utility  
\*Public Well

Sanitary Utility  
\*Public Sewer

Maximum Residential Structures  
\*Unlimited

Minimum Front Yard Setback  
\*35 Feet Local Street

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

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

Minimum Aggregate Distance  
Residential Structures  
\*26 Feet

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet

SECTION 5.9				RESIDENTIAL 3 DISTRICT R3			SPEC 7,200	
ONE, TWO, MULTI FAMILY RESIDENCE / PUBLIC SEWER								
MINIMUM LOT SIZE	W SEWER		.166 A	MINIMUM ROOF PITCH	RES		5/12	
	W/O SEWER		N/A		ACC		5/12	
MINIMUM LOT WIDTH				60 FT		CORNER LOT VISION ENFORCED		YES
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL			N/A	MINIMUM GRND FLR LIVING AREA (PER UNIT)	SINGLE FAM		840 SQ FT	
	NOT TO BE INCLUDED IN PARCEL ACREAGE				2 FAMILY		800 SQ FT	
					MULTI FAM		720 SQ FT	
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE			N/A	MINIMUM TOTAL LIVING AREA (PER UNIT)	SINGLE FAM		840 SQ FT	
					2 FAMILY		800 SQ FT	
					MULTI FAM		720 SQ FT	
MIN SIDE YD SETBACK	RES BLDG		13FT	MAXIMUM LOT COVERAGE STRUCTURES				
	ACC BLDG		13 FT				50%	
MIN REAR YD SETBACK	RES BLDG		13 FT	MAXIMUM LOT COVERAGE IMPERVIOUS				
	ACC BLDG		13 FT				60%	
FRONT YARD SETBACK	PRI CO RD	RES STRU	N/A	MAXIMUM LOT COVERAGE AG STRUCTURES				
	PRI CO RD	ACC STRU	N/A				N/A	
	SEC CO RD	RES STRU	N/A	MIN REAR SETBACK TO ALLEY	RES		7 FT	
	SEC CO RD	ACC STRU	N/A		ACC		7 FT	
	FEEDER ST	RES STRU	50 FT		MIN SIDE SETBACK TO ALLEY	RES		N/A
	FEEDER ST	ACC STRU	50 FT			ACC		N/A
	LOCAL ST	RES STRU	35 FT	SEPTIC			PUBLIC	
	LOCAL ST	ACC STRU	35 FT	LANDSCAPE REQUIREMENTS			YES	
MAXIMUM STRUCTURE HEIGHT	RES BLDG		36 FT	FENCING PERMITTED	YES			
	ACC BLDG		36 FT					
	AG BLDG		N/A	TEMPORARY USE PERMITTED			NO	
MIN AGGREGATE DISTANCE SIDE & REAR YARD	RES REAR		26 FT					
	RES SIDE		26 FT					
	ACC BLDG		26 FT					
WELL				PUBLIC				

**SECTION 5.9 RESIDENTIAL 3 DISTRICT (R3)**  
**ONE, TWO, MULTI FAMILY RESIDENCE PUBLIC SEWER**

XXX

LOT DIM.

120 X 60

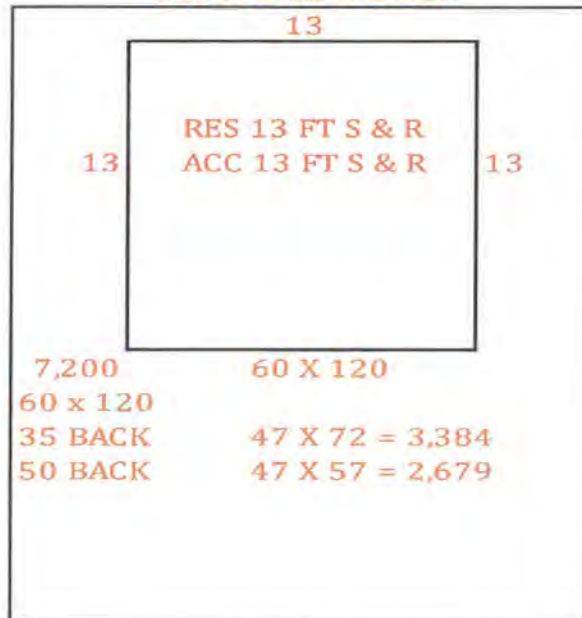
7,200

84.852

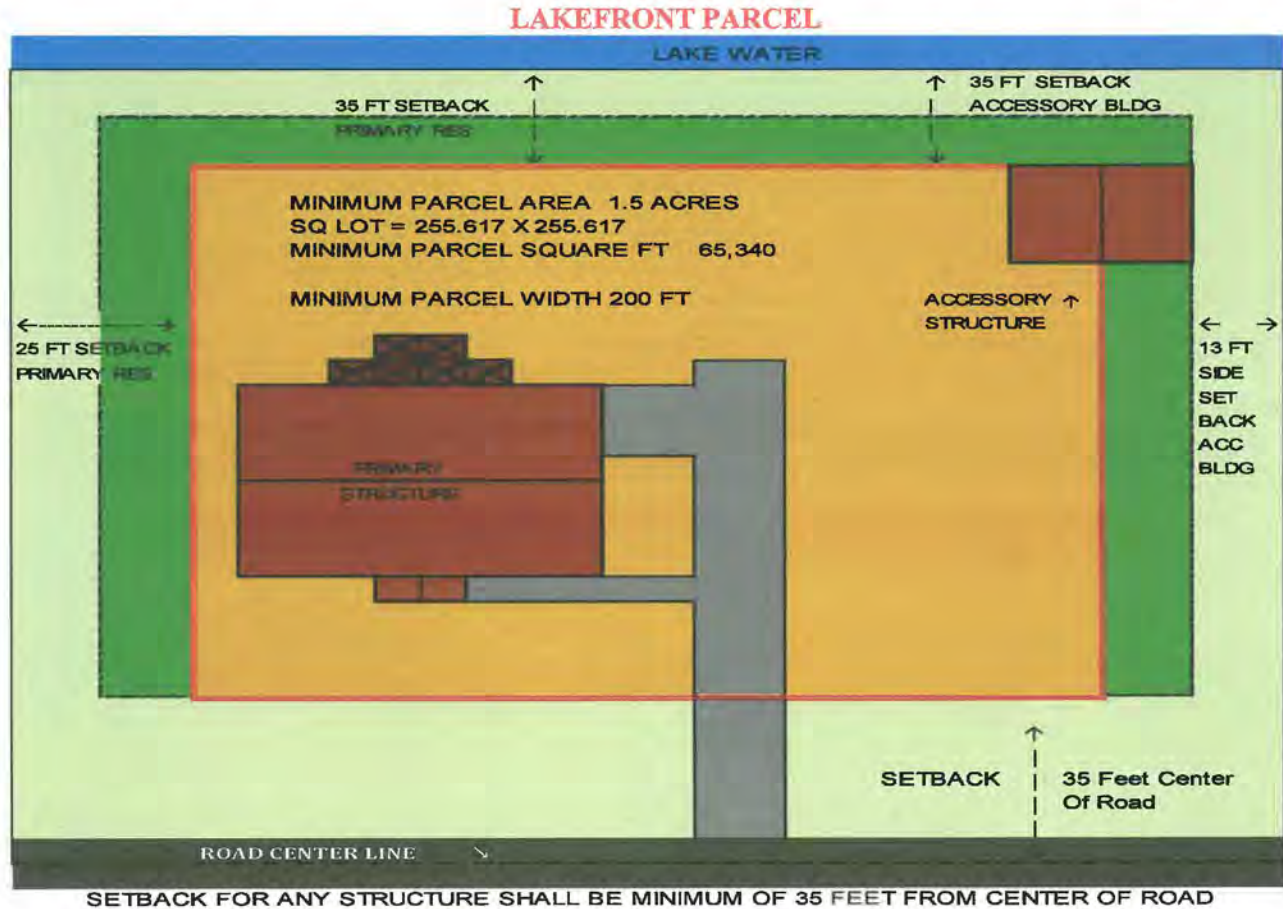
105 FOOT SETBACK		95 FOOT SET BACK		65 FOOT SETBACK		50 FOOT SETBACK		35 FOOT SETBACK	
RES. SPEC.		RES. SPEC.		RES. SPEC.		RES. SPEC.		RES. SPEC.	
DEPTH AREA		DEPTH AREA		DEPTH AREA		DEPTH AREA		DEPTH AREA	
LOT DEPTH =	120.0	LOT DEPTH =	120.0	LOT DEPTH =	120.0	LOT DEPTH =	120.0	LOT DEPTH =	120.0
F SETBACK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

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

0.166 ACRE PARCEL



**5.10 Residential Lake 1 District (RL1); Single Family Residence; Private Septic**



Development Standards Lakefront Parcel

Minimum Lot Area  
Per Residential Unit  
\*1.5 Acres

Minimum Lot Width  
\*200 Feet

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

Water Utility  
\*Private Well

Sanitary Utility  
\*Private Septic

Maximum Residential  
Structures  
\*1 Single Family Dwelling

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

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

Minimum Side Yard Setback  
\*25 Feet Primary Structure  
\*13 Feet Accessory Structure

Minimum Aggregate Distance  
Primary Structures  
\*50 Feet

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet

SECTION				RESIDENTIAL LAKE 1 DISTRICT RL1			SPEC	
				SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC			65,340	
5.10				LAKEFRONT PARCEL				
MINIMUM LOT SIZE		W SEWER	N/A	MINIMUM ROOF PITCH		RES	5/12	
		W/O SEWER	1.5			ACC	5/12	
MINIMUM LOT WIDTH			200 FT		CORNER LOT VISION ENFORCED		YES	
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL		50 FT		MINIMUM GRND FLR LIVING AREA (PER UNIT)		SINGLE FAM	840 SQFT	
NOT TO BE INCLUDED IN PARCEL ACREAGE						2 FAMILY	N/A	
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE		10 FT		MINIMUM TOTAL LIVING AREA (PER UNIT)		SINGLE FAM	840 SQ FT	
						2 FAMILY	N/A	
MIN SIDE YD SETBACK		RES BLDG	25 FT	MAXIMUM LOT COVERAGE STRUCTURES				
		ACC BLDG	13 FT			25%		
MIN REAR YD SETBACK		RES BLDG	35 FT	MAXIMUM LOT COVERAGE IMPERVIOUS				
		ACC BLDG	35 FT			35%		
FRONT	PRI CO RD	RES STRU	N/A	MAXIMUM LOT COVERAGE AG STRUCTURES				
	PRI CO RD	ACC STRU	N/A			N/A		
YARD	SEC CO RD	RES STRU	N/A	MIN REAR SETBACK TO ALLEY		RES	N/A	
	SEC CO RD	ACC STRU	N/A			ACC	N/A	
SETBACK	FEEDER ST	RES STRU	N/A	MIN SIDE SETBACK TO ALLEY		RES	N/A	
	FEEDER ST	ACC STRU	N/A			ACC	N/A	
	LOCAL ST	RES STRU	35 FT	SEPTIC		PRIVATE		
	LOCAL ST	ACC STRU	35 FT			LANDSCAPE REQUIREMENTS		
MAXIMUM STRUCTURE HEIGHT		RES BLDG	36 FT	FENCING PERMITTED		YES		
		ACC BLDG	36 FT					
		AG BLDG	N/A					
MIN AGGREGATE DISTANCE SIDE YARD		RES BLDG	50 FT	TEMPORARY USE PERMITTED		BY PERMIT		
		ACC BLDG	26 FT					
		RES TO ACC	38 FT					
WELL			PRIVATE					
SIGNS			BY PERMIT					

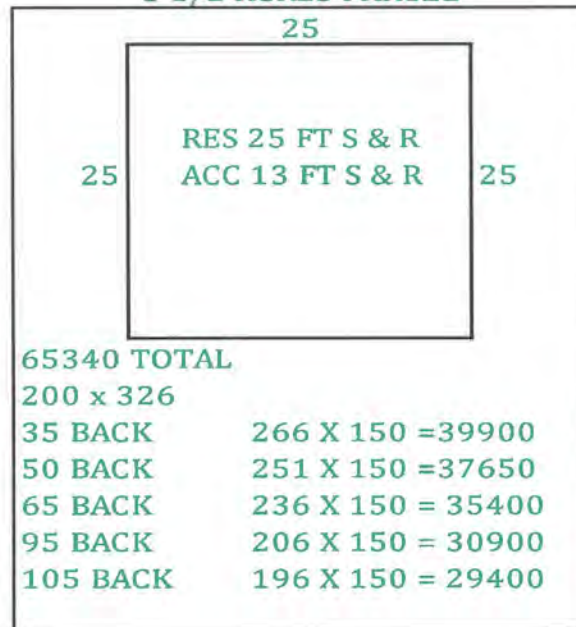
**SECTION 5.10 RESIDENTIAL LAKE 1 (RL1)**  
**LAKEFRONT SINGLE FAMILY RESIDENCE PRIVATE SEPTIC**

LOT DIM.            326.7 X 200                            65,340    255.6169

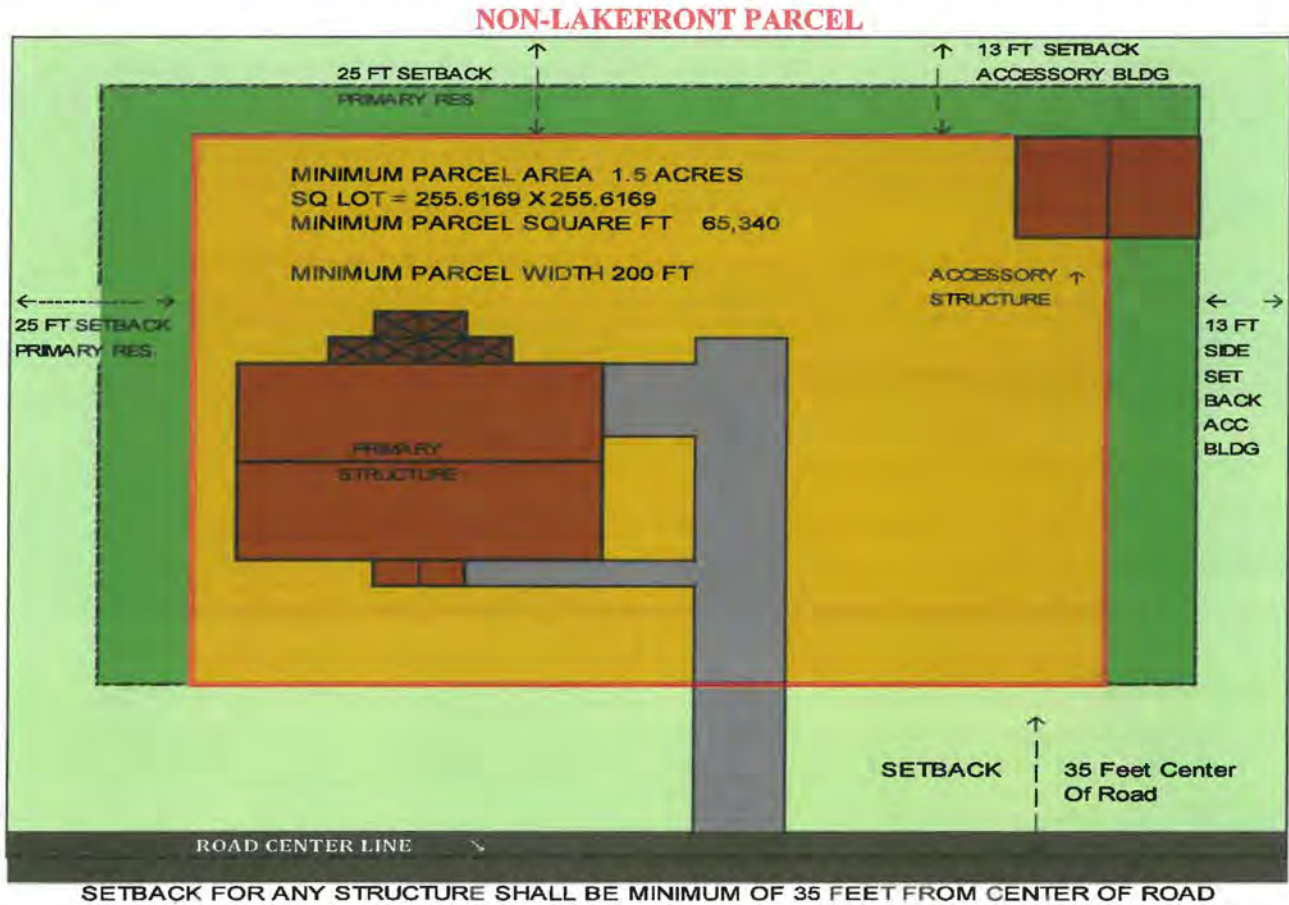
105 FOOT SETBACK RES. SPEC. DEPTH AREA	95 FOOT SET BACK RES. SPEC. DEPTH AREA	65 FOOT SETBACK RES. SPEC. DEPTH AREA	50 FOOT SETBACK RES. SPEC. DEPTH AREA	35 FOOT SETBACK RES. SPEC. DEPTH AREA
LOT DEPTH = 326.7 F SETBACK = 105 R SETBACK = 25 REMAINDER = 196.7	LOT DEPTH = 326.7 F SETBACK = 95 R SETBACK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

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

**1 1/2 ACRES PARCEL**



**5.10A Residential Lake 1 District (RL1); Single Family Residence; Private Septic**



Development Standards Lakefront Parcel

Minimum Lot Area  
Per Residential Unit  
\*1.5 Acres

Minimum Lot Width  
\*200 Feet

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

Water Utility  
\*Private Well

Sanitary Utility  
\*Private Septic

Maximum Residential  
Structures  
\*1 Single Family Dwelling

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

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

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

Minimum Aggregate Distance  
Residential Structures  
\*50 Feet

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet

SECTION				RESIDENTIAL LAKE 1 DISTRICT RL1			SPEC
				SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC			65,340
5.10A				NON-LAKEFRONT PARCEL			
MINIMUM LOT SIZE		W SEWER	N/A	MINIMUM ROOF PITCH		RES	5/12
		W/O SEWER	1.5			ACC	5/12
MINIMUM LOT WIDTH			200 FT		CORNER LOT VISION ENFORCED		YES
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL		50 FT		MINIMUM GRND FLR LIVING AREA (PER UNIT)		SINGLE FAM	840 SQ FT
NOT TO BE INCLUDED IN PARCEL ACREAGE						2 FAMILY	N/A
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE		10 FT		MINIMUM TOTAL LIVING AREA (PER UNIT)		SINGLE FAM	840 SQ FT
						2 FAMILY	N/A
MIN SIDE YD SETBACK		RES BLDG	25 FT	MAXIMUM LOT COVERAGE STRUCTURES			
		ACC BLDG	13 FT			25%	
MIN REAR YD SETBACK		RES BLDG	25 FT	MAXIMUM LOT COVERAGE IMPERVIOUS			
		ACC BLDG	13 FT			35%	
FRONT	PRI CO RD	RES STRU	N/A	MAXIMUM LOT COVERAGE AG STRUCTURES			
	PRI CO RD	ACC STRU	N/A			N/A	
YARD	SEC CO RD	RES STRU	N/A	MIN REAR SETBACK TO ALLEY		RES	19 FT
	SEC CO RD	ACC STRU	N/A			ACC	7 FT
SETBACK	FEEDER ST	RES STRU	N/A	MIN SIDE SETBACK TO ALLEY		RES	N/A
	FEEDER ST	ACC STRU	N/A			ACC	N/A
	LOCAL ST	RES STRU	35 FT	SEPTIC		PRIVATE	
	LOCAL ST	ACC STRU	35 FT			LANDSCAPE REQUIREMENTS	
MAXIMUM STRUCTURE HEIGHT		RES BLDG	36 FT	FENCING PERMITTED		YES	
		ACC BLDG	36 FT				
MIN AGGREGATE DISTANCE SIDE YARD		RES BLDG	50 FT	TEMPORARY USE PERMITTED		BY PERMIT	
		ACC BLDG	26 FT			BY PERMIT	



**SECTION 5.10A RESIDENTIAL LAKE 1 (RL1)**  
**NON-LAKEFRONT SINGLE FAMILY RESIDENCE PRIVATE SEPTIC**

LOT DIM.

326.7 X 200

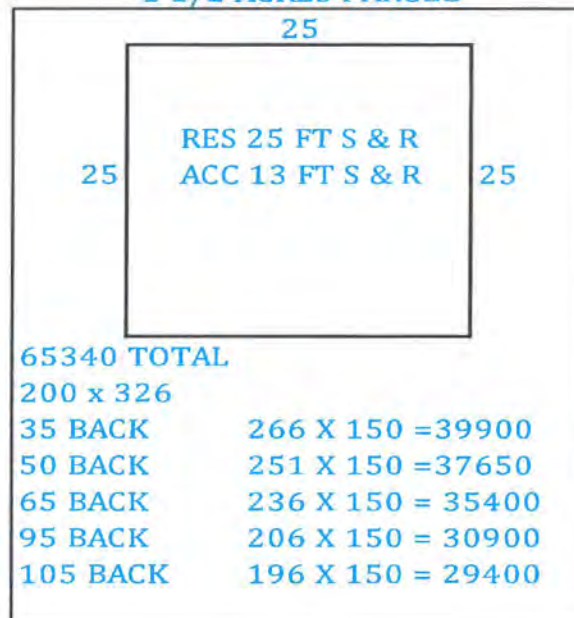
65,340

255.6169

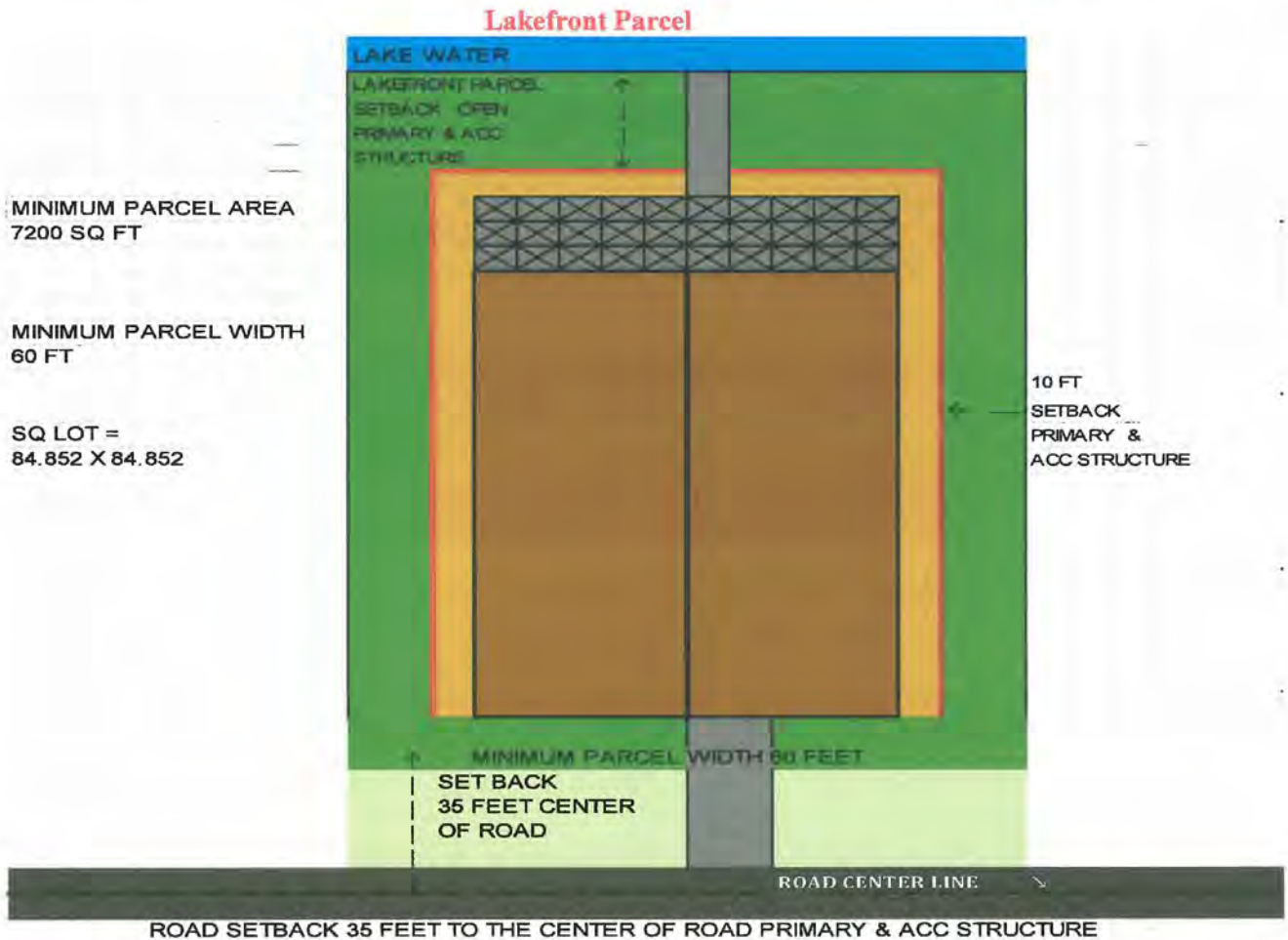
105 FOOT SETBACK		95 FOOT SET BACK		65 FOOT SETBACK		50 FOOT SETBACK		35 FOOT SETBACK	
RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA	
LOT DEPTH =	326.7	LOT DEPTH =	326.7	LOT DEPTH =	326.7	LOT DEPTH =	326.7	LOT DEPTH =	326.7
F SETBACK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

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

**1 1/2 ACRES PARCEL**



**5.11 Residential Lake 2 District (RL2); Single-Multi Family; Public Sewer; Minimum 7200 Square Foot Lots**



**Development Standards Lakefront Parcel**

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

Minimum Lot Width  
\*60 Feet

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

Water Utility  
\*Public Well

Sanitary Utility  
\*Public Sewer

Maximum Residential  
Structures  
\*One, Two, Multi, Family

Minimum Front Yard Setback  
Primary & Accessory Structure  
\*Open

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

Minimum Side Yard Setback  
Primary & Accessory Structure  
\*10 Feet

Minimum Aggregate Distance  
Primary Structures  
\*20 Feet Side Yard

Minimum Aggregate Distance  
Accessory Structures  
\*20 Feet

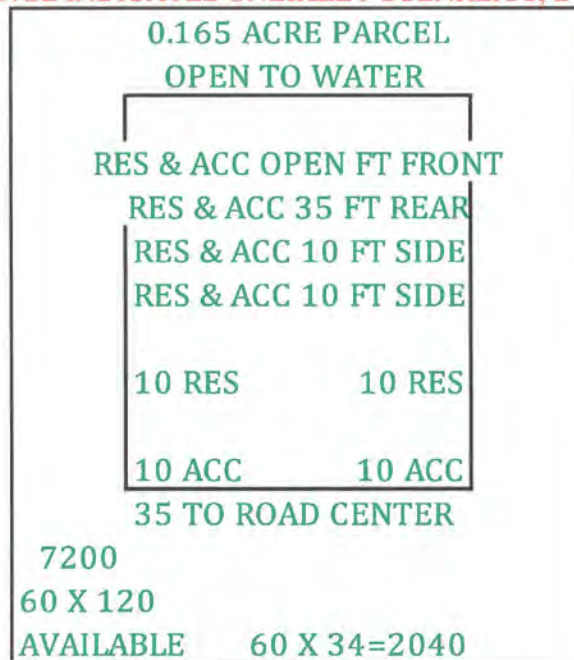
<b>RL2</b>	<b>RESIDENTIAL LAKE 2 DISTRICT</b>	<b>SPEC</b>
	<b>SINGLE - MULTI FAMILY RESIDENCE / PUBLIC SEWER</b>	<b>7,200</b>
<b>5.11</b>	<b>LAKEFRONT PARCEL</b>	

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

**SECTION 5.11 RESIDENTIAL LAKE 2 DISTRICT (RL2)**  
**LAKEFRONT SINGLE - MULTI FAMILY RESIDENCE PUBLIC SEWER**  
**7,200 SQ FT LOT**

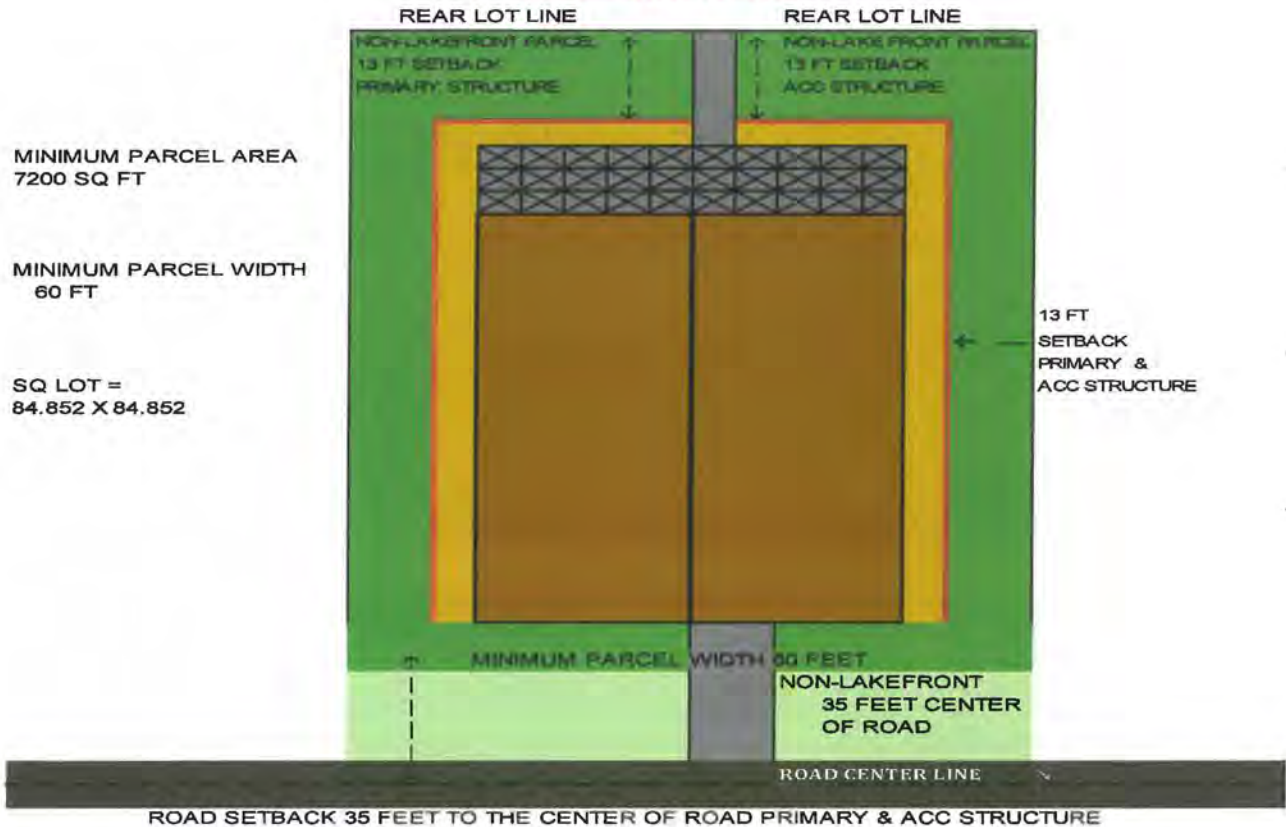
LOT DIM.	120 X 60	7,200	84.85281
<b>105 FOOT SETBACK</b>	<b>95 FOOT SET BACK</b>	<b>65 FOOT SETBACK</b>	<b>50 FOOT SETBACK</b>
<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>	<b>RES. SPEC. DEPTH AREA</b>
LOT DEPTH = 120	LOT DEPTH = 120	LOT DEPTH = 120	LOT DEPTH = 120
F SETBACK = 105	F SETBACK = 95	F SETBACK = 65	F SETBACK = 50
R SETBACK = 35	R SETBACK = 35	R SETBACK = 35	R SETBACK = 35
REMAINDER = -20	REMAINDER = -10	REMAINDER = 20	REMAINDER = 35
<b>RES. SPEC. WIDTH AREA</b>	<b>RES. SPEC. WIDTH AREA</b>	<b>RES. SPEC. WIDTH AREA</b>	<b>RES. SPEC. WIDTH AREA</b>
LOT WIDTH = 60	LOT WIDTH = 60	LOT WIDTH = 60	LOT WIDTH = 60
S SETBACK = 10	S SETBACK = 10	S SETBACK = 10	S SETBACK = 10
S SETBACK = 10	S SETBACK = 10	S SETBACK = 10	S SETBACK = 10
REMAINDER = 40	REMAINDER = 40	REMAINDER = 40	REMAINDER = 40
<b>RES. SPEC. AVAILABLE AREA</b>	<b>RES. SPEC. AVAILABLE AREA</b>	<b>RES. SPEC. AVAILABLE AREA</b>	<b>RES. SPEC. AVAILABLE AREA</b>
DEPTH = -20	DEPTH = -10	DEPTH = 20	DEPTH = 35
WIDTH = 40	WIDTH = 40	WIDTH = 40	WIDTH = 40
TOT SQ FT = 7200	TOT SQ FT = 7200	TOT SQ FT = 7200	TOT SQ FT = 7200
AVAIL SQ FT = (800)	AVAIL SQ FT = (400)	AVAIL SQ FT = 800	AVAIL SQ FT = 1,400
<b>MAX COVERAGE OF AVAILABLE SQ FTT</b>			
25% COVER N/A	25% COVER N/A	25% COVER 200	25% COVER 350
30% COVER N/A	30% COVER N/A	30% COVER 240	30% COVER 420
40% COVER N/A	40% COVER N/A	40% COVER 320	40% COVER 560
50% COVER N/A	50% COVER N/A	50% COVER 400	50% COVER 700
60% COVER N/A	60% COVER N/A	60% COVER 480	60% COVER 840
75% COVER N/A	75% COVER N/A	75% COVER 600	75% COVER 1,050

ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED



**5.11A Residential Lake 2 District (RL2): Single-Multi Family; Public Sewer; Minimum 7200 Square Foot Lots**

**Non-Lakefront Parcel**



**Development Standards Non-Lakefront Parcel**

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

Minimum Lot Width  
\*60 Feet

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

Water Utility  
\*Private/ Public Well

Sanitary Utility  
\*Public Sewer

Maximum Residential  
Structures  
\*One, Two, Multi, Family

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

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

Minimum Side Yard Setback  
Residential or Accessory Structure  
\*13 Feet

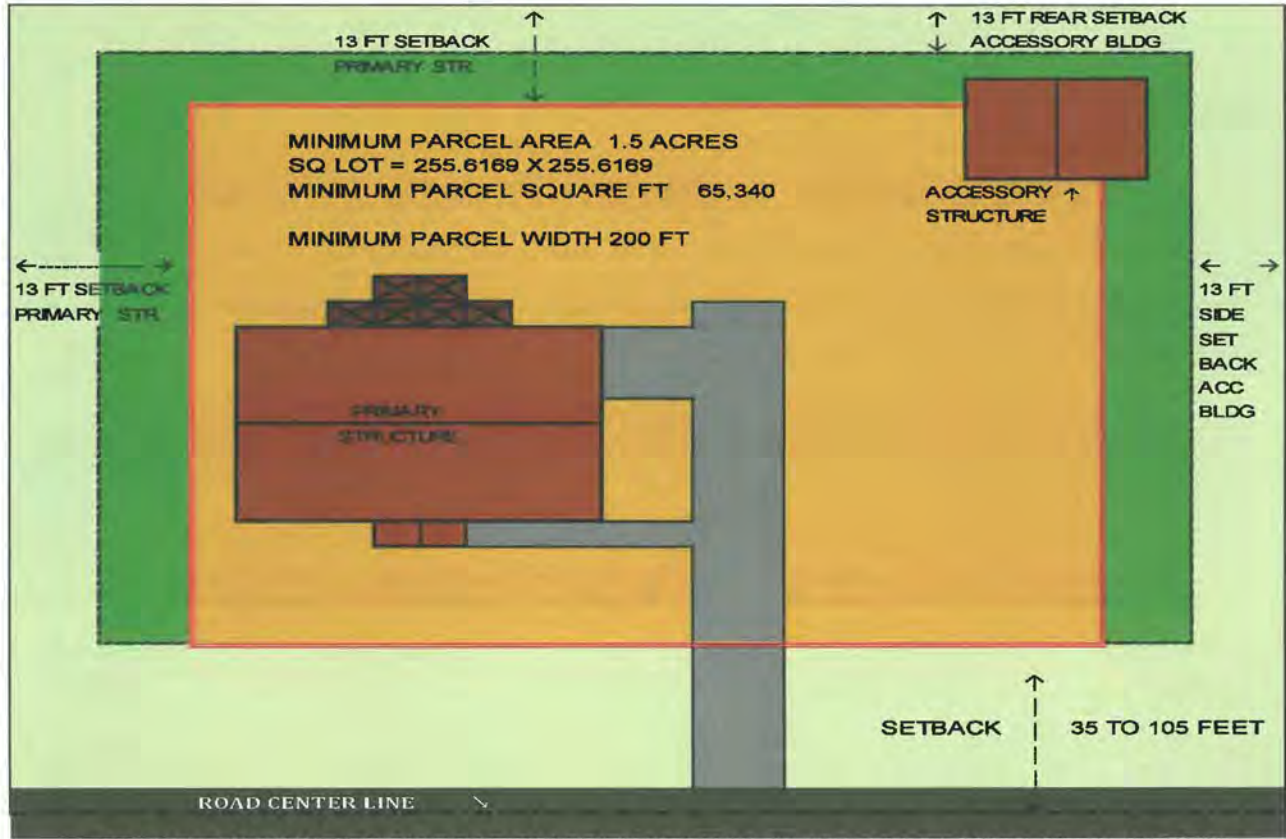
Minimum Aggregate Distance  
Residential Structures  
\*26 Feet Rear Yard  
\*26 Feet Side Yard

Minimum Aggregate Distance  
Accessory Structures  
\*26 Feet

SECTION				RESIDENTIAL LAKE 2 DISTRICT RL2			SPEC
				SINGLE - MULTI FAMILY RESIDENCE PUBLIC SEWER			7,200
5.11A				NON-LAKEFRONT PARCEL			SQ FT
MINIMUM LOT SIZE	W SEWER	7200 SQ FT		MINIMUM ROOF PITCH	RES	5/12	
	W/O SEWER	N/A			ACC	5/12	
MINIMUM LOT WIDTH			60 FT	CORNER LOT VISION ENFORCED		YES	
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL		50 FT		MINIMUM GRND FLR LIVING AREA (PER UNIT)	SINGLE FAM	720 SQ FT	
	NOT TO BE INCLUDED IN PARCEL ACREAGE				2 FAMILY	720 SQ FT	
					MULTI FAM	720 SQ FT	
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE		10 FT		MINIMUM TOTAL LIVING AREA (PER UNIT)	SINGLE FAM	720 SQ FT	
					2 FAMILY	720 SQ FT	
					MULTI FAM	720 SQ FT	
MIN SIDE YD SETBACK	RES BLDG	13 FT		MAXIMUM LOT COVERAGE STRUCTURES			
	ACC BLDG	13 FT					34%
MIN REAR YD SETBACK	RES BLDG	13 FT		MAXIMUM LOT COVERAGE IMPERVIOUS			
	ACC BLDG	13 FT					45%
FRONT YARD SETBACK	PRI CO RD	RES STRU	N/A	MAXIMUM LOT COVERAGE AG STRUCTURES			
	PRI CO RD	ACC STRU	N/A				
	SEC CO RD	RES STRU	N/A				
	SEC CO RD	ACC STRU	N/A				
	FEEDER ST	RES STRU	N/A				
	FEEDER ST	ACC STRU	N/A				
	LOCAL ST	RES STRU	35 FT				
LOCAL ST	ACC STRU	35 FT					
MAXIMUM STRUCTURE HEIGHT	RES BLDG	36 FT		MIN REAR SETBACK TO ALLEY	RES	7 FT	
	ACC BLDG	36 FT			ACC	7 FT	
	AG BLDG	N/A		MIN SIDE SETBACK TO ALLEY			
			RES				N/A
				ACC	N/A		
MIN AGGREGATE DISTANCE SIDE REAR YARD	RES REAR	26 FT		SEPTIC			PUBLIC
	RES SIDE	26 FT					
	ACC BLDG	26 FT					
WELL			PUBLIC	LANDSCAPE REQUIREMENTS			YES
SIGNS			BY PERMIT				
TEMPORARY USE PERMITTED			NO				



## 5.12 GENERAL BUSINESS: DISTRICT (GB); PRIVATE SEPTIC



### Development Standards

Minimum Lot Area  
Per Residential Unit  
\*1 ½ Acres

Minimum Lot Width  
\*200 Ft

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

Water Utility  
\*Public /Private Well

Sanitary Utility  
\*Private Septic

Maximum Residential  
Structures  
\*N/A

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

Minimum Rear Yard Setback  
Primary or Accessory Structure  
\*13 Feet

Minimum Side Yard Setback  
Primary or Accessory Structure  
\*13 Feet

Minimum Aggregate Distance  
Primary or Accessory Structure  
\*26 Feet



SECTION		GENERAL BUSINESS DISTRICT GB			SPEC	
5.12		PRIVATE SEPTIC			65,340	
MINIMUM LOT SIZE	W SEWER	N/A	MINIMUM ROOF PITCH	PRI STRU	BPS	
	W/O SEWER	1.5 A		ACC	BPS	
MINIMUM LOT WIDTH			200 FT	CORNER LOT VISION ENFORCED		
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL	50 FT		MINIMUM GRND FLR LIVING AREA (PER UNIT)	SINGLE FAM	N/A	
	NOT TO BE INCLUDED IN PARCEL ACREAGE			2 FAMILY	N/A	
				MULTI FAM	N/A	
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE	N/A		MINIMUM TOTAL LIVING AREA (PER UNIT)	SINGLE FAM	840 SQ FT	
				2 FAMILY	720 SQ FT	
				MULTI FAM	600 SQ FT	
MIN SIDE YD SETBACK	PRI STRU	13 FT	MAXIMUM LOT COVERAGE STRUCTURES			
	ACC BLDG	13 FT		50%		
MIN REAR YD SETBACK	PRI STRU	13 FT	MAXIMUM LOT COVERAGE IMPERVIOUS			
	ACC BLDG	13 FT		75%		
FRONT YARD SETBACK	STATE RD	ANY STRU	105 FT	MAXIMUM LOT COVERAGE AG STRUCTURES		
	PRI CO RD	ANY STRU	95 FT			
	SEC CO RD	ANY STRU	65 FT			
	FEEDER ST	ANY STRU	50 FT	N/A		
	LOCAL ST	ANY STRU	35 FT			
MAXIMUM STRUCTURE HEIGHT	RES BLDG	36 FT	MIN REAR SETBACK TO ALLEY	RES	7 FT	
	ACC BLDG	36 FT		ACC	7 FT	
	AG BLDG	N/A				
MIN AGGREGATE DISTANCE SIDE & REAR YARD	PRI STRU	26 FT	MIN SIDE SETBACK TO ALLEY	RES	0 FT	
	ACC BLDG	26 FT		ACC	0 FT	
WELL			PRIVATE	SEPTIC		
				PRIVATE		
SIGNS			BY PERMIT	LANDSCAPING		
				YES		
TEMPORARY USE PERMITTED			NO	FENCING PERMITTED		
				YES		

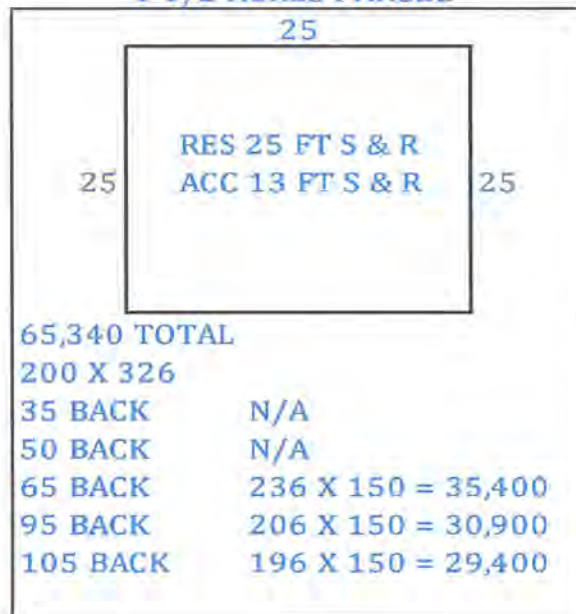
**SECTION 5.12 GENERAL BUSINESS (GB)**

**PRIVATE SEPTIC**

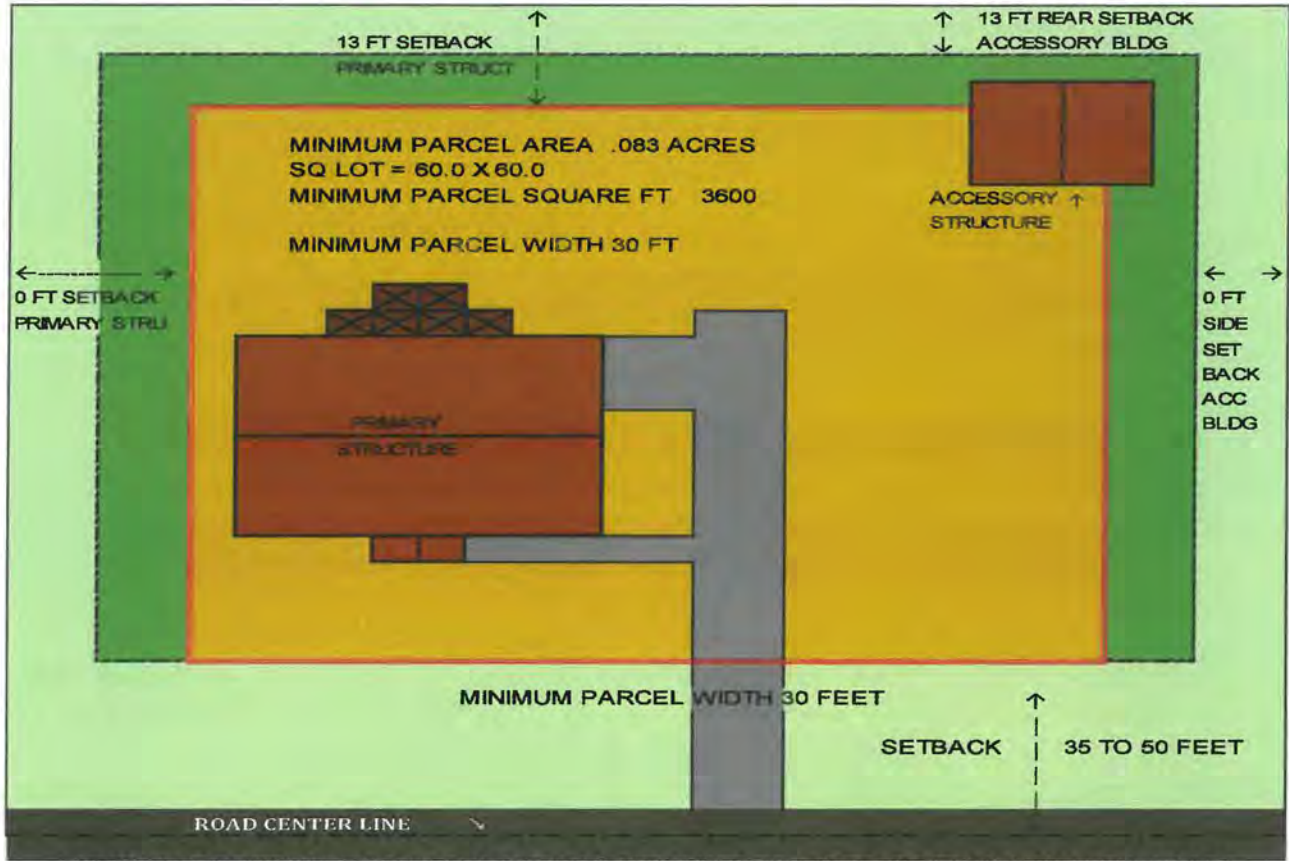
LOT DIM.                      326.7 X 200                      65,340                      255.6169

105 FOOT SETBACK		95 FOOT SET BACK		65 FOOT SETBACK		50 FOOT SETBACK		35 FOOT SETBACK	
RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA		RES. SPEC. DEPTH AREA	
LOT DEPTH =	326.7	LOT DEPTH =	326.7	LOT DEPTH =	326.7	LOT DEPTH =	326.7	LOT DEPTH =	326.7
F SETBACK =	105	F SETBACK =	95	F SETBACK =	65	F SETBACK =	50	F SETBACK =	35
R SETBACK =	13	R SETBACK =	13	R SETBACK =	13	R SETBACK =	13	R SETBACK =	13
REMAINDER =	208.7	REMAINDER =	218.7	REMAINDER =	248.7	REMAINDER =	263.7	REMAINDER =	278.7
RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA		RES. SPEC. WIDTH AREA	
LOT WIDTH =	200	LOT WIDTH =	200	LOT WIDTH =	200	LOT WIDTH =	200	LOT WIDTH =	200
S SETBACK =	13	S SETBACK =	13	S SETBACK =	13	S SETBACK =	13	S SETBACK =	13
S SETBACK =	13	S SETBACK =	13	S SETBACK =	13	S SETBACK =	13	S SETBACK =	13
REMAINDER =	174	REMAINDER =	174	REMAINDER =	174	REMAINDER =	174	REMAINDER =	174
RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA		RES. SPEC. AVAILABLE AREA	
DEPTH =	208.7	DEPTH =	218.7	DEPTH =	248.7	DEPTH =	263.7	DEPTH =	278.7
WIDTH =	174	WIDTH =	174	WIDTH =	174	WIDTH =	174	WIDTH =	174
TOT SQ FT =	65,340	TOT SQ FT =	65,340	TOT SQ FT =	65,340	TOT SQ FT =	65,340	TOT SQ FT =	65,340
AVAIL SQ FT =	36,314	AVAIL SQ FT =	38,054	AVAIL SQ FT =	43,274	AVAIL SQ FT =	45,884	AVAIL SQ FT =	48,004
MAX COVERAGE OF AVAILABLE SQ FTT									
25% COVER	9,078	25% COVER	9,513	25% COVER	10,818	25% COVER	11,471	25% COVER	12,123
30% COVER	10,894	30% COVER	11,416	30% COVER	12,982	30% COVER	13,765	30% COVER	14,548
40% COVER	14,526	40% COVER	15,222	40% COVER	17,310	40% COVER	18,354	40% COVER	19,398
50% COVER	18,157	50% COVER	19,027	50% COVER	21,637	50% COVER	22,942	50% COVER	24,247
60% COVER	21,788	60% COVER	22,832	60% COVER	25,964	60% COVER	27,530	60% COVER	29,096
75% COVER	27,235	75% COVER	28,540	75% COVER	32,455	75% COVER	34,413	75% COVER	36,370

**1 1/2 ACRES PARCEL**



**5.13 GENERAL BUSINESS DISTRICT (GB); PUBLIC SEWER**



FRONT SETBACK VARIES BY ROAD CLASSIFICATION 35 OR 50 FEET FROM CENTER OF ROAD

Development Standards

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

Minimum Lot Width  
\*30 Ft

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

Water Utility  
\*Public Well

Sanitary Utility  
\*Public Sewer

Maximum Residential  
Structures  
\*N/A

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

Minimum Rear Yard Setback  
\*13 Feet Primary, Accessory Structures

Minimum Side Yard Setback  
\*0 Feet Primary, Accessory Structures

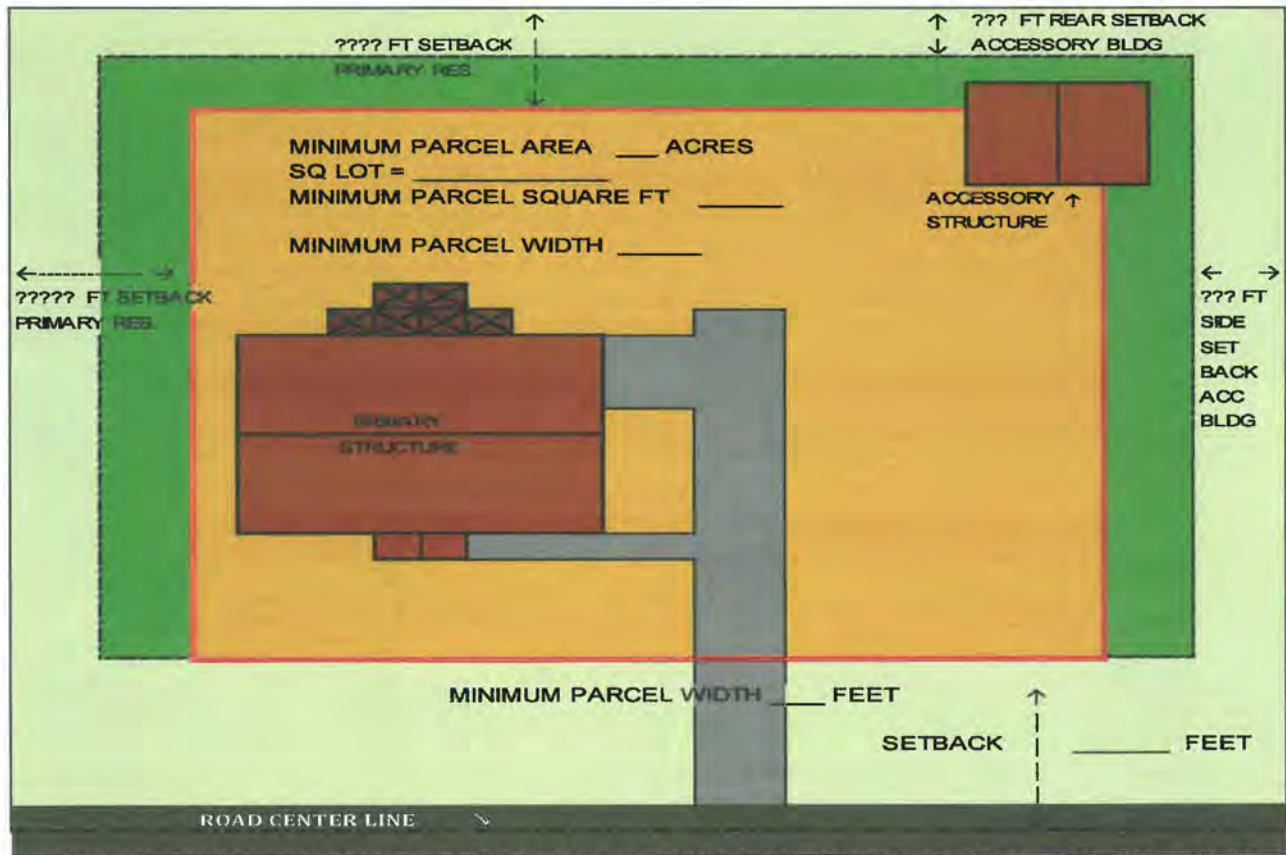
Minimum Aggregate Distance  
Rear Yard  
\*26 Feet Primary Structures  
\*26 Feet Accessory Structures

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

SECTION 5.13			GENERAL BUSINESS DISTRICT GB PUBLIC SEWER			SPEC 3,600	
MINIMUM LOT SIZE		W SEWER	3600 SQ FT	MINIMUM ROOF PITCH		RES	BPS
		W/O SEWER	N/A			ACC	BPS
MINIMUM LOT WIDTH			30 FT	CORNER LOT VISION ENFORCED			YES
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL		N/A		MINIMUM GRND FLR LIVING AREA (PER UNIT)		SINGLE FAM	N/A
		NOT TO BE INCLUDED IN PARCEL ACREAGE				2 FAMILY	N/A
						MULTI FAM	N/A
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE		N/A		MINIMUM TOTAL LIVING AREA (PER UNIT)		SINGLE FAM	720 SQ FT
						2 FAMILY	720 SQ FT
						MULTI FAM	720 SQ FT
MIN SIDE YD SETBACK		RES BLDG	13 FT	MAXIMUM LOT COVERAGE STRUCTURES			60%
		ACC BLDG	13 FT				
MIN REAR YD SETBACK		RES BLDG	13 FT	MAXIMUM LOT COVERAGE IMPERVIOUS			100%
		ACC BLDG	13 FT				
FRONT	STATE RD	ANY STRU	105 FT	MAXIMUM LOT COVERAGE AG STRUCTURES			N/A
	PRI CO RD	ANY STRU	95 FT				
YARD	SEC CO RD	ANY STRU	65 FT	MIN REAR SETBACK TO ALLEY		RES	7 FT
	FEEDER ST	ANY STRU	50 FT			ACC	7 FT
SETBACK	LOCAL ST	ANY STRU	35 FT	MIN SIDE SETBACK TO ALLEY		RES	0 FT
						ACC	0 FT
MAXIMUM STRUCTURE HEIGHT		RES BLDG	36 FT	SEPTIC			PUBLIC
		ACC BLDG	36 FT	LANDSCAPING			YES
		AG BLDG	N/A	FENCING PERMITTED			YES
MIN AGGREGATE DISTANCE SIDE & REAR YARD		SIDE YARD	0 FT	TEMPORARY USE PERMITTED			NO
		REAR YARD	26 FT				
WELL		PUBLIC					
SIGNS		BY PERMIT					



## 5.14 INDUSTRIAL DISTRICT (I); PUBLIC SEWER



### Development Standards

Minimum Lot Area Per Residential Unit *N/A	*50 Feet Feeder Street *35 Feet Local Street
Minimum Lot Width *N/A	Minimum Side & Rear Yard Setback Residential Structure *0 Feet Side and Rear
Maximum Total Lot Coverage *100% Structures *100% Impervious	Minimum Side & Rear Yard Setback Accessory Structure *0 Feet Side and Rear
Water Utility *Public Well	Minimum Aggregate Distance Residential Structures *0 Feet
Sanitary Utility *Public Sewer	Minimum Aggregate Distance Accessory Structures *0 Feet
Maximum Residential Structures *N/A	
Minimum Front Yard Setback *65 Feet Secondary Co. Road	

Ssection 5.14		INDUSTRIAL DISTRICT 1 PUBLIC SEWER			SPEC TBD	
MINIMUM LOT SIZE	W SEWER	BPS		MINIMUM ROOF PITCH	RES	BPS
	W/O SEWER	BPS			ACC	BPS
MINIMUM LOT WIDTH		BPS		CORNER LOT VISION ENFORCED		YES
MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL		BPS		MINIMUM GRND FLR LIVING AREA (PER UNIT)	SINGLE FAM	N/A
	NOT TO BE INCLUDED IN PARCEL ACREAGE				2 FAMILY	N/A
					MULTI FAM	N/A
DRIVEWAY MINIMUM DISTANCE FROM LOT LINE		BPS		MINIMUM TOTAL LIVING AREA (PER UNIT)	SINGLE FAM	N/A
					2 FAMILY	N/A
					MULTI FAM	N/A
MIN SIDE YD SETBACK	RES BLDG	BPS		MAXIMUM LOT COVERAGE STRUCTURES		BPS
	ACC BLDG	BPS				
MIN REAR YD SETBACK	RES BLDG	BPS		MAXIMUM LOT COVERAGE IMPERVIOUS		BPS
	ACC BLDG	BPS				
FRONT YARD SETBACK	STATE RD	ANY STRU	105 FT	MAXIMUM LOT COVERAGE AG STRUCTURES		N/A
	PRI CO RD	ANY STRU	95 FT			
	SEC CO RD	ANY STRU	65 FT			
	FEEDER ST	ANY STRU	50 FT	MIN REAR SETBACK TO ALLEY	RES	BPS
	LOCAL ST	ANY STRU	35 FT		ACC	BPS
				MIN SIDE SETBACK TO ALLEY	RES	BPS
MAXIMUM STRUCTURE HEIGHT	RES BLDG	40 FT			ACC	BPS
	ACC BLDG	40 FT				
	AG BLDG	N/A		SEPTIC		BPS
MIN AGGREGATE DISTANCE SIDE & REAR YARD	RES BLDG	BPS		LANDSCAPING		YES
	ACC BLDG	BPS				
WELL		BPS		FENCING PERMITTED		YES
SIGNS		BY PERMIT				
TEMPORARY USE PERMITTED		NO				

**SECTION 5.14 INDUSTRIAL ZONE (I)**

**PUBLIC SEWER**

LOT DIM.            0 X 0                            0

<b>105 FOOT SETBACK</b>		<b>95 FOOT SET BACK</b>		<b>65 FOOT SETBACK</b>		<b>50 FOOT SETBACK</b>		<b>35 FOOT SETBACK</b>	
<b>RES. SPEC. DEPTH AREA</b>		<b>RES. SPEC. DEPTH AREA</b>		<b>RES. SPEC. DEPTH AREA</b>		<b>RES. SPEC. DEPTH AREA</b>		<b>RES. SPEC. DEPTH AREA</b>	
LOT DEPTH =	0	LOT DEPTH =	0	LOT DEPTH =	0	LOT DEPTH =	0	LOT DEPTH =	0
F SETBACK =		F SETBACK =		F SETBACK =		F SETBACK =		F SETBACK =	
R SETBACK =		R SETBACK =		R SETBACK =		R SETBACK =		R SETBACK =	
REMAINDER =	0	REMAINDER =	0	REMAINDER =	0	REMAINDER =	0	REMAINDER =	0
<b>RES. SPEC. WIDTH AREA</b>		<b>RES. SPEC. WIDTH AREA</b>		<b>RES. SPEC. WIDTH AREA</b>		<b>RES. SPEC. WIDTH AREA</b>		<b>RES. SPEC. WIDTH AREA</b>	
LOT WIDTH =	0	LOT WIDTH =	0	LOT WIDTH =	0	LOT WIDTH =	0	LOT WIDTH =	0
S SETBACK =		S SETBACK =		S SETBACK =		S SETBACK =		S SETBACK =	
S SETBACK =		S SETBACK =		S SETBACK =		S SETBACK =		S SETBACK =	
REMAINDER =	0	REMAINDER =	0	REMAINDER =	0	REMAINDER =	0	REMAINDER =	0
<b>RES. SPEC. AVAILABLE AREA</b>		<b>RES. SPEC. AVAILABLE AREA</b>		<b>RES. SPEC. AVAILABLE AREA</b>		<b>RES. SPEC. AVAILABLE AREA</b>		<b>RES. SPEC. AVAILABLE AREA</b>	
DEPTH =	0	DEPTH =	0	DEPTH =	0	DEPTH =	0	DEPTH =	0
WIDTH =	0	WIDTH =	0	WIDTH =	0	WIDTH =	0	WIDTH =	0
TOT SQ FT =	0	TOT SQ FT =	0	TOT SQ FT =	0	TOT SQ FT =	0	TOT SQ FT =	0
AVAIL SQ FT =	-	AVAIL SQ FT =	-	AVAIL SQ FT =	-	AVAIL SQ FT =	-	AVAIL SQ FT =	-



**Chapter 6**  
**Additional Development Standards**

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



## Chapter 6

### Additional Development Standards

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

**6.1.1. Height of Structures.**

- a. All structures hereafter shall comply with the height regulations of the District in which it is located with the exception of the following: Spires, belfries and domes, church steeples, flag poles, water towers, television and radio antenna towers, telecommunication towers, receiving stations and aerials, and observation towers, utility transmission line towers and poles, commercial and non-commercial wind turbines, tree vegetation, and necessary mechanical appurtenances may be erected or changed to any height that is not otherwise prohibited.
- b. Except that improvements in Agricultural Districts, or those related to agricultural production, storage, and/or processing, may exceed the permitted height standards to the extent necessary for agricultural operations.
- c. Nothing in this Ordinance, including the exceptions listed above shall be interpreted as waiving any height regulations related to air transportation. All applicable Federal Aviation Administration (FAA) and State of Indiana restrictions and regulations shall apply to all structures.

**6.1.2. Special Exception, Lot Size, Setbacks, and Screening.** The Chart in Section 6.1.4. provides the specifications for Special Exception use:

- a. Lot sizes.
- b. Front parcel line setbacks
- c. Side parcel line setbacks
- d. Rear parcel line setbacks
- e. Required distance from a Residential Zone.
- f. Screening requirements.

6.1.3. Reading the Chart

<b>N/A</b>	Not Applicable
<b>*</b>	Same as road setback
<b>**</b>	Lot size specified in designated zoning district
<b>***</b>	Setback of primary structure in designated zone
<b>****</b>	See tower standards for setbacks for towers over 200 feet total height.
<b>BPS</b>	Based on Plan Submission
<b>IP</b>	Industrial Park
<b>RROW</b>	Road Right of Way
<b>Y</b>	Screening, Fencing, Mounding or any combination thereof required as determined by the Wabash County Plan Commission & BZA during application review.

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

**SPECIAL EXCEPTION SETBACKS**

**MINIMUM PARCEL SIZE  
SCREENING**

<b>USE</b>	<b>MINIMUM PARCEL SIZE ACRES</b>	<b>FRONT SET BACK FEET</b>	<b>SIDE SET BACK FEET</b>	<b>REAR SET BACK FEET</b>	<b>DISTANCE FROM RESIDENTIAL ZONE FEET</b>	<b>SCREENING, FENCING, TREE &amp; MOUND</b>
AG BIO ENTERPRISE	BPS	*	100	100	5280	Y
AGRIBUSINESS	BP[S	*	***	***	50	
AIRPORT	200	*	500	500	5280	Y
ANIMAL DAY CARE	**	*	***	***	1320	Y
ATV, CYCLE SALES / SERVICE	**	*	***	***	660	Y
BAIT AND TACKLE	**	*	***	***	***	
BED AND BREAKFAST	**	*	***	***	***	
BILLBOARD / COMMERCIAL	N/A	RROW	25	25	330	
BOAT SALES / SERVICE	**	*	***	***	660	Y
BOTTLE GAS STORAGE / DIST	BPS	100	100	100	1320	Y
BREWERY	BPS	*	50	50		Y
BUSINESS SCHOOL	BPS	*	***	***	***	
CABIN / COTTAGE	**	*	***	***	***	
CAFÉ / DINER	**	*	***	***	***	
CAMP GROUND	BPS	*	25	25	660	Y
CEMETERY / CREMATORIUM	BPS	*	10 / 25	10 / 25	0	
CHILDRENS HOME	**	*	***	***	***	Y
CHURCH	**	*	***	***	***	
COLLEGE / UNIVERSITY	BPS	*	***	***	***	
COMMUNICATIONS TOWER	BPS	250****	250****	250****	1320	Y
COMMUNITY CENTER	**	*	***	***	***	
COMMERCIAL FACILITY FOR RAISING/BREEDING NON-FARM FOWL/ANIMALS	BPS	*	***	***	1320	Y
COMMERCIAL FISH, WORM, FUR, APIARIES, AND OTHER SPECIALTY FARMS	BPS	*	***	***	1320	Y
COMPOSTING CENTER	BPS	*	50	50	1320	Y
CONCRETE / ASPHALT PLANT	BPS	*	50	50	660	Y
CONTRACTOR OFFICE	**	*	***	***	50	
CONVENIENCE STORE	**	*	***	***	0	
CYCLE ATV RIDING TRACK	25	1320	1320	1320	15,840	Y
DANCE / GYMNASTICS	**	*	***	***	***	
DAYCARE	**	*	***	***	***	Y
DWELLING, SINGLE FAMILY	**	*	***	***	***	
FARM IMP SALES SERV	BPS	*	25	25	1320	Y
FEED MILL	BPS	*	50	50	1320	Y
FERTILIZER SALES, SERVICE, DIST. NON-LIVESTOCK WASTE	BPS	*	***	***	1320	Y
FLEA MARKET	BPS	*	***	***	***	
FRATERNITY, SORORITY	**	*	***	***	***	
FREIGHT TERMINAL	BPS	*	50	50	1320	Y
GAS STATION	**	*	***	***	0	

**SPECIAL EXCEPTION SETBACKS**

**MINIMUM PARCEL SIZE**

**SCREENING**

<b>USE</b>	<b>MINIMUM PARCEL SIZE ACRES</b>	<b>FRONT SET BACK FEET</b>	<b>SIDE SET BACK FEET</b>	<b>REAR SET BACK FEET</b>	<b>DISTANCE FROM RESIDENTIAL ZONE FEET</b>	<b>SCREENING FENCE, TREE, MOUND</b>
GAS STORAGE DIST. TERMINAL	BPS	100	100	100	2640	Y
GOLF COURSE	N/A	*	25	25	0	
GRAIN HANDLING, COMMERCIAL	BPS	*	50	50	2640	
GREENHOUSE, COMMERCIAL	BPS	*	25	25	330	
GROUP HOME / HALFWAY HOUSE	**	*	25	25		Y
HEAVY MACHINERY SALES	**	*	***	***	1320	Y
HOME OCCUPATION, TYPE 2	**	*	***	***	***	Y
HOME PROF. BUSINESS /OFFICE	**	*	***	***	***	Y
HOSPITAL	BPS	*	50	50	1320	
HOTEL/MOTEL	BPS	*	50	50	1320	
INDUSTRIAL PARK	BPS	*	TBD	TBD	2640	Y
INDUSTRY, GENERAL	BPS	*	50	50	2640	Y
INDUSTRY, LIGHT	BPS	*	50	50	2640	Y
JUNK YARD	10	*	50	50	5280	Y
KENNEL / PET BOARDING / TRNG	0.5	*	25	25	1320	Y
LAKE, POND, EARTHEN STRUCTURE	BPS	105	100	100	0	
LANDFILL	BPS	2640	2640	2640	15,840	Y
LANDSCAPE BUSINESS	**	*	13	13	330	
LIVESTOCK BOARDING	BPS	*	25	25	1,320	
LIVESTOCK PROCESSING PLANT	BPS	*	50	50	2640	Y
LIVESTOCK PRODUCT SUPPLY/ SALES	**	*	***	***	50	Y
LOCKER PLANT PROCESSING	BPS	*	25	25	1320	Y
LODGING HOUSE	**	*	***	***	***	
LUMBER / BLDG SUPPLY	BPS	*	50	50	50	Y
MACHINE SHOP / TOOL DIE	BPS	*	50	50	50	
MANUFACTURED HOME, ACCESSORY	1.5	*	***	***	***	
MANUFACTURED HOME PARK	5	*	***	***	***	
MANUFACTURED HOME, PERMANENT	1.5	*	***	***	***	
MANUFACTURED HOME, TEMPORARY	1.5	*	***	***	***	
MARINA SUPPLY, SALES, SERVICE	**	*	25	25	660	Y
MINERAL EXTRACTION	BPS	150	150	150	2640	Y
MODEL HOME	1.5	*	***	***	0	
MORTUARY / FUNERAL HOME	**	*	***	***	0	
MUSEUM	**	*	***	***	25	
NATURE PRESERVE	BPS	*	50	50	1320	Y
NIGHT CLUB/BAR/TAVERN	**	*	***	***	660	
NURSERY SCHOOL	**	*	***	***	***	Y
NURSING HOME	**	*	***	***	***	
PIPELINE SUBSTATION	BPS	*	13	13	660	Y

**SPECIAL EXCEPTION SETBACKS**

**MINIMUM PARCEL SIZE**

**SCREENING**

<b>USE</b>	<b>MINIMUM PARCEL SIZE ACRES</b>	<b>FRONT SET BACK FEET</b>	<b>SIDE SET BACK FEET</b>	<b>REAR SET BACK FEET</b>	<b>DISTANCE FROM RESIDENTIAL ZONE FEET</b>	<b>SCREENING FENCE, TREE, MOUND</b>
PLANT NURSERY	**	*	50	50	330	
PRIVATE CLUB	**	*	50	50	50	Y
PROCESSING OF AGRICULTURE GOODS FROM ANY LOCATION	BPS	*	50	50	1320	Y
PROCESSING OF AGRICULTURE GOODS PRODUCED ON SITE	**	*	50	50	330	Y
PUBLIC LODGE	**	*	50	50	50	
PUBLIC WELL	1	*	50	50	50	Y
REAL ESTATE SALES	**	*	***	***	***	
REC. DEV./CAMP, COMMERCIAL	BPS	*	100	100	1320	Y
REC. DEV./CAMP, PRIVATE	BPS	*	100	100	1320	Y
REC. DEV./CAMP, PUBLIC	BPS	*	100	100	1320	Y
RECYCLE CENTER	**	*	50	50	660	Y
REPAIR SHOP	BPS	*	50	50	50	
RESTAURANT	**	*	50	50	50	
RETIREMENT CENTER	**	*	50	50	50	
RIDING STABLE / TRAILS	BPS	*	100	100	1320	
RV SALES SERVICE	BPS	*	***	***	660	Y
SALVAGE YARD	10	*	50	50	5280	Y
SAWMILL	BPS	*	50	50	2640	Y
SCHOOL, K-12 / PRIVATE	BPS	*	50	50	50	
SECONDARY SCHOOL	**	*	50	50	50	
SEWAGE TRTMENT PLANT, COMM.	5	*	300	300	660	Y
SHOOTING RANGE, IN / OUT	BPS	*	100	100	5280	Y
SOLAR UNIT, COMMERCIAL	BPS	*	25	25	1320	Y
SPORTS COMPLEX	25	*	25	25	1320	
STOCKYARD / SALE BARN	BPS	*	50	50	1320	
SUBDIVISION, MAJOR	BASED ON PLAN SUBMISSION AND SUBDIVISION PLAT REVIEWS					
SUBDIVISION, MINOR	BASED ON PLAN SUBMISSION AND SUBDIVISION PLAT REVIEWS					
TECHNICAL INSTITUTE	BPS	*	50	50	50	
THEATRE / OUTDOOR	BPS	*	50	50	1320	Y
TRADE SCHOOL	BPS	*	50	50	50	
TRUCK STOP	BPS	*	50	50	1320	
UTILITY SUB STATION	BPS	*	25	25	660	Y
UTILITY TRANSMISSION LINES	N/A	N/A	N/A	N/A	1320	
VETINARY CLINIC	1.5	*	***	***	50	Y
WAREHOUSING	BPS	*	50	50	2640	
WECS, COMMERCIAL	N/A	SEE WECS STANDARDS CHAPTER 12				
WILDLIFE PRESERVE	BPS	*	50	50	2640	
WINERY	BPS	*	50	50	1320	
OTHER SIMILAR USES AS DETERMINED BY THE BZA	BPS	BPS	BPS	BPS	BPS	BPS

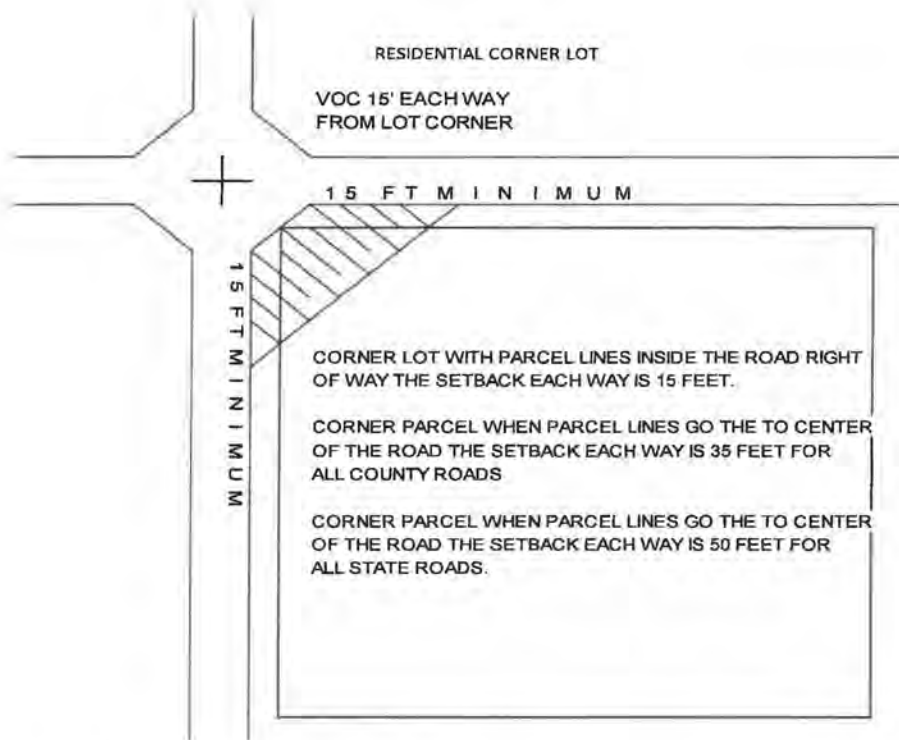
6.1.5. **Minimum Lot Road Frontage.** The minimum lot width for any parcel with road frontage is shown in Chapter 5, "Development Standards." For parcels set back from the road and not having road frontage, the area of the access drive between the road and parcel shall be a minimum of twenty feet (20')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

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

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

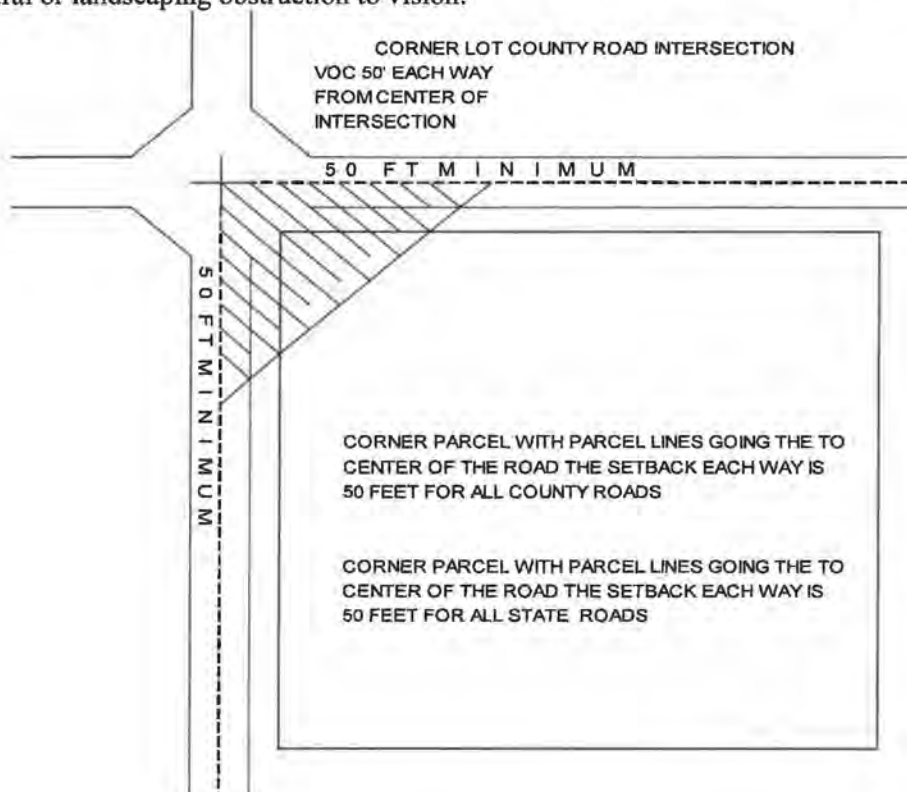
6.1.7. **Platted Areas, Vision of Clearance.** At the intersecting corner of each corner lot, the triangular space determined by the two (2) lot lines at that corner and by a diagonal line connecting the two (2) points on those lot lines that are fifteen feet (15') respectively from the corner shall be kept free of any obstruction to vision.





6.1.8. Rural Areas, Vision of Clearance.

At the intersection corner of each corner parcel that meets in the center of the roadway, (Point of Intersection) the triangular space determined by the two (2) lot lines at that corner and by a diagonal line connecting the two (2) points on those lot lines that are fifty feet (50') from the corner shall be kept free of any structural or landscaping obstruction to vision.



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

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

6.1.11. Buffering, Fences, Mounds, or Trees. The Plan Commission shall review each Special Exception request and make a recommendation, based on location, setbacks, intended application, zoning, and any other factors, as to the required buffer for said special exception. Buffering may be a single source or a combination of trees, shrubs, mounds, fencing.

- a. The selection of tree or shrub species shall provide tight screen planting giving the required coverage within the designated time period after installation.
- b. The combination of mound, shrubs, trees, or fence shall be permitted provided the mix reaches the required coverage and height within the designated time period.
- c. Any other use, timeline, screening selection shall be at the discretion of the BZA.

6.1.12. Signs

a. Advertising Signs. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert an advertising sign without first obtaining an Improvement Location Permit for said sign from the Plan Commission. This shall not include the changing of the advertising face of a sign or routine maintenance of a sign, sign structure, or sign apparatus. Any sign erected on a lot for the purpose of identification or for advertising a use conducted therein or thereon shall be an accessory structure to the principal use. Any sign attached to the structure for the purpose of identification or for advertising a use conducted therein shall be considered as a part of the structure.

b. Prohibited Signs. The following types of signs are expressly prohibited in all Districts: signs that emit audible sound, odor or visible matter. Signs that purport to be, are imitations of, or resemble an official traffic sign or signal. Signs which bear the words "stop", "slow", "caution", "danger", "warning", or similar words in an attempt to mimic traffic control or warning signs. Signs with lights that resemble emergency, utility, or road equipment vehicles. Signs that hide or partially hide from view any traffic or roadway sign, signal or device. Signs that obstruct any door, fire escape, stairway, or opening intended to provide entrance or exit for a building or structure. Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character that may offend public morals or decency or any sign that is not expressly permitted in this Ordinance.

c. Exempt Signs. The following items are exempt from the sign provisions of this Ordinance: Flags of any country, state, unit of government, institution of higher learning, or similar institutional flags, corporate flags with a business name or logo provided the flag has no commercial messages, names of buildings, date of construction, dedication plaques, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or denoted on a commemorative plaque, or other

permanent material and made an integral part of the structure, provided it has no commercial messages; and utility signs used to mark cables, pipes and lines for the public and private sector. Other exempt signs include, signs of a noncommercial nature and in the public interest erected by an officer of the County, including signs to promote safety, no trespassing, traffic signs, memorial plaques, historical interest signs, and signs directing people to public and quasi-public facilities.

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

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

f. Direct or Reflected Light. A sign's direct or reflected light shall not create a traffic hazard to motor vehicles. The light shall be shielded or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto an adjacent property.

g. Calculating Sign Area. For a single-faced, double-faced, or multi-faced sign, the area of a sign shall be calculated by measuring the face area of the sign.

h. Sign Maintenance. All signs shall be constructed and maintained so as to be aesthetically pleasing to the eye. It is further intended that all signs within a given development be coordinated with the architecture of the principal use in such a manner that the overall appearance is harmonious in color, form, proportion. Signs shall be structurally sound so as to ensure the safety of the general public. Signs must be maintained in good state of repair, kept free of rust, rot, insect infestations, bird nests, and any other deterioration. All illuminating elements shall be kept in working condition and immediately repaired or replaced when damaged or burned out. All electrical wiring for permanent signs shall meet all applicable electrical codes.

i. Abandoned Signs. Sign, mounting equipment, and related components shall be removed, by the owner or lessee of the premises upon which the sign is located, when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign within thirty (30) days of written notice, the Plan Commission may have the sign removed. All cost associated with a sign's removal shall be reimbursed by the owner of the sign. If the sign is not removed within forty-five (45) days of the written notice, it may be disposed of by the County.

j. Nonconforming Signs. Nonconforming Signs that existed prior to this Ordinance being adopted and were in conformance with the previous Ordinance and amendments shall be legally nonconforming until such time a major change is made to the sign. A major change includes increasing the size, changing the height, altering the structure, adding lights, and/or relocation of the sign on said premise.

k. Temporary Signs, Residential Districts. One temporary sign no larger than thirty-two (32) square feet in size shall be allowed, on the immediate premise of an event, without a permit, for the duration of the event (i.e., garage sale, property for sale, construction project, election). Political signs may be placed no sooner than thirty (30) days prior to an election and must be removed within five (5) days after an election.

l. Permanent Signs, Residential Districts. A permanent gateway sign shall be allowed at the entrance of a residential development. Such sign must be a minimum of fifteen feet (15') from any road right of way.

m. General Business District. Signs in a business district relating to the advertisement of said business shall not exceed thirty percent (30%) of the wall face of the business. A ground sign may not extend above the permitted structure height of the District. No sign mounted on a building shall project above the roof line.

n. Industrial Districts. Sign specifications relating to the identification of said business within the Industrial District shall be determined and entered on the plat drawings for the specified Industrial Park. In addition, all informational, directional and parking signs shall be listed and identified on the plat drawings.

6.1.13. Heritage Markers. In no instance shall this Ordinance be interpreted as prohibiting sites, memorials, edifices, and/or monuments in commemoration of persons or objects of historical or architectural interest.

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

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

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

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

d. In Residential Zoned Districts fences shall be allowed on side and rear property lines and front yards as follows:

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

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

f. Fencing which is intended for decorative or landscaping purpose only, does not surround any area which is intended or otherwise required to be completely enclosed, and does not define property lines, may be allowed on any part of a parcel without an Improvement Location Permit, provided that it does not exceed six feet (6') in height, or hamper the Visual Clearance of any intersection, alley, driveway, or walk.

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

h. Fences in an Industrial District (ID) may be placed in a required front yard setback, provided the fencing is placed a minimum of ten feet (10') from the road right-of-way. Security fences in an Industrial District may be barbed at the top provided the fence portion does not exceed eight feet (8') in height and the barb must be a minimum of six feet (6') above the ground.

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

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

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

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

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

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

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

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

6.1.16. Geothermal. Open Loop and Closed Loop Geothermal renewable energy systems may be permitted within the jurisdictional area of this Ordinance. Discharge and drainage plans for open loop systems, which are required to drain into a pond, stream, creek, or drainage tile shall be reviewed and approved by the Wabash County Drainage Board prior to completion of the ILP.

6.1.17. Cemeteries. Existing cemeteries may apply under the S.E Application process to expand acreage of current location regardless of current zoning. New Cemetery locations shall follow the requirements as outlined in this Ordinance under Section 6.1.4.

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

6.2.1. Maximum Lot Coverage. The buildings on a lot may not exceed, in coverage, more than the listed percent of the lot area as stated in Chapter 5, Maximum lot coverage is stated in two (2) categories:

- a. As the maximum total area of the parcel, lot, tract that may be covered by structures.
- b. As the maximum total impervious coverage for the parcel, lot, tract.

6.2.2. Minimum Ground Floor Area

- a. No dwelling may be erected or changed so that its ground floor living area, in square feet, is less than that prescribed in Chapter 5, "Development Standards." This is limited to ground floor living area only and does not include garages, walks, porches, patios, decks, breezeways.
- b. No residential dwelling shall be erected, placed or changed other than a conventional built dwelling, a pre-assembled dwelling, or a modular home that meets the minimum ground floor square footage requirements for the designated zone. All such structures shall become permanent improvements on the land and shall be placed on a permanent footing with solid foundations and/or basement walls.
- c. Those modular homes designated in this Ordinance as requiring a permanent perimeter enclosure must be set into an excavated area with foundations, footers, and crawl space or basement walls constructed in accordance with the terms of the one- and two-Family Dwelling Code. The space between the floor and joist of the home and the excavated under-floor grade shall be completely enclosed by a permanent perimeter enclosure except for required openings.

6.2.3. Minimum Lot Size

- a. A parcel created after December 17, 2012 in which a residential dwelling is to be erected having an individual septic system, may not be smaller in parcel size, in square feet per dwelling unit, than that prescribed in the Wabash County Onsite Sewer System, Ordinance #2012-85-18, as may be amended from time to time. In all other cases lot size shall be determined by the property zoning and available sanitation service as prescribed by the ordinance which was in effect on the date of record of the parcel development.
- b. Parcels of record, or parcels individually held, prior to the passage of Wabash County Onsite Sewer System Ordinance #2012-85-18, effective 12/17/2012, which are

used for single family dwelling purpose and have an individual septic system which has been approved by the Wabash County Health Department, may be smaller than the 1 ½ acre parcel size prescribed in this Ordinance and will not be classified as non-conforming for reason of being less than 1 ½ acres, provided the parcel size was conforming under the prior Ordinance.

#### 6.2.4. Lake Front Setbacks.

a. In the RL1 and RL2 District where a parcel adjoins both a lake or lake channel and road right-of-way, the lake side shall be considered as the front yard and the road side may be considered as the rear yard. In this case, the lake side shall comply with the front yard setback as outlined in Chapter 5, "Development Standards," but in no case shall the rear yard extend less than thirty-five feet (35') for a principal or accessory structure. Front yard setback will be measured from structure to the high-water level.

b. In the event a lake front property does not have public road access, the rear yard setback shall be a minimum of thirty-five feet (35') from the rear property line for any dwelling or accessory structure.

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

#### 6.2.5. Development Standards, Pools

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

b. Pools classified as accessory structures shall meet the setback requirements for said structures in the zoning district they are placed. This shall include any structure associated with the pool such as bath house, filtration system, lounging area, heat exchangers.

c. For security and safety purposes all pools which require an Improvement Location Permit shall follow the requirements of "675 IAC 14-4.3-296 Safety Features", as may be amended from time to time. Basic requirements include:

1. Walls or fencing not less than four feet (4') high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked.

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

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

4. A power safety pool cover unit shall provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool and shall:

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

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

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

d. A plot plan shall be submitted when applying for a pool permit identifying:

1. All structures on the parcel, setbacks from the property lines, roads, and location of septic and leach field,

2. Any easements identified,

3. Any overhead or underground utilities, or drainage tiles located on the parcel,

4. Pool dimensions and configuration, and

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

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

#### 6.2.6. Miscellaneous

a. Any new residential dwelling or accessory structure in which an ILP is being applied for shall blend with the décor of the neighborhood when it is to be located in a platted area, housing development, or subdivision within the jurisdiction of the plan commission.

b. An accessory structure may not be constructed in an R1, R2, R3, RL1, RL2, District prior to the construction of the principal building.

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

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

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



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

6.3.2. Entrances. The maximum permitted number of entrances for any Special Exception shall be one (1) entrance. This does not include any entrance which is used for emergency purposes only or as a utility easement entrance. All entrances/exits, in which truck traffic will exceed 5 departures per day, shall have a concrete or asphalt driveway approach to the road of no less than one hundred fifty (150) feet in length or the length of the driveway, whichever is less.

6.3.3. Parking and Loading Berths.

a. To reduce traffic congestion and hazards by eliminating unnecessary on-street parking and loading the following shall apply:

1. Every use of land must include on premises parking and loading berths sufficient for the needs normally generated by the use, as noted by this section,
2. Off-street parking spaces shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or the continuous storage of vehicles for more than twenty-four (24) hours,
3. Space allotted to loading berths and loading areas shall not be used to satisfy parking space requirements,
4. Parking and loading areas shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust, however, a gravel surface may be used for a period not exceeding one (1) year after the date of granting a Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing.
5. All parking or loading areas shall be maintained in good condition and free of weeds, dirt, trash and debris,
6. Parking areas shall have adequate lighting so as to promote visibly safe passage to and from vehicles.

b. No use lawfully established prior to the effective date of this Chapter shall be required to provide and maintain the parking and loading requirements of this section, provided that parking and loading spaces required by any previous Ordinance pursuant to state statutes shall be continued and maintained.

c. For any nonconforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, parking and loading facilities equivalent to those maintained at the time of such damage or partially destroyed shall be restored and continued in operation, provided, however, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses.

d. When the use intensity of any building, structure, or premises is increased through the addition of dwelling units, floor area, beds, seating capacity, or other units of measure, parking and loading facilities shall be provided for such increase in intensity of use.

e. When the existing use of a building, structure or premises shall be changed or converted to a new use permitted by this Ordinance, parking and loading facilities shall be provided as needed for the new use.

6.3.4. **Parking Space Design.** Due to particularities of any given development, the inflexible application of required pre-determined parking spaces may result in parking spaces in excess of, or insufficient of need. Therefore, each application shall be evaluated independently and the total lot area, as well as individual parking space size, shall be determined and applied accordingly.

6.3.5. **Loading Berth Design.** Due to particularities of any given development, the inflexible application of required loading berths may result in loading berths in excess of need or insufficient of need. Therefore, each application shall be evaluated independently and the total lot area, as well as loading berth size, shall be determined and followed accordingly. No loading berth shall be so designed as to require use of a public street, public or private pedestrian access way, or alley to achieve proper docking at loading berth.

6.3.6. **Smoke.** No operation or activity shall be carried out in any district which causes or creates levels of smoke that are determined to be a nuisance to the surrounding areas. The levels of emissions may be measured from any point of emission using opacity charts, and shall be emissions not darker than Ringleman 0 or 0% opacity may be emitted except that smoke not darker or more opaque than Ringleman No. 1 or 20% may be emitted for periods not longer than three (3) minutes in any thirty (30) minute period. This provision shall apply to any emissions.

6.3.7. **Odor, Air Pollution.** No industrial use in any District may release an odor that is detectable beyond the lot line. This does not include CFOs in an Ag 1 or Ag 2 District. Indiana Department of Environmental Management rules for air pollution under IAC 326 as amended shall apply”

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

6.3.9. **Heat.** No industrial use may cause heat at the property line so intense as to be a public nuisance or hazard. No activity shall be permitted to cause a temperature change of more than 1 degree Fahrenheit as measured at any adjoining property line.

6.3.10. **Glare.** No operation or activity shall be carried out in any District which causes or creates an amount of glare that is determined to be a nuisance to the surrounding areas, and may not be of such an intensity or brilliance as to cause glare or to impair the vision of drivers, pedestrians, employees or neighbors. All outdoor lighting shall be located, screened, or shielded so that adjacent lots are not directly illuminated. If necessary, the levels of glare may be measured on any property line of the tract on which the operation is located, to determine the amount of glare. The levels of glare shall be measured in foot-candles. No operation or activity shall produce a level of illumination that exceeds 0.5 foot-candles at any adjoining property line of the tract on which the activity is located.

6.3.11. **Vibration.** No operation or activity shall be carried out in any district which causes or creates levels of vibration that are determined to be a nuisance to the surrounding areas. If necessary, the levels of vibration may be measured on any property line of the tract on which the operation is located.

Vibration shall be expressed as displacement in inches and shall be measured with a three-component measuring device that is approved by the Planning Director. The specific type of vibration shall not exceed the designated displacement in inches as defined in the table in this Section 6.3.11, based on the frequency. Vibrations that exist outside of the tract on which the operation is located and is not directly related to the operation, such as vibration from motor vehicles or other transportation facilities, may be excluded from these regulations and may be compensated for in the measurement of the vibration.

**STANDARDS FOR  
VIBRATION**

<b>FREQUENCY</b> Cycles / Second	<b>VIBRATION DISPLACEMENT IN INCHES</b>	
	Steady -state Vibrations	Impact Vibrations
under 10	.0055	00.10
10-19	.0044	.0008
20-29	.0033	.0006
30-39	.002	.0004
40 and over	.001	.0002

6.3.12. Noise and Sound. At no boundary line of any residential or business District may the sound level of any industrial use (excluding background noises produced by sources not under the control of this ordinance such as the operation of motor vehicles) exceed 70 decibels. Noise is to be muffled so as not to be objectionable due to intermittence, frequency, or shrillness.

**STANDARDS FOR NOISE**

<b>OCTAVE BAND</b>  <b>FREQUENCY</b> Cycles / Second	<b>MAXIMUM PERMITTED SOUND LEVELS IN DECIBELS</b>	
	ALONG RESIDENTIAL DISTRICT BOUNDARIES	ALONG BUSINESS DISTRICT BOUNDARIES
0 TO 75	67	73
76 TO 150	62	68
151 TO 300	58	64
301 TO 600	54	60
601 TO 1200	49	55
1201 TO 2400	45	51
2401 TO 4800	41	47
OVER 4800	37	43

**PERMITTED DECIBEL  
CORRECTIONS**

<b>TYPE OF OPERATION OR CHARACTER OF NOISE</b>	<b>CORRECTION IN DECIBELS</b>
Noise source operates less than 20% of any one-hour period	Plus 5
Noise source operates less than 5% of any one-hour period	Plus 10
Noise source operates less than 1% of any one-hour period	Plus 15

Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

6.3.13. Fire Hazards. Solid substances ranging from free or active burning to intense burning may be stored, used, or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization, or manufacture of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the Rules and Regulations of the State Fire Marshall. A certificate of compliance, issued by the State Fire Marshall's office, stating that the plans and specifications for a light or general industrial use comply with the Rules and Regulations of the State Fire Marshall shall accompany the application for an improvement location permit.

6.3.14. Detonation Materials. No activity involving the storage, use, or manufacture of materials that decompose by detonation may be carried on except in accordance with the rules issued by the State Fire Marshal and the State Administrative Building Council. These materials include primary explosives such as lead aside, lead styphnate, Fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and their components, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetyl ides, tetrazoles, end ozonide's; strong oxidizing agents such as liquid oxygen, perchloric acid, perch/orates, chlorates, and hydrogen peroxide in concentrations greater than 35 per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

6.3.15. Exceptions. Sections 6.3.6. through 6.3.14. above inclusive do not apply to:

- a. Site preparation or construction, maintenance, repair, alterations, or improvements of buildings, structures, equipment, or other improvements on or within the lot lines.
- b. The operation of motor vehicles or other facilities for the transportation of personnel, materials, or products; and safety or emergency warning signals or alarms necessary for the protection of life, limb, or property.
- c. Conditions beyond the control of the user such as fire, explosion, accident, failure, or breakdown.
- d. Safety or emergency warning signals or alarms necessary for the protection of life, limb, or property.
- e. Processes for which there is no known means of control. Research shall be promptly conducted to discover methods of control leading to the installation of protective equipment.

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

6.3.17. Outdoor Advertising Control. The Indiana Department of Transportation (INDOT) manual entitled "Indiana Department of Transportation Outdoor Advertising Control Manual" establishes the procedures involved in erecting and maintaining outdoor advertising signs adjacent to the Interstate System, Federal Aid Primary Roads, the National Highway System, and other Control Routes within the State of Indiana in compliance with Federal Law and State Law.

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



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

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





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

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

**7.2. MOBILE HOMES.**

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

7.2.2. A mobile home which exists on a particular parcel or lot at the time of passage of this Ordinance shall be allowed to remain at such location as a legal nonconforming use (provided it is already a legally permitted use). Said mobile home may be replaced at the same location with a conforming manufactured home.

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

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

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

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

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

7.3.3. Each Manufactured Home shall:

7.3.3.1. Be placed on poured concrete foundations 18" wide x 36" deep and running the full length of the dwelling or placed on individual piers 24" x 24" x 36" deep, spaced a maximum of ten (10) feet apart on center, or per manufactures specifications,

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

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

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

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

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

7.3.3.7. Must have a gabled roof with roofing material customarily used on site constructed residences such as asphalt shingles, fiber glass shingles, tile materials, or steel sheeting, all of which are installed on a surface properly pitched for the material used,

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

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

#### **7.4. MANUFACTURED HOME IN AN A1 OR A2 DISTRICTS.**

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

7.4.2. An occupied manufactured home, which becomes legal non-conforming as a result of this Ordinance, shall be permitted to retain its occupancy. However, if the legal non-conforming use is not occupied for a period of one (1) consecutive year, the manufactured home shall be removed and the land thereafter shall be used in conformity with all provisions of this Ordinance.

7.4.3. A legal non-conforming manufactured home may be replaced by a newer, conforming manufactured home with the completion of an ILP, provided the parcel has not been without a manufactured home for more than ninety (90) days, and the applicant obtains a septic permit from the Wabash County Health Department.

**7.5. MANUFACTURED HOME ALTERATIONS.** Alterations to manufactured homes for the purpose of adding to the manufactured home structure are prohibited. Any additions shall be structurally separate from the manufactured home. An ILP must be issued prior to the addition of any accessory structure associated with the manufactured home.

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

7.6.1. This section shall apply to Mobile Homes, Manufactured Homes, or Travel Trailers located outside of mobile or manufactured home parks which are intended to serve as temporary or accessory dwellings.

7.6.2. A legally permitted Mobile Home, Manufactured Home, and/or Travel Trailer in use as a temporary dwelling, on a parcel at the time of passage of this Ordinance, shall be allowed to remain at such location as a legal non-conforming use until culmination of the permitted needed use.

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

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

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

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

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

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

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

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

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

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

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

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

7.9.4. Each Park shall contain an electrical wiring system consisting of approved wiring, fixtures, equipment, and appurtenances that shall be installed and maintained in accordance with the applicable codes and regulations governing those systems. All parts of the park's electrical distribution system shall conform to the approved standards for safety to life and property and accepted engineering practices.

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

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

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

7.9.8. No part of any Park shall be used for non-residential purposes, except for those uses required for direct servicing and well-being of Park residents, or for the management and maintenance of the Park. A laundromat and recreational playground for the exclusive use of Park residents shall be permitted and deemed not to be in violation of the restrictions of this Ordinance.

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

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

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

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

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

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

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

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

## **Chapter 8** **Campgrounds**

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



## Chapter 8 Campgrounds

**8.1. CAMPGROUNDS.** Campgrounds are permitted only as Special Exceptions in Districts A2, FRC, RL1 and RL2. This Chapter 8 applies to all public use campgrounds located within the jurisdiction of the Wabash County Plan Commission, containing more than two (2) campsites, not under the jurisdiction of the State of Indiana, that are solely designated for continuous seasonal camping, and the proprietor is being compensated in some way for use of the facilities within the campground.

**8.2. CONSTRUCTION REQUIREMENT.** Any person planning to construct, add to, or make a significant change in any campground shall submit plans, drawn to scale, for review and approval by the Wabash County Plan Commission.

**8.3. CAMPGROUND PLAN.** The campground owner /operator shall maintain a plan of the campground showing infrastructure, campsites, roads, utilities, public facilities, sanitary dumping stations, office, and all other associated amenities.

**8.4. CAMPGROUND CAMPSITE.** Campgrounds shall have designated campsites, and each site shall be visibly marked with an identification number, letter or name. No more than one (1) camping dwelling shall be allowed per designated campsite at the same time.

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

**8.6. CAMPGROUND WATER SUPPLY.** Campgrounds shall provide an adequate and convenient supply of potable water for culinary, drinking, laundry, and bathing purposes. There shall be no direct physical connection between any campground potable and non-potable water supply system.

**8.7. CAMPGROUND SEWAGE DISPOSAL.** All campground generated sewage, including gray water, shall be disposed of under the guidelines established by the Indiana State Board of Health.

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

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

**8.10. CAMPGROUND REFUSE DISPOSAL.** Refuse, including garbage, shall be collected, stored and disposed of properly so the campground is clean and litter free. Refuse shall not accumulate in a manner that could result in rodent or insect harborage, promote rodent or insect breeding, or create a fire, safety or health hazard. Each garbage can and dumpster shall be covered with a tight-fitting lid. Collection shall occur at least three (3) times per week, more when necessary. Community dumpsters shall be a minimum of fifty feet (50') from any campsite.

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

**8.12. EMERGENCY EQUIPMENT AND SERVICES.** All campgrounds shall, at minimum, be equipped with a basic campground first aid kit and have staff knowledgeable of the proper use of such. All campsite users shall be provided with the campsite address and contact procedures in the event First Responders are needed. Local weather updates shall be available to all campers before, during, and immediately following hazardous weather conditions.

**8.13. CAMPSITE REGISTRATION.** All campground operators shall maintain a register containing, for each campsite, the applicants name, home address, driver license number, phone number, vehicle license plate number, vehicle type, camper license plate number, as well as the name, address, driver license number, phone number of all occupants of each campsite along with arrival and departure times and make such register available upon request for inspection by law enforcement and/or the local health officer.

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

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



## **Chapter 9** **Kennels**

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



## Chapter 9 Kennels

The purpose of this Chapter is to provide for the safe and healthy housing of domestic animals as well as to preserve the health, safety, use, and enjoyment of the surrounding properties.

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

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

**9.3 SETBACKS.** Kennels, including shelters, fenced areas, exercise runs, customer service rooms, and parking lots shall be set back a minimum of one thousand three hundred twenty feet (1320') from the nearest residence in which the operator of the Kennel does not reside.

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

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

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

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

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

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

## **Chapter 10**

### **Home Occupations**

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



## Chapter 10 Home Occupations

### **10.1. HOME OCCUPATION.**

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

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

### **10.2. TYPE I AND TYPE II HOME OCCUPATION USE.**

The use of the dwelling unit or accessory structure for the home occupation shall be clearly incidental and subordinate to the parcels use for residential purposes by its occupants and must adhere to the following:

- 10.2.1. There shall be no exterior indication of the Home Occupation or variation from the residential character of the premises for both the residential dwelling and the accessory structure excluding one (1) sign which identifies the business and structure entrance.
- 10.2.2. In no case shall a Home Occupation be open to the public at times earlier than 8:00 a.m. or later than 5:00 p.m.
- 10.2.3. There shall be no use which creates noise, vibration, smoke, dust, electrical interference, smell, heat, glare, fire hazard, or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from the residence.
- 10.2.4. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
- 10.2.5. There shall be no outdoor storage of materials or goods in the development process and no outdoor display or storage of finished goods.

### **10.3. HOME OCCUPATION TYPE I.**

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

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

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

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

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

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

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

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

10.3.3.4. Delivery of materials, to or from the premises by commercial vehicles (excluding UPS and Fed Ex) shall not exceed one (1) time per week, during business hours, for a Period no longer than one (1) hour. Loading and unloading along the street shall be permitted provided it does not interfere with traffic flow or intrude on adjoining property.

#### **10.4. HOME OCCUPATION TYPE II.**

10.4.1. Type II Home Occupation applications shall be reviewed and treated as a Special Exception request. The standards set forth for Special Exception applications and reviews shall be followed. The BZA may impose reasonable conditions as part of the approval.

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

10.4.2.1. The Home Occupation shall be carried on by a resident of the premise with no more than two (2) additional employees, which may or may not be residents of dwelling.

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

10.4.2.3. Maximum allowable separation distance between Primary Structure (Residence) and Accessory Structure, which must be on the same deeded parcel, shall be two hundred fifty (250) feet,

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

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



- 10.4.2.6. The use shall not increase vehicular traffic flow and parking by any more than three (3) additional vehicles at a time in addition to the vehicles of the two (2) additional employees.
- 10.4.2.7. No additional ingress or egress drive to serve such Home Occupation shall be permitted,
- 10.4.2.8. All parking generated by the conduct of such home occupation shall be off street and other than in a required residential dwelling front yard. Sufficient area for parking and turn-around shall be provided so as to prevent traffic from exiting the premise by backing onto any public road,
- 10.4.2.9. Delivery of materials to or from the premises by commercial vehicles (excluding UPS and Fed Ex) shall not exceed two (2) times per week, during business hours, and for a period no longer than one (1) hour. Loading and unloading along the street shall be permitted provided it does not interfere with traffic flow or intrude on adjoining property.

**10.5. TRANSFER OF PERMIT.**

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

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



## **Chapter 11** **Confined Feeding Operations**

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



## Chapter 11 Confined Feeding Operations

### **11.1. PURPOSE.**

11.1.1. The purpose of this Chapter is to establish certain minimum standards for all Confined Feeding Operations (CFOs) in Wabash County, in order to assure reasonable compatibility between such livestock operations and other agricultural uses.

11.1.2. These standards, along with any requirements of the Indiana Department of Environmental Management (IDEM), National Pollutant Discharge Elimination System (NPDES), Environmental Protection Agency (EPA), or the Office of Indiana State Chemist (OISC), are intended to create a reasonable balance between needed livestock production and other uses in Wabash County, Indiana.

### **11.2. PRE-APPLICATION.**

11.2.1. Prior to submitting an application to IDEM, an applicant may be required to complete and submit a Pre-Application to the Plan Commission office (depending on the proximity of the CFO's proposed structures to any neighboring residences or business structures). Except as provided hereinafter, for a period of twelve (12) months, eighteen (18) months if granted an extension, after submission of the Pre-Application, the Wabash County Plan Commission shall not issue any building permit for a residential dwelling or business structure to be located within the established setback of the proposed CFO site.

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

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

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

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

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

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

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

11.2.7. A Pre-Application fee, based on the current Permit Fee Schedule, shall be assessed when a Pre-Application is submitted. A portion of such fee, minus expenses, may be refunded if, after review by the Plan Commission, it is determined that circumstances beyond the applicant's control prevent continuation of the application process. However, no refund shall be granted after IDEM approval or commencement of excavation or construction at said site.

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

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

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

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

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

11.2.11. The notice requirement prescribed herein shall be in addition to all other notification requirements, including those imposed by Indiana Code 13-18-10-2, as amended.

### **11.3. IMPROVEMENT LOCATION PERMIT.**

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

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

11.3.3. An Improvement Location Permit shall be required for:

- a. All new CFO structures, lagoons, pits, ponds, holding tanks, dry manure storage, waste processing systems, compost bldgs., satellite manure storage structures.
- b. Expansion, extension, or enlargement of any existing CFO structures, lagoons, pits, ponds, holding tanks, dry manure storage, waste processing systems, compost bldgs., or satellite manure storage structures.

### **11.4. NEW CFO SITE SETBACKS.**

Any new CFO structures, including lagoons, pits, ponds, waste holding tanks, dry manure storage, waste processing system, compost buildings, and livestock structures, must have a minimum separation distance from the following designated areas as stated herein below:

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

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

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

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

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

11.4.6. **CHESTER TOWNSHIP**

**Liberty Mills**

2640 Feet

North of the North platted boundary of Liberty Mills

East of the East platted boundary of Liberty Mills

South of the South platted boundary of Liberty Mills

West of the West platted boundary of Liberty Mills

**North Manchester**

1320 Feet

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

**Servia**

2640 Feet

North of Co Rd 900 N road center line

East of the East platted boundary of Servia

South of the South platted boundary of Servia

West of the West platted boundary of Servia

11.4.7. **LAGRO TOWNSHIP**

**Lagro Town**

2640 Feet

Outside of corporate jurisdictional boundary of Lagro

**Lincolnvillle**

2640 Feet

Outside all zoning except A1, A2

**Salamonie Reservoir Area**

2640 Feet outside all zoning except A1, A2

**Urbana**

2640 Feet

Outside all zoning except A1, A2

11.4.8. **LIBERTY TOWNSHIP**

**Treaty**

2640 Feet

Required setback from intersection of County Road 700 S and 50 E

**Lafontaine**

2640 Feet

Outside of corporate jurisdictional boundary of Lafontaine

11.4.9. **NOBLE TOWNSHIP**

**Richvalley**

2640 Feet

Outside all zoning except A1, A2

**Wabash City**

1320 Feet

Outside of corporate jurisdictional permitting boundary of Wabash City

11.4.10. **PAW PAW TOWNSHIP**

**Roann**

2640 Feet

Outside of corporate jurisdictional boundary of Roann and meet required A1, A2 Zoning Setback. North of River Road between 650 W and 800 W.

**Urbana**

2640 Feet

Outside all zoning except A1, A2

11.4.11. **PLEASANT TOWNSHIP**

**Disko & Twin Lakes**

1320 Feet

Required setback from a dwelling

**Ijamsville**

2640 Feet

Outside all zoning except A1, A2

**Laketon, Sandy Beach, Ireland Beach**

2640 Feet

Outside all zoning except A1, A2

11.4.12. **WALTZ TOWNSHIP**

**Somerset, Mt. Vernon**

2640 Feet

Outside all zoning except A1, A2

**Mississinewa Reservoir Area**

2640 Feet outside all zoning except A1, A2



**11.4.13. Public Schools & Whites Residential**

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

**11.4.14. Public Wells**

Minimum Setback 2640 feet	
Wabash City Public Wells	2 sites
North Manchester Public Wells	2 sites
Marion City Public Wells	2 sites
Lafontaine Public Wells	2 sites
Roann Public Wells	2 sites
Lagro Public Wells	2 sites

**11.4.15. Churches**

Required CFO Setback

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

**11.5. NEW CFO SITE SCREENING.**

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

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

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

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

**11.6. EXISTING CFO.**

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

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

11.6.3. No land upon which a CFO exists, or for which a CFO Improvement Location Permit has been issued, shall be sold, transferred, conveyed or leased to any person or entity that has any pending or otherwise unresolved violation of any environmental related statute, rule, regulation, or order of any Federal, State, or local governing body.

11.6.4 Any IDEM permitted CFO structure that existed prior to March 2, 2007, shall be eligible to apply for expansion on the existing CFO site provided:

a. The new structure is located at the same immediate location, ("immediate" meaning within five hundred (500) feet of a currently active and permitted IDEM CFO structure that was permitted prior to March 2, 2007), or will be located at the same immediate location by succession to the prior original March 2, 2007 structure.

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

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

1. If listed as an LLC or corporation, at least one (1) member of the LLC or shareholder of the corporation must still be a financially invested member of the board.

2. A generational family farm may have ownership name change provided the name change is to a subsequent generation of the family farm.

#### **11.7. SETBACKS EXISTING SITES.**

Any new structures constructed on an existing CFO site, including lagoons, pits, ponds, holding tanks, dry manure storage, waste processing system, compost buildings, and livestock structures, must have a minimum separation distance from the following designated areas as stated herein below:

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

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

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

11.7.4. A setback of 300 feet for liquid manure storage structures and 100 feet for solid manure storage structures from surface waters of the state, drainage inlets (including water and sediment control basins), sinkholes (measured from the opening of lowest point).

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

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

#### **11.8. EXISTING SITE SCREENING.**

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

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

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

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

#### **11.9. TERMINATION.**

Termination of a CFO shall be acknowledged when IDEM approves an owner's application request for "CFO Request for Approval Voidance", or whenever IDEM determines that the revocation of a CFO Permit is necessary.

#### **11.10. WASTE MANAGEMENT.**

Any owner or operator of a CFO and anyone who distributes, stages, uses, or transports animal waste or animal process waste liquid for the purpose of producing an agriculture crop, producing methane gas, or organic fertilizer production shall meet or exceed requirements of Title IAC 355, State Chemist of the State of Indiana, Article 7 and 8 as may be amended.

#### **11.11. CONFORMANCE.**

In the event that IDEM determines that setbacks of a greater distance than those established by this Ordinance are required, then such IDEM requirements shall prevail.

#### **11.12. SATELLITE MANURE STORAGE STRUCTURES (SMSS).**

Under IC 13-18-10.5, as amended, a person may not start the following activities regarding a SMSS, as defined in IC 13-11-2-196.2, as amended, without obtaining the prior approval of IDEM and a permit from the Plan Commission:

11.12.1. Construction.

11.12.2. Expansion that increases manure containment capacity.

a. The storage or manure containment capacity shall be determined by the greatest amount of manure the SMSS is able to hold after meeting the minimum standards of this article for:

1. secondary containment;
2. freeboard; and
3. headspace.

11.12.3. If the owner or operator of a regulated CAFO or CFO deposits any manure from the owner or operator's CAFO or CFO into a storage structure also under the control of the owner or operator, the structure shall not be considered a SMSS. This action shall constitute an expansion of the owner or operator's CAFO or CFO operation and require IDEM and county permitting accordingly.

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

b. All setbacks for satellite manure storage structures, regardless of size, shall follow the setbacks as stated below or in the satellite manure storage structure permitting program under 327 IAC 20-5-1 as amended, whichever is more restrictive:

1. 1,000 feet from a public water supply surface intake structure and any off site water well.
2. 300 feet from any surface waters of the state, drainage inlets, (including water and sediment control basins), sinkholes, (measured from the opening of the lowest point),
3. 300 feet from any off- site neighboring property line or a public road,
4. 1320 feet from any existing off-site residential or business structure.

### **11.13. STAGING MANURE, UN-MANIPULATED ORGANIC FERTILIZER.**

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

- a. 1,000 feet from a public water supply surface intake structure and any off-site water well,
- b. 300 feet from any surface waters of the state, drainage inlets, (including water and sediment control basins), sinkholes, (measured from opening of the lowest point),
- c. 100 feet from any off-site neighboring property line or a public road, on-site water well,
- d. 400 feet from existing off-site residential or public buildings,

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

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

**Chapter 12**  
**Wind Energy Conversion Systems**

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



## Chapter 12

### Wind Energy Conversion Systems

#### **12.1. DEVELOPMENT STANDARDS, WIND ENERGY CONSERVATION SYSTEMS.**

It is the purpose of the WECS Development Standards to assure the development and production of wind-generated electricity in Wabash County is safe and effective by establishing predictable and balanced regulations for the establishment of COMMERCIAL and NON-COMMERCIAL WECS in the locations and circumstances under which the use may be established without detriment to the public health, safety and welfare of neighboring property owners or occupants.

**12.2. NON-COMMERCIAL WECS.** Non-Commercial WECS Application Requirements. Prior to the construction of a NON-COMMERCIAL WECS, the Applicant(s) shall obtain approval for a NON-COMMERCIAL WECS by completing an Application for an Improvement Location Permit in which the following conditions shall be met. Variances shall be applied for and reviewed under the procedures established by the Wabash County Zoning Ordinance. Applications for NON-COMMERCIAL WECS shall include the following information:

- a. Contact information of the project applicant, including name, address, phone number and E-mail.
- b. Contact information of the deeded land owner, including name, address, phone number and E-mail.
- c. The legal description, address, and location of the proposed turbine(s) and associated equipment including documentation of land ownership or legal control of the property on which the NON-COMMERCIAL WECS will be located.
- d. A NON-COMMERCIAL WECS project description, providing information on each wind turbine proposed including:
  1. Number of turbines,
  2. Turbine type,
  3. Nameplate generating capacity,
  4. Tower height and design,
  5. Blade arc diameter,
  6. Total height,
  7. Anchor base schematic,
  8. Underground cable routing path,
  9. Means of interconnection with the electrical grid (Electrical Schematic),
  10. Equipment Manufactures,
  11. All related accessory structures.
- e. The majority of the energy produced by a non-commercial WECS project shall be consumed on said property defined in the application.
- f. A site layout plan drawn to scale (one inch (1") equal thirty feet (30') preferred).
- g. For all NON-COMMERCIAL WECS, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the building permit application that the turbine, foundation and tower design of the WECS are within accepted professional standards, for the proposed location soil types and climate conditions.

h. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code and meets all the requirements of the electrical utility's service regulations applicable to WECS as amended from time to time.

i. All NON-COMMERCIAL WECS shall comply with all air hazard rules by applying for and receiving permits and approvals of compliance for all required Federal Aviation Administration rules and regulations.

j. All NON-COMMERCIAL WECS applicants must provide a copy of Communications Study and Noise Profile of the actual wind turbine that is to be installed on the selected site. All site locations shall be reviewed by the Wabash County Drainage Board and shall comply with all requirements administered by the drainage board for each specific site.

k. No NON-COMMERCIAL WECS shall be installed until verification that the local utility company has been informed of the customer's intent to install an interconnected customer owned wind turbine generating system.

1. All applicants must provide a completed "Agreement to Interconnect Application" between the public utility company providing electrical service and the customer before an application for an Improvement Location Permit can be completed,

2. Off-grid systems shall provide proof of notification of the local utility company before and after installation with verification of approval from the utility company.

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

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

12.2.2. Color and Finish. All WECS turbines shall be white, light grey, or another non-obtrusive color. Finishes shall be matt or non-reflective. Must meet all applicable FAA color requirements.

12.2.3. Modification. Any physical modification to a WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Prior to making any physical modifications (other than like-kind) the owner, operator or service technician shall confer with the Wabash County Plan Commission to determine whether the physical modification requires re-certification.

12.2.4. Inspection. The Wabash County Plan Commission, along with a licensed 3rd party professional, retained by the County for the specific purpose of conducting inspections of the WECS, shall have the right, at any reasonable time and with sufficient prior notice, to accompany the owner, operator, agent, or service technician onto the premises where a WECS has been constructed, to inspect all parts of said WECS installation.

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



Commission that all easements for the wind turbines shall contain assurance for access to remove WECS equipment. The Plan Commission shall have the right to remove any abandoned WECS and the right to sell all equipment to defray the cost of removal subject to the rights of any secured creditor holding a security interest in the WECS.

a. Applicant and/or owner obligations shall include removal, by the owner or by Wabash County, at the owner's expense, of all physical material pertaining to the project improvements, within one hundred eighty (180) days of the discontinuation or abandonment of the facility. Restoration of the area occupied by the project improvements to the same or better condition, which existed immediately before construction of such improvements, shall be required.

12.2.6. Setbacks. No WECS shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the county. No WECS shall be constructed in any flowage easement or floodplain.

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

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

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

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

12.2.7. Noise & Vibration. At no time outside of any Primary Structure shall the sound pressure levels from a wind turbine or any of the components that make up a WECS exceed 32 decibels on the "A" weighted scale of a Sound Level Meter. At no time shall vibration created by any WECS be detectable on any non-participating land owner's property or within the structures located on said property.

12.2.8. Shadow Flicker. At no time shall a wind turbines tower, nacelle, or blades create shadow flicker on or within the current structures of any non-participating land owner's property.

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

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

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

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

c. The legal description, property addresses, deeded owners' names and addresses, and location of the proposed project, including documentation of land ownership or legal control of the property on which the WECS is proposed to be located.

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

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

e. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by the certified drawings of the wind turbine structure, including the tower, base, and footers.

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

1. Each turbine point location,
2. Turbine type,
3. Nameplate generating capacity,
4. Tower height and design,
5. Blade arc diameter,
6. Total height,
7. Anchor base schematic,
8. Underground cable routing path,
9. Means of interconnection with the electrical grid (Electrical Schematic),
10. Equipment Manufactures,
11. All related accessory structures.

g. Comply with all air hazard rules by applying for and receiving permits and approvals of compliance for all required Federal Aviation Administration rules and regulations.

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

**12.4. PROOF OF CORRESPONDENCE AND COOPERATION WITH WILDLIFE AGENCIES:**

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

**12.5. DRAINAGE PLAN AND EROSION CONTROL PLAN.**

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

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

a. Drainage and Erosion

1. Requirements of the Wabash County Storm Water Control Ordinance shall be followed during construction, operation, maintenance, decommissioning, and restoration of the WECS. An erosion control plan developed in consultation with NRCS, IDEM, and any storm water quality management plan adopted by the applicable jurisdiction shall be submitted and approved,
2. All site locations shall be reviewed and approved by the Wabash County Drainage Board Prior to the issuing of any ILPs,
3. Newly constructed WECS access roads and expanded intersection corners shall not impede the natural flow of water and shall comply with the Wabash County Storm Water Control Ordinance,
4. All damages must be repaired to original or better condition, immediately.

**12.6. ROAD AND PROPERTY MAINTENANCE AGREEMENT.**

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

- a. Indicate by description and map all proposed routes for all public roads, bridges, culverts, side ditches, personal property and services that will be used during construction, operation, decommissioning and restoration of the WECS.
- b. Notation of current road surfacing and conditions; specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (for both the construction, operation and maintenance, decommissioning and restoration periods);
- c. Identification of needed bridges, culverts, fence crossings etc.
- d. Identification of all areas where modification of the topography will be or is anticipated (cutting/filling) to construct and / or improve roadways or intersections,
- e. Any route that includes a public road shall be approved by the Wabash County Highway Superintendent. A pre-construction baseline survey shall be conduct to determine existing road conditions for assessing potential future road damage,
- f. Any damage, created during the construction operation, decommissioning and restoration of the WECS must be repaired to the satisfaction of the Road and Property Maintenance Agreement establish by the Wabash County Highway Superintendent, Wabash County Commissioners, Wabash County Council and the WECS applicant, owner, operator.
- g. The County shall require remediation of all road damage under a scheduled timeline previously set and agreed to by all parties. Further, a corporate surety bond, in an amount to be fixed by a county selected professional engineer, shall be required by the Wabash County Commissioners to ensure the County that the future repairs are completed to the Satisfaction of the County. The cost of bonding is to be paid by the applicant.

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

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

#### **12.7. PERFORMANCE GUARANTEE FOR ROADS.**

The County shall require financial guarantees to ensure proper maintenance, repair/ restoration of roadways, bridges, culverts, side ditches or other infrastructure damaged or degraded during construction, operation or dismantling of a WECS project. In such case, the "before" conditions of the roadways and other infrastructure shall be documented through appropriate methods such as videos, photos, and written records, to provide for proper reference and restoration.

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

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

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

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

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

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

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

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

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

- b. The security for decommissioning, demolition and restoration shall be released when such work is completed to the satisfaction of the Wabash County Commissioners.
- c. The plan shall include assurance that all facilities will be properly decommissioned upon the end of the project life or facility abandonment. Applicants' and owners' obligations with respect to decommissioning shall include removal of all physical material pertaining to the project improvements to a depth of sixty inches (60") beneath the soil surface and restoration of the area occupied by the project to the same or better condition that existed immediately before beginning construction of such improvements.
- d. In the event of abandonment by the owner or operator, the applicant shall provide, in an affidavit to the Plan Commission that all easements for the wind turbines shall contain assurance for access to remove WECS equipment. The Plan Commission shall have the right to remove any abandoned WECS and the right to sell all equipment to defray the cost of removal subject to the rights of any secured creditor holding a security interest in the WECS.

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

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

**12.10. Applications for COMMERCIAL WECS** shall include a preliminary site layout plan with distances, certified by a registered land surveyor, drawn to scale (one inch= 30 feet preferred) illustrating the following:

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

- d. All WECS access roads and road composition,
- e. Substations and switching stations,
- f. All WECS electrical cabling runs,
- g. Ancillary equipment,
- h. All Primary Structures within one (1) mile of all proposed WECS equipment,
- i. Required setbacks identified and displayed,
- j. Location of all public roads which abut, or traverse the proposed site,
- k. Location of all above-ground utility lines within one (1) mile of any proposed WECS turbine or structure,
- l. Location of all existing underground utilities that may impede buried cable runs and all underground utilities associated with the WECS,
- m. The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the IDNR or the Wabash County Historical Society, within one (1) mile of the proposed WECS,
- n. The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within one (1) mile of the proposed WECS,
- o. A USGS topographical map or map with like data, of the property and the surrounding area, including contours at two (2) foot intervals,
- p. Any other items reasonably requested by the Plan Commission.

**12.10.1. Aggregate Project Applications:**

Aggregate projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, and reviews, and as appropriate, approvals.

**12.11. ZONING REQUIREMENTS.**

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

AGRICULTURE 2	A2
FOREST, RECREATION, CONSERVATION	FRC
INDUSTRIAL	I

**12.12. APPLICATION FEES.**

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

**12.13. WECS STANDARDS.**

WECS shall conform to all industry standards. The WECS Applicant shall submit a certificate of design compliance that the wind turbine manufactures have obtained from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energie, or an equivalent Third party.

- a. Tower Construction: All wind turbines shall be installed on a certified tubular free-standing tower, a guyed lattice tower, or a monopole tower. Towers may be guyed or self-supporting.
- b. Filtering: All WECS shall be filtered, shielded or otherwise designed and constructed so as not to cause electrical, radio frequency, television, navigational, microwave, or any other electro-magnetic interference.
- c. Grounding: All WECS components shall be grounded and shielded to protect against natural lightning strikes and system faults in conformance with the National Electrical Code and local utilities service regulations which may apply to WECS.
- d. Speed Control: All WECS shall be designed with automatic over speed control to render the system inoperable when winds are in excess of speeds for which the machine is designed to operate.
- e. Brake Control: All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. All mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
- f. Power Loss: All WECS, connected to an electric utility grid, shall be designed with an automatic and a manual control that will render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
- g. Utility Interconnection: All WECS connected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's service regulations applicable to WECS.
- h. Electrical Applications: All electrical components of all WECS shall conform to all applicable local, state, federal and national codes, and any relevant national and international standards. All WECS, turbines, structures, substations, feeder lines, facilities, and accessory equipment shall comply with the National Electrical Code and operate as set forth in the electrical utility's service regulations Applicable to WECS, as amended from time to time.
- i. Noise and Vibration: At no time outside of any Primary Structure shall the sound pressure levels from a wind turbine or any of the components that make up WECS exceed 32 decibels on the "A" weighted scale of a Sound Level Meter and at no time shall vibration created by any WECS be detectable on any non-participating land owner's property or within the structures located on said property.
- j. Shadow Flicker: At no time shall a wind turbines tower, nacelle, or blades create shadow flicker on or within the current structures of any non-participating land owner's property.
- k. Lighting: All lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed, requirements established by the Federal Aviation Administration (FAA) permits and regulations. Except with respect to lighting required by the FAA, all other lighting shall require shielding so that no glare extends twenty (20) feet

beyond any WECS structures.

l. **Color and Finish:** All WECS turbines shall be white, light grey, or another non-obtrusive color. Finishes shall be matt or non-reflective. Must meet all applicable FAA color requirements. No advertising or signage shall be allowed on a WECS turbine, or WECS related equipment except for the manufactures name on the Nacelle.

1. Upon review by the WCPC Board, exception may be made for meteorological towers, with regard to color, where concerns exist relative to aerial spray Applicators.

#### **12.14. WECS CONDITIONS.**

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

a. **Final Site Layout Plan:** Provide a copy of the Final Site Layout Plan illustrating the final location of all that is required in the preliminary site layout plan, as approved by the landowners, WECS project owners, WECS project operators, WECS project applicants, Wabash County Highway Department, Wabash County Drainage Board, Wabash County Plan Commission, and the Wabash County Commissioners.

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

2. A site plan shall be required for any WECS Commercial Work Yard in which WECS materials, work equipment, portable engineering offices, etc. are to be located during the construction period, operations period and demolition period.

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

ii. Any work site facility requiring sewer, septic or well, shall comply with the current regulations of the Wabash County Health Department, and the Indiana State Department of Public Health.

b. **Required Agreement:** All WECS applicants, operators, owners shall complete and follow an economic development agreement, a drainage agreement, and a road use and maintenance agreement, discontinuation, decommissioning restoration agreement, operation and maintenance agreement approved by the Wabash County Commissioners. The agreement shall also prescribe or reference provisions to address all current and future crop and field tile damages.

c. **Modification, Repairs, and Maintenance:** Any physical modification to a WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Prior to making any physical modifications (other than like-kind) the owner, operator or service technician shall confer with the Wabash County Plan Commission to determine whether the physical modification requires re-certification.

d. **Inspections:** The Wabash County Plan Commission, along with a licensed 3rd party professional, retained by the County for the specific purpose of conducting inspections of the WECS, shall have the right, at any reasonable time and with sufficient prior notice, to accompany the owner, operator, agent, or service technician onto the



premises where a WECS has been constructed, to inspect all parts of said WECS installation and to require repairs or alterations be made.

e. **Written Notices:** The Plan Commission shall first provide written notice to the owner, operator, or service technician setting forth the alleged default. Response to the written notice must be submitted to the Plan Commission, within thirty (30) days of receiving notice of the infractions. The WCPC will consider any such written report and determine whether the repairs or alterations should be made as originally requested. The decision of the Plan Commission shall be final.

#### **12.15. WECS CONSTRUCTION REQUIREMENTS.**

a. **Structure Height:** Maximum tower height shall not to exceed the maximum height in feet permitted by the Federal Aviation Administration as measured from the ground level base of the WECS tower to the top of the tower.

b. **Total Height:** Maximum total height shall not to exceed the maximum height in feet permitted by the Federal Aviation Administration as measured from the ground level base of the WECS tower to the top of the arc of the rotor diameter.

c. **Collection, Transmission and Feeder Lines:** All WECS electrical distribution, transmission, feeder and collection lines shall be located underground a minimum of five (5) feet. All electrical components of the WECS shall conform to all applicable local, state and national codes and relevant national and international standards.

1. For all identified existing tile drains, open drains, streams or ditches all WECS buried cables shall be a minimum of five (5) feet below the existing flow line.

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

d. **Setbacks:** No WECS shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the county. No WECS shall be constructed in any flowage easement or floodplain without prior written authorization from FEMA, Army Corp. of Engineers, Indiana Department of Natural Resources or the Wabash County Floodplain Administrator.

e. Distances shall be measured from the center of the foundation at the base of the structure. New structures built adjacent to the wind power facilities shall, at minimum, follow primary structure setback requirements for the designated zone. Participating landowners within the area comprising the COMMERCIAL WECS may waive side and rear property line setbacks with written approval, from both land owners, when the adjoining properties are both owned by participating land owners.

f. Except as otherwise provided herein the setback distance for all COMMERCIAL WECS towers and turbines shall be a minimum of three thousand nine hundred sixty (3,960) feet from any existing non-applicant/ non-participant Primary Residential or Business Structure and one thousand nine hundred eighty feet (1,980') from any existing applicant/participant Primary Residential or Business Structure.

g. All WECS turbines shall be set back from all public roads two (2) times the total height of the wind turbine or a minimum of one thousand feet (1000') whichever is more restrictive.

h. Substations, and accessory facilities, not located within a public right of way or any utility easement, shall be setback as specified from the centerline of any public road the following minimum distances:

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

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

j. **BLADE CLEARANCE:** The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifty (50) feet, as measured at the lowest point of the arc of the blades. The minimum distance maybe increased as necessary to provide clearance in locations which may require a greater clearance.

**12.16. HOUSEKEEPING.** All solid waste whether generated from supplies, equipment, parts, packaging or operation and maintenance of a WECS, including old parts and equipment, shall be removed from each site immediately upon completion of the site development. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubrication materials, coolants, shall be handled in a manner consistent with all local, state and federal rules and regulations.

**12.17. SAFETY.**

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

b. **Signage:** For all WECS, warning signs, danger signs and informational signs shall be posted on towers, transformers, substations, structures and accessory buildings to notify of high voltage, no trespassing, danger overhead, emergency contact phone number(s), turbine ID number.

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

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

c. **WECS Access:** Removal of all exterior tower climbing fixtures twenty (20) feet above ground level shall be required. Installation of a locking anti-climb device shall be installed on all towers when exterior climbing mechanisms are present All substations, switching stations, associated facilities, or accessory structures shall be locked.

d. **Guyed Towers:** For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points along the outer and innermost guy wires up to a height of not less than twenty (20) feet above the ground.

e. **Emergencies:** The applicant, owner or operator of a WECS shall submit to the local fire department a copy of the site plan. Upon request by the local fire department, the owner/operator shall cooperate with the local fire department to develop the fire department's emergency response plan. Nothing in this Section shall alleviate the need to

comply with all other applicable fire laws and regulations.

f. Insurance: The owner, operator of the WECS shall maintain a current general liability policy covering bodily injury and property damage and name Wabash County as an additional insured with limits of at least \$2 million per occurrence and \$5 million in the aggregate with a deductible of no more than \$5,000.00.

**12.18. TEMPORARY METEOROLOGICAL EQUIPMENT.**

Temporary equipment located upon a temporary tower used on an interim basis to gather wind and meteorological data to determine feasibility of the WECS shall require siting approval along with the satisfactory completion of an Improvement Location Permit showing compliance with the requirements of this Ordinance.

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

**12.19. WECS OWNERSHIP.**

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



**Chapter 13**  
**Solar Energy Systems**

- 13.1 Purpose
- 13.2 Non-Commercial Solar Energy Systems (NC-SES)
- 13.3 Application for a NC-SES
- 13.4 NC-SES Disclaimer
- 13.5 NC-SES Solar Easement
- 13.6 Commercial Solar Energy System (C-SES)
- 13.7 Setbacks (C-SES)
- 13.8 Buffering and Screening (C-SES)
- 13.9 Vegetation (C-SES)
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- 13.11 Fence (C-SES)
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- 13.17 Arrays Height (C-SES)
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- 13.19 Application for an ILP for a (C-SES)
- 13.20 Amendments and Changes to the Site Plan and Operating Practices (C-SES)
- 13.21 Materials Handling Storage and Disposal (C-SES)
- 13.22 Sewer, Septic, Water (C-SES)
- 13.23 Contact Information (C-SES)
- 13.24 As-Built Plans Requirement (C-SES)
- 13.25 Change in Ownership (C-SES)
- 13.26 Liability Insurance (C-SES)



## Chapter 13 Solar Energy Systems

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

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

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

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

13.2.3. Setback Requirements for NC-SES.

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

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

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

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

b. Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within two feet (2') of any peak, eave, or valley of the roof in order to maintain pathways of accessibility,

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

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

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

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

- a. Ground mounted NC-SES located in an A1, A2, FRC, GBD, or I District shall not exceed fifteen (15) feet in height, when oriented at maximum tilt, above the ground elevation surrounding the system. In any other District, where a ground mounted NC-SES is permitted, the maximum height of the NC-SES shall not exceed ten (10) feet when oriented at maximum tilt, above the ground elevation surrounding the system.
- b. Safety/warning signage as required by applicable law concerning voltage shall be placed with ground mounted electrical devices, equipment, and structures.
- c. Ground-mounted NC-SES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or floodplain, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system, except when permission is granted in writing by the Wabash County Drainage Board, and/or Floodplain Administrator and/or owner of the land and/or right-of-way and/or easement. This would include but not be limited to state, county and/or privately owned waterways, ditches, drainage tiles, retention areas and designed swells.

13.2.6. Electrical Components:

- a. Electrical components of all NC-SESs shall conform to applicable local, state and federal safety codes for similar NC-SESs,
- b. All on-site utility lines, transmission lines, and plumbing shall be placed underground,
- c. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure and installed and maintained as required by applicable law.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

**13.5. NC-SES SOLAR EASEMENTS.**

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

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

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

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

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

### **13.6 COMMERCIAL SOLAR ENERGY SYSTEMS (C-SES).**

#### **13.7. SETBACKS, C-SES**

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

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

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

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

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

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

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

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

### **13.8. BUFFERING AND SCREENING, C-SES.**

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

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

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

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

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

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

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

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

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

### **13.9. VEGETATION, C-SES.**

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

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

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

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

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

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

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

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

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

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

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

### **13.11. FENCE, C-SES.**

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

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

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

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

### **13.12 EQUIPMENT TYPE, C-SES.**

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

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

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

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

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

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

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

**13.13. ELECTRICAL COMPONENTS, C-SES.**

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

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

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

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

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

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

**13.14. SIGNAGE, C-SES.**

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

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

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

### **13.15. GLARE AND LIGHTING, C-SES.**

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

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

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

### **13.16. NOISE VIBRATION INTERFERENCE, C-SES.**

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

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

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

**13.17. ARRAYS HEIGHT, C-SES.**

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

**13.19.6. Landowner Agreements.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **13.19.10. Plan and Agreement Fees.**

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

#### **13.19.11. Emergency Services Plan.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **13.19.15. Drainage Agreement Plan and Erosion Control Plan.**

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

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

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

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

#### **13.19.16 Road Use, Maintenance, and Public Infrastructure Agreement.**

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

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

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

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

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

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

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

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

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

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

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

b. The Economic Development Agreement shall include at minimum:

i. estimated property taxes, estimated tax abatement benefits,

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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



## **Chapter 14**

### **Communication Towers**

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



## Chapter 14 Communication Towers

**14.1. APPLICABILITY.** This Chapter applies to all towers covered by the Telecommunications Act of 1996. It does not apply to personal television antennas, ham radio and short-wave radio antennas one hundred (100) feet and under in total height.

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

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

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

### **14.4. SETBACKS.**

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

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

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

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

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

14.5.3. Guy anchor bases are not required to be fenced; however, they must be clearly marked and have all guy wires cover with fluorescent sleeves to a minimum height of ten feet (10') above the ground.

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

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

14.5.6. The height limitations for primary or accessory structures within a District do not apply to towers.

14.5.7. The Wabash County BZA may request consideration for the placement of antennas or communications apparatuses on approved towers for communication purposes for law enforcement, emergency responders, and EMA.

14.5.8 All requests to install additional equipment on an existing tower or at an existing tower site shall be submitted in writing and require the completion of an ILP.

**14.6. ABANDONMENT OF TOWER.** Any Tower or associated equipment unused or left abandoned for a period of twenty-four (24) consecutive months shall be removed by the tower owner at the owner's expense.

## **Chapter 15** **Thoroughfare Plan**

- 15.1. Thoroughfare Maps
  - 15.1.1. Opening and Widening of Streets
  - 15.1.2. Location of Streets
  - 15.1.3. Consideration by Public Agencies
  - 15.1.4. Issuance of Permits
  - 15.1.5. Continuing Authority of Commission
  - 15.1.6. Designation of Thoroughfares
  - 15.1.7. Road Right-of-Way
  - 15.1.8. Road Use

### THOROUGHFARE MAP LEGEND

- 15.2. Wabash County Thoroughfare Map
- 15.3. Chester Township Thoroughfare Map
- 15.4. Lagro Township Thoroughfare Map
- 15.5. Liberty Township Thoroughfare Map
- 15.6. Noble Township thoroughfare Map
- 15.7. Paw Paw Township Thoroughfare Map
- 15.8. Pleasant Township Thoroughfare Map
- 15.9. Waltz Township Thoroughfare Map
- 15.10. N Manchester Thoroughfare Map
- 15.11. Wabash City Thoroughfare Map
- 15.12. Disko Town Thoroughfare Map
- 15.13. Lafontaine Town Thoroughfare Map
- 15.14. Lagro Town Thoroughfare Map
- 15.15. Laketon Town Thoroughfare Map
- 15.16. Liberty Mills Town Thoroughfare Map
- 15.17. Lincolnville Town Thoroughfare Map
- 15.18. Mt. Vernon Thoroughfare Map
- 15.19. Richvalley Town Thoroughfare Map
- 15.20. Roann Town Thoroughfare Map
- 15.21. Servia Town Thoroughfare Map
- 15.22. Somerset Area Thoroughfare Map
- 15.2.3 Speicherville Town Thoroughfare Map
- 15.24. Stockdale Town Thoroughfare Map
- 15.25 Urbana Town Thoroughfare Map





## **Chapter 15** **Thoroughfare Plan**

**15.1. THOROUGHFARE MAPS.** This Chapter is the Thoroughfare Plan for Wabash County ("Plan"). All notations, references, indications and other details shown in Sections 15.2 through 15.25 and on the GIS Mapping Layers are part of this Plan.

15.1.1. Opening and Widening of Streets. Whenever a street classified in this Thoroughfare Plan is to be platted as a part of a subdivision or development, the required right-of-way width for such street shall be as specified herein and as illustrated on the County GIS Mapping System, provided that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half of the right-of-way designated for such street, measured at ninety (90) degrees to the center line thereof.

15.1.2. Location of Streets.

15.1.2.1. Wherever the location of a street is indicated in this Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such location; however, a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may vary in its alignment when such variance promotes the plan of the neighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuity of traffic movement.

15.1.2.1.2. In the absence of any street being designated on or approximately on the north-south and east-west half-section lines of such sections, it is the intent of this Plan that each Feeder Street be established on such half-section lines where feasible.

15.1.2.1.3. Wherever the location of a street is indicated in this Plan as following an irregular alignment or a revised alignment or is not referenced to an established line, it shall follow the alignment shown in this Plan. Such alignment shall be subject to a detailed survey which shall be provided by the Developer or by the Owner of land to be subdivided if required by the Plan Commission.

15.1.2.1. The County shall exercise the right to accept or decline the dedication of any street to the responsibility of the County.

15.1.3. Consideration by Public Agencies. The Plan Commission shall be guided by and give consideration to the general policy and pattern of street development set out in this Plan in the authorization, construction, widening, alteration, relocation or abandonment of the public streets, highways, and related structures.

15.1.4. Issuance of Permits. Any permits authorized by the Plan Commission, including but not limited to Improvement Location Permits, for the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Plan Commission, shall be issued only if, in addition to satisfying the requirements of other County Ordinances, the proposed street right-of-way as set forth in this Plan will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front line of lots and tracts bordering such street.

15.1.5. Continuing Authority of Plan Commission. The Plan Commission may determine lines for new, extended, widened or narrowed thoroughfares in any portion of an area within the jurisdiction of the Commission, and certify any amended or additional Plan under the same procedure as established in this Plan.

15.1.6. Designation of Thoroughfares. The major streets and highways described in this Plan are classified on the basis of width and type, in accordance with their proposed function, as Primary Roads, Secondary Roads, Feeder Streets, and Local Streets, as shown on the maps. Also included on the Thoroughfare Map are the State Roads of Indiana which are under the jurisdiction of the State of Indiana, US Highway 24 which is under Federal Jurisdiction and Independent Streets which are under private owner jurisdiction.

15.1.7. Road Right-of-Way






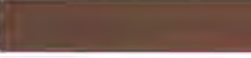


15.1.7.1. All public highways constructed in the County of Wabash situated outside of the corporate limits of any city or incorporated town therein, shall conform to the June 6, 1955, plan, drawing and section profile on file in the office of the Auditor of Wabash County, which profile provides that rights-of-way shall be a minimum width of forty feet (40') between property lines. See Wabash County Highway Ordinance #1, adopted June 6, 1955.

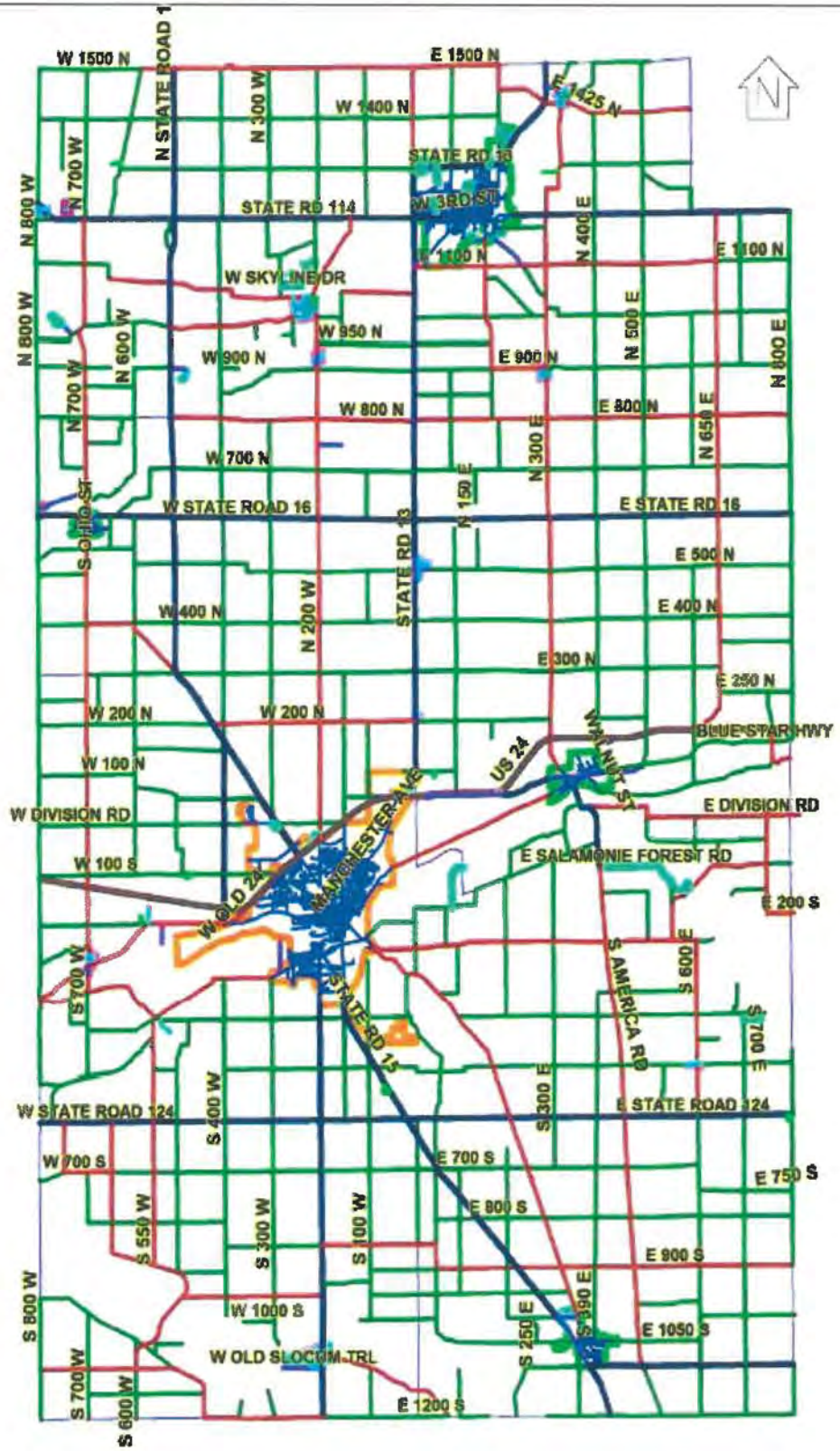
15.1.7.2. Each road that is part of the county highway system shall have a minimum right-of-way of forty feet (40') for roadway and berm. See Ordinance # 93-1, adopted March 8, 1993.

15.1.8. Road Use. Each newly proposed use of land or the expansion of any current use of land shall not create such a volume of automotive traffic so as to overburden the surrounding road system.

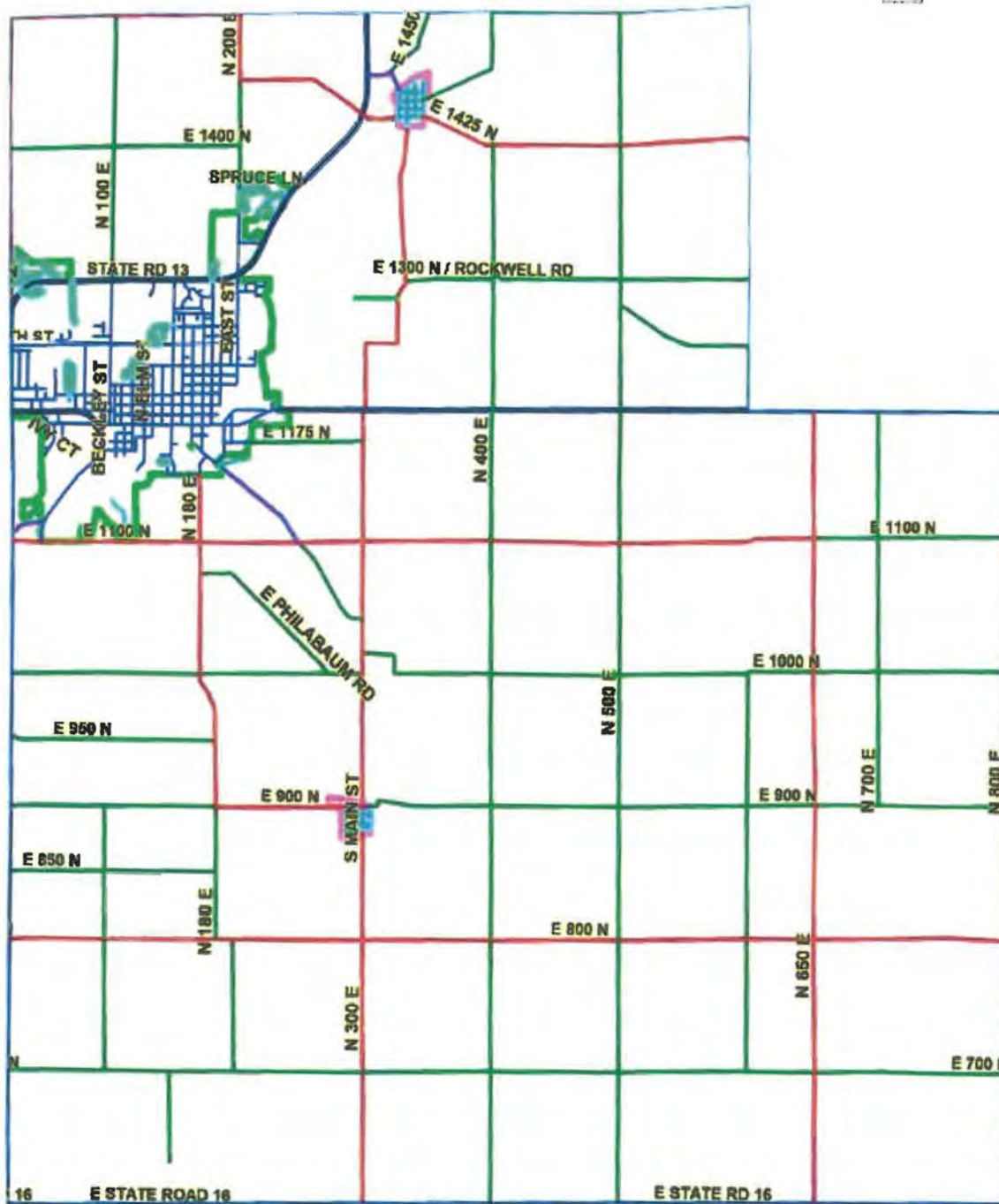
Note: Thoroughfares shown on the following Thoroughfare Maps that are not under the jurisdiction of Wabash County are displayed as a courtesy, and accuracy is not guaranteed.

**15.2. THOROUGHFARE LEGEND AND MAPS. SECTION 15.2 THRU 15.25.**

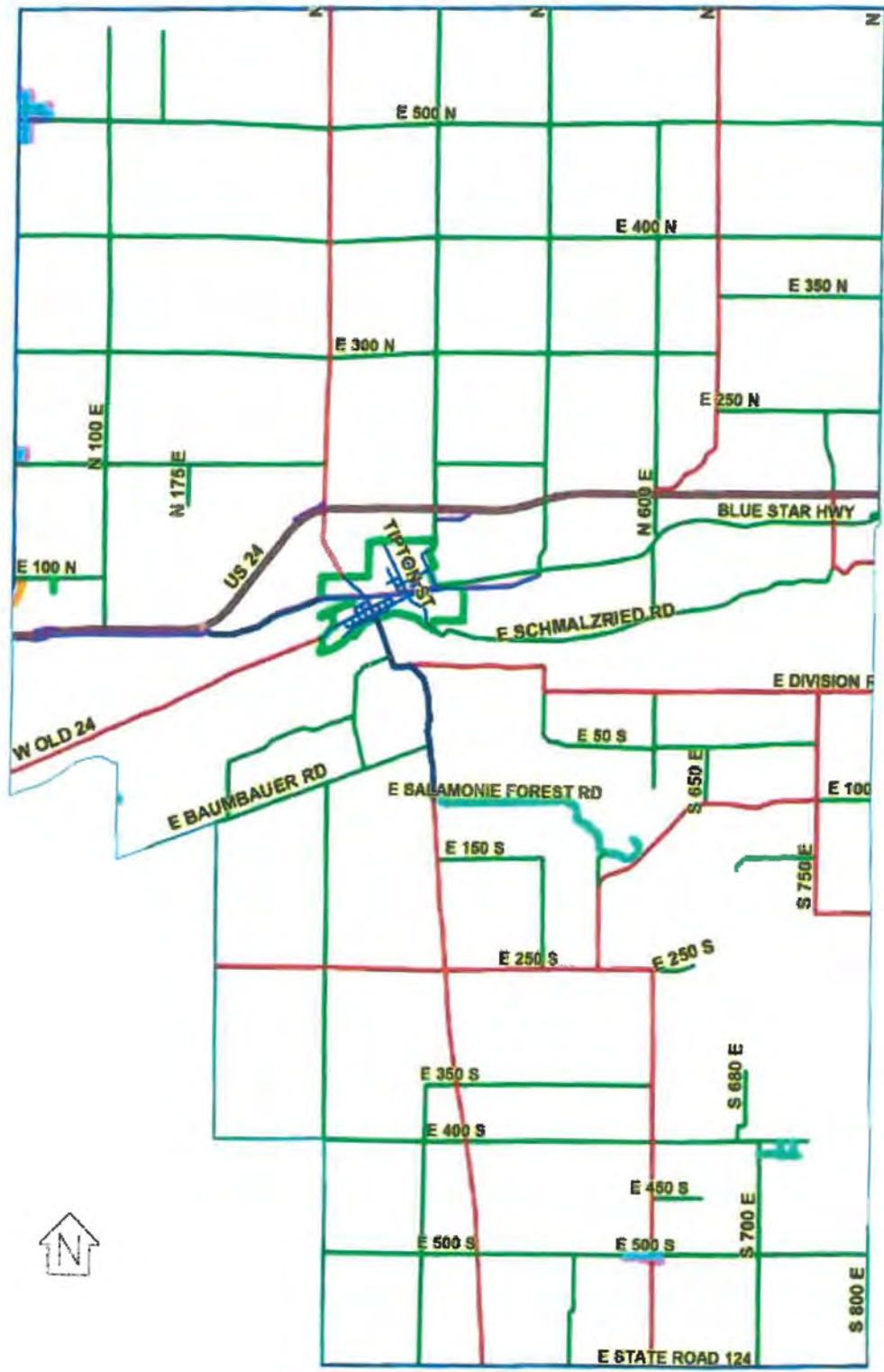
<b>ROADS ID LEGEND</b>	
<b>THOROUGHFARE IDENTIFICATION:</b>	
	CORPORATE STREET
	STATE ROAD
	PRIMARY ROAD
	SECONDARY ROAD
	FEEDER STREET
	LOCAL STREET
	US HIGHWAY
	INDEPENDENT STREET
	PRIVATE DRIVE



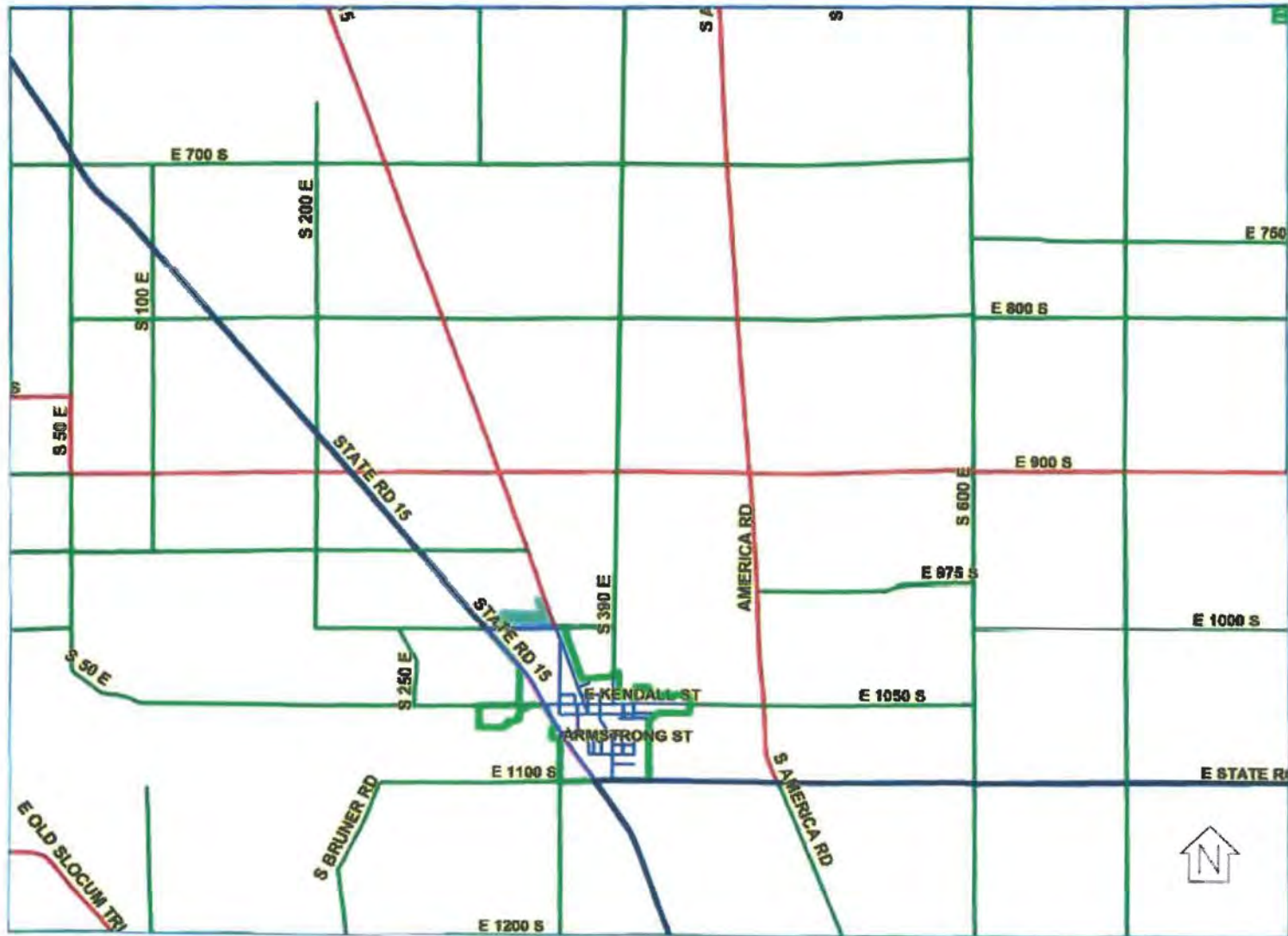
WABASH COUNTY THOROUGHFARE MAP CHAPTER 15 SECTION 15.2



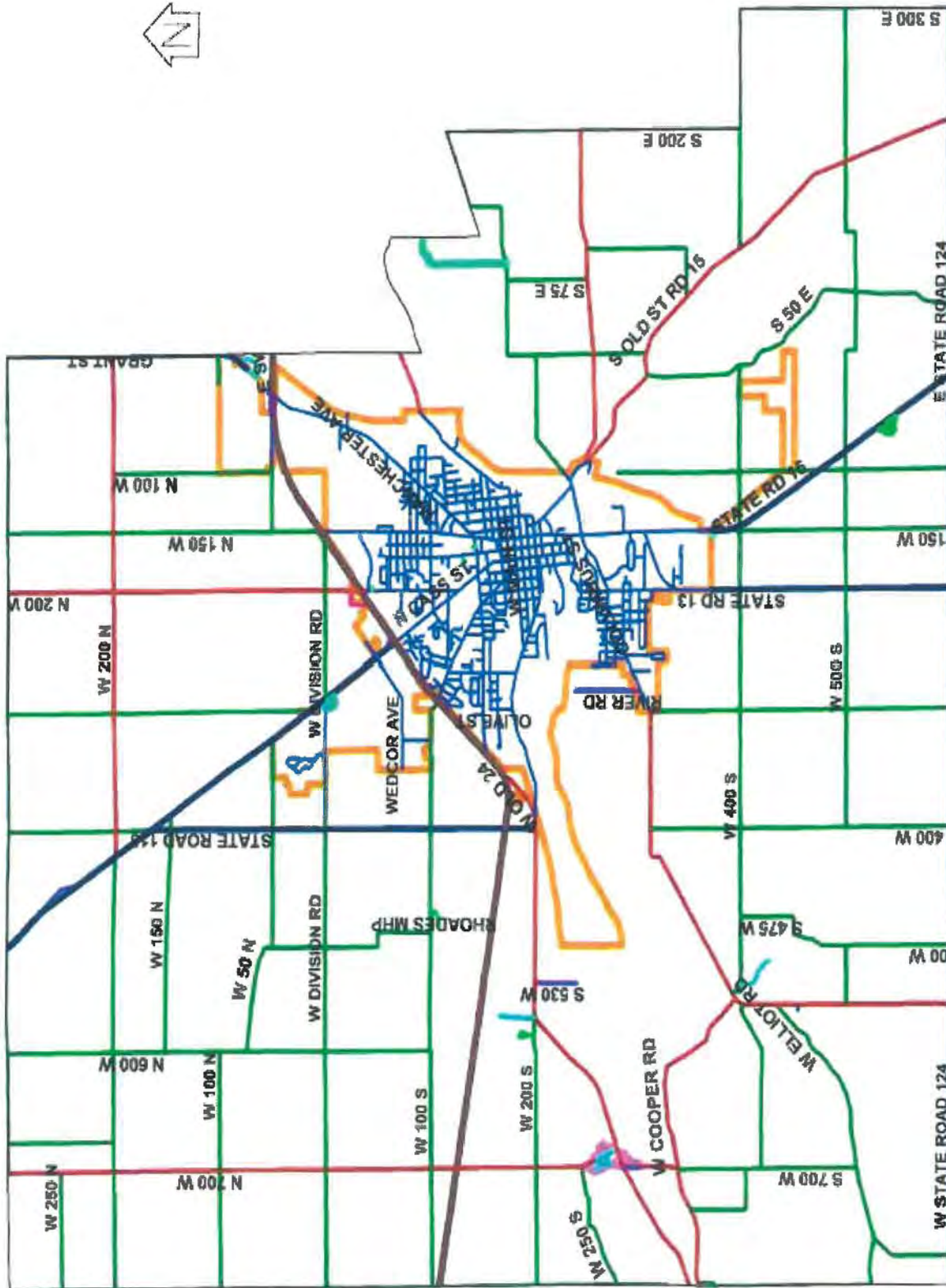
CHESTER TOWNSHIP THOROUGHFARE MAP CHAPTER 15 SECTION 15.3



LAGRO TOWNSHIP THOROUGHFARE MAP ORDINANCE CHAPTER 15 SECTION 15.4

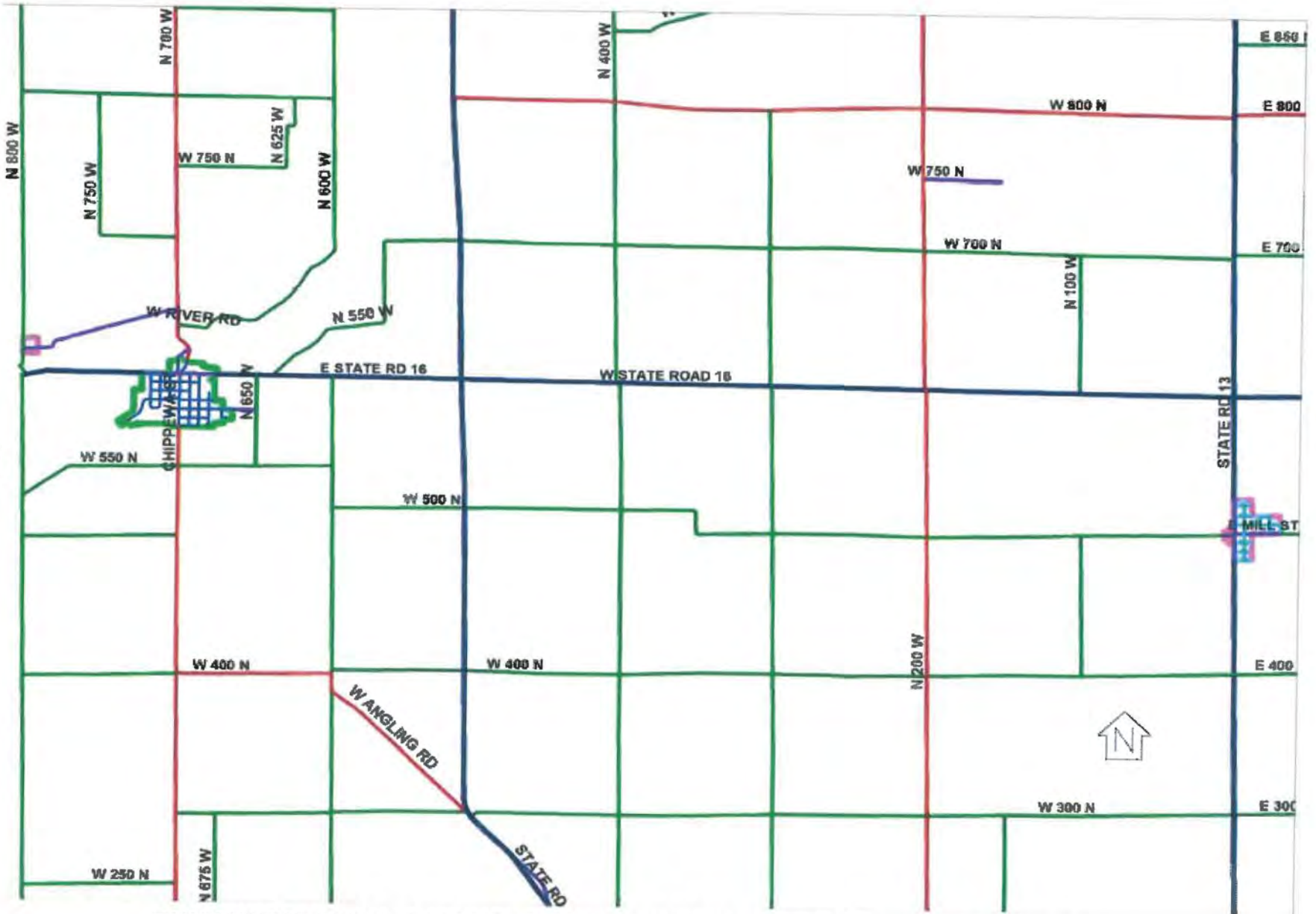


LIBERTY TOWNSHIP THOROUGHFARE MAP ORDINANCE CHAPTER 15 SECTION 15.5



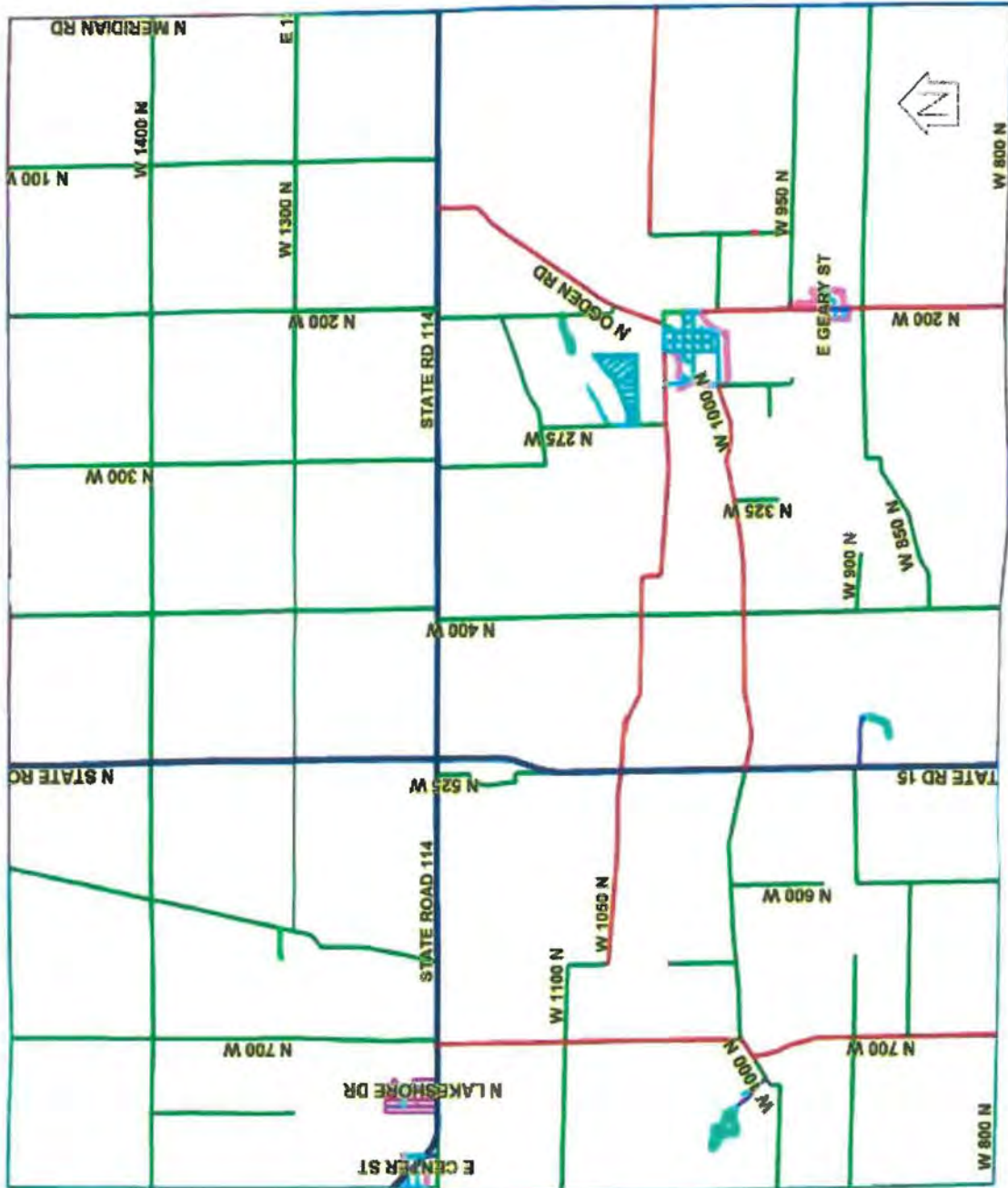
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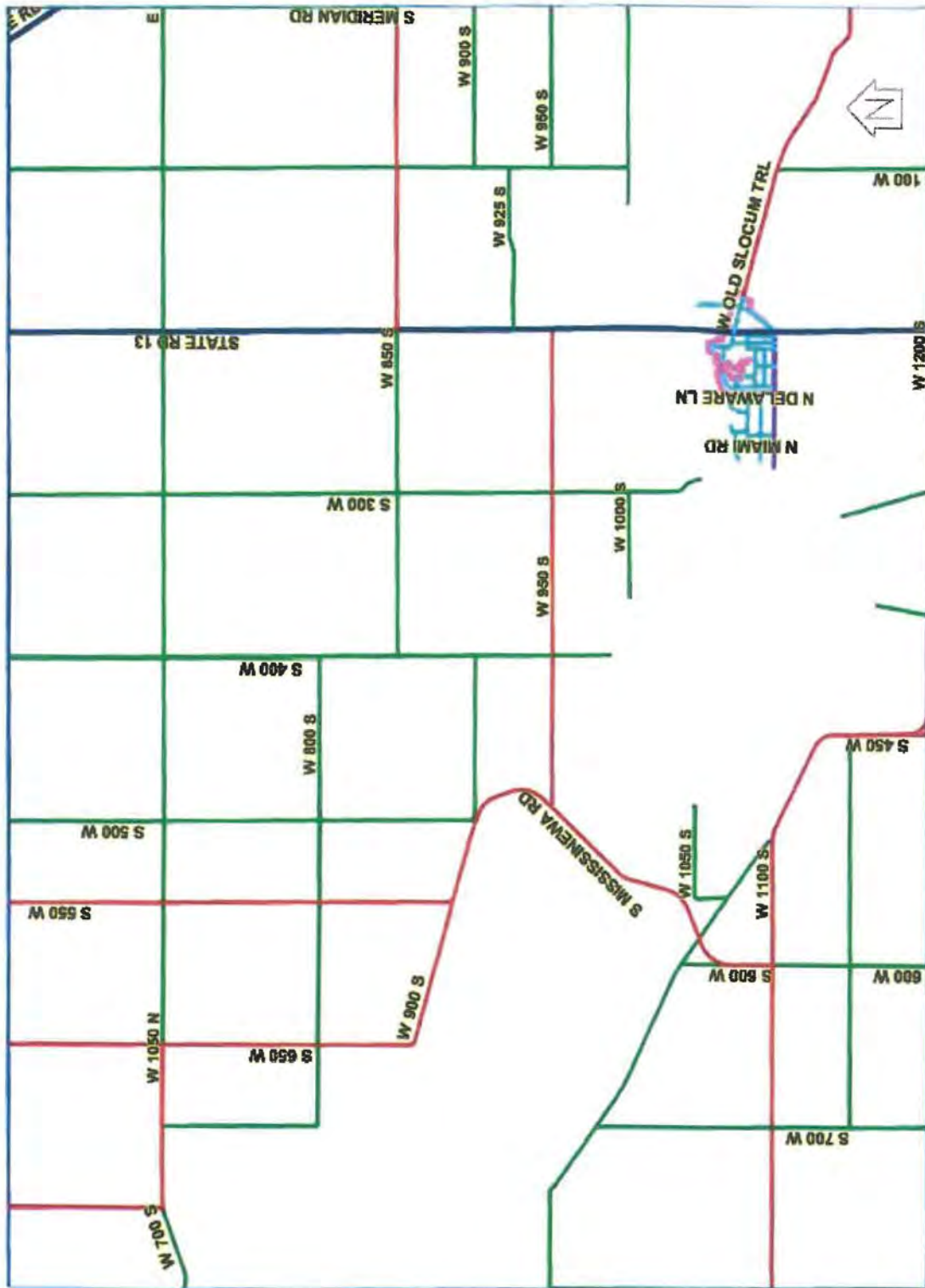


PAW PAW TOWNSHIP THOROUGHFARE MAP ORDINANCE CHAPTER 15 SECTION 15.7



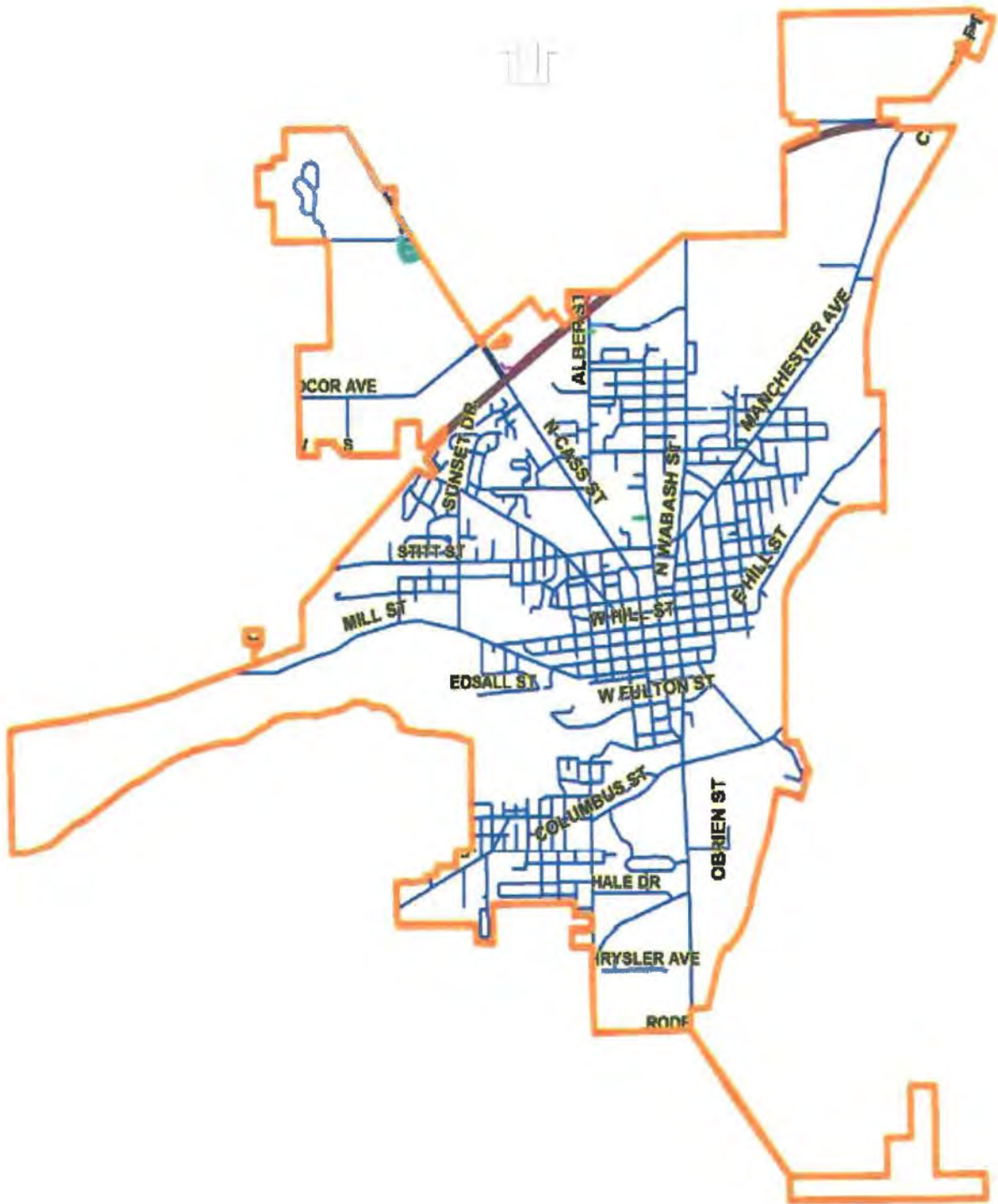


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WALTZ TOWNSHIP THOROUGHFARE MAP ORDINANCE CHAPTER 15 SECTION 15.9

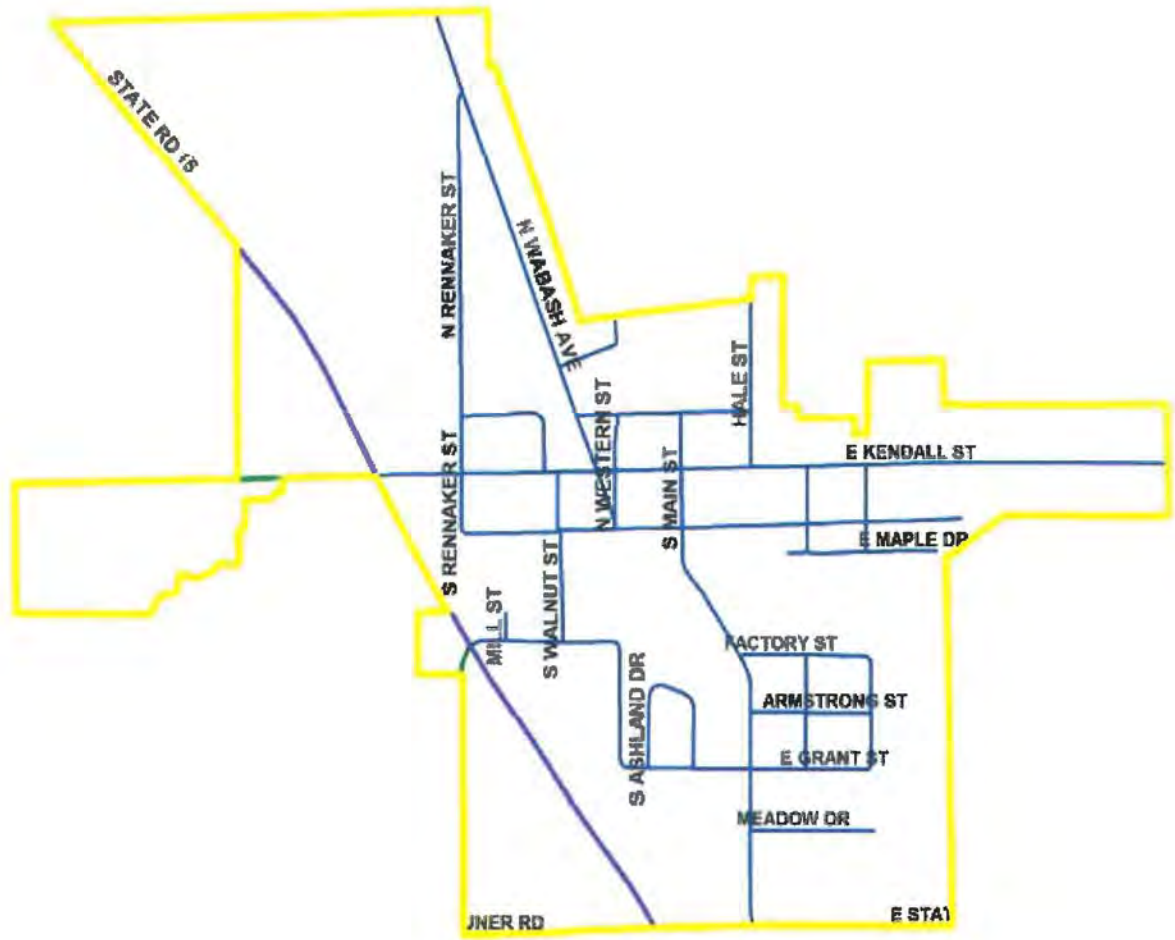




WABASH CORP. THOROUGHFARE MAP ORDINANCE CHAPTER 15 SECTION 15.11

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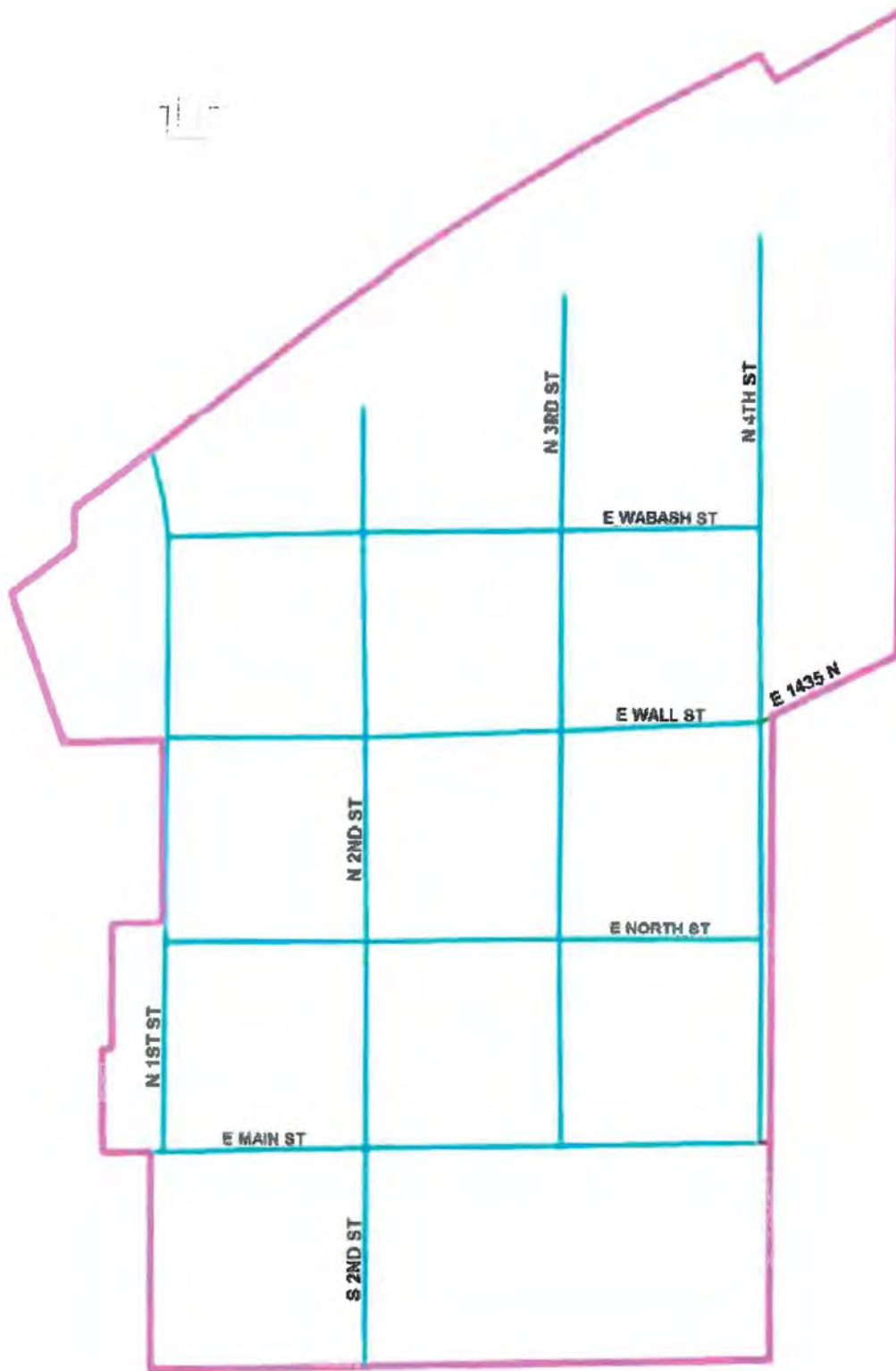




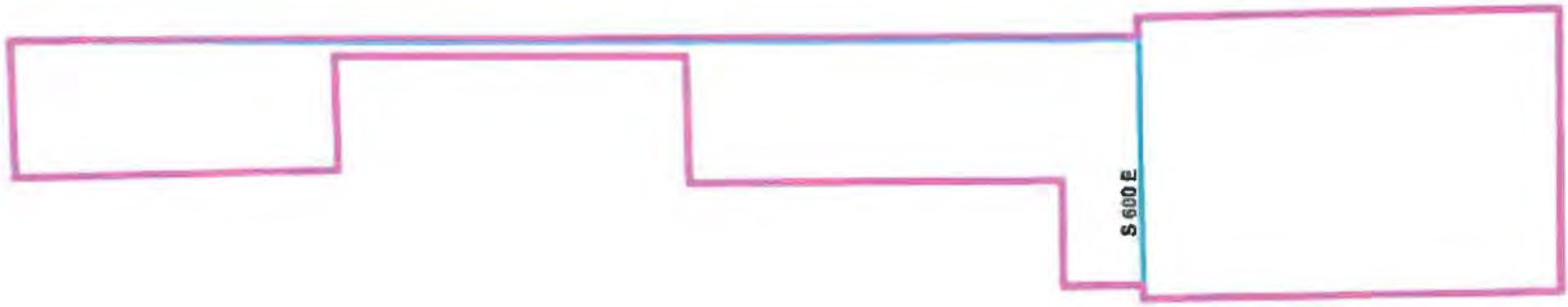


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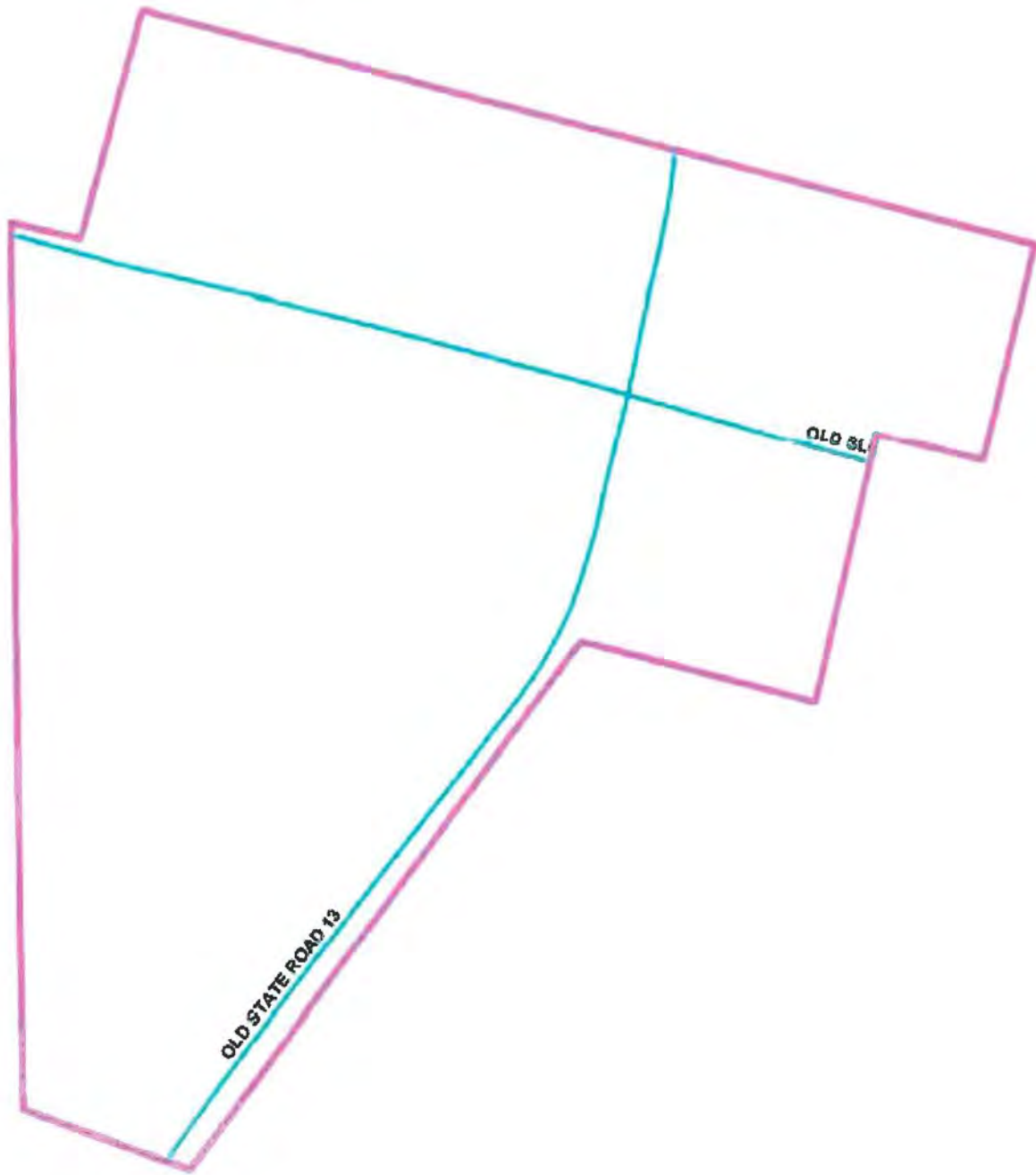


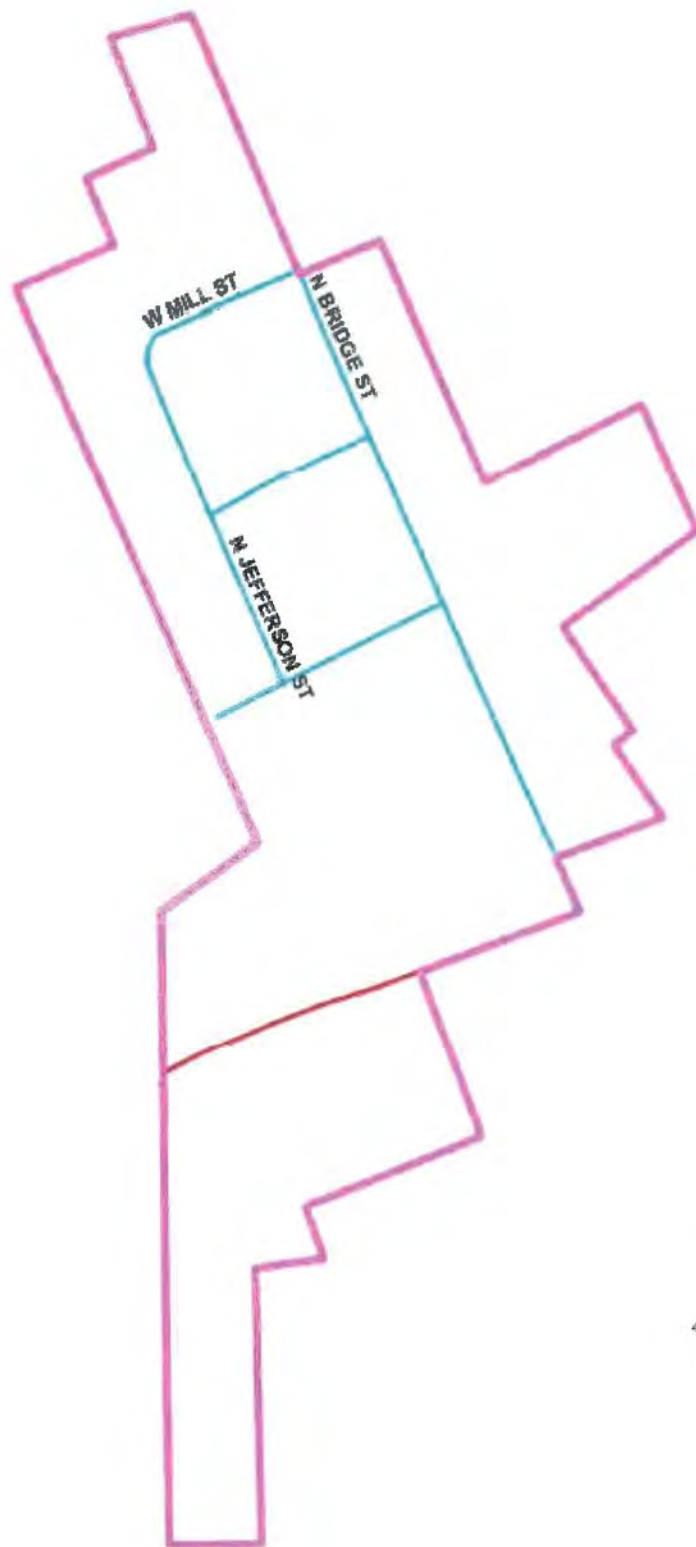
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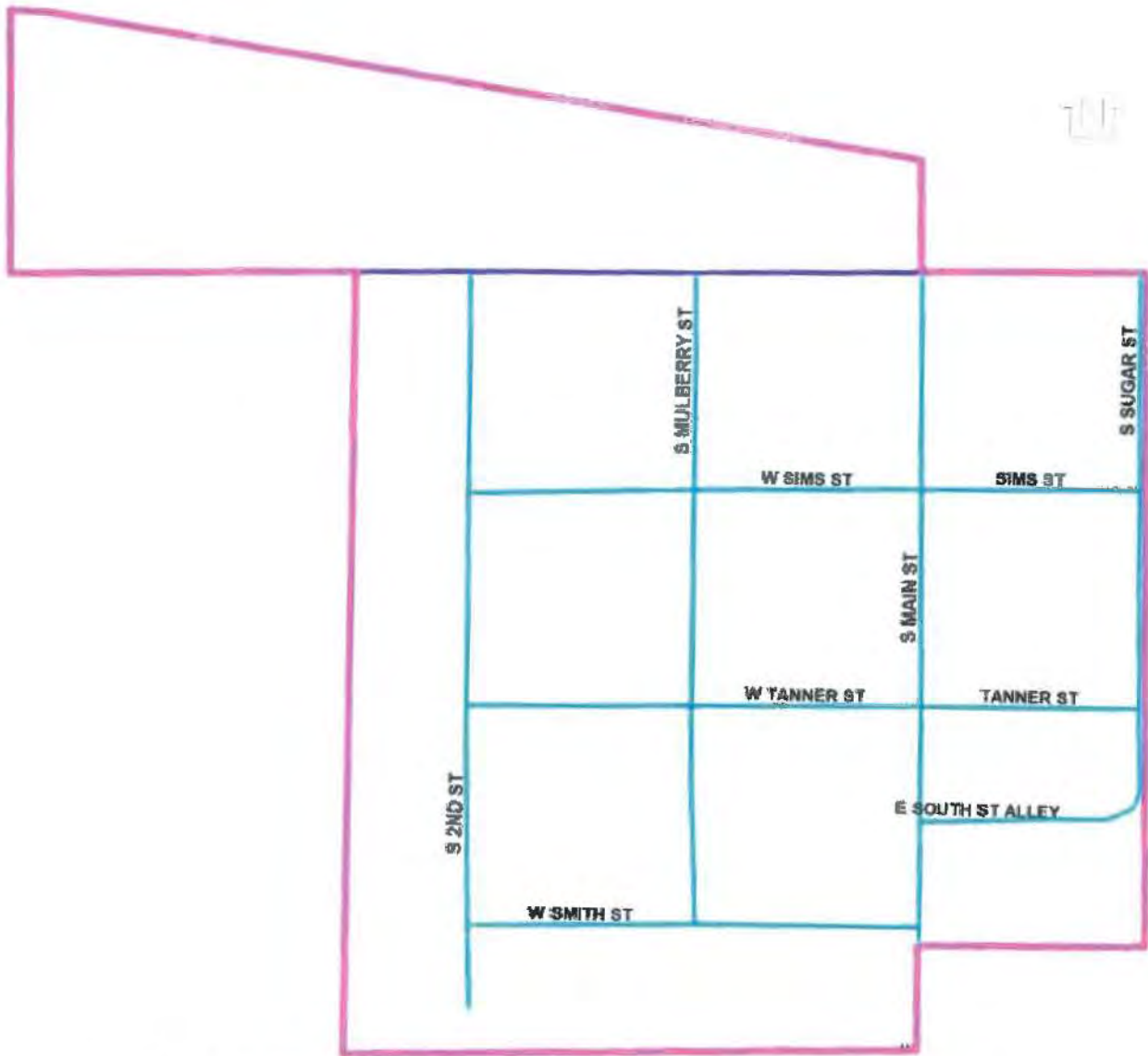




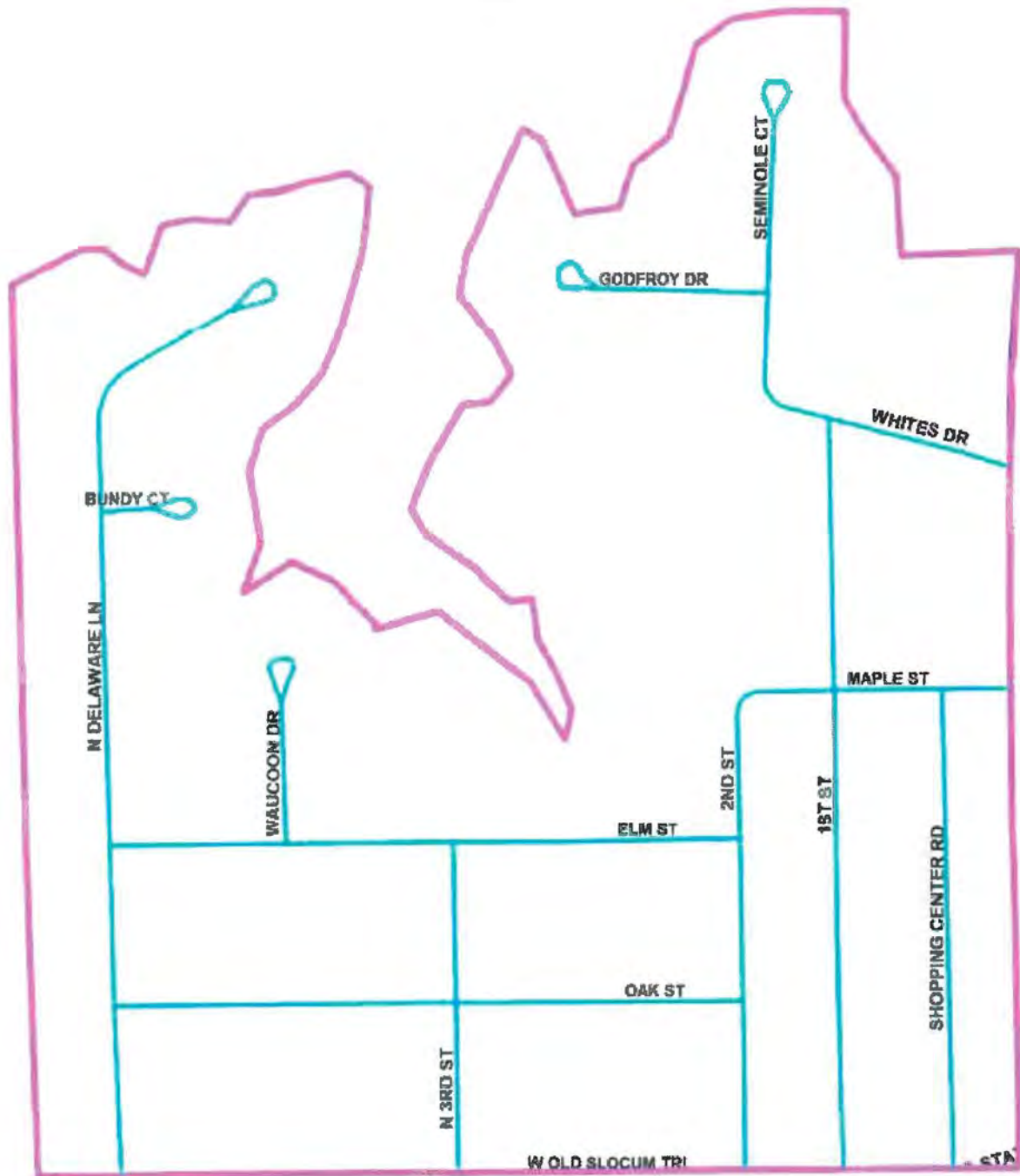




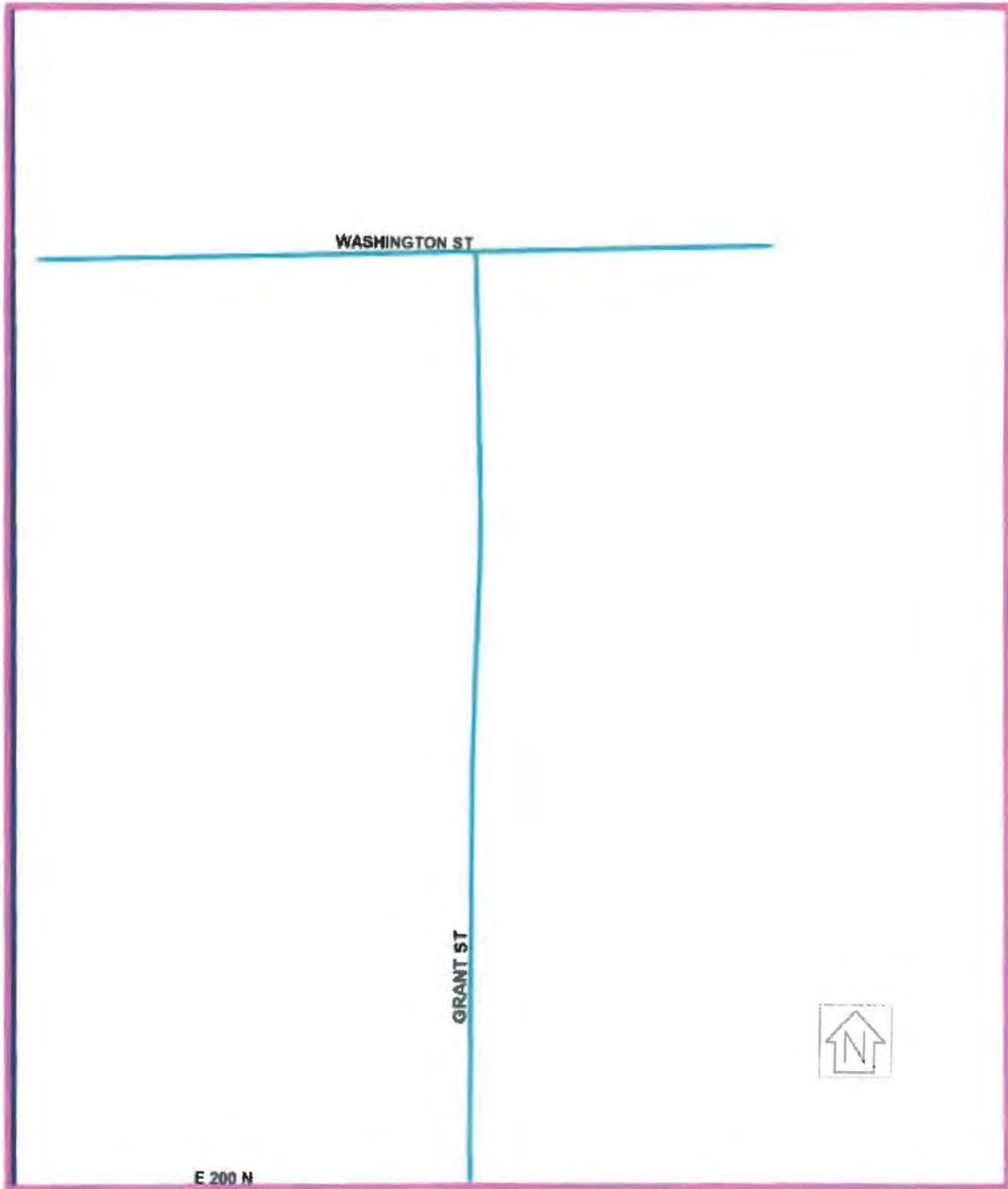
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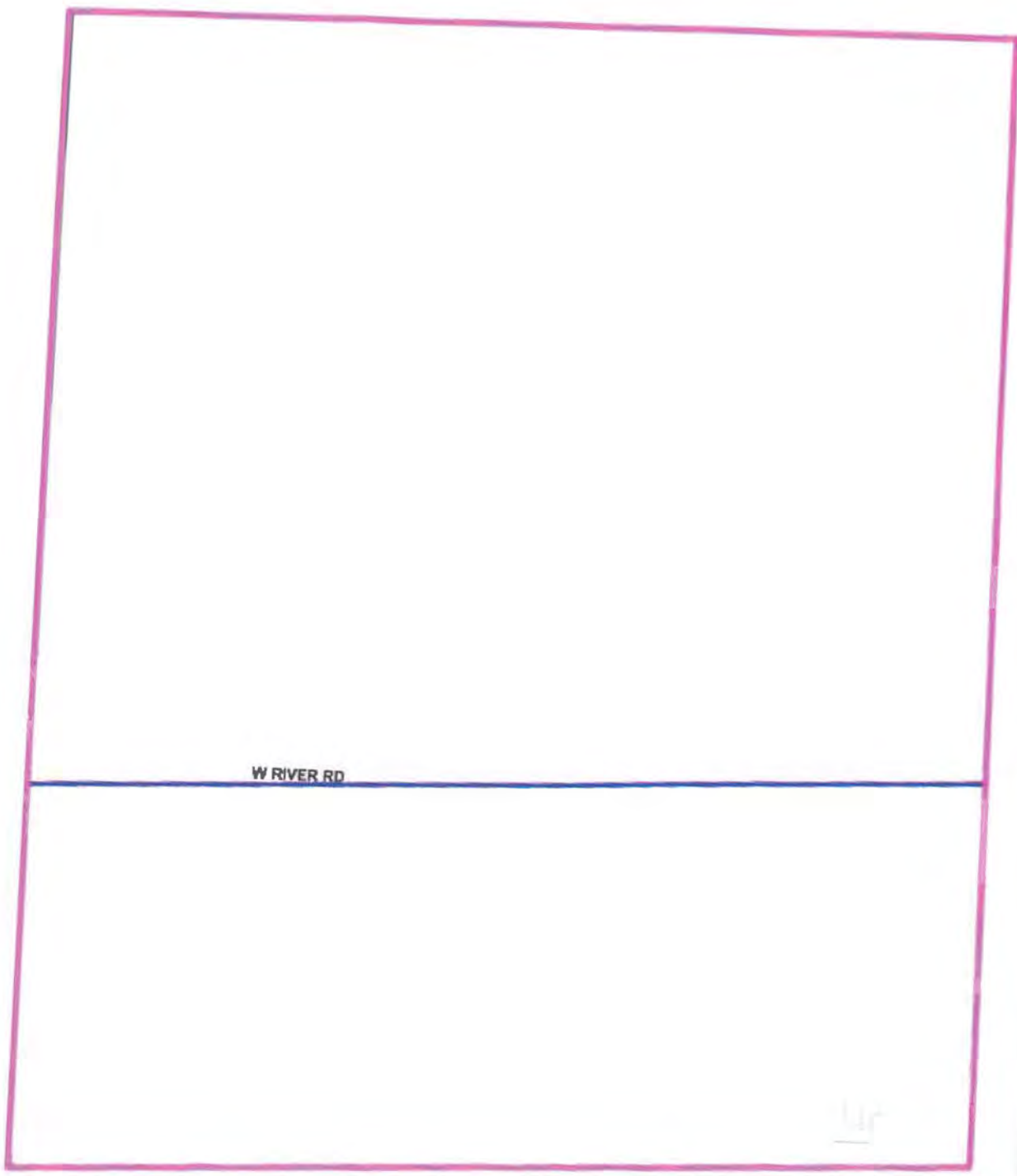
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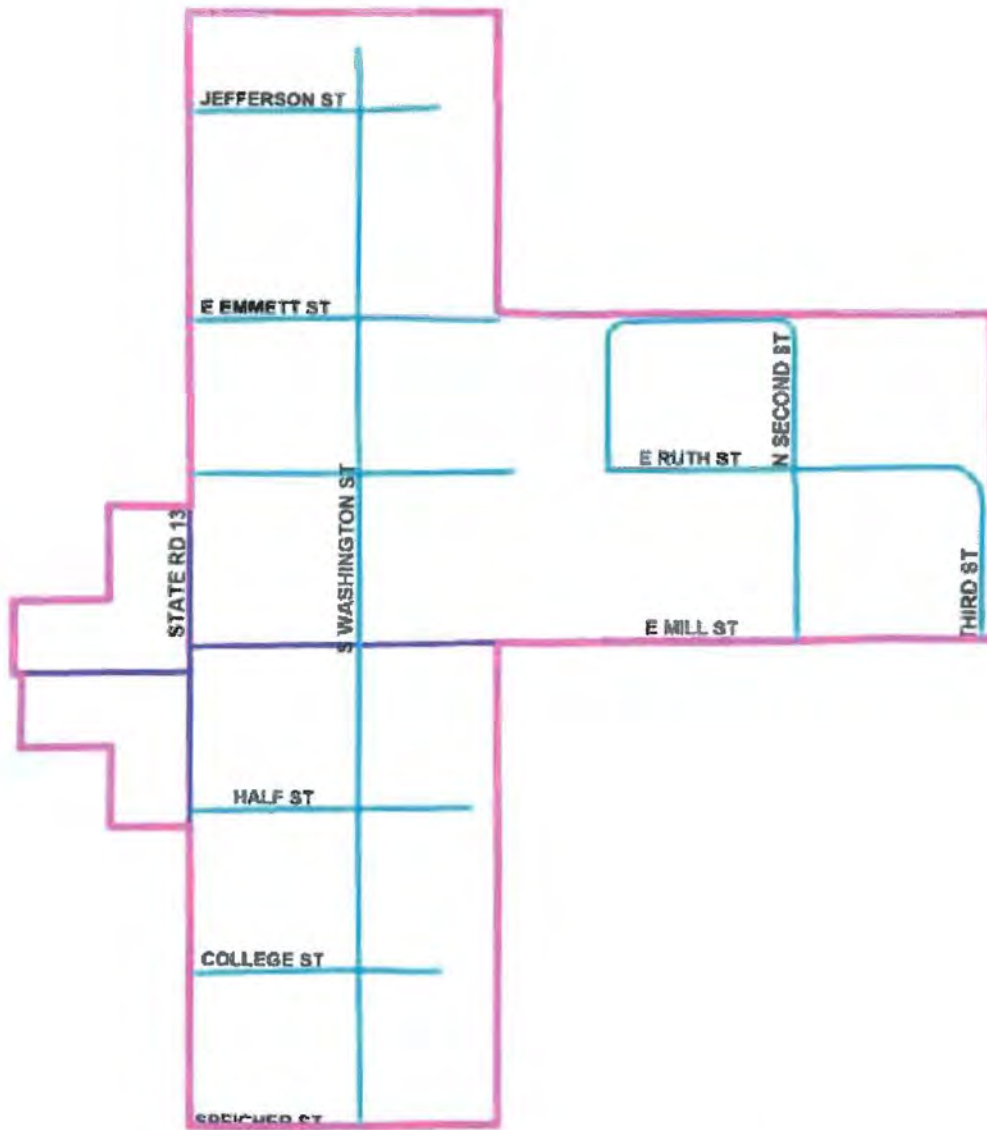
SOMERSET THOROUGHFARE MAP ORDINANCE CHAPTER 15 SECTION 15.22







W RIVER RD



**Chapter 16**  
**Planned Developments**

- 16.1. Planned Developments
- 16.2. Procedure
- 16.3. Preliminary Development Plan
- 16.4. Secondary Development Plan
- 16.5. Design Standards
- 16.6. Secondary Development Plan Approval
- 16.7. Construction Plans
- 16.8. Surety
- 16.9. Conditions
- 16.10. Covenants
- 16.11. Lot Owners' Association



## Chapter 16

### Planned Developments

#### **16.1 PLANNED DEVELOPMENTS.**

16.1.1. This Chapter shall apply to all developments that are not specific to the growth of residential dwellings in a subdivision type setting. In creating commercial, industrial, professional, recreational, educational and special developments, it is recognized that the Developer often faces unique situations with lot designs not normally encountered in residential subdivisions. For this reason, the emphasis of the Plan Commission shall be on the health and well-being of the community, proposed street layouts, lot arrangements and infrastructure as it relates to current community development. All commercial development shall provide boundary and topographic surveys on any new site, development or construction.

16.1.2. As prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded development plan for consideration. Streets that have been built by following the approved set of plans on a previously approved Secondary Development Plan shall not have to be rebuilt because of the adoption of new criteria by the Plan Commission.

#### **16.2 PROCEDURE.**

16.2.1. Predesign Discussion. While not mandatory, it is recommended the Developer meet with the Plan Commission to review and discuss Zoning Ordinance policies for a development prior to submitting an application for and Improvement Location Permit for a development. It is recommended the Developer present a Sketch Plan on a Location Map in tentative form showing, in general, the proposed development and surrounding terrain. No formal application, fees, or filing of a Preliminary Development Plan shall be required for this initial process.

16.2.2. An application for an Improvement Location Permit for a development shall be completed on forms provided by the Plan Commission. The application and required documentation for a Preliminary Development Plan must be submitted to the Plan Commission Office for initial review a minimum of sixty (60) days prior to the desired scheduled meeting date and must include:

- a. Completion and signing of application by the Developer, owner, or agent,
- b. A drainage plan submitted for review by the governing jurisdiction,
- c. A listing of any variances being requested,
- d. An affidavit verifying that a copy of a notification letter and proposed plan were sent to:
  1. The required agencies, within unincorporated Wabash County,
  2. The town boards of Lafontaine, Lagro, and Roann,
  3. Township Trustee, County Highway Department, State Highway Department, County Drainage Board, local DNR, local NRSC, County Health Department,

4. All associated utility companies, appropriate local fire departments local law enforcement, EMA, and

5. School corporation.

e. A list of all agencies, individuals, groups, and officials to whom the letter was sent,

f. A copy of the notification letter,

g. Unlimited eight and one-half inches by eleven inches (8 ½" x 11") copies of the Preliminary Development Plan,

h. Six (6) full size copies of the Preliminary Development Plan,

i. Two (2) Ortho Imagery copies.

16.2.3. The Plan Commission may hold a technical review meeting prior to the first public hearing. The Developer and /or his agent are encouraged to attend the meeting.

16.2.4. Notification to the Public shall be pursuant to the Rules of the Plan Commission and Indiana law.

16.2.5. The Developer is responsible for submitting all information in order for the application to be processed and put on the docket. If the application is not complete, the application will not be heard until the following meeting.

16.2.6. The Developer and/or his agent shall attend the Plan Commission meeting for which the Preliminary Development Plan review has been placed on the docket.

16.2.7. If the Preliminary Development Plan is approved and all other required documents have been submitted and approved by the Plan Commission then it shall be signed by the designated officials.

16.2.8. It shall be the responsibility of the Developer to file the Preliminary Development Plan with the County Recorder's office within thirty (30) days of the date of signature.

16.2.9. Three copies of the plan must be taken to the County Recorder's office to be recorded and distributed as follows:

a. One copy of the recorded plat shall be kept in the County Recorder's office,

b. One copy of the recorded plat shall be retained by the Developer or agent,

c. One copy of the recorded plat along with one copy of the Ortho Imagery plat shall be returned to the Plan Commission Office.

16.2.10. The Developer, after the Preliminary Development Plan is approved or conditionally approved, shall file the following documentation with the Plan Commission:

a. Six (6) copies of the Secondary Development Plan with detailed plans and Specifications,

- b. Two (2) Ortho Imagery copies,
- c. The required bond, letter of credit or escrow agreements,
- d. Performance agreement,
- e. Documentation for any conditions or restrictions,
- f. Documentation for any association / franchise requirements,
- g. A letter from the jurisdictional authority approving the construction drawings.

16.2.11. A minimum of thirty (30) days must elapse after the Preliminary Development Plan approval before the Secondary Development Plan can be considered.

### **16.3 PRELIMINARY DEVELOPMENT PLAN.**

16.3.1. The Preliminary Development Plan shall be prepared by a licensed land surveyor at a functional scale not to exceed one hundred (100) feet per inch. Prepared with sheets numbered in corresponding order at an acceptable size for filing in the County Recorder's Office but no larger than twenty-four inches by thirty-six inches (24" x 36"). The following items shall be included in the Preliminary Development Plan:

#### **16.3.2. Boundaries and Lots:**

- a. Proposed boundary lines of development with bearings and distances in Indiana Geospatial Coordinate System (In GCS),
- b. Proposed and existing lots of the development with bearings and distances of property lines and the area of the lot,
- c. Proposed boundary lines of any common land in the development with bearings and distances listed. The use of the lot must also be listed,
- d. Building line setbacks from any right-of-way,
- e. Location listing of adjacent owners, any adjacent developments, adjoining properties,
- f. Future sections or phases of the proposed development shall be shown on the plat.

#### **16.3.3. Easements:**

- a. Location and width of any existing or proposed easements on site,
- b. Location and width of any existing or proposed easements adjacent to site,
- c. Location and width of any adjacent or on-site railroad right-of-way,
- d. Location and width of any existing or proposed utility right-of-way with explanation of use.

16.3.4. Natural Features:

- a. Location of any watercourses or water bodies,
- b. Location of any wooded acreage.

16.3.5. Other Pertinent Features:

- a. Swamps, bogs,
- b. Parks,
- c. Cemeteries,
- d. Floodplains, Flowage Easements,
  - 1. Delineate the floodplain, floodway and floodway fringe on the Preliminary and Secondary Plat,
  - 2. Reference the benchmarks and elevations on the Preliminary and Secondary Plat.
  - 3. Delineate the Flowage Easement on the Preliminary and Secondary Plat.

16.3.6. Technical:

- a. Location and sizes of existing:
  - 1. Fire Hydrants,
  - 2. Water mains,
  - 3. Culverts,
  - 4. Utility poles,
  - 5. Sewers,
  - 6. Storm water facilities,
  - 7. Topography,
  - 8. Preliminary proposal for connection with existing water supply and sanitary sewage system.

16.3.7. Drainage:

- a. Preliminary provision for collecting and discarding surface water,
- b. Notation of:



1. Drainage easements,
2. Site easements,
3. Site reservations.

16.3.8. Structures:

- a. Location of any underground structures on the tract and adjacent to the tract.
- b. Location of any permanent buildings.

16.3.9. Rights-of-Way:

- a. Location, width and names if existing:
  1. Platted streets or other public ways within or adjacent to the tract,
- b. Location width and names of proposed:
  1. Street or rights of way,
  2. Rights of way and curve data.

16.3.10. Miscellaneous:

- a. Vicinity map,
- b. Name, address, phone number, registration of surveyor,
- c. Map date,
- d. North arrow,
- e. Graphic scale,
- f. Development name,
- g. Name and address of land owner,
- h. Metes and bounds descriptions,
- i. Owner endorsement,
- j. Signature and date,
- k. Other information as needed for plat.

**16.3.11. Supporting Document:**

- a. The last instrument conveying title to each parcel of property involved in the proposed development with the name of grantor, grantee, date, and any recorded land record reference,
- b. A complete copy of any existing covenants on the property,
- c. A designation of the purpose and condition of land within the tract dedicated or reserved,
- d. Closure program data.

**16.4 SECONDARY DEVELOPMENT PLAN.**

16.4.1. The Secondary Development Plan shall be prepared by a licensed land surveyor at a functional scale not to exceed one hundred feet (100') per inch. prepared with sheets number in corresponding order at an acceptable size for filing in the County Recorder's Office, but no larger than twenty-four inches (24") by thirty-six inches (36").

16.4.2. The Secondary Development Plan shall present the same information as required for the Preliminary Development Plan excluding the following: Section 16.3.2.f., Section.16.3.4.b., Section 16.3.5.a.b.c., and Section 16.3.8.a.

16.4.3. If the Secondary Development Plan complies with Sections 16.4.1. and 16.4.2., deviations from the Preliminary Development Plat shall be verified and noted by the Plan Commission.

16.4.4. If the Secondary Development Plan does not comply with Sections 16.4.1. and 16.4.2., the Plan shall be resubmitted as a Preliminary Development Plan and processed accordingly.

**16.5 DESIGN STANDARDS.**

16.5.1. The purpose of design regulations is to protect the health, safety, and general welfare of the communities and its citizens by:

- a. Ensuring proper arrangement of arterials, collectors, streets,
- b. Promoting traffic safety and prevent congestion,
- c. Securing adequate public places,
- d. Promoting proper population density,
- e. Providing adequate utilities and public improvements,
- f. Ensuring proper location and preparation of plats,
- g. Protecting soils and the environment,
- h. Providing favorable drainage standards, and
- i. Ensuring proper sewer and water standards.

16.5.2. For General Standards follow Chapter 17, Section 17.11.2 as outlined. Replace references to Subdivision with Development.

16.5.3. For Monument and Marker Standards follow Chapter 17, Section 17.11.3 as outlined.

16.5.4. Lot Standards

- a. When served by public water and sewer. Lot dimensions shall comply with the minimum standards of the Wabash County Zoning Ordinance,
- b. Where not served by public water and sewer, lot dimensions shall comply with the minimum standards of Wabash County Zoning Ordinance or the Wabash County Health Department whichever is more restrictive,
- c. The lot size, width, depth, shape, grade location and orientation shall be in proper relation to street and development design and to existing and proposed topographical conditions, a. irregular shaped lots are discouraged,
- d. All lots shall abut on a street or a place,
- e. Lots shall be numbered consecutively throughout the entire development,
- f. Building setback lines shall conform to the provisions of this Ordinance,
- g. Direct vehicular access from lots to primary arterials or major collectors is discouraged.

16.5.5. Street Location and Arrangement Standards

- a. All proposed developments shall conform to the Wabash County Thoroughfare Plan as is now or may be set forth hereafter. Whenever any tract to be developed embraces any part of the Thoroughfare Plan, that part of the public way shall be platted by the Developer in the location and of the width indicated on the Thoroughfare Plan. The arrangement of the streets in the development shall provide for the continuation and projection of existing principal streets in surrounding areas to conform to a plan of development approved and adopted by the Wabash County Plan Commission,
- b. Local roads shall be laid out so that their use by through traffic is discouraged,
- c. The arrangement, character, extent, width, grade, and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such street,
- d. Half streets shall be prohibited.
- e. The street layout shall provide access to all areas of the development, and where streets cross other streets, jogs shall not be created. Streets shall be adjusted to the contour of land so as to produce usable lots and streets.

- f. Certain proposed streets, where appropriate, shall be extended to the boundary line of the area to be developed so as to provide for normal circulation of traffic within the vicinity,
- g. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed development, the remainder of the street or alley, to the prescribed width, shall be platted within the proposed development,
- h. In designing and approving development streets, the following factors shall receive consideration:
  - 1. Provide access to all lots and parcels in the development,
  - 2. Accessibility for emergency vehicles, school buses, public transit,
  - 3. Safety for both vehicular and pedestrian traffic,
  - 4. Efficiency of services for all users,
  - 5. Economy of both construction and use of land.

#### 16.5.6. Street Standards

- a. Widths of Primary, Secondary, Local and Feeder Streets shall conform to those specified in the Official Thoroughfare Plan,
- b. Development street ROW shall be determined by development type,
- c. All streets shall be completed to grades specified in plans, and approved by the Wabash County Highway Supervisor,
- d. Street width shall be measured from back of curb to back of curb where curb and/or gutter are present,
- e. Streets shall be graded, surfaced and improved to the dimensions shown in approved cross sections,
- f. All stages of street development shall be inspected and approved by the County Highway Supervisor,
- g. Roadway base specifications shall meet current INDOT specifications,
- h. Hot asphalt concrete (HAC) materials and application must meet current INDOT specifications and mix specifications shall be forwarded to the Wabash County Highway Supervisor,
- i. HAC mixing and application shall be performed under proper weather conditions.

16.5.7. For Private Street Standards follow Chapter 17, Section 17.11.9, as outlined.

16.5.8. For Curb Standards follow Chapter 17, Section 17.11.10, as outlined.

#### 16.5.9. Parking Lot Standards

a. Due to particularities of any given development, the inflexible application of required pre-determined parking spaces may result in parking spaces in excess or deficient of need. Therefore, each application shall be evaluated independently and the total lot area, and individual parking space size, shall be determined and applied accordingly. Such decision and determination shall be at the discretion of the County.

#### 16.5.10. Sidewalk Standards

a. The Development Section of the Wabash County Zoning Ordinance requires sidewalks as deemed necessary in developments. The following requirements shall apply for sidewalks:

1. Sidewalks, which cross arterials within the development, must have painted crosswalks and signs installed,
2. ADA compliant ramps shall be installed at all intersections and transition access points,
3. Sidewalk surface and area shall be of size and finish such that pedestrian safety and convenience are foremost.

b. A legally formed development association shall be jointly and severally obligated to maintain and repair each sidewalk in the development,

#### 16.5.11. Lighting Standards

a. The developer shall provide, at minimum, lighting at all intersecting public roads, parking areas and loading berths.

1. Parking areas shall have adequate lighting so as to promote visibly safe passage to and from vehicles.

b. Lighting shall be aesthetically pleasing to the décor of a development, and designed so as not to be a nuisance to adjoining properties or traffic,

c. A legally formed development association shall be jointly and severally obligated to maintain and repair lighting in the development.

16.5.12. For Development Name and Street Name Standards see Chapter 17, Section 17.11.13.

#### 16.5.13. Easement Standards

a. Easements shall be provided for utilities where necessary and shall be at least twelve (12) feet wide, provide continuity throughout the development and be located along rear or side lot lines,

b. Where a development is traversed by a watercourse, drainage way, channel, or stream, the developer shall designate drainage easements on both sides of the watercourse, the

width shall be determined by the Wabash County Drainage Board regardless if a legal or non-legal drain,

c. Easements to permit access for maintenance and repair of surface and subsurface drainage improvements established by law and utility installations, shall be provided on the copies of the Preliminary Plat, and Secondary Plat. Location on easements shall be reviewed by the County Drainage Board and/or its representatives along with the local utility companies,

d. Plan Commission may waive any or all easement standards when applicable.

16.5.14. For General Drainage Standards, Storm Water and Subsurface Drainage Standards, follow the requirements of the Wabash County Stormwater Control Ordinance.

16.5.15. For Sewer Standards follow Chapter 17, Section 17.11.16 as outlined.

16.5.16. For Water Supply Standards follow Chapter 17, Section 17.11.17 as outlined.

16.5.17. Miscellaneous, Utility Standards

a. All utility lines, including electrical, gas, phone, cable, sewer, water, shall be located underground throughout the development. Location of all lines shall be shown on preliminary plat, secondary plat, and construction plans. Service connection to the property lines of each lot in the development shall be provided by the utility or Developer.

16.5.18. For Environmental Standards follow Chapter 17, Section 17.11.19 as outlined.

16.5.19. For Erosion Control Standards follow Chapter 17, Section 17.11.20 as outlined.

16.5.20. Misc. Design Standards

a. The following items shall be under the discretion of the Developer and meet approval by the Plan Commission:

1. Earth mounds, Landscaping, Fencing,
2. Structural design,
3. Exterior décor,
4. Accessory structures.

## **16.6 SECONDARY DEVELOPMENT PLAN APPROVAL.**

16.6.1. Upon approval by the Plan Commission, the Secondary Development Plan shall be signed by the officers of the Board.

16.6.2. It shall be the responsibility of the Developer to file the Secondary Development Plan with the County Recorder's Office within thirty (30) days of the date of signature.

16.6.3. Three (3) copies of the Secondary Development Plan must be taken to the County Recorder's Office to be recorded at the Developer's expense and distributed as follows:

- a. One copy will be kept in the County Recorder's office,
- b. One copy shall be retained by the Developer or agent,
- c. One recorded copy shall be retained by the Plan Commission Office to be kept on file.

16.6.4. Within two (2) years of the date of the Secondary Development Plan approval, the Developer must present to the public a letter of acceptance for all of the infrastructure or other improvements from the jurisdictional agency.

- a. If the improvements are not completed within two (2) years, a request for extension must be brought before the public. The extension may be granted only one (1) time for no more than one (1) year,
- b. If the extension is denied, Wabash County or their representative shall use money from the bond, letter of credit, or escrow account to finish work.

#### **16.7 CONSTRUCTION PLANS.**

General construction plans shall be prepared for all required improvements. This shall include all structures whether proposed for construction or those already in existence in the development which require alteration. Improvements shall be drawn at a pre-determined scale appropriate for the size of the proposed development.

#### **16.8 SURETY/ PERFORMANCE GUARANTEE.**

Surety and/ or a Performance Guarantee for a development shall follow the same directives as Surety and/ or Performance Guarantee for a Subdivision. See Chapter 17, Section 17.18.

#### **16.9 CONDITIONS.**

16.9.1. If in approving a Development Plan the Plan Commission finds it desirable that exceptions be made to this Zoning Ordinance, it may recommend those exceptions. The Commission shall set forth the reasons for its recommendations and the suggested limits to the exceptions.

16.9.2. The land involved must be either in one (1) ownership or the subject of an application filed jointly by the owners of all property included (including the holder of any written option), or by any governmental agency.

16.9.3. It must have an area bounded on all sides by streets, public open spaces, or less restrictive use districts.

16.9.4. The development plan may contain a proposed later division of the land into separate units under one ownership or into one or more separately owned and operated units.

16.9.5. If approved during the development plan review, such a proposed division of land may be made without further approval of the plan. Otherwise, a later division of the land may be made only upon

re-application to the Commission for approval of a revised development plan and re-submission to the Board. The separation of units for the purposes of platting must comply with this Ordinance.

16.9.6. Upon abandonment of a planned development, or upon the expiration of a three (3) year period after authorization during which a development has not been completed (or begun with an extension of time granted), the authorization for the development expires.

#### **16.10 COVENANTS.**

Covenants must include, at minimum, the following provisions satisfactory to the Plan Commission:

16.10.1. Adequate provisions for a Lot Owners Association with direct responsibility to, and control by, the Lot owners involved, to provide for the operation and maintenance of any common facilities jointly shared by the owners.

16.10.2. A financial guarantee satisfactory to the Plan Commissioner that adequate maintenance will be provided for any common facilities in accordance with standards prescribed by the Lot Owners Association and set forth in the covenants, and that the facilities will be operated and maintained at no expense to the County or any other governmental unit.

16.10.3. Alteration of any interior or exterior boundaries (including the splitting of a lot) shall require approval by the Plan Commission.

#### **16.11 LOT OWNERS' ASSOCIATION.**

When a Lot Owners' Association is created, the Association's organizational documents shall be included with the plans and application for the Planned Development.



**Chapter 17**  
**Subdivision Control**

- 17.1 Authority
- 17.2 Purpose
- 17.3 Objectives
- 17.4 Conflict
- 17.5 Exemptions
- 17.6 Saving Provision
- 17.7 Repeal
- 17.8 Major Subdivision Information
- 17.9 Subdivision Plan
- 17.10 Secondary Subdivision Plan
- 17.11 Design Standards
- 17.12 Secondary Subdivision Plan Approval
- 17.13 Construction Plans
- 17.14 Minor Subdivision Information
- 17.15 Administrative Subdivision
- 17.16 Covenants
- 17.17 Subdivision Association
- 17.18 Surety
- 17.19 Improvement Maintenance Standards
- 17.20 Maintenance Surety
- 17.21 Vacation of Plats
- 17.2 . Appendix, Forms / Certificates



**Chapter 17**  
**Subdivision Control**  
**Planned Residential Subdivision**

**17.1 AUTHORITY.**

Chapter 17 is enacted pursuant to Indiana Home Rule and planning legislation via Indiana Code 36-1-3 and 36-7-4-700 Series (Subdivision Control), and any amendments thereto. The Plan Commission has exclusive control to review and approve or disapprove plats for subdivisions. No plat or re-plat of a subdivision of land located within the jurisdiction of the Plan Commission shall be recorded until it shall have been approved by the Plan Commission, and the Wabash County Commissioners, and such approval shall have been entered in writing on the plat by the president and secretary of the Plan Commission and the County Commissioners.

**17.2 PURPOSE.**

This Chapter is enacted for the purpose of adopting subdivision regulations for the jurisdictional area of the Plan Commission. The planning of a subdivision is the joint responsibility of the sub-divider and the Plan Commission, the former having the prime responsibility for the creation of desirable, stable neighborhoods that become an integral part of the entire county.

**17.3 OBJECTIVE.**

The objective of these subdivision regulations is to protect and promote the public health, safety, and general welfare of the Citizens of Wabash County and implement the goals and objectives of the Wabash County Comprehensive Plan by:

- a. Preserving prime farmland.
- b. Avoiding scattered, illogical, and uncontrolled subdivision of land resulting in unnecessary imposition of an excessive expenditure of public funds for the supply of infrastructure,
- c. Protecting and conserving the value of land, buildings, and other improvements to land throughout Wabash County and minimize conflicts among land uses,
- d. Establishing reasonable standards and procedures for subdivisions in order to further the orderly use of land, ensuring proper legal descriptions, legal recording and monumenting of subdivided land, and securing equitable handling of all subdivision plans by providing uniform procedures and standards,
- e. Preventing the pollution of water, soil, streams, and ponds, ensuring the provision of drainage facilities, protecting from increased risk of flooding, and encouraging wise use and management of natural resources to improve the integrity, stability, natural beauty and topography, and the value of land,
- f. Simplifying land descriptions and avoiding susceptibility to more than one interpretation,
- g. Providing guidance of future growth and development in accordance with the Comprehensive Plan and applicable ordinances,

- h. Protecting the character and social and economic stability of all parts of the jurisdiction,
- i. Encouraging orderly and beneficial development of all parts of the jurisdiction,
- j. Providing the most beneficial relationship between the uses of land, pedestrian and vehicular traffic, structures and infrastructure,
- k. Planning for balance between land uses, natural resources, open spaces, recreation, and public ways that is beneficial to the community as a whole, both current and future,
- l. Ensuring that the community will bear no more than its fair share of the cost of providing facilities and services by requiring the developer to pay fees, furnish land, provide infrastructure, and establish mitigation measures to ensure the development provides for fair share of capital facilities needs generated by the development,
- m. Causing the petitioner to bear all cost associated with the approval process, development process and inspection process,
- n. Guiding public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, services, facilities, and other public requirements,
- o. Ensuring that necessary facilities are available concurrent with development, in quantity and size proportionate with the size of the subdivision and the land uses to which the land is allocated,
- p. Preserving, protecting, and enhancing the quality of Wabash County so that future generations will be ensured clean air, clean water, and a healthy environment.

#### **17.4 CONFLICT WITH PRIVATE PROVISIONS.**

This chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirement of these regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Commission in approving a subdivision or in enforcing the regulations, and such private provisions are not inconsistent with these regulations or determinations hereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made there under. (NOTE) Private provisions must be enforced privately.

#### **17.5 EXEMPTIONS.**

Some subdivisions may be exempt from most provisions of this Ordinance. These subdivisions must meet the criteria under Section 17.15 of this Chapter 17, "Administrative Subdivision," to qualify for the exemption.

## **17.6 SAVING PROVISION.**

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, modifying, abating, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Board of Commissioners of Wabash County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any right obtained by any person, firm or corporation, by lawful action of the Board of Commissioners of Wabash County, except as shall be expressly provided for in these regulations.

17.6.1 Approval under Prior Ordinance Primary Approval - any proposed subdivision of land for which a complete application seeking primary plat approval and the filing fee has been submitted and accepted by the Plan Commission Office, prior to the date of enactment of this Ordinance, may be considered under the provisions of the previous Subdivision Ordinance. If said primary plat application does not receive approval, any future applications must be considered under the provisions of the Subdivision Control Ordinance in effect at the time the new application is made.

17.6.2 Secondary Approval - any proposed subdivision of land for which a complete application seeking secondary plat approval and the filing fee has been submitted and accepted by the Secretary of the Plan Commission, prior to the date of enactment of this Ordinance may be considered under the provisions of the previous Subdivision Ordinance. If said secondary plat application does not receive approval, any future applications must be considered under the provisions of the Subdivision Control Ordinance in effect at the time the new application is made. Any proposed or actual subdivision of land having been granted primary approval by the Plan Commission under the previous Subdivision Ordinance is valid only if that secondary approval is granted within five (5) years of the primary approval. If the primary approval includes development in phases, secondary approval for the entire phase, including all sections within the phase, shall automatically continue approval for the remaining phases to the same expiration dates.

17.6.3 Recording - any subdivision, having been granted secondary approval under the previous Subdivision Ordinance and prior to the effective date of these regulations and subsequently having completed the requirements for recording under the previous Subdivision Ordinance may be signed by the designated officials as having been granted secondary approval and shall be permitted to record the secondary plat. Any proposed or actual subdivision of land having been granted secondary approval by the Plan Commission under the previous Subdivision Ordinance must be recorded within one (1) year of secondary approval or the secondary approval shall be considered null and void, unless an extension is granted by the Board of Commissioners of Wabash County.

## **17.7 REPEAL.**

Upon adoption of this Zoning Ordinance, the Subdivision Ordinance of Wabash County adopted March 7, 1966, as amended, is hereby repealed.

## **17.8 MAJOR SUBDIVISION INFORMATION.**

17.18.1 Major Subdivision Determination (Three (3) or more lots, tracts, or parcels). Any division of land into lots, tracts, or parcels creating Two (2) or more lots, tracts, or parcels in addition to the parent parcel and/or in which the division of land into lots, tracts or parcels results in the addition of or the extension of public ways, public places, public utilities or storm water control shall be declared a Major Subdivision.

## 17.8.2 Major Subdivision Application

17.8.2.1 Predesign Discussion. While not mandatory it is recommended that the Sub-divider meet with the Plan Commission Board to review and discuss the Subdivision Control Ordinance policies prior to application submission. The Sub-divider should present a "Sketch Plan" on a Location Map in tentative form showing, in general, the proposed development, existing conditions, surrounding terrain, and the estimated time frame for the project. No formal application, fees, or filing of a Preliminary Plat shall be required for this process.

17.8.2.2 Preliminary Subdivision Plan. Application for Preliminary Subdivision Plan shall be completed on forms provided by the County Plan Commission. The Sub-divider's application and required documentation for the Preliminary Plan must be submitted to the Plan Commission Office for initial review a minimum of sixty (60) days prior to the desired scheduled meeting date and must include:

- a. An application completed and signed by Sub-divider,
- b. A drainage approval letter from the governing jurisdiction must be submitted,
- c. Approval of all requested variances,
- d. An affidavit verifying that a copy of a notification letter and proposed plan were sent to:
  1. The required agencies, within unincorporated Wabash County,
  2. The town boards of Lafontaine, Lagro, and Roann,
  3. Township Trustee, County Highway Department, State Highway Department, County Drainage Board, local DNR, local NRSC, County Health Department,
  4. All associated utility companies, appropriate local fire departments local law enforcement, EMA, and
  5. School corporation,
- e. A list of all agencies, individuals, groups, and officials the letter was sent to, and a copy of the letter,
- f. Plan Commission shall request that any remonstrator, who receive notification, submit their letter of objection within fifteen (15) days after receipt of notification. No response shall be interpreted as meaning "no objection",
- g. Eight (8) seventeen and one-half inch by eleven inch (17 ½" x 11") copies of Preliminary Plat,

h. Six (6) full size copies of Preliminary Plat,

i. Two (2) full size Ortho Imagery copies.

17.8.2.3 The Plan Commission may hold a technical review meeting prior to the first public hearing. The Sub-divider and / or his is agent are encouraged to attend the meeting.

17.8.2.4 The Sub-divider is responsible for submitting all information in order for the application to be processed and put on the docket. If the application is not complete, the application will not be heard until the following meeting.

17.8.2.5 The Sub-divider and/or his agent shall attend the scheduled Plan Commission Board meeting for which the subdivision plan has been placed on the docket.

17.8.2.6 If the Preliminary Subdivision Plan is approved and all other required documents have been submitted and approved by the Plan Commission then it shall be signed by the designated officials.

17.8.2.7 It shall be the responsibility of the Sub-divider to file the Preliminary Subdivision Plan, with the County Recorder's office within thirty (30) days of the date of signature.

17.8.2.8 Three (3) copies of the plan must be taken to the County Recorder's office to be recorded and distributed as follows:

- a. One (1) copy of the recorded plat shall be kept in the County Recorder's office,
- b. One (1) copy of recorded plat shall be retained by the Developer or agent, and
- c. One (1) copy of the recorded plat and one copy of the Ortho Imagery plat shall be returned to the Plan Commission Office.

17.8.2.9 The Sub-divider, after the Preliminary Plan is approved or conditionally approved, shall file the following documentation with the Plan Commission:

- a. Six (6) copies of Secondary Plan with detailed plans and specifications, shall be submitted by required deadline,
- b. Two (2) Ortho Imagery copies,
- c. Six (6) sets of detailed plans and specifications shall be submitted by required deadline,
- d. The secondary plan in digital form,
- e. The required bond, letter of credit or escrow agreements,
- f. Performance agreement,
- g. Documentation for any covenants or restrictions,
- h Documentation for any homeowners or neighborhood association, and

- i. A letter from the appropriate jurisdictional authority approving the Construction drawings.

17.8.2.10 A minimum of thirty (30) days must elapse after the Preliminary Subdivision Plan is approved before the Secondary Subdivision Plan can be considered.

## **17.9 PRELIMINARY SUBDIVISION PLAN.**

17.9.1 The Preliminary Subdivision Plan shall be prepared by a licensed land surveyor at a functional scale not to exceed one hundred (100) feet per inch. It may be prepared in ink or pencil with sheets numbered in corresponding order at an acceptable size for filing in the County Recorder's office but no larger than twenty-four inches by thirty-six inches (24" x 36"). The items described in subparagraphs 17.9.2 through 17.9.11 shall be shown on the Preliminary Subdivision Plan.

### **17.9.2 Boundaries and Lots;**

- a. Proposed boundary lines of subdivision with the bearings and distances identified in the Indiana Geospatial Coordinate System (InGCS),
- b. Proposed and existing lots of the subdivision with bearings and distances of property lines and the area of the lot,
  - 1. blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the additions,
  - 2. all lots in each block shall be consecutively numbered,
  - 3. out lots shall be lettered in alphabetical order.
- c. Proposed boundary lines of any common land in the subdivision with the bearings and distances. The use of the lot must also be listed,
- d. Building line setbacks from any Right-of-Way,
- e. Location listing of adjacent owners or any adjacent developments,
- f. Future sections or phases of the proposed subdivision shall be shown on the plan,
  - 1. the sections or phases shall be listed as future considerations.

### **17.9.3 Easements**

- a. Location and width of any existing or proposed easements on site,
- b. Location and width of any existing or proposed easements adjacent to site,
- c. Location and width of any adjacent or on-site railroad right-of way,
- d. Location and width of any existing or proposed utility right-of-way, with explanation of use,



#### 17.9.4 Natural Features

- a. Location of any watercourses or water bodies,
- b. Location of any wooded acreage.

#### 17.9.5 Other Pertinent Features

- a. Swamps, bogs,
- b. Parks,
- c. Cemeteries, burial grounds,
- d. Floodplains, flowage easements,
  1. delineate the floodway and floodway fringe on the Preliminary and Secondary Plat,
  2. reference the benchmarks and elevations on the Preliminary Plat only.
  3. delineate the flowage easement on the Preliminary and Secondary Plat.

#### 17.9.6 Technical

- a. Location and sizes of existing,
  1. Sewers,
  2. Water mains,
  3. Culverts,
  4. Utility poles,
  5. Fire hydrants,
  6. Storm water facilities,
  7. Topography,
  8. Preliminary proposal for connection with existing water supply and sanitary sewage system.

#### 17.9.7 Drainage

- a. Preliminary provision for collecting and discarding surface water,
- b. Notation of:
  1. drainage easements,
  2. site easements,
  3. site reservations.

#### 17.9.8 Structures

- a. Location of any underground structures on the tract and adjacent to the tract,
- b. Location of any permanent buildings.

#### 17.9.9 Right of Way

- a. Location, width, and names if existing:
  1. platted streets or other public ways within the tract or adjacent to the tract,.
- b. Location width and names of proposed:
  1. street or rights of way,
  2. rights of way and curve data.

#### 17.9.10 Miscellaneous

- a. Vicinity map,
- b. Name, address, phone number, registration of surveyor,
- c. Map date,
- d. North arrow,
- e. Graphic scale,
- f. Subdivision name,
- g. Name and address of land owner,
- h. Metes and bounds description,
- i. Owner endorsement,
- j. Signature and date,
- k. Other information as needed for plat,

#### 17.9.11 Supporting Document.

- a. The last instrument conveying title to each parcel of property involved in the proposed subdivision with the name of grantor, grantee, date, and any recorded land record reference along with:
- b. A complete copy of any existing covenants on the property,

c. A designation of the purpose and condition of land within the tract dedicated or reserved,

d. Closure program data.

#### **17.10 SECONDARY SUBDIVISION PLAN.**

17.10.1 The Secondary Subdivision Plan shall be prepared by a licensed land surveyor at a functional scale not to exceed one hundred feet (100') per inch. Prepared with sheets number in corresponding order at an acceptable size for filing in the County Recorder's Office, but no larger than twenty-four inches by thirty-six inches (24" x 36").

17.10.2 The Secondary Subdivision Plan shall contain the same information as that required by Section 17.9 for the Preliminary Plan, except as excused by the Plan Commission. It is customary, but not mandatory, for the Plan Commission to excuse the information required by Sections 17.9.2.f, 17.9.4.b, 17.9.5.a, b, c, and 17.9.8.a. The Secondary Subdivision Plan must also address any deficiencies in the Preliminary Subdivision Plan.

17.10.3 If the Secondary Development Plan complies with Section 17.10.1 and 17.10.2, deviations from the Preliminary Development Plat shall be verified and noted by the Plan Commission.

17.10.4. If the Secondary Subdivision Plan does not comply with Sections 17.10.1 and 17.10.2, the Plan shall be resubmitted as a Preliminary Development Plan and processed accordingly.

#### **17.11 DESIGN STANDARDS.**

17.11.1 Purpose of Design Standards. The purpose of design regulations is to protect the health, safety, and general welfare of the communities and its citizens by:

- a. Insuring proper arrangement of arterials, collectors, streets,
- b. Promoting traffic safety and prevent congestion,
- c. Securing adequate public places,
- d. Promoting proper population density,
- e. Providing adequate utilities and public improvements,
- f. Insuring proper location and preparation of plats,
- g. Protecting soils and the environment,
- h. Providing favorable drainage standards,
- i. Insure proper sewer and water standards.

##### **17.11.2 General Standards**

- a. No land shall be subdivided for residential use, if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper

drainage, or objectionable soils / earth, topography or other features harmful to the health, safety and welfare of future residents and the community as a whole,

b. The Plan Commission may require either a general or operational soil survey, with interpretations, where it is not readily apparent from existing information that the land to be subdivided is not subject to flooding or does not contain poor drainage characteristics. If required, the survey shall be conducted by a qualified person or agency acceptable to the Plan Commission. In the event the findings deem the subdivision to be unacceptable the Plan Commission shall not approve the plat. The Plan Commission may however prescribe conditions that the Subdivider must meet to obtain approval and these conditions may be incorporated into the subdivision plan under provisions to agreement,

c. Whenever a proposed subdivision borders an existing street, the Plan Commission may require improvements of such street as a condition of plat approval. Additional dedication of right-of-way may also be required,

d. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, regulations and laws:

1. all applicable statutory provisions,
2. local zoning ordinances, building / housing codes, and all other applicable laws of the appropriate jurisdiction,
3. the Comprehensive Plan, Transportation Plan and other appropriate county plans,
4. rules and regulations of IDEM, Indiana DNR, NRCS, County Drainage Board, Health Department, Indiana Manual of Uniform Traffic Control Devices, INDOT, and AASHTO,
5. all applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control, ordinances and other applicable guides from local government units.

#### 17.11.3 Monument and Marker Standards

- a. Monuments shall be set at the intersection of all adjoining properties,
- b. Markers shall be set at the beginning and ending of all curves, along street property lines, at all points where a lot line intersects curves, either front or rear, at all angles in the boundary lines of lots, and at all other lot corners not marked by monument.

#### 17.11.4 Lot Standards

- a. When served by public water and sewer, lot dimensions shall comply with the minimum standards of this Ordinance.
- b. Where not served by public water and sewer lot dimensions shall comply with the minimum standards of the Wabash County Zoning Ordinance or the minimum standards of the Wabash County Health Department, whichever is more restrictive.

c. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from the requirement is permissible, however irregular shaped lots are discouraged.

d. Lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions,

e. All lots shall abut on a street or a place.

f. Frontage Lots / Double Frontage Lots shall not be platted, except that, where desired along limited access highways or primary streets; lots shall face the interior street, and the lot back shall be on such thoroughfares. In that event, screen planting shall be provided along the back of each lot.

g. Corner residential lots shall be wider than normal in order to meet required setbacks from both streets.

h. Lots shall be numbered consecutively throughout the entire subdivision,

i. Building setback lines shall conform to the provisions of this Ordinance,

j. Direct vehicular access from lots to primary arterials or major collectors is discouraged.

#### 17.11.5 Block Standards

a. Blocks shall have sufficient width to provide for two (2) tiers of lot of appropriate depth. Exceptions to this block width shall be permitted in blocks adjacent to primary arterials, major collectors, water courses, and industrial or commercial areas.

b. Block length and width or acreage within bounding streets shall be such as to accommodate the size of the lot required by this Ordinance or the Wabash County Health Department for the site selected for the subdivision and to provide convenient access, circulation control, and safety of street traffic. Blocks shall not exceed one thousand two hundred fifty feet (1,250') in length.

#### 17.11.6 Street Location and Arrangement Standards

a. All proposed subdivisions shall conform to the Wabash County Thoroughfare Plan as shown in Chapter 15 of this Ordinance, and as may be amended from time to time. Whenever any tract to be subdivided embraces any part of the Thoroughfare Plan, that part of the public way shall be platted by the Sub-divider in the location and of the width indicated on the Thoroughfare Plan, and the arrangement of the streets in the subdivision shall provide for the continuation and projection of existing principal streets in surrounding areas to conform to a plan of the neighborhood approved and adopted by the Plan Commission,

- b. Local roads shall be laid out so that their use by through traffic will be discouraged,
- c. The arrangement, character, extent, width, grade, and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets,
- d. Half streets shall be prohibited. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract.
- e. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created. Streets shall be adjusted to the contour of land so as to produce usable lots and Streets.
- f. Certain proposed streets, where appropriate, shall be extended to the boundary line of the area to be subdivided so as to provide normal circulation of traffic within the vicinity.
- g. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
- h. In designing and approving subdivision streets, the following factors shall receive consideration:
1. access to all lots and parcels in the subdivision,
  2. centerlines of streets should intersect as nearly to right angles as possible,
  3. intersections of more than two (2) streets at one (1) point should be avoided,
  4. jogs at intersection should be avoided,
  5. accessibility for emergency vehicles, school buses, public transit,
  6. safety for both vehicular and pedestrian traffic,
  7. efficiency of services for all users,
  8. liability of amenities as affected by traffic elements in the circulation system, and,
  9. economy of both construction and use of land.
- i. Alleys shall be discouraged in residential districts.

#### 17.11.7 Street Standards

- a. Widths of Primary, Secondary, Local, and Feeder Streets shall conform to the width specified in the Thoroughfare Plan.
- b. The minimum right-of-way of Residential Streets or Cul-de-sacs, shall be forty feet (40'). All Cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet, or provide other arrangements for the turning of all vehicles conveniently within the right-of-way.
- c. All streets shall be completed to grades specified in plans, profiles and cross sections provided by the Sub-divider, prepared by a registered professional engineer, or registered licensed surveyor and approved by the Wabash County Highway Supervisor.
- d. Street width shall be measured from back of curb to back of curb where curb and/or gutter are required.
- e. Streets shall be graded, surfaced and improved to the dimensions shown in approved cross sections.
- f. All stages of street development shall be inspected and approved by the County Highway Supervisor.
- g. Roadway base specifications shall meet current INDOT specifications.
- h. Hot asphalt concrete (HAC) materials and application must meet current INDOT Specifications and mix specifications shall be forwarded to the Wabash County Highway Supervisor.
- i. HAC mixing and application shall be performed under proper weather conditions between April 15 and October 15.
- j. HAC road surface shall have a 3% slope from center to both edges.

#### 17.11.8 Cul-de-sac Standards

- a. Cul-de-sacs shall have a minimum five (5) foot right of way on the outside edge of the curb of the cul-de-sac radius.
- b. Cul-de-sac radius shall be a minimum of fifty (50) feet.
- c. Cul-de-sac front lot widths shall be regarded as the minimum lot frontage requirement for that zoning district and shall be measured at the front building setback line, with the rear property boundary being at least the minimum width requirement for that zoning district.
- d. The Plan Commission may grant a variance to Cul-de-sac Standards provided other means of reversing traffic flow can be obtained safely without trespass onto a subdivision property owner's lot.

#### 17.11.9 Private Street Standards

- a. The Plan Commission may waive the requirement of a street to be dedicated to the public and approve a private street in a subdivision provided all of the following conditions are satisfied.
- b. Restrictive covenants, a written commitment, or other required documents running with the land, shall be recorded in such form as is approved by the Plan Commission to clearly state each of the following provisions:
  1. the County shall never be obligated to accept a public dedication, deed, or any other conveyance of such private street,
  2. the Wabash County Highway Department shall never be obligated to maintain or repair the street, or accept it into its maintenance program,
  3. a legally formed community association comprised of all owners of lots in the subdivision, as well as each such owner individually, shall be jointly and severally obligated to maintain and repair each private street in the subdivision,
  4. the subdivision community association and all owners of lots in the subdivision shall jointly and severally indemnify and hold harmless Wabash County against any loss, damage, or liability arising from claims or suits for personal injury or property damage involving design, construction, use or maintenance of a private street in the subdivision, and
  5. an express easement shall be granted to public and quasi-public agencies for use of such streets by emergency, utility, school, public transit vehicles and personnel, and for any other purpose the Plan Commission reasonably believes is necessary or appropriate.
- c. Title to each private street in the subdivision shall be properly conveyed by warranty deed to the subdivision's community association,
- d. Evidence of legal formation of the subdivision's community association shall be recorded at the Sub-divider's expense,
- e. A maintenance bond, with coverage comparable to that required for public streets, for the benefit of the subdivisions community association and lot owners shall be provided by the Sub-divider, if the Plan Commission finds such a bond necessary,
- f. Street Standards shall be the same for a private street as those for a public street.

#### 17.11.10 Curb Standards

- a. The Plan Commission shall require, at minimum, curb and gutter on the downslope side of the street surface in hillside subdivisions to assist in erosion control. The curb system on the downslope side shall be equipped with catch basins and culverts as necessary to carry run-off water to the natural drainage course,



b. Curbs and curb gutters shall be constructed to meet the specifications set forth by INDOT, Wabash County Highway Department, and Wabash County Drainage Board,

c. Curbs may be required on other street and parking surfaces,

#### 17.11.11 Sidewalk Standards

a. This Ordinance does not require the construction of sidewalks in subdivision development; however, the Sub-divider may choose to provide sidewalks in which case the following standards shall apply:

1. sidewalks may be located on one or both sides of the street,
2. sidewalks shall be constructed of concrete at least four inches (4") thick and forty inches (40") wide,
3. sidewalks which cross arterials within the subdivision must have painted crosswalks and signs installed,
4. ADA compliant ramps shall be installed at all intersections and other transition access points,
5. easement of ten (10) feet in width shall be provided for sidewalks, and
6. sidewalk surface shall have sufficient finish and slope to drain towards the street such that pedestrian safety and convenience is foremost.

b. A legally formed community association comprised of all owners of lots in the subdivision, as well as each such owner individually shall be jointly and severally obligated to maintain and repair each sidewalk in the subdivision.

#### 17.11.12 Street Lighting Standards

a. The sub divider shall provide lighting at all intersecting public roads.

b. Street lights shall be pole mounted and range between twenty feet (20') and twenty-four feet (24') in height.

c. All electric lines shall be buried.

d. A legally formed community association comprised of all owners of lots in the subdivision, as well as each such owner individually, shall be jointly and severally obligated to maintain and repair each street light in the subdivision.

#### 17.11.13 Subdivision Name and Street Name Standards

a. The proposed name for the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall approve the name of the subdivision during preliminary plat review.

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 spelled different but sound the same as existing streets shall not be used,

c. The E-911 Director or appointed representative shall verify all street names.

d. The Plan Commission shall have final authority to name all streets (in case of conflict) at the time of Secondary Plat approval.

e. Signage shall follow the standards set forth by the Manual on Uniform Traffic Control/Devices for Streets and Highways, published by the U.S Department of Transportation.

f. Signs shall be mounted as close to intersection corners as applicable, their faces parallel to the streets they name.

g. All signs first time application shall be at the expense of the Sub- divider. Thereafter the signage shall be maintained by the subdivision association.

1. if the street is dedicated to the County, the County shall maintain all signage after initial installation,

2. if the street remains a private street, the subdivision association shall maintain signs having an area to sufficiently display the following information on three (3) inch high letters:

i. the name of the private street

ii. the words "PRIVATE STREET"

iii. the words "NOT DEDICATED FOR PUBLIC USE" and "MAINTAINED BY PRIVATE SECTOR".

#### 17.11.14 Easement Standards

a. Easements centered on rear and side lot lines shall be provided for utilities where necessary and shall be at least six feet (6) wide on both sides of the property lines. Easements shall generally be contiguous to the street at the end of the block to connect with adjoining blocks in the most direct line,

b. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, the Sub-divider shall designate drainage easements on both sides of the watercourse, the width to be determined by the Wabash County Drainage Board regardless of whether it is a regulated or non-regulated drain,

c. Easements to permit access for maintenance and repair of surface and subsurface drainage improvements established by law and utility installations, shall be provided on the copies of the Preliminary Plat, Secondary Plat, and any "as-builts" required by the Drainage Board. The location of all easements shall be approved

by the County Drainage Board and/or its representatives along with the local utility companies,

d. Easements shall be a minimum of twelve feet (12') in width, (excluding sidewalk easements), provide continuity from block to block, and be located along rear, side, or front lot lines with one half (1/2) of the width of easement taken from each lot. In the case of platted boundary lots and not adjoining another plat, the full width of the easement shall be provided on such peripheral lots.

#### 17.11.15 General Drainage System Standards

In order to provide the most suitable sites for building and to improve surface drainage, all drainage shall conform to the requirements of the Wabash County Stormwater Control Ordinance.

#### 17.11.16 Sewer Standards

a. If in the judgment of the Plan Commission, based on recommendations from the Wabash County Health Department (WCHD), a public sanitary sewer main is reasonably accessible, a complete sanitary sewer system including lateral connection to each lot in the subdivision shall be installed and connected to the main. The system shall be provided with all necessary supplemental equipment and machinery (including but not limited to lift stations) and be in such lengths, sizes, dimensions and specifications as shall be required by the Health Official. The plans for installation of a sanitary sewer system shall be prepared by a registered professional engineer or licensed surveyor, to be provided by the Sub-divider and be in accordance with Indiana State Board of Health regulations. Upon completion of the sewer installation, the as-built plans shall be filed with the county.

b. If in the judgment of the Plan Commission, taking into consideration recommendations from the Wabash County Health Officer a public sanitary main is not reasonably accessible, sanitary waste may be disposed of in the following method:

1. The Sub-divider shall provide a complete sanitary sewer system, with lateral connections to each lot and a common treatment plant, each meeting the standards of the Indiana State Board of Health and the Indiana Water Pollution Control Board,

2. Subdivisions of three (3) or fewer tracts may be served by private sewage treatment system on each individual lot consisting of septic tank and absorption field, or other approved sewage treatment systems, provided the systems are installed in accordance with standards of the Indiana State Board of Health (ISBH) and the Wabash County Onsite Sewer System Ordinance, provided that soil in the subdivision is acceptable, as determined by soil borings. The following shall also be required:

- i. Lots must be a minimum of one and one-half (1 ½) acres,
- ii. Two borings per lot to clearly indicate soil conditions are suitable for installation and operation of a system, and
- iii. Sub-divider shall provide preliminary soils report for each lot in which testing and findings are completed and submitted in writing by an approved soil scientist.

#### 17.11.17 Water Supply Standards

- a. Where public water supply is not available within three hundred feet (300') of any boundary of the proposed subdivision, and where the WCHD determines that connecting thereto would create a hardship for the Sub-divider, the Sub-divider may provide each lot with a community or individual water supply, provided that installation conforms at least to the standards of the ISBH and IDNR DOW. Upon completion of the water supply system, the plans for the system shall be filed with the WCPC and the WCHD,
- b. Where public water supply is available within Three Hundred (300) feet of any boundary of the proposed subdivision, the Sub-divider shall construct a system of water mains, connected with the public water supply and provide a connection with each lot. The work shall be done in accordance with the plans, profiles and specifications prepared by a registered professional engineer and shall be approved by the WCHD and IDNR DOW and in conformance with at least the minimum requirements of the ISBH,
- c. Distribution, valve and hydrant specifications, metering systems and placement shall meet American Water Works Association Standards and NFPA 24, be approved by ISBH, WCHD, and IDNR DOW.

#### 17.11.18 Miscellaneous, Utility Standards

- a. All utility lines, including electrical, gas, phone, cable, sewer, water, shall be located underground throughout the subdivision. Location of all lines shall be shown on preliminary plat and construction plans. Service connection to the property lines of each lot in the development shall be provided by the utility or Sub-divider.

#### 17.11.19 Environmental Standards

The following measures are effective in minimizing erosion, sedimentation and regulating the accumulation and disposal of solid waste and shall be included where appropriate in the overall development plan,

- a. Existing features which add value to residential, commercial, natural or man-made assets such as trees, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design,

- b. Stripping of vegetation, re-grading, or other development shall be completed in such a way that will minimize erosion,
- c. Development plans shall keep cut / fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff,
- d. Whenever feasible, natural vegetation shall be retained, protected and supplemented,
- e. The disturbed area and the duration of exposure shall be kept to a practical minimum,
- f. Temporary vegetation and mulching shall be used to protect environmentally sensitive areas during development,
- g. Permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development,
- h. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development, where necessary, the rate of surface water runoff will be structurally retarded,
- i. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, silt traps, or similar measures,
- j. Design and construction of the drainage facility shall be such that it will be durable and easy to maintain,
- k. The accumulation of all solid waste resulting from development operations shall be collected and disposed of in a timely manner so as to prevent any excessive accumulation or scattering of solid waste. No burning for the purpose of disposing of solid waste shall be permitted.

#### 17.11.20 Erosion Control Standards

- a. Erosion and sediment control shall conform to the requirements of the NRCS, WCDB, and IDEM,
- b. No changes shall be made to the contour of the land, nor shall grading or excavating begin until a plan for minimizing erosion and sedimentation has been reviewed by the appropriate departments. Review and approval shall be documented and held in the Plan Commission office,
- c. Where sedimentation is caused by stripping of vegetation, regrading, or other development activity, it shall be the responsibility of the Sub-divider to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage at the Sub-dividers expense,
- d. It is the responsibility of the Sub-divider doing any action on or across a communal stream, watercourse, or swale, or upon the floodplain, floodway or

flood fringe area of any watercourse to return these areas to their original or equal condition upon completion of said activities,

e. No Sub-divider shall block, impede the flow of, alter or construct any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the WCDB, NRCS, IDEM, IDNR DOW, whichever may be applicable. It is the responsibility of the Sub-divider to keep all major watercourses, not under the jurisdiction of any public agency, open and free flowing,

f. The Sub-divider will assume the responsibility for maintaining an open and free flowing condition in all minor streams, watercourses, and drainage systems, constructed or otherwise improved in accordance with this ordinance which are necessary for proper drainage.

#### 17.11.21 Misc. Design Standards

a. The following items shall be under the discretion of the Sub-divider and recorded in the covenants of the subdivision:

1. earth mounds,
2. rights of way disturbance,
3. landscaping,
4. fencing,
5. mailboxes,
6. home structural design,
7. home exterior décor,
8. square footage of residence, providing it meets or exceeds ordinance minimum, and
9. accessory structures.

#### **17.12 SECONDARY SUBDIVISION PLAN APPROVAL.**

17.12.1 The Plan commission shall approve or reject the Secondary Subdivision Plan. Upon approval by the Wabash County Plan Commission, the Secondary Subdivision plan shall be signed by the officers of the board.

17.12.2 It shall be the responsibility of the Sub-divider to file the Secondary Subdivision Plan with the County Recorder's office within thirty (30) days of the date of signature.

17.12.3 Three copies of the plan must be taken to the County Recorder's office to be recorded and distributed as follows:

- a. One (1) copy of the recorded plat shall be kept in the County Recorder's office,
- b. One (1) copy of the recorded plat shall be retained by the Sub-divider or agent,
- c. One (1) copy of the recorded plat and one copy of the Ortho Imagery plat shall be returned to the Plan Commission Office.

17.12.4 Within two (2) years of the date of the Secondary Plan approval, the Sub-divider must present to the Plan Commission evidence that all infrastructure and other improvements have been constructed to the satisfaction of the governmental entity in whose jurisdiction the infrastructure and improvements have been constructed,

- a. If the improvements are not completed within two (2) years, a request for extension must be brought before the Plan Commission. The extension may be granted only one time for no more than one (1) year,
- b. If the extension is denied, Wabash County shall use money from the bond, letter of credit, or escrow account to finish the infrastructure work.

### **17.13 CONSTRUCTION PLANS.**

17.13.1 General construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch (1") per fifty feet (50'). Map sheets shall be the same size as the Preliminary Plan. The following shall be shown:

- a. Profiles showing existing and proposed elevation lines of all streets,
- b. Where proposed street intersections and existing street or streets intersect, identify the elevation along the center line of existing street or streets, and
- c. Radii of all curves, lengths of tangents, and central angles on all streets.

17.13.2 The Plan Commission may require, where steep slopes exist, that cross sections of all proposed streets at one hundred (100) foot sections be shown at five (5) points as follows:

- a. On a line at right angles to the center line of the street, and all elevation points shall be at the center line of the street,
- b. All elevation point shall be at the center line of the street, each property line, and the points twenty-five feet (25') inside each property line.

17.13.3 Construction plans and profiles must show the locations and typical cross section of street pavements including:

- a. Curbs and gutters,
- b. Sidewalks,
- c. Drainage easements,
- d. Servitude,
- e. Rights of way,

- f. Manholes,
- g. Catch basins,
- h. The location of street trees, street lighting standards and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants,
- i. Show connection to any existing or proposed utility system utilities or structures, and,
- j. Exact location and size of all water, gas, or any other underground courses.

17.13.4 Construction plans must show the location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to:

- a. Existing streets, sewers, drains, water mains, easements, water bodies, streams, floodplains,
- b. Other pertinent features such as railroads, buildings, misc. structures,
- c. Features noted on the Official Map or Comprehensive Plan at the point of connection to proposed facilities and utilities within the subdivision,
- d. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams, and
- e. If the subdivision borders a lake, river, or stream, the distance and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.

17.13.5 Topography of the same scale as the Preliminary Plan with a contour interval of one foot (1'), referred to in NAVD 1717. All data provided shall be the latest applicable US Coast and Geodetic Survey Data and should be so noted on the plan.

17.13.6 All specifications and references required by the appropriate jurisdictions construction standards and specifications, including a site grading plan for the entire subdivision.

17.13.7 Notation of approvals.

- a. Title, name, address, signature, registration number, seal of the professional engineer and/or surveyor, and date. Including revision dates.

#### **17.14 MINOR SUBDIVISION INFORMATION.**

A Minor Subdivision is any division of land into lots, tracts, or parcels creating two (2) or fewer lots, tracts, or parcels in addition to the parent parcel and are located along an existing public road or a private drive.

- a. A Minor Subdivision shall not involve the addition or extension of public ways, utilities, storm water control or sewers. Applicant shall seek approval before the



Wabash County Board of Zoning Appeals during a public hearing as outlined in the BZA Rules of Procedure.

b. The Minor Subdivision Plan, which shall be submitted for review at least thirty (30) days prior to the hearing, shall follow the directives shown in Sections 17.9 through 17.13 of this Chapter 17, as they apply to a Minor Subdivision.

## **17.15 ADMINISTRATIVE SUBDIVISION.**

### **17.15.1 Exemptions of Provisions**

Administrative subdivisions, which are exempt from most provisions of the Subdivision Ordinance process, shall not result in or require the creation of public easements, or the installation of public ways, public places, or storm drain control and must be one of the following types of division:

- a. A division of land creating one (1) tract in addition to the parent tract, with the additional tract designated as non-buildable,
- b. A division of land for the transfer of a tract, or tracts, to correct errors in an existing legal description, provided that no additional building sites, other than for an accessory building, are created by the division,
- c. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property,
- d. A division of land for federal, state, local government to acquire right-of-way,
- e. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. Each lot created shall be clearly identified as a non-buildable parcel on the plat and within the deed. The adjoining lots so created hereunder shall have the maximum of one principal use building site each,
- f. A division of land into cemetery plots,
- g. A retraction of an existing parcel or record in which, a survey plat does not exist, or a survey error is being corrected,
- h. A re-subdivision which involves only the removal of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting in fewer parcels than were contained in the original plat, and
- i. A re-subdivision which involves only the changing of notations written on the plat or correction of errors thereon.

### **17.15.2 Necessary Conditions for Exemptions**

In addition to exempt conditions, a land division qualifying for Administrative Subdivision review shall meet the following conditions:

- a. The division of the parent parcel shall not create more than two (2) parcels plus the parent parcel,
- b. If a parcel created by such an exempt division does not have sanitary sewer service available the tract shall obtain septic approval from the Wabash County Health Department to ensure the installation of an onsite sewage disposal system,
- c. If a parcel created by such an exemption division has frontage on a public road, the land divider shall dedicate, to the public, real property of a width sufficient to meet one half (1/2) of the required right-of-way width for that specific public road as indicated by the current Wabash County Thoroughfare Plan and of a length along that public road equal to the length of the proposed parcel along the roadway,
- d. If a parcel created by such an exempt division is not a road frontage parcel, the county may require an access width of fifty feet (50') from the road to the rear lot line of the parcel. The access area shall not be included in the parcel square footage when calculating the total parcel area needed to meet the zoning requirements. The fifty (50) foot wide area shall not be part of a utility easement or part of the building site.

#### 17.15.3 Certification of Exempt Conditions

- a. Written confirmation from Wabash County Health Department verifying favorable conditions for onsite septic sewage disposal system or availability of public sanitary sewer,
- b. A metes and bounds description of the parcel,
- c. Official documentation indicating the dedication of right of way to the appropriate jurisdiction,
- d. Written confirmation from INDOT or County Highway Department for driveway access from state or county road,
- e. Verification from Wabash County Drainage Board of any public drains involved,
- f. Documentation to verify cause for exemption of subdivision provisions,
- g. Verification from Plan Commission that current zoning of tract allows proposed Subdivision,
- h. Verification of any Floodplain Area or Flowage Easement area.

#### 17.15.4 Administrative Subdivision Review Process

Within ten (10) working days application is submitted, the Plan Commission and the Sub-divider shall jointly review the required documentation and the Plan Commission shall approve or reject the application.

- a. Sub-divider shall provide drawings of the proposed subdivision showing all tracts and parcels, including but not limited to:

1. parent parcel with dimensions,
2. proposed parcels with dimensions,
3. all current or proposed structures,
4. proposed drive access,
5. covenants or conditions to apply, and
6. identification of any public utilities and associated easements within the parent tract and proposed subdivision tracts.

. Review of all Certified Exempt Conditions.

c. Recording Subdivision

1. Documentation of the approved division of land shall be filed with the Auditor's Office and the survey recorded along with the deeds within thirty (30) days of the date of the signature.

**17.16 COVENANTS.**

Covenants must include, at minimum, the following provisions satisfactory to the Plan Commission:

17.16.1 Adequate provision for an organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of any common facilities jointly shared by those owners.

17.16.2 A financial guarantee that satisfactory maintenance will be provided for any common facilities in accordance with standards prescribed by the property owners' organization and set forth in the covenants, and that the facilities will be operated and maintained at no expense to the county or any other governmental unit.

**17.17 SUBDIVISION ASSOCIATION/ LOT OWNERS ASSOCIATION.**

When Subdivision / Lot Owner Associations are to be employed for a Subdivision, the association documents shall be included with the plans and application for the Subdivision.

**17.18 SURETY TO ASSURE SATISFACTORY CONSTRUCTION OF ALL INFRASTRUCTURE.**

Before the issuance of an Improvement Location Permit, the Sub-divider shall post surety in the form of a bond, letter of credit, or certified check, satisfactory to the Plan Commission and payable to Wabash County to secure satisfactory construction of all infrastructure. Such surety shall be for not less than one hundred twenty-five percent (125%) of the cost of construction of all infrastructure, as determined by the County's engineer.

**17.19 IMPROVEMENT MAINTENANCE STANDARDS.**

The Sub-divider shall be required to maintain all public improvements of the subdivision and the individual subdivided lots and provide for snow removal on streets and sidewalks until such time that such streets are dedicated and accepted by the appropriate jurisdiction.

**17.20 MAINTENANCE SURETY.**

Prior to release of any surety described in, the Sub-divider shall post surety in the form of a bond, letter of credit, or certified check, satisfactory to the Plan Commission and payable to Wabash County to secure satisfactory maintenance of the infrastructure. Such surety shall be for not less than twenty-five percent (25%) of the estimated cost of construction of all infrastructure, as determined by the County's engineer, and shall be in effect for not fewer than three (3) years.

**17.21. VACATION OF PLATS.**

Vacation of any part of a plat may be allowed pursuant to the provisions of I.C. 36-7-3-10, et seq.

**17.22 APPENDIX, FORMS, CERTIFICATES.**

The following list of documents, at minimum, shall be included on the final plat: Wabash County Plan Commission Certificate of approval, Wabash County Commissioners Certificate of approval, Engineers or Registered Land Surveyors Certification, Deed of Dedication, Covenants, and Association By-Laws.

**Chapter 18**  
**Parcel Split Regulations**

- 18.1. Authority
- 18.2. Objectives
- 18.3. Parcel Split Determination
- 18.4. Combining Parcels
- 18.5. Re-plat Requirements
- 18.6. Recording



## **Chapter 18**

### **Parcel Split Regulations**

#### **18.1. AUTHORITY.**

The Wabash County Plan Commission, the County Auditor, the County Surveyor, and the GIS Parcel Drawer shall review and approve or disapprove parcel splits throughout all of the County, except for the jurisdictional areas of Town of North Manchester and the City of Wabash. This authority also extends to the re-division of undeveloped or previously recorded plats.

#### **18.2. STANDARDS.**

To obtain approval for a parcel split, the applicant must establish:

1. The split will not adversely affect the use or value of prime farmland,
2. The split will not result in the scattered, illogical, or uncontrolled subdivision of land,
3. The split will result in the orderly layout of land, accurate legal descriptions, and proper monumenting of land.

#### **18.3. PARCEL SPLIT DETERMINATION.**

A parcel split is the division of any parcel of land creating two (2) or more parcels in which any of the newly created parcels may be sold, retained, developed, leased, used, or any combination thereof, whether to be retained by current owner or an immediate or future transfer of ownership.

- a. One (1) split of land in which only one (1) parcel of less than twenty (20) acres shall be permitted one (1) time every five (5) years. This restriction shall run with the land and be enforceable upon the current owner or a successor in interest.

##### **18.3.1. Major Parcel Split Determination**

A major parcel split is any division of land into lots, tracts, or parcels creating two (2) or more lots, tracts, or parcels in addition to the parent parcel and/or which results in the addition of or the extension of public ways, public places, public utilities or storm water control shall be declared a Major Parcel Split.

See Chapter 17, Section 17.8 for required review and approval process guidelines.

##### **18.3.2. Minor Parcel Split Determination**

A minor parcel split is any division of land into lots, tracts, or parcels creating two (2) or fewer lots, tracts, or parcels in addition to the parent parcel, located along an existing public road or a private drive. This division of land into lots, tracts or parcels shall not result in the addition or extension of public ways, public places, public utilities or storm water control.

See Chapter 17, Section 17.14 for required review and approval process guidelines.

##### **18.3.3. Administrative Split Determination**

An administrative split which is exempt from most provisions of the Subdivision Ordinance shall not result in or require the creation of public easements, or the installation of public ways, public places, or storm drain control and shall meet one or more types of divisions as outlined in Chapter 17, Section 17.15.1, a, through 17.15.1, i.

**18.4. COMBINING PARCELS.**

Any request to combine parcels which results in the removal of interior lot lines, with the outside perimeter of the properties, to be combined, remaining unchanged, thus resulting in fewer parcels shall be reviewed for acceptance by the Wabash County Plan Commission, and the County Auditor's Office.

**18.5. RE-PLAT REQUIREMENTS.**

Alteration of any interior or exterior boundaries (lot lines) of any development or subdivision shall require approval by the Wabash County Plan Commission.

**18.6. RECORDING.**

Documents for recording reflecting approved parcel splits must comply with I.C. 32-21-2-13 for recording.



**Chapter 19**  
**Streams and Bodies of Water**

19.1. Streams and Water Bodies Designation and Setback

STREAMS WATER BODIES MAP LEGEND

- 19.2. County Streams and Water Bodies
- 19.3. Chester Township Streams and Water Bodies
- 19.4. Lagro Township Streams and Water Bodies
- 19.5. Liberty Township Streams and Water Bodies
- 19.6. Noble Township Streams and Water Bodies
- 19.7. Paw Paw Township Streams and Water Bodies
- 19.8. Pleasant Township Streams and Water Bodies
- 19.9. Waltz Township Streams and Water Bodies
- 19.10. North Manchester Corp.
- 19.11. Wabash City Corp.
- 19.12. Lafontaine Corp.
- 19.13. Lagro Corp.



**19.1. STREAMS AND WATER BODIES DESIGNATION AND SETBACK**

The official Streams and Water Bodies Maps for Wabash County is hereby declared to be a part of this Ordinance and notations, references, indications and other details shown therein and displayed on the GIS Mapping Layers are as much a part of this Ordinance as if they were fully described in the text of this Ordinance.

- a. Setbacks established in this Ordinance under Chapter 6, Section 6.1.9. shall apply to all streams identified on the “Streams and Water Body Maps” in Chapter 19, Section 19.2. through Section 19.14., and on GIS Mapping Layers.
- b. Nothing shall be constructed within seventy five feet (75’) measured from the meander line of any stream identified on the map to the closet point of any constructed object.
  - 1. In the event of any discrepancy as to the viability of any stream the final determination shall be made by the Wabash County Surveyor and the Wabash County Drainage Board.

**STREAMS AND WATER BODIES MAP LEGEND                      SECTION 19.2 – 19.13.**

**STREAMS AND  
WATER BODIES  
MAP LEGEND**

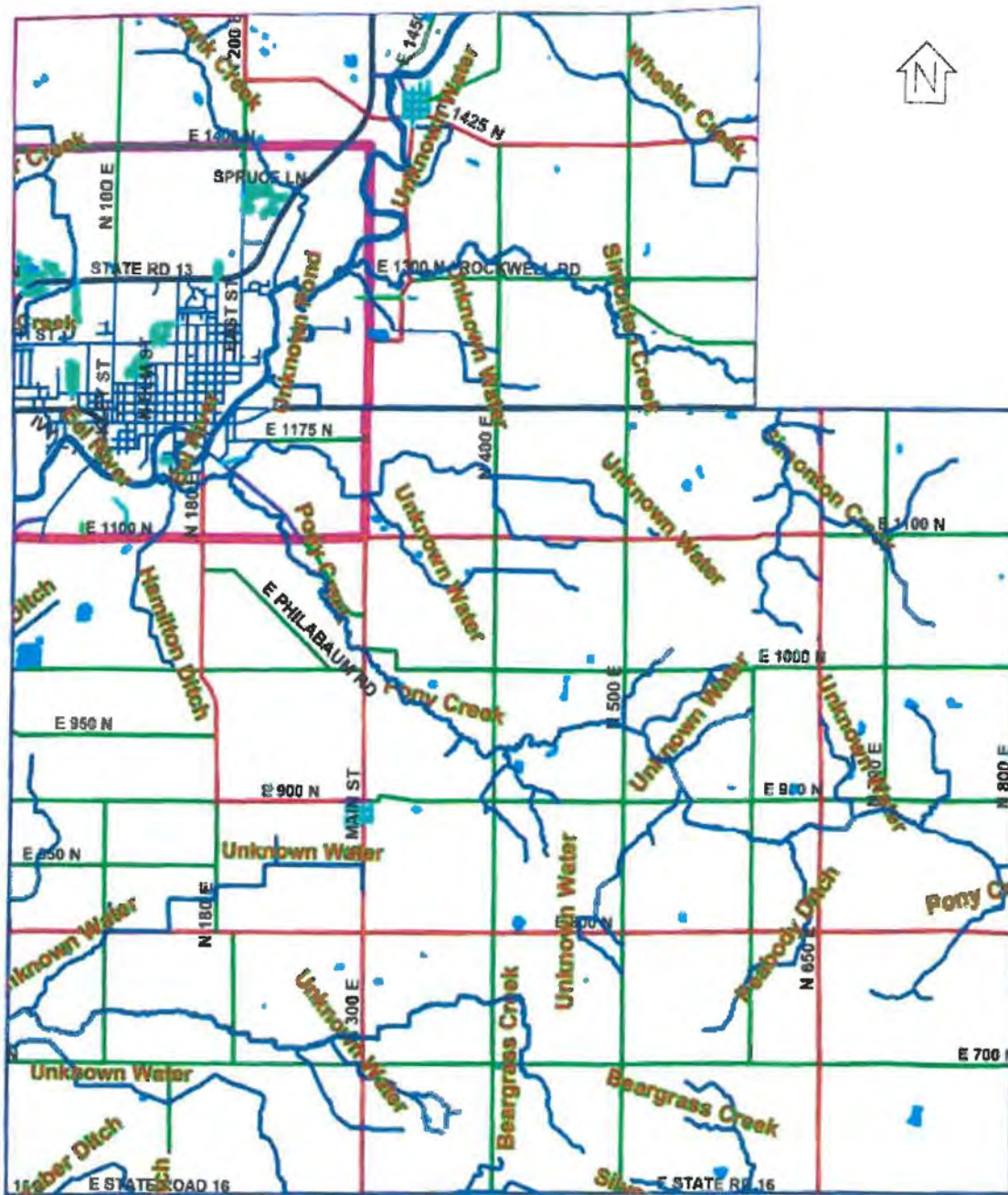


WATER STREAMS



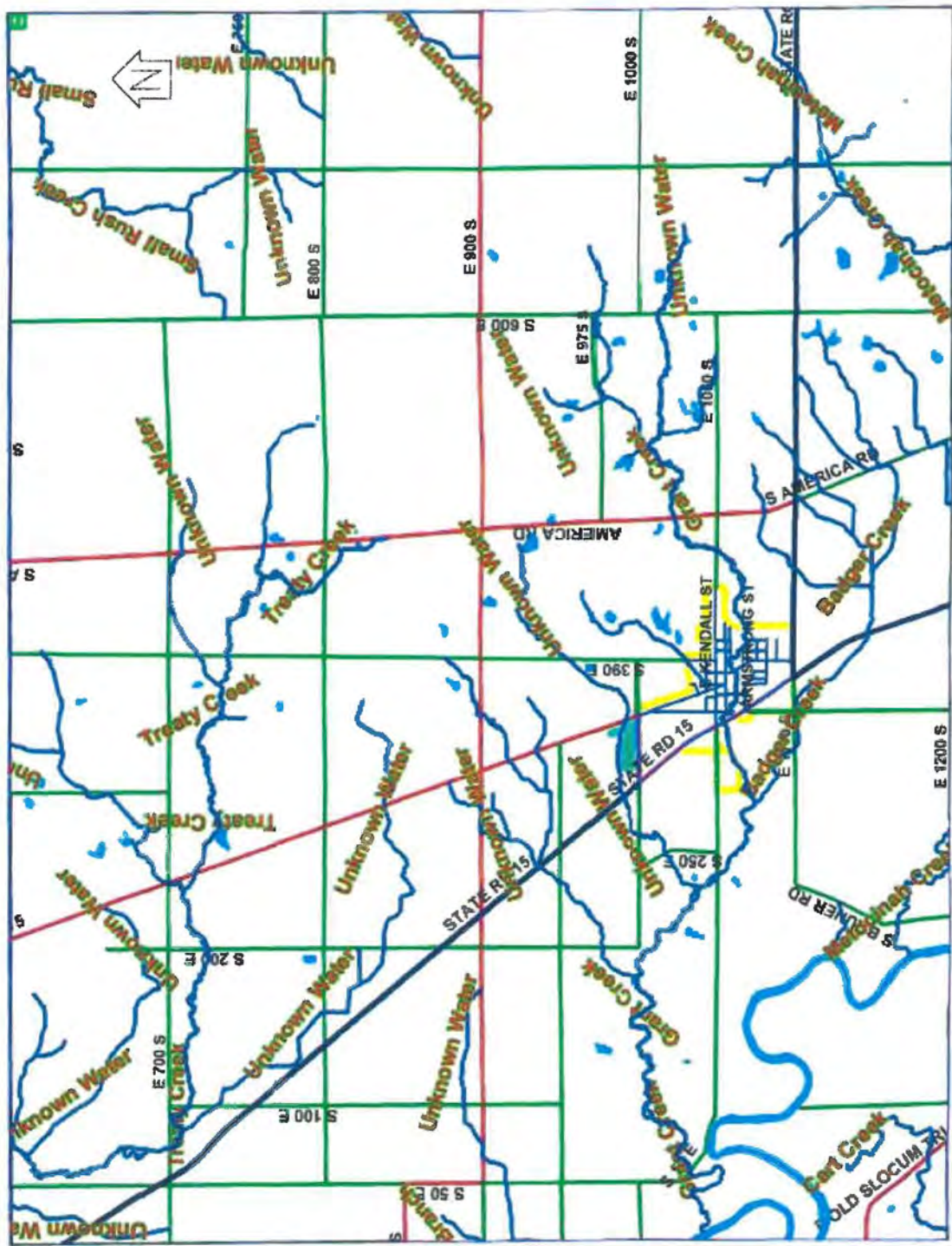
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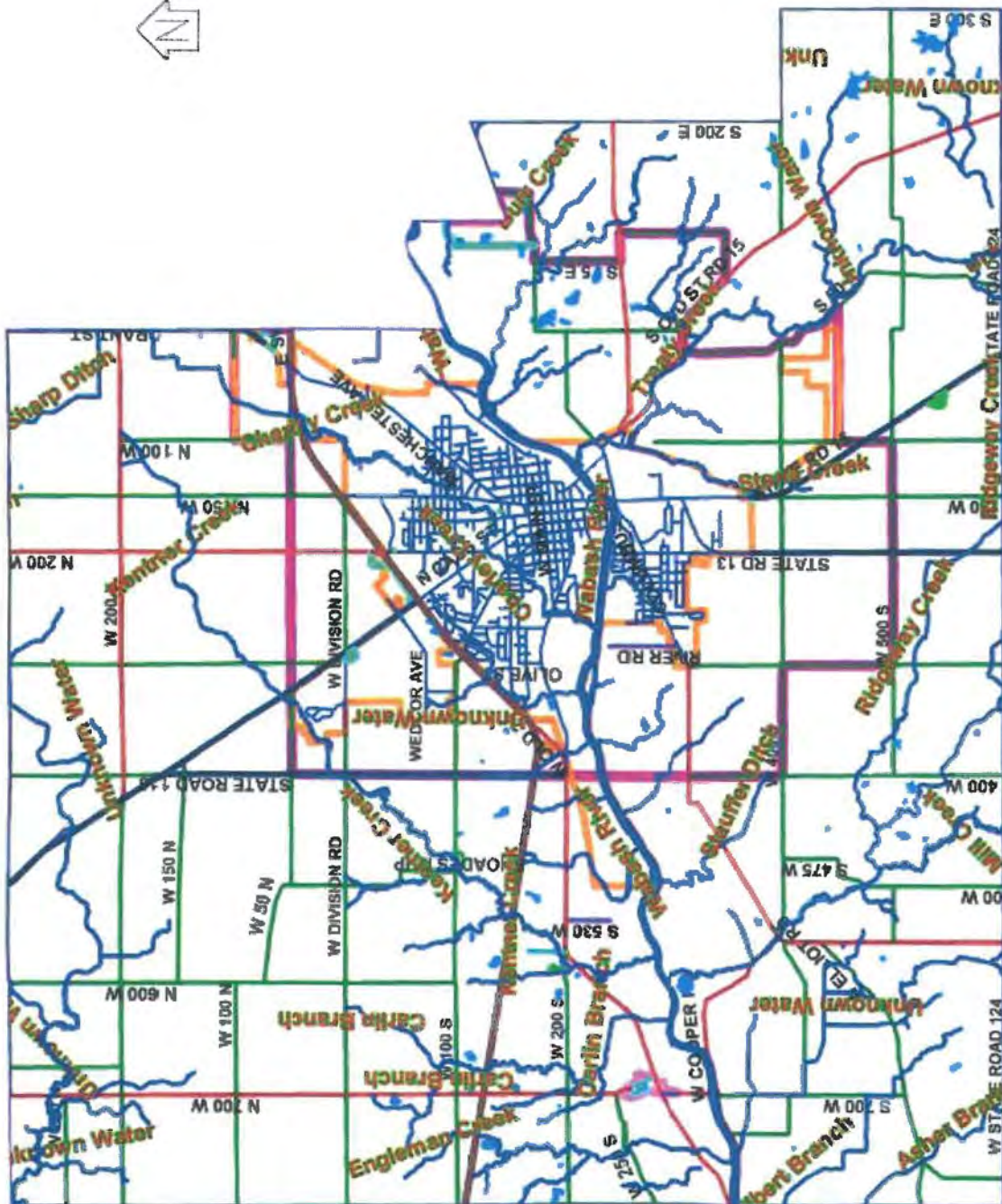


CHESTER TOWNSHIP STREAMS AND WATER BODIES ORDINANCE CHAPTER 19 SECTION 19.3



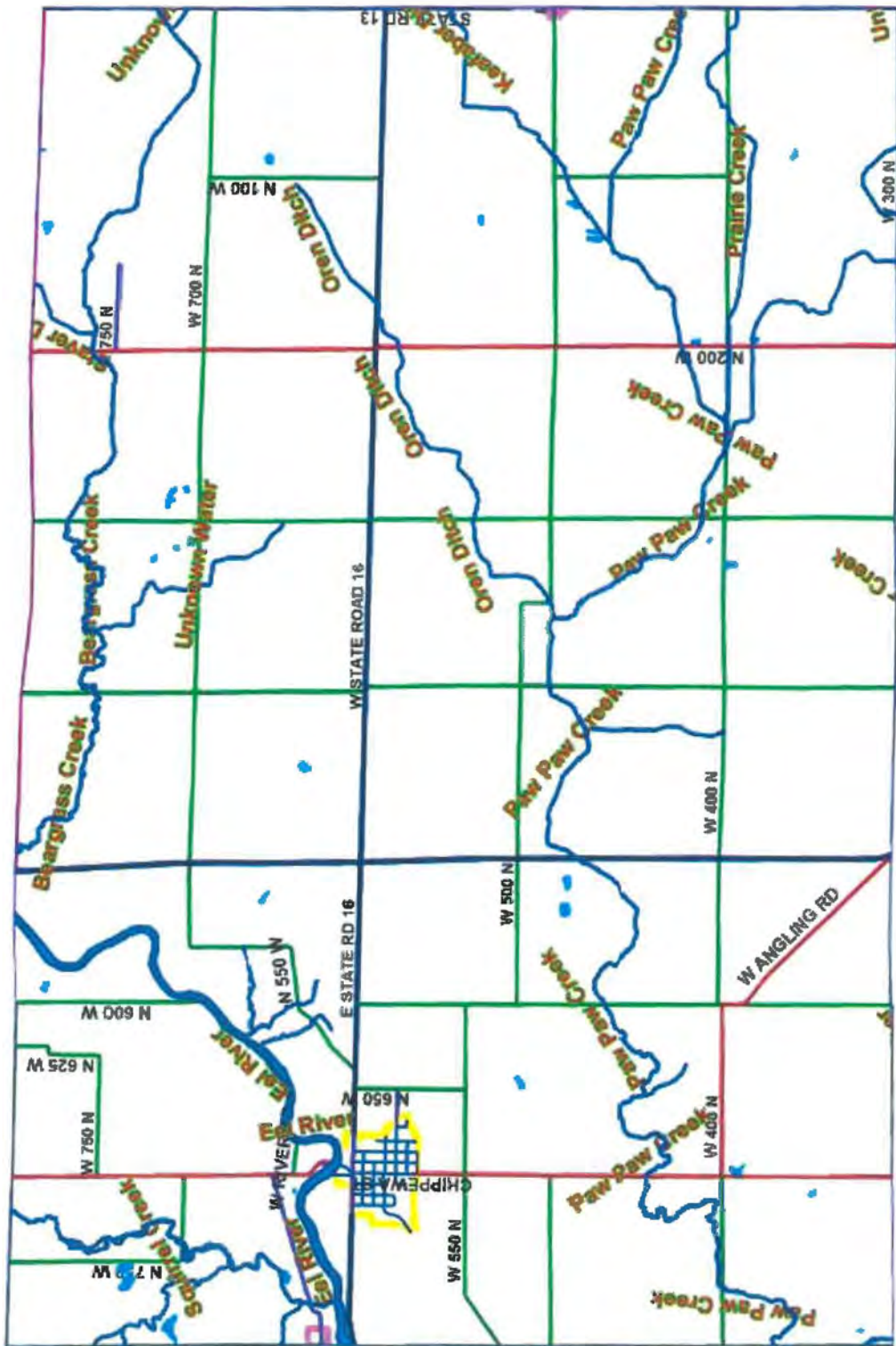


LIBERTY TOWNSHIP STREAMS AND WATER BODIES ORDINANCE CHAPTER 19 SECTION 19.5

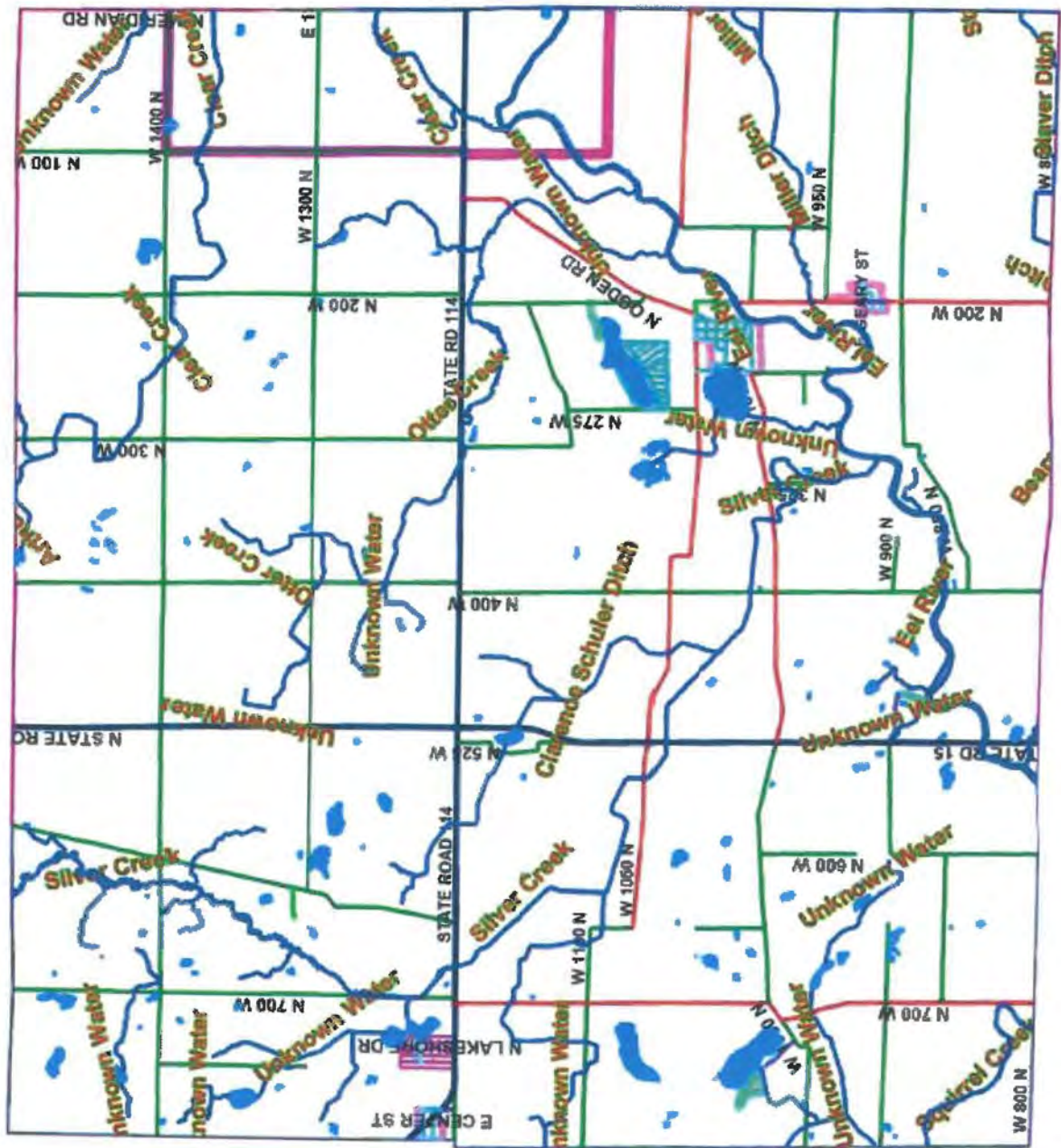


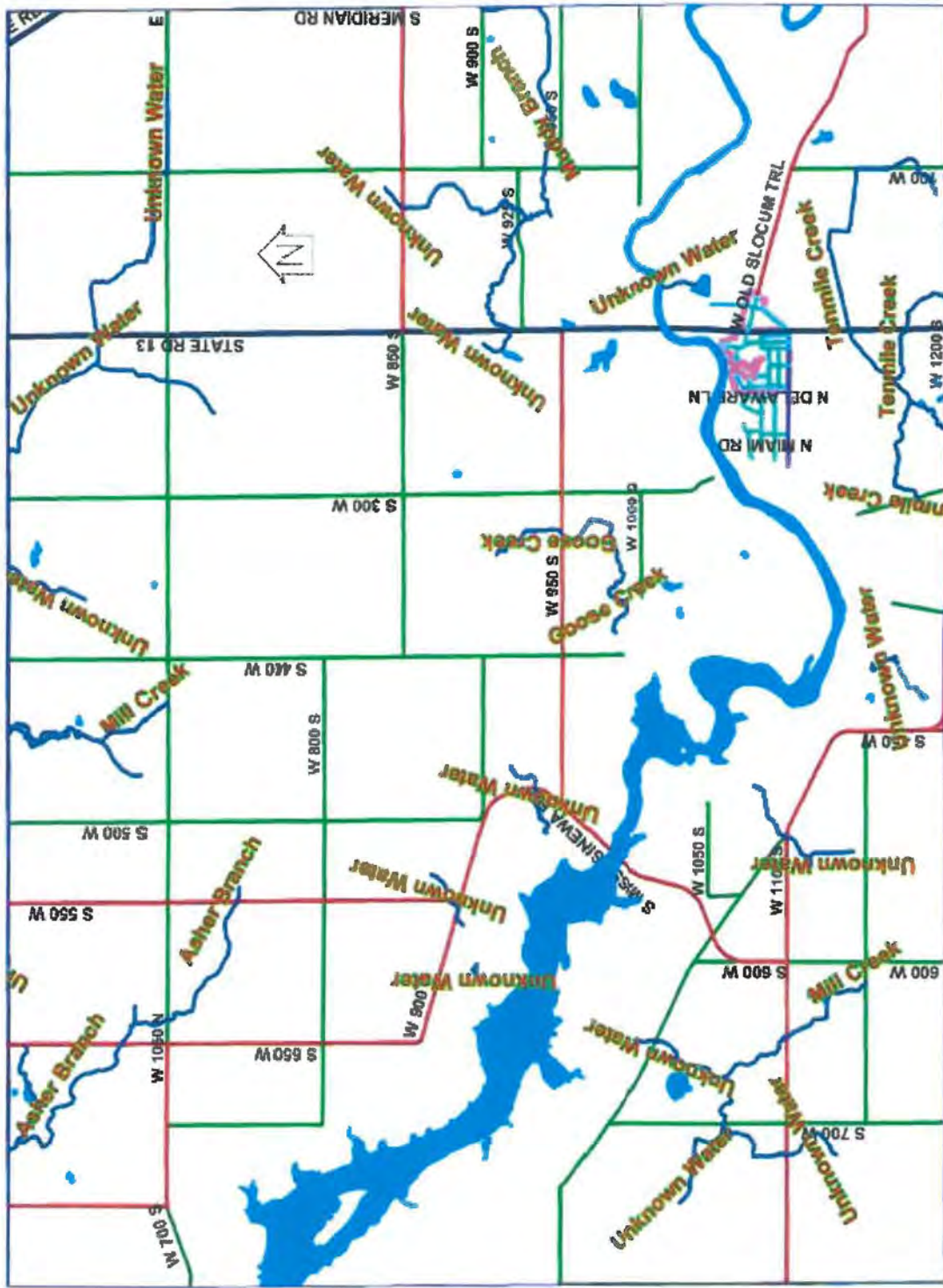
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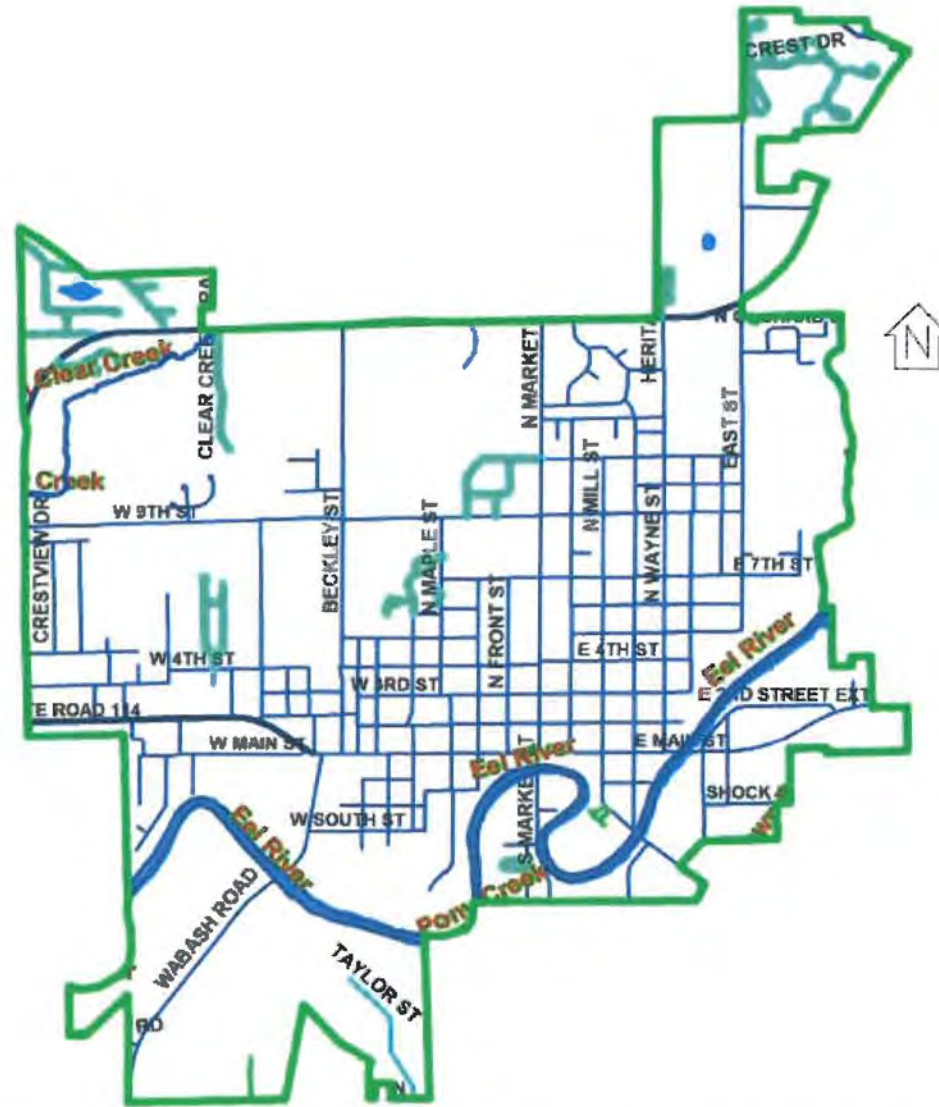


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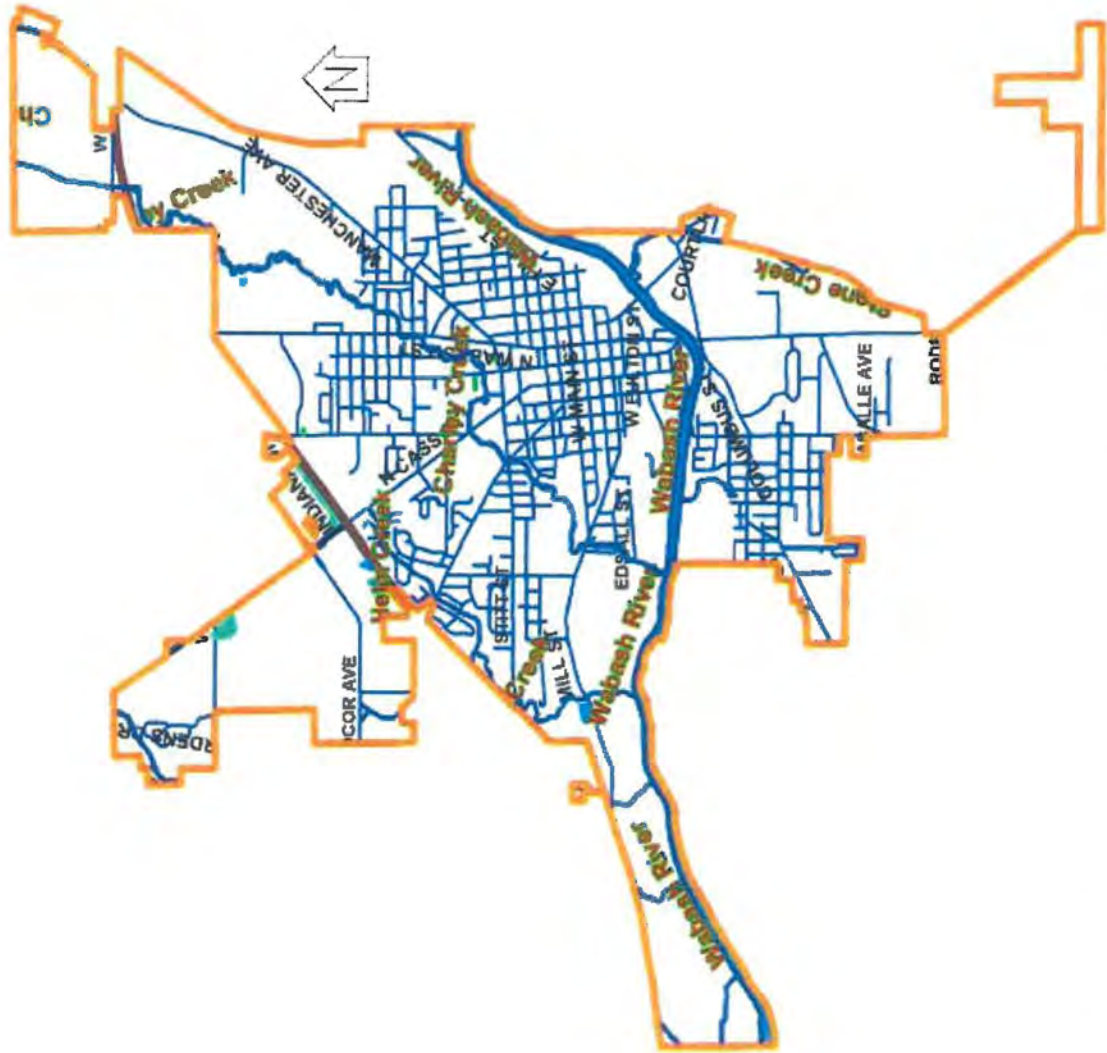




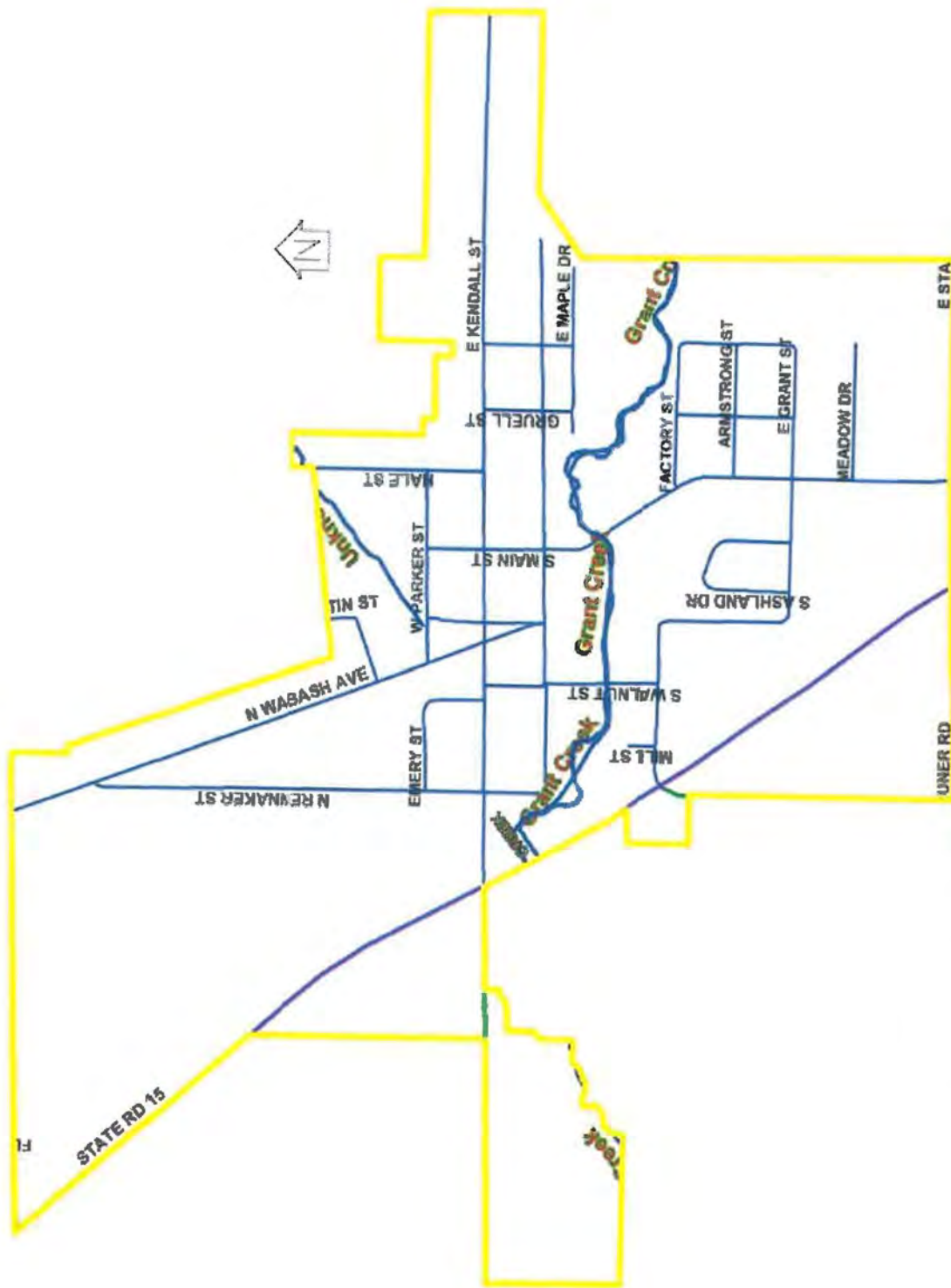
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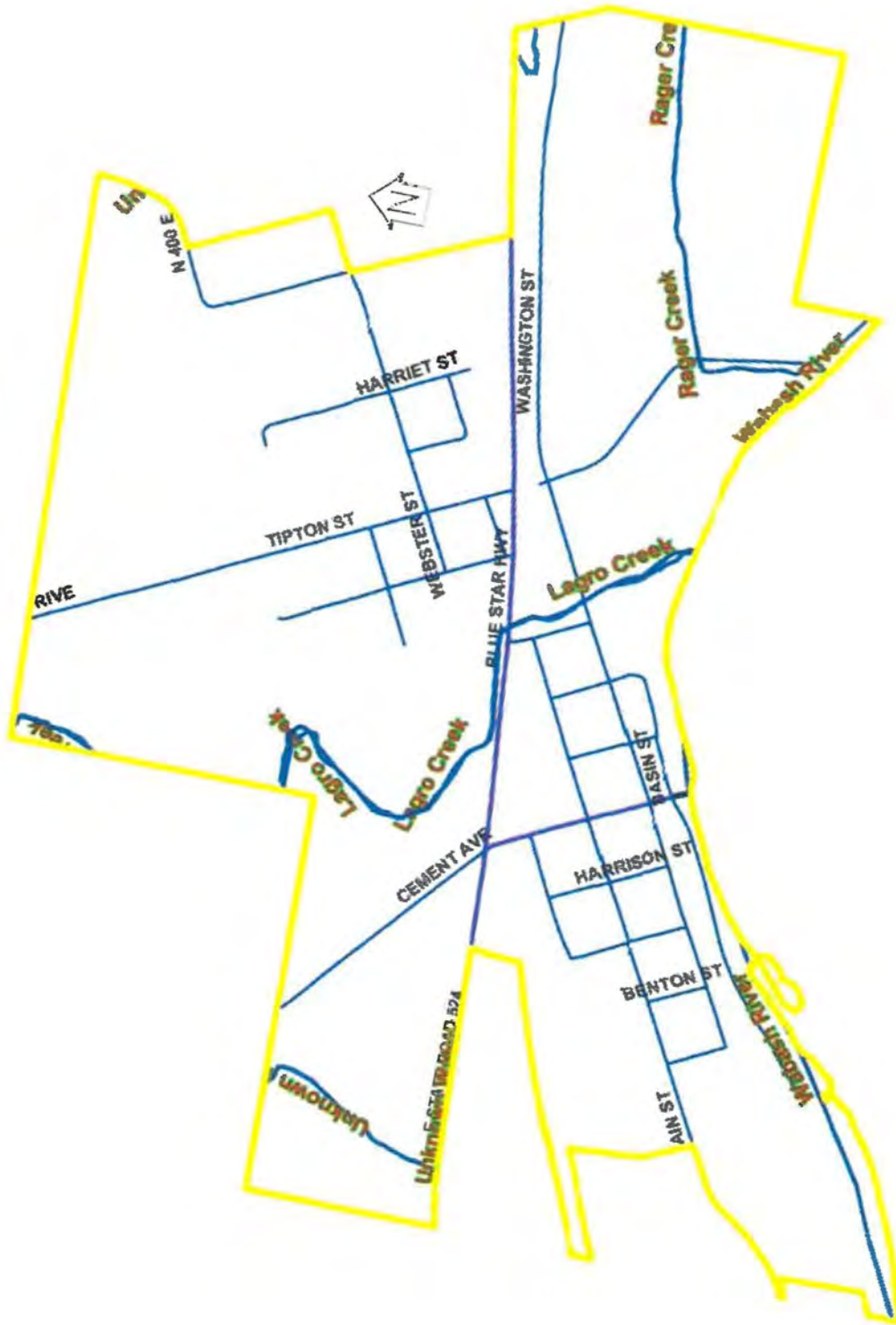
NORTH MANCHESTER STREAMS AND WATER BODIES ORDINANCE CHAPTER 19 SECTION 19.10



WABASH CITY STREAMS AND WATER BODIES ORDINANCE, CHAPTER 19, SECTION 19.11



LAFONTAINE STREAMS AND WATER BODIES ORDINANCE CHAPTER 19 SECTION 19.12



LAGRO STREAMS AND WATER BODIES ORDINANCE CHAPTER 19 SECTION 19.13





**Chapter 20**  
**Unsafe Buildings and Unsafe Premises**

**20.1. DESCRIPTION OF UNSAFE BUILDING AND UNSAFE PREMISES.**

20.1.1 For purposes of this chapter, a building or structure, or any part of a building or structure, that is:

- a. in an impaired structural condition that makes it unsafe to a person or property;
- b. a fire hazard;
- c. a hazard to the public health;
- d. a public nuisance;
- e. dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
- f. vacant or blighted and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance;

is considered an unsafe building.

20.1.2 For purposes of this chapter, the following are considered unsafe premises:

- a. An unsafe building and the tract of real property on which the unsafe building is located.
- b. A tract of real property, not including land used for production agriculture, that does not contain a building or structure or contains a building or structure that is not considered an unsafe building, if the tract of real property is:
  1. a fire hazard;
  2. a hazard to public health;
  3. a public nuisance; or
  4. dangerous to a person or property because of a violation of a statute or an ordinance.

**20.2. ADOPTION OF CHAPTER 9 OF I.C. 36-7.** Pursuant to I.C. 36-7-9-3, Chapter 9 of I.C. 36-7 is adopted and incorporated herein by reference.

**20.3. Plan Commission Responsible for Administration.** The Plan Commission, through its Director, is responsible for the administration of this Chapter.

**20.4. INCORPORATION OF "SUBSTANTIAL PROPERTY INTEREST."** The definition of "Substantial property interest" is incorporated herein by reference.



**Chapter 21**  
**Abandoned Structures**

**21.1. ABANDONED STRUCTURES.**

Abandoned Structures are defined in Chapter 1 of this Ordinance, and administration of such structures is to be pursuant to Chapter 20 of this Ordinance addressing unsafe buildings and unsafe premises. In addition, the following provisions may be enforced by the Plan Commission, through its Director:

21.1.1 Closing of all Entrances. Until the structure is demolished or restored to habitability, all points of entry to the structure shall be secured by use of materials matching those of the structure or exterior grade sheeting of at least one-half inch (1/2") thickness, cut to the size of the opening and secured by screws.

21.1.2 Swimming Pools. No abandoned premises shall be allowed to have a swimming pool which retains water, and is accessible to the general public by normal means of ingress.

**21.2. NOTICE OF VIOLATIONS TO PROSPECTIVE OWNERS.**

The owner of any abandoned structure shall be obligated to provide, prior to closing, written notice to any prospective purchaser of an abandoned structure of any violations, fees, or obligations imposed by the County with regard to the abandoned structure.



**Chapter 22**  
**Weeds and other Rank Vegetation Control**

**22.1. WEEDS AND OTHER RANK VEGETATION CONTROL.**

The presence of noxious weeds, high weeds, high grass, and other rank vegetation in the platted areas of Wabash County constitutes a menace to public health, safety and welfare, therefore no person or commerce shall maintain any condition which may:

- 22.1.1. Cause a fire hazard,
- 22.1.2. Furnish cover for prowlers,
- 22.1.3. Create a potential danger of injury on obstacles covered by excess growth,
- 22.1.4. Obstruct visibility at street, alley, drive, or walkway intersections,
- 22.1.5. Create a public nuisance,
- 22.1.6. Furnish potential harborage and breeding grounds for disease-carrying insects, mice, rats, other vermin and reptiles.
- 22.1.7. support vectors, generate, transmit, or promote disease, OR
- 22.1.8. in general, cause or possibly cause health problems for a person or persons of the County.

**22.2. WEEDS AND OTHER RANK VEGETATION EXCEEDING TWELVE (12) INCHES IN HEIGHT PROHIBITED.**

It shall be a violation of this Ordinance for any person to cause or permit weeds, grass and/or other rank vegetation exceeding twelve (12) inches in height to be upon property located in any developed or partially developed platted area, in which he, she, or a commerce has a substantial property interest.

**22.3. LIABILITY OF RESPONSIBLE PARTIES.**

22.3.1. All responsible parties and persons with a substantial property interest shall be jointly and severally responsible for maintaining property in compliance with this Ordinance.

22.3.2. In the event a violation under this Ordinance occurs, each responsible party and persons with a substantial property interest are deemed to have committed the violation, whether or not such responsible party personally contributed or was actually aware of the violation.

**22.4. NOTIFICATION.**

22.4.1. The Director may issue a written notice of violation of Sections 22.1 and 22.2 of this Chapter to the responsible parties, If the violation described in the notice is not cured within ten (10) days of receipt of such notice, the Director may make arrangements to cure the violation and shall invoice the responsible parties for the costs thereof as provided in Section 22.5.1 of this Chapter.

22.4.2. The remedies available to the Director under this Chapter shall be in addition to those remedies described in Chapter 25 of this Ordinance.

**22.5. BILLING AND PAYMENT.**

22.5.1. Upon completion of mowing all Responsible Parties shall be invoiced for the amount due



**Chapter 22**  
**Weeds and other Rank Vegetation Control**

**22.1. WEEDS AND OTHER RANK VEGETATION CONTROL.**

The presence of noxious weeds, high weeds, high grass, and other rank vegetation in the platted areas of Wabash County constitutes a menace to public health, safety and welfare, therefore no person or commerce shall maintain any condition which may:

- 22.1.1. Cause a fire hazard,
- 22.1.2. Furnish cover for prowlers,
- 22.1.3. Create a potential danger of injury on obstacles covered by excess growth,
- 22.1.4. Obstruct visibility at street, alley, drive, or walkway intersections,
- 22.1.5. Create a public nuisance,
- 22.1.6. Furnish potential harborage and breeding grounds for disease-carrying insects, mice, rats, other vermin and reptiles.
- 22.1.7. support vectors, generate, transmit, or promote disease, OR
- 22.1.8. in general, cause or possibly cause health problems for a person or persons of the County.

**22.2. WEEDS AND OTHER RANK VEGETATION EXCEEDING TWELVE (12) INCHES IN HEIGHT PROHIBITED.**

It shall be a violation of this Ordinance for any person to cause or permit weeds, grass and/or other rank vegetation exceeding twelve (12) inches in height to be upon property located in any developed or partially developed platted area, in which he, she, or a commerce has a substantial property interest.

**22.3. LIABILITY OF RESPONSIBLE PARTIES.**

22.3.1. All responsible parties and persons with a substantial property interest shall be jointly and severally responsible for maintaining property in compliance with this Ordinance.

22.3.2. In the event a violation under this Ordinance occurs, each responsible party and persons with a substantial property interest are deemed to have committed the violation, whether or not such responsible party personally contributed or was actually aware of the violation.

**22.4. NOTIFICATION.**

22.4.1. The Director may issue a written notice of violation of Sections 22.1 and 22.2 of this Chapter to the responsible parties, If the violation described in the notice is not cured within ten (10) days of receipt of such notice, the Director may make arrangements to cure the violation and shall invoice the responsible parties for the costs thereof as provided in Section 22.5.1 of this Chapter.

22.4.2. The remedies available to the Director under this Chapter shall be in addition to those remedies described in Chapter 25 of this Ordinance.

**22.5. BILLING AND PAYMENT.**

22.5.1. Upon completion of mowing all Responsible Parties shall be invoiced for the amount due

with said payment to be received by the Wabash County Plan Commission within fourteen (14) days of the invoice mailing date.

22.5.2. Failure to pay within the required time period shall require the Wabash County Auditor to place the total amount so certified on the tax duplicate for the property at issue, and the total amount, including any accrued interest, administrative cost to process, attorney's fees and recording fees shall be collected as delinquent taxes are collected. All collected fees, excluding the recording and release fees, shall be disbursed to the Unsafe Premise Fund of the Plan Commission.

## **22.6. SHRUBS, BUSHES, TREES, VINERY .**

Shrubs, bushes, trees, and climbing vinery located on or immediately around the perimeter of a structure shall remain pruned so as to not provide thorough camouflage of the windows, window wells, and doors of any structure.

## **22.7. JUNK, SOLID WASTE, TRASH.**

No person or commerce shall cause, discard, permit or place an accumulation or scattering of any junk, solid waste, trash in the County upon any street, lot, park, waterway, waterway bank, public place, personal property or other area whether publicly or privately owned. This does not include:

22.7.1. Accumulations of junk, solid waste, trash prior to compaction and application of daily cover at a designated solid waste disposal facility,

22.7.2. Accumulations of junk, solid waste, trash for the purpose of immediate, (two (2 days)), pick-up and disposal at a solid waste facility.

22.7.3. No person or commerce shall cause or allow to be caused the disposal of hazardous waste within the county except as approved by the US EPA or IDEM.

22.7.4. No person or commerce shall maintain a property structure so as to indirectly provide harborage for insect infestations, vermin, critters, varmints, reptile, vagrants, or criminal activity.

22.7.5. No person or commerce shall keep junk automobiles, water craft, trailers, campers, ATVs, UTVs, trucks, cycles, motorcycles, snowmobiles, or associated parts on any property without having sufficient storage to keep said objects and parts stored inside. Said vehicles or trailers of such type without current plates, and/or in an inoperable condition so as to be deemed dead storage shall be prohibited in all Zoning Districts unless stored in completely enclosed buildings. Junk automobiles shall not be parked or stored outside in any district unless specifically authorized under the terms of this Ordinance except for a currently licensed junk yard or salvage yard shall have and shall maintain a privacy fence around the entire property sufficient in height to block the view from the general public.

22.7.6. No person or commerce shall conduct any salvage operation or open dump by open burning or burn, or allow the burning of any solid waste upon his property in any manner that violates 326 IAC 4-1, or IC 13-17-9, as amended from time to time, or this Ordinance.



**Chapter 23**  
**Rules of the Wabash County Plan Commission**  
**and the Wabash County Board of Zoning Appeals**

**23.1. WABASH COUNTY PLAN COMMISSION.**

23.1.1. The Wabash County Plan Commission has been established as advisory plan commission under, and subject to, the provisions of I.C. 36-7-4.

23.1.2. Pursuant to I.C. 36-7-4-302, action of the Plan Commission is not official unless it is authorized at a regular or special meeting by a majority of the entire membership of the Commission.

23.1.3. Pursuant to I.C. 36-7-4-401, the Plan Commission has made rules for the administration of its affairs, which rules may be amended from time to time, and which Rules shall apply to all matters coming before the Commission.

**23.2. WABASH COUNTY BOARD OF ZONING APPEALS.**

23.2.1. The Wabash County Board of Zoning Appeals has been established pursuant to I.C. 36-7-4-901.

23.2.2. Pursuant to I.C. 36-7-4-911, action of the Board of Zoning Appeals is not official unless it is authorized at a regular or special meeting by a majority of the entire membership of the Board.

23.2.3. Pursuant to I.C. 36-7-4-916, the Board of Zoning Appeals has made rules for the administration of its affairs, which rules may be amended from time to time, and which Rules shall apply to all matters coming before the Board.



**Chapter 24**  
**BZA Appeals and Hearings**

**24.1. RULES FOR APPEALS TO THE BOARD OF ZONING APPEALS.** The following rules apply to appeals to the Board of Zoning Appeals and supplement the rules described in Chapter 23.

24.1. An appeal filed with the Board of Zoning Appeals must specify the grounds of the appeal and must be filed within such time and in such form as may be prescribed by the Board of Zoning Appeals by rule.

24.2. Upon appeal, the Board may reverse, affirm, or modify the order, requirement, decision, or determination appealed from.

24.3. The Rules of the Board of Zoning Appeals shall govern the scheduling and conduct of all hearings, and the giving of all notices of hearings.

24.4. A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board. Not less than five (5) days before the hearing, however, a person may file with the Board a written statement setting forth any facts or opinions relating to the matter on appeal.



**Chapter 25**  
**Enforcement, Fines, and Penalties**

25.1. Enforcement

25.2. Fines and Penalties



## Chapter 25

### Enforcement, Fines, and Penalties

#### **25.1. ENFORCEMENT.**

25.1.1. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Plan Commission. Such complaint shall fully, and accurately, state the causes and basis of the alleged violation, and be filed with the Plan Commission Office. The Director or designee shall investigate the complaint in a timely manner and, if warranted, take action thereon as provided by this Ordinance.

25.1.2. The Director or designee is empowered to the fullest extent of the law, in its performance of his functions, to enter upon any land within Wabash County that is subject to this Ordinance, for the purpose of making inspections, examinations, surveys, or to place and maintain thereon notices or signs in order to enforce this Ordinance and land use regulations of Wabash County, Indiana. In the event of said refusal, the Planning Director or designee shall seek the appropriate legal remedy to allow access to the property.

25.1.3. Whenever the Director determines that any person is in violation of the Ordinance, the Director shall send that person a written notice via certified mail of the violation stating the location of the violation, the nature of the violation, a statement of what needs to be done to cure the violation, a deadline to cure the violation, which deadline shall be reasonable at the discretion of the Director, and a statement ordering the person to cease and desist work or occupation of the premises pending cure of the violation .

25.1.4. An order issued under this Chapter shall become final ten (10) days after it is served, unless a hearing before the Plan Commission is requested before the ten (10) day period ends by a person holding a substantial interest in the real estate that is the subject of the violation. The hearing shall be held on a business day no earlier than ten (10) days after the request for hearing is received by the Plan Commission, nor more than thirty (30) days after the request is received. The person to whom the order was issued, or any person having a substantial property interest in the subject real estate may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments. At the conclusion of any hearing, the Plan Commission may make findings and take action to affirm, modify or rescind the order.

25.1.5. While a violation is pending, no improvement location permits shall be issued by the Director for the property described in the order.

25.1.6. In the event the violation is not cured by the deadline imposed by the Director, or if arrangements satisfactory to the Director to cure the violation have not been made by said deadline, and the order is not modified or rescinded by the Plan Commission, the Director, the Plan Commission, the Board of Zoning Appeals, and/or any resident of Wabash County may, by suit in a court of general jurisdiction located in Wabash County enforce any provision of this Ordinance and enjoin the violation of this Ordinance.

#### **25.2. FINES AND PENALTIES.**

25.2.1. Any structure erected, raised, or converted, or land or premises used, in violation of this Ordinance or I.C. 36-7-4, is a common nuisance and the owner or possessor of the structure, land, or premises, is liable for maintaining a common nuisance.

25.2.2. Any person who violates any provision of this Ordinance shall be guilty of an ordinance violation, and upon conviction, shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00).

25.2.3. Each day the violation continues or occurs shall constitute a separate offense.

25.2.4. In addition to any injunction, fine, or other penalty, any person found in violation of this Ordinance shall be responsible for the payment of all reasonable attorney's fees and litigation expenses incurred by the Director, Commission, Board, or resident, as the case may be, in seeking enforcement or injunctive relief.



**Chapter 26**  
**Boundary Ortho and Zoning Maps**

**BOUNDARIES & ORTHO LEGEND**






- 26.1 Ortho County Wide
- 26.2 Ortho Townships County Wide
- 26.3 Ortho Chester Township
- 26.4 Ortho Lagro Township
- 26.5 Ortho Liberty Township
- 26.6 Ortho Noble Township
- 26.7 Ortho Paw Paw Township
- 26.8 Ortho Pleasant Township
- 26.9 Ortho Waltz Township
- 26.10 Ortho North Manchester Corp.
- 26.11 Ortho North Manchester Permitting Area
- 26.12 Ortho Wabash Corp.
- 26.13 Ortho Wabash Permitting Area
- 26.14 Ortho Lafontaine Corp.
- 26.15 Ortho Lagro Corp.
- 26.16 Ortho Roann Corp.
- 26.17 Ortho Disko Town
- 26.18 Ortho Laketon Town
- 26.18A Ortho Ijamsville Town
- 26.19 Ortho Liberty Mills Town
- 26.20 Ortho Lincolnville Town
- 26.21 Ortho Richvalley Town
- 26.22 Ortho Servia Town
- 26.23 Ortho Somerset
- 26.23A OrthoMount Vernon
- 26.24 Ortho Speicherville Town
- 26.25 Ortho Stockdale Town
- 26.26 Ortho Urbana Town

**NOTE: Corporate Platted Boundaries**



Corporate Platted Boundaries that may be added or changed on the following Boundaries Maps, which are not under the jurisdiction of the Wabash County, are displayed as a courtesy and may or may not be current.



**CORPORATE BOUNDARIES AND  
PLATTED AREAS IDENTIFIED**

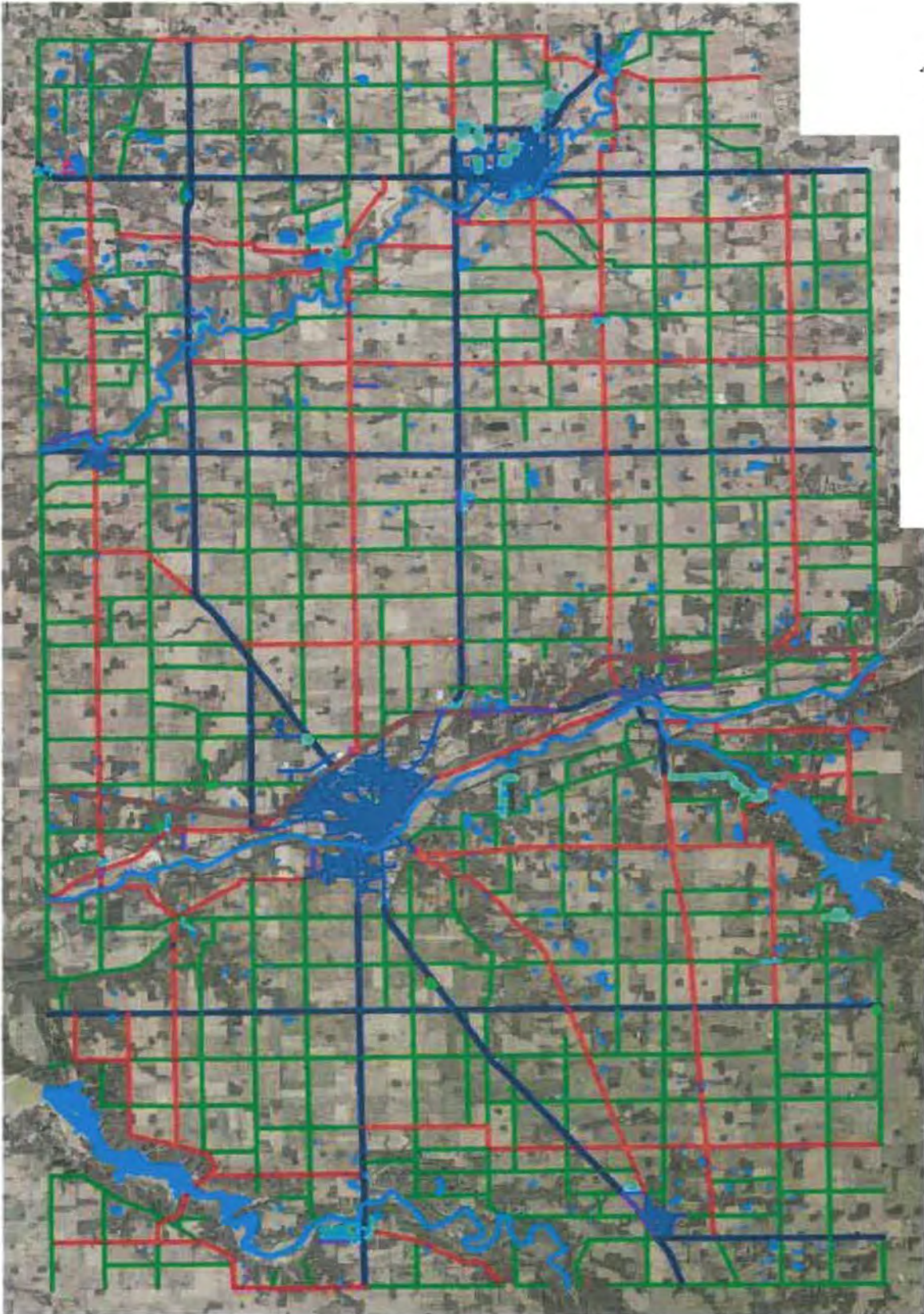
	N.MANCHESTER CORP
	WABASH CORP
	CORPORATE TOWNS
	PLATTED TOWNS
	TOWNSHIPS BOUNDARY

**CITY / COUNTY PERMITTING  
PERMITTING BOUNDARY**

	N MANCHESTER
	WABASH

**ROAD ID LEGEND  
THOROUGHFARE IDENTIFICATION:**

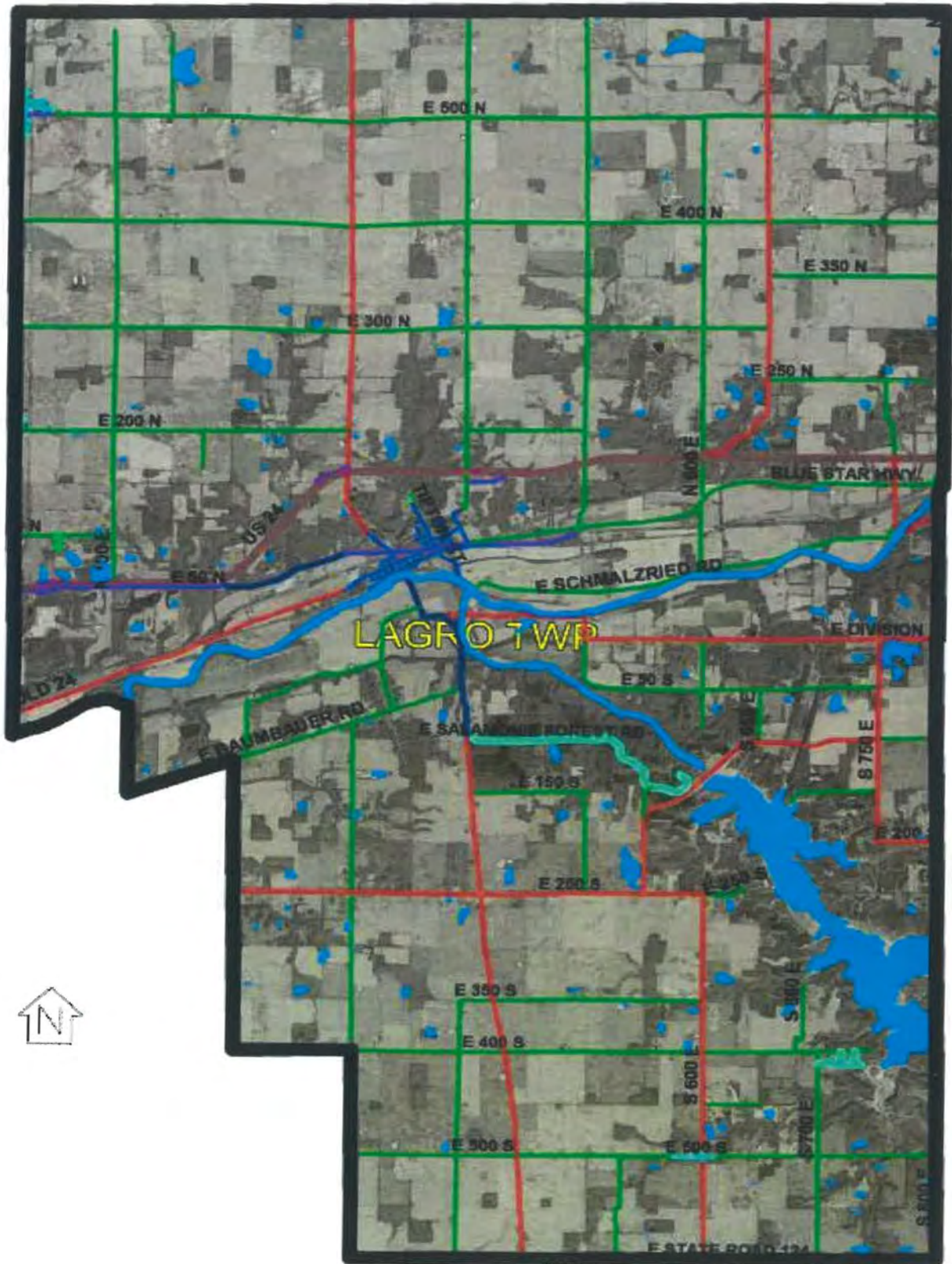
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	STATE ROAD
	PRIMARY ROAD
	SECONDARY ROAD
	FEEDER STREET
	LOCAL STREET
	US HIGHWAY
	INDEPENDENT STREET
	PRIVATE DRIVE



WABASH COUNTY 2021 ORTHO ORDINANCE CHAPTER 26, SECTION 26.1







LAGRO TOWNSHIPS 2021 ORTHO ORDINANCE CHAPTER 26 SETION 26.4



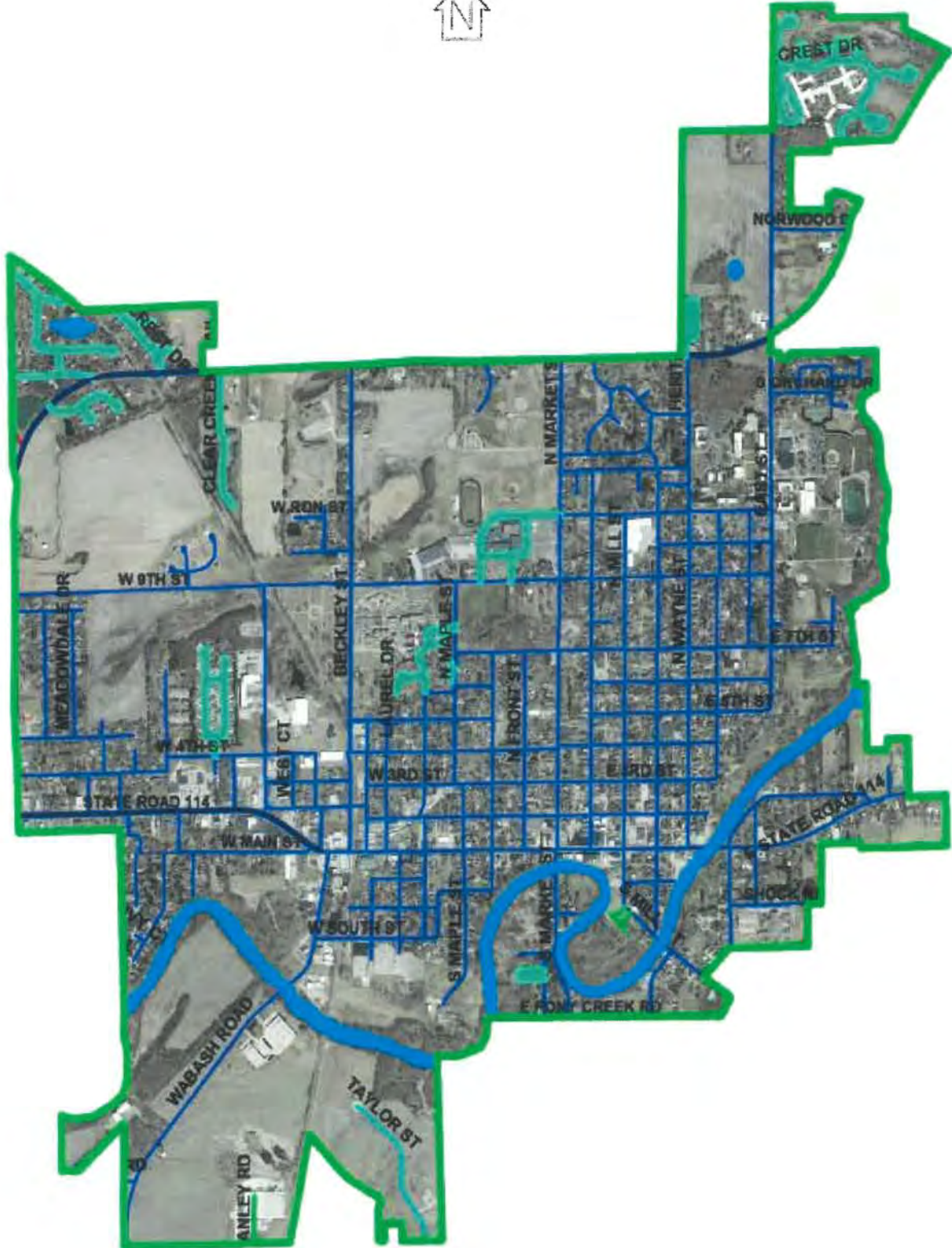




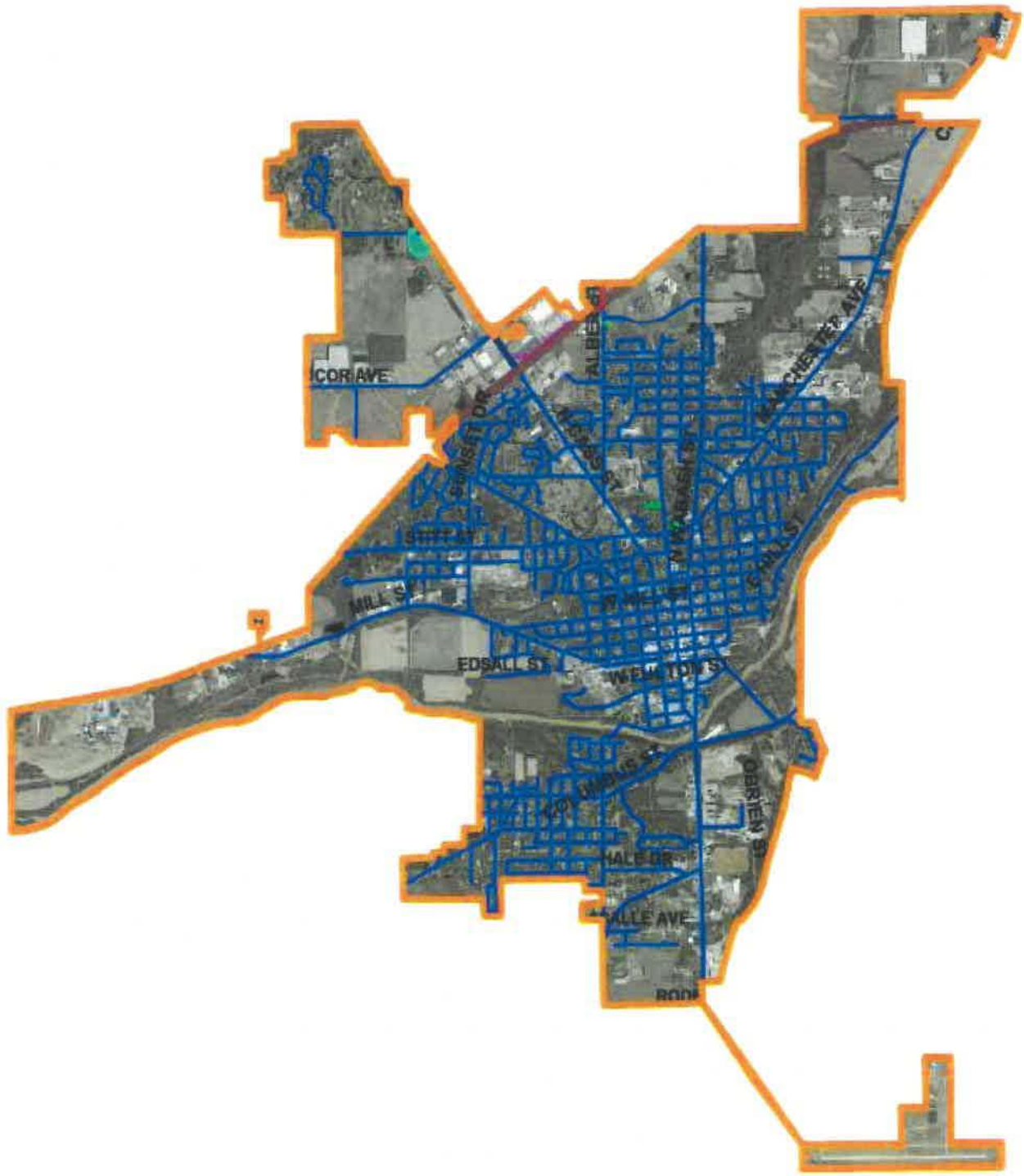


















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DISKO 2021 ORTHO ORDINANCE CHAPTER 26 SECTION 26.17

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LAKETON 2021 ORTHO ORDINANCE CHAPTER 26 SECTION 26.18





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STOCKDALE 2021 ORTHO ORDINANCE CHAPTER 26 SECTION 26.25  
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## ZONING MAP LEGEND

- 26.27 Zoning Map County Wide
- 26.28 Zoning Map Chester Township
- 26.29 Zoning Map Lagro Township
- 26.30 Zoning Map Liberty Township
- 26.31 Zoning Map Noble Township
- 26.32 Zoning Map Paw Paw Township
- 26.33 Zoning Map Pleasant Township
- 26.34 Zoning Map Waltz Township
- 26.35 Zoning Map North Manchester Corp.
- 26.36 Zoning Map Wabash Corp.
- 26.37 Zoning Map Disko
- 26.38 Zoning Map Lafontaine Corp.
- 26.39 Zoning Map Lagro Corp.
- 26.40 Zoning Map Laketon Town
- 26.40A Zoning Map Ijamsville
- 26.41 Zoning Map Liberty Mills Town
- 26.42 Zoning Map Lincolnville Town
- 26.43 Zoning Map Mt Vernon Town
- 26.44 Zoning Map Richvalley Town
- 26.45 Zoning Map Roann Corp.
- 26.46 Zoning Map Servia Town
- 26.47 Zoning Map Somerset Town
- 26.48 Zoning Map Speicherville Town
- 26.49 Zoning Map Stockdale Town
- 26.50 Zoning Map Urbana Town

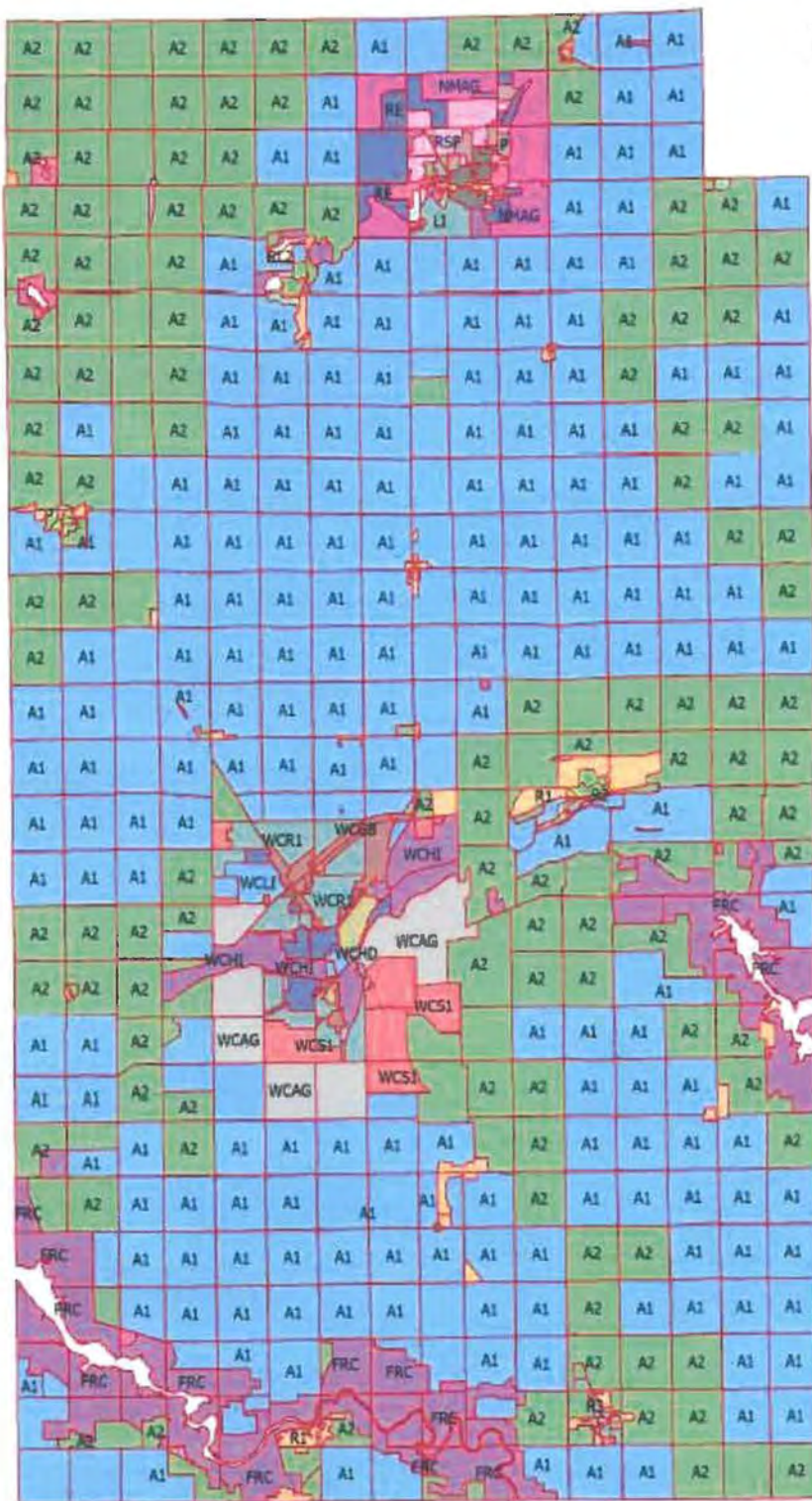
**NOTE:** Zoning Designations

Zoning designations that may be added or changed on the following Zoning Maps, which are not under the jurisdiction of the Wabash County, are displayed as a curtesy and may or may not be current.

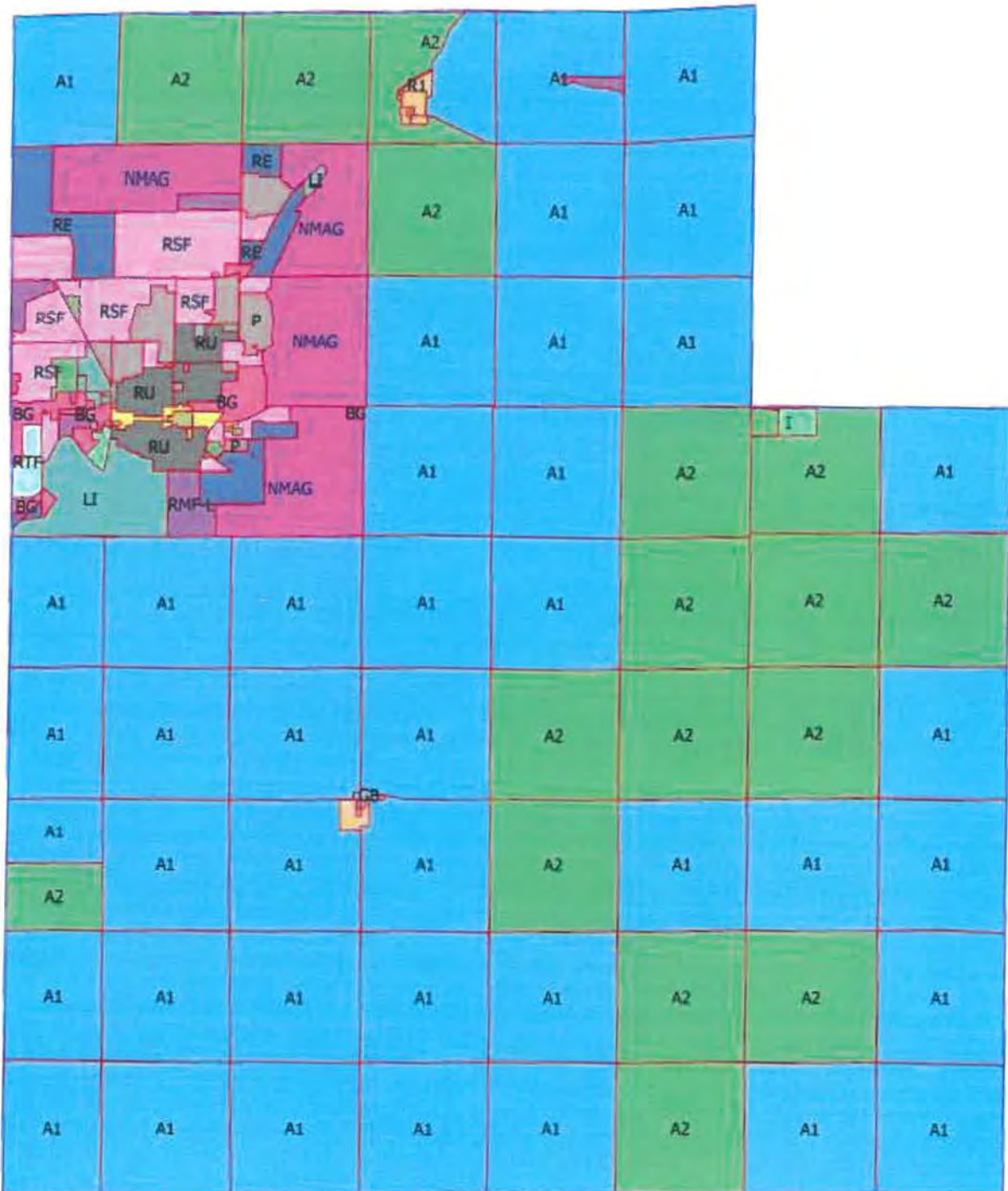


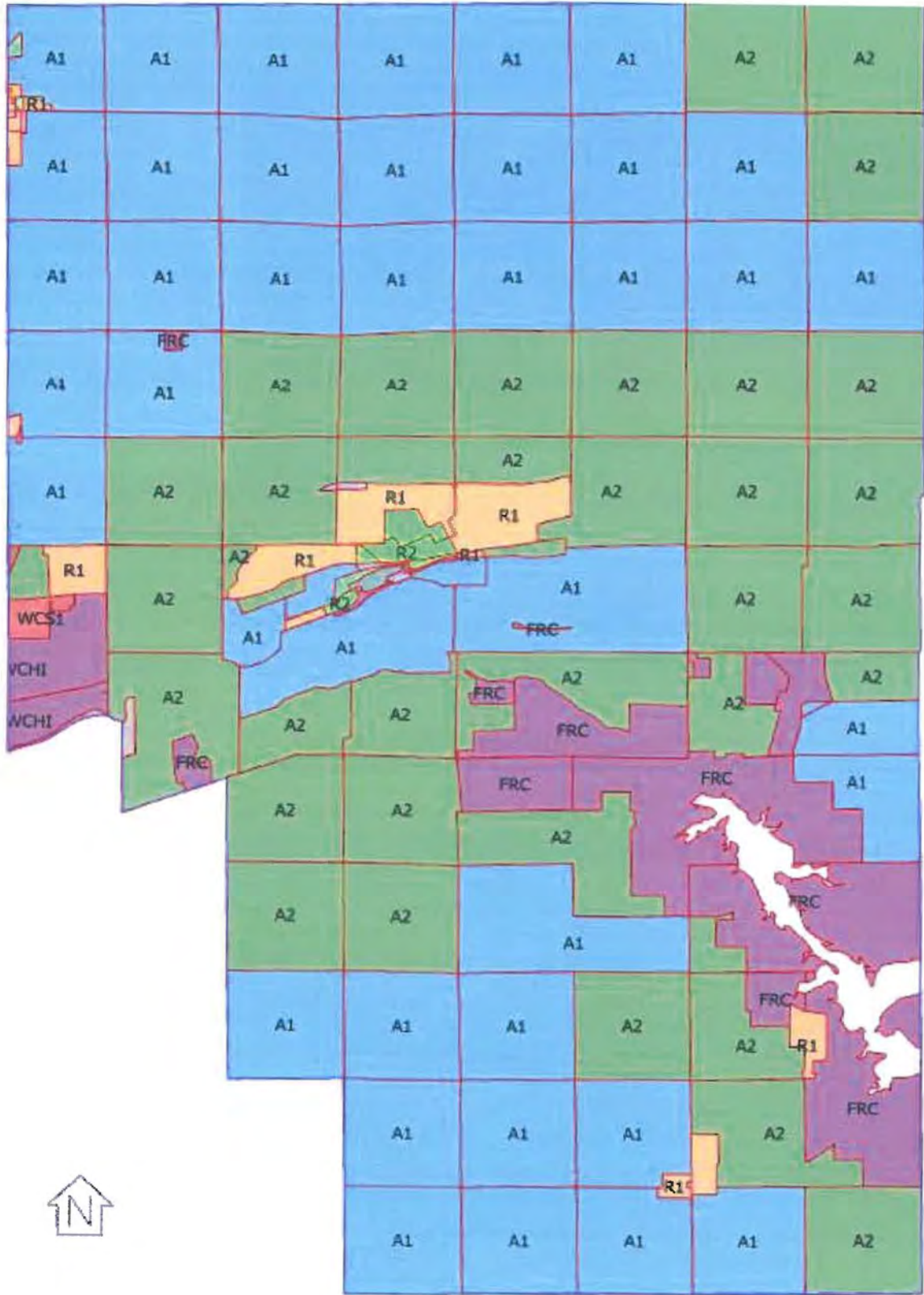
### ZONE CLASSIFICATION MAP IDENTIFICATION

 A1	 RL2
 A2	 RMF-H
 BG	 RMF-L
 BL	 RSF
 CBD	 RTF
 FRC	 RU
 GB	 WCAG
 I	 WCGB
 LI	 WCHD
 NMAG	 WCHI
 P/PO	 WCLI
 R1	 WCR1
 R2	 WCR2
 R3	 WCR3
 RE	 WCR4
 RL1	 WCS1



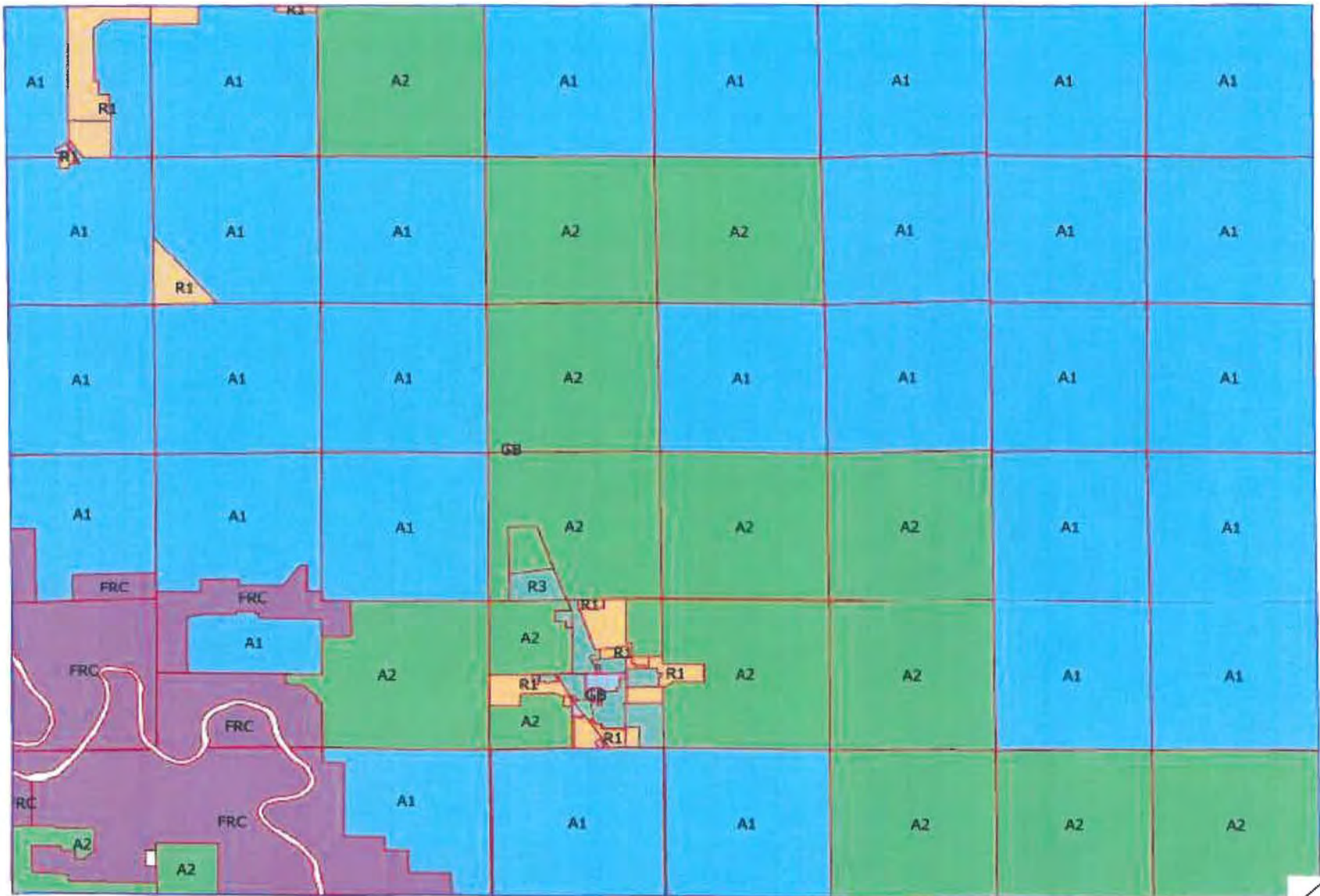
WABASH COUNTY ZONING MAP CHAPTER 26 SECTION 26.27



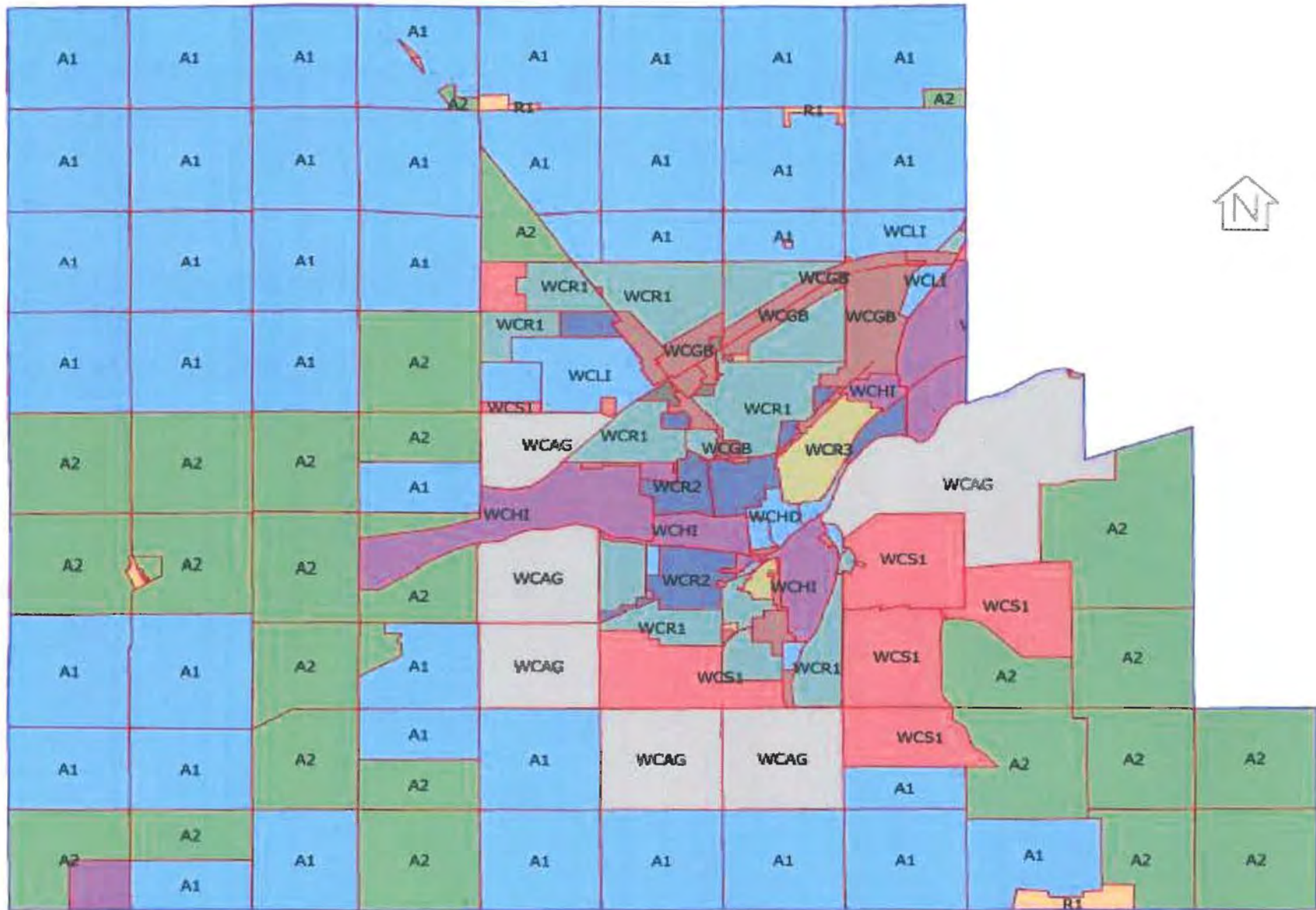


LAGRO TOWNSHIP ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.29  
26-35

26-36

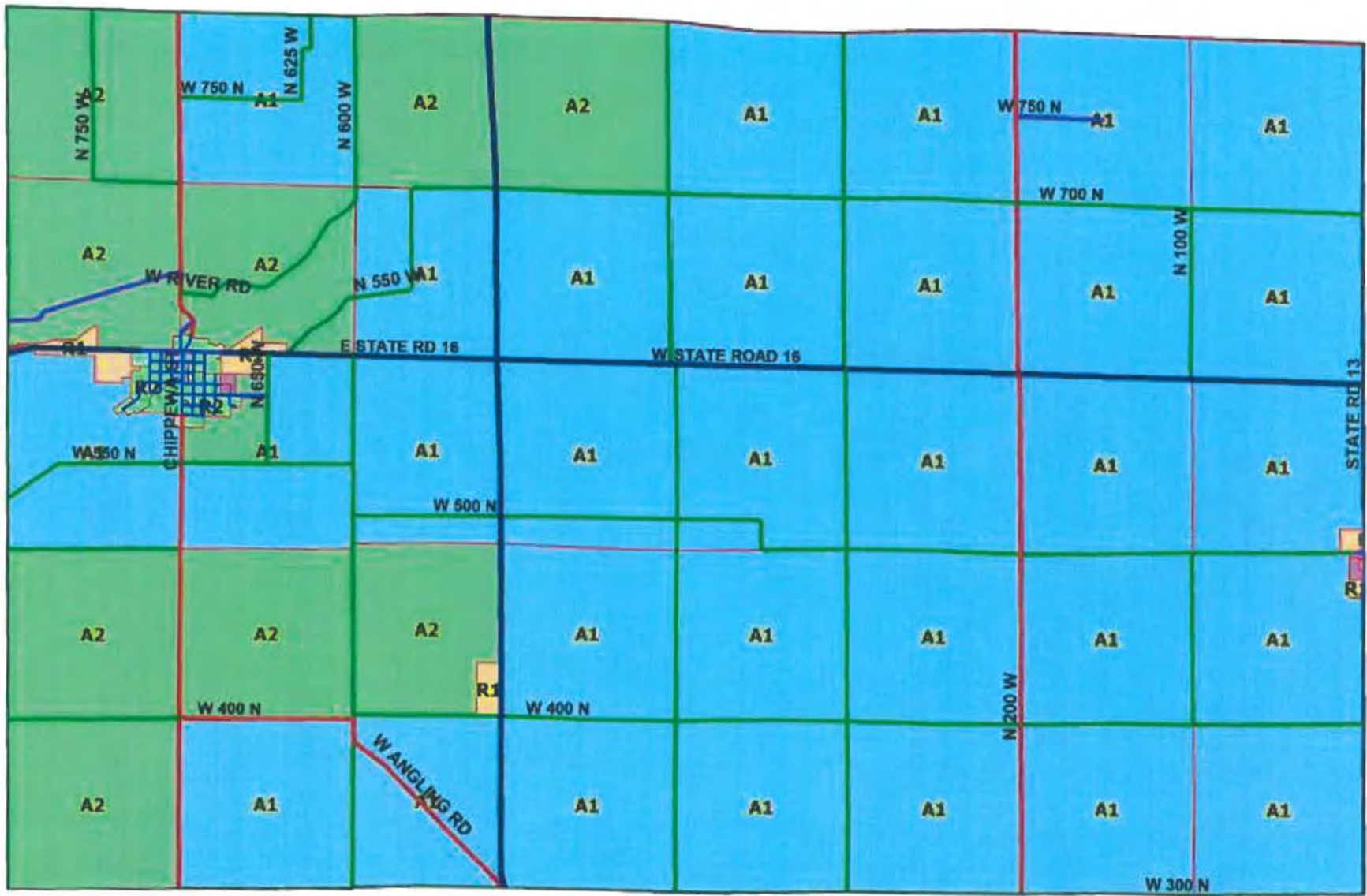


LIBERTY TOWNSHIP ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.30



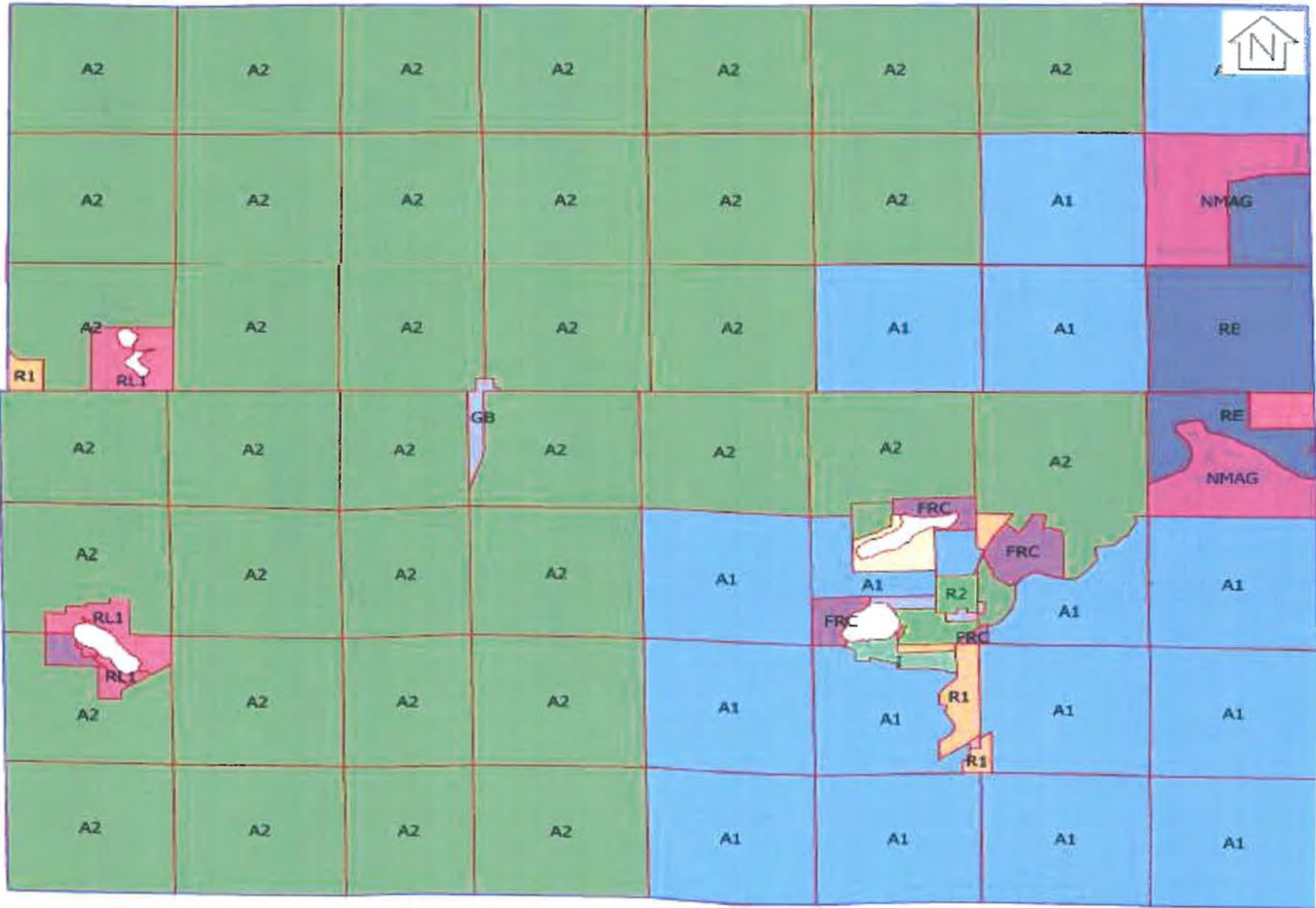
NOBLE TOWNSHIP ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.31

26-38



PAW PAW TOWNSHIP ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.32

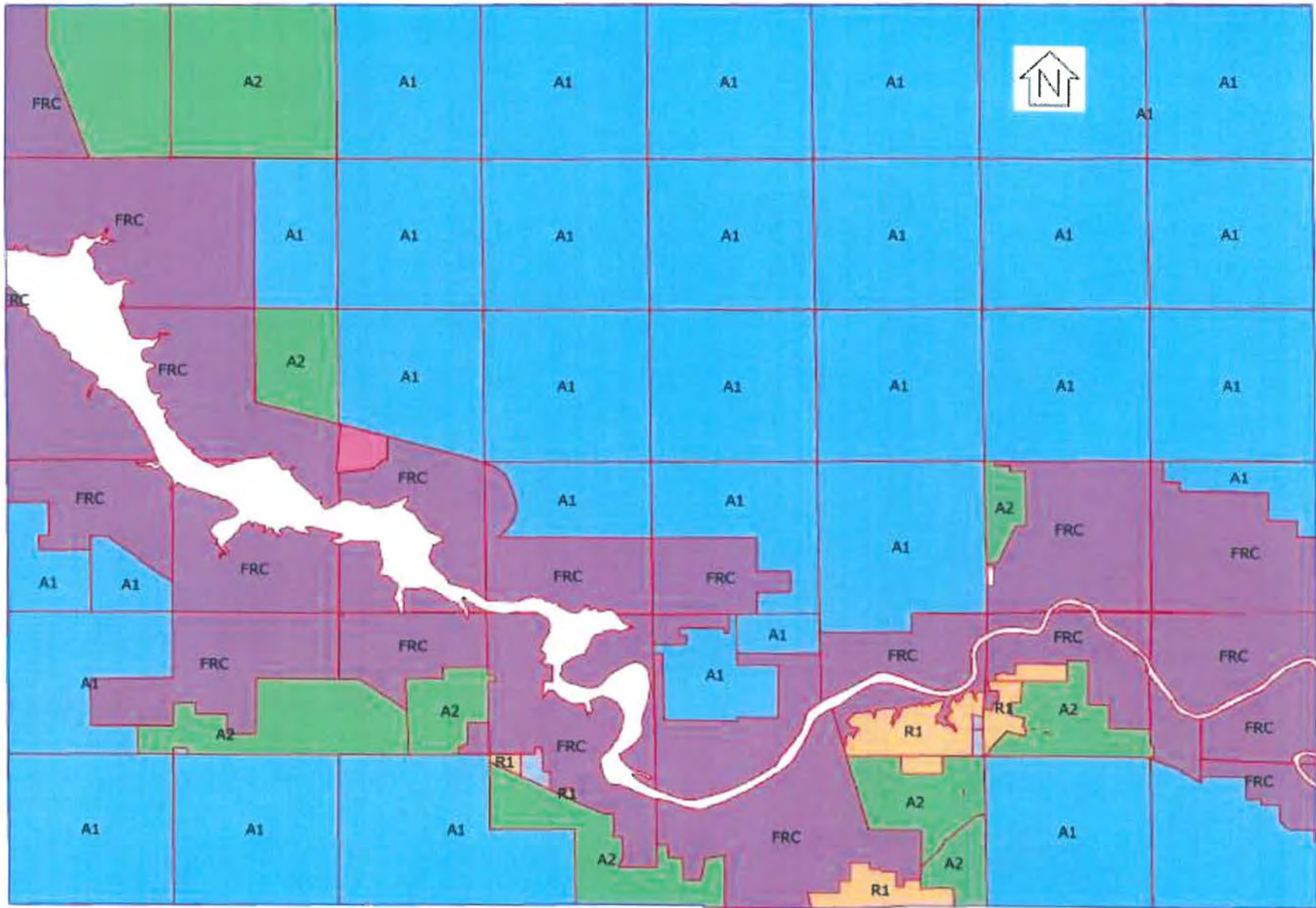




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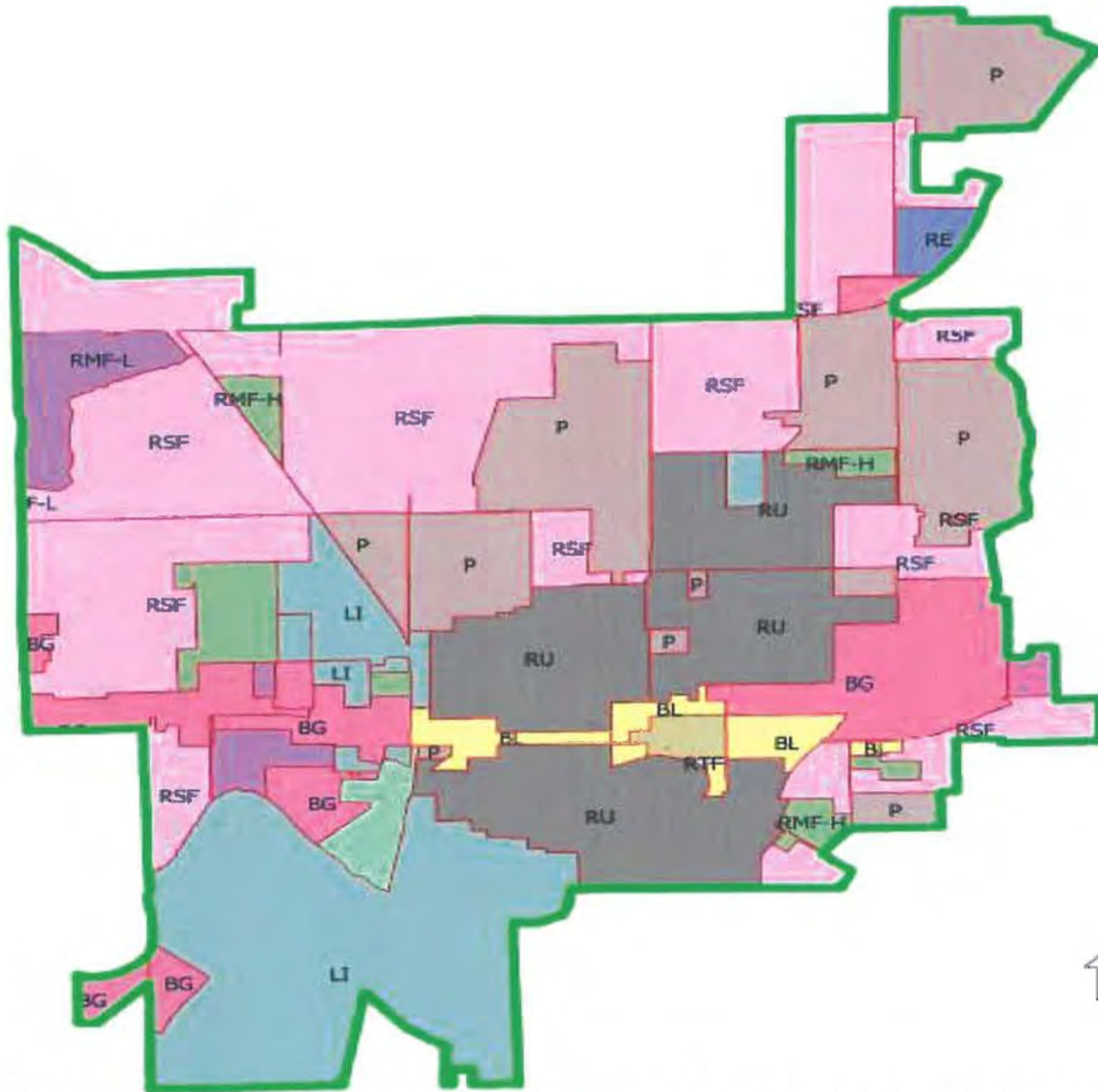


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WALTZ TOWNSHIP ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.34

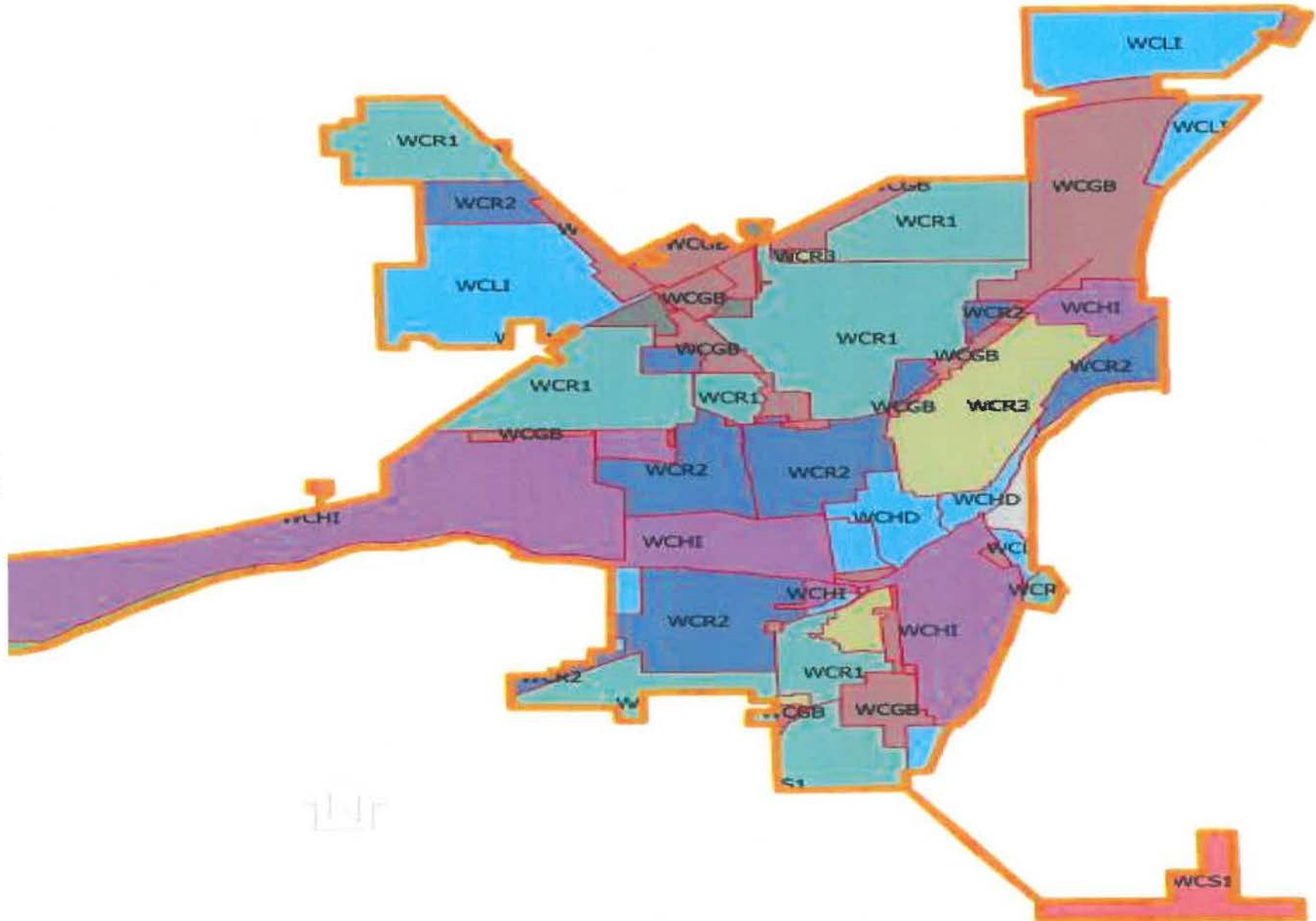
26-41



NORTH MANCHESTER CITY ZONING MAP

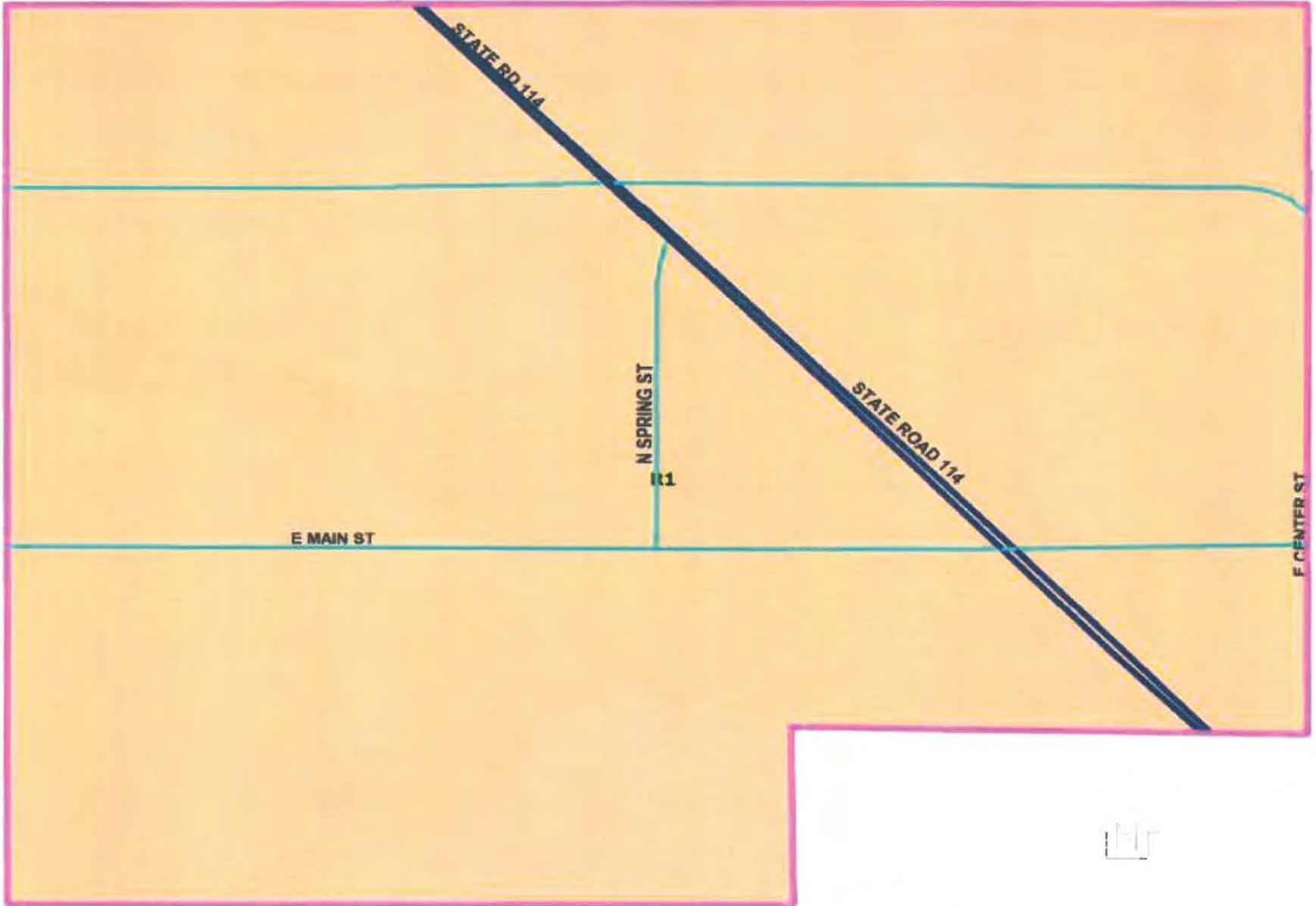
ORDINANCE CHAPTER 26 SECTION 26.35

26-42



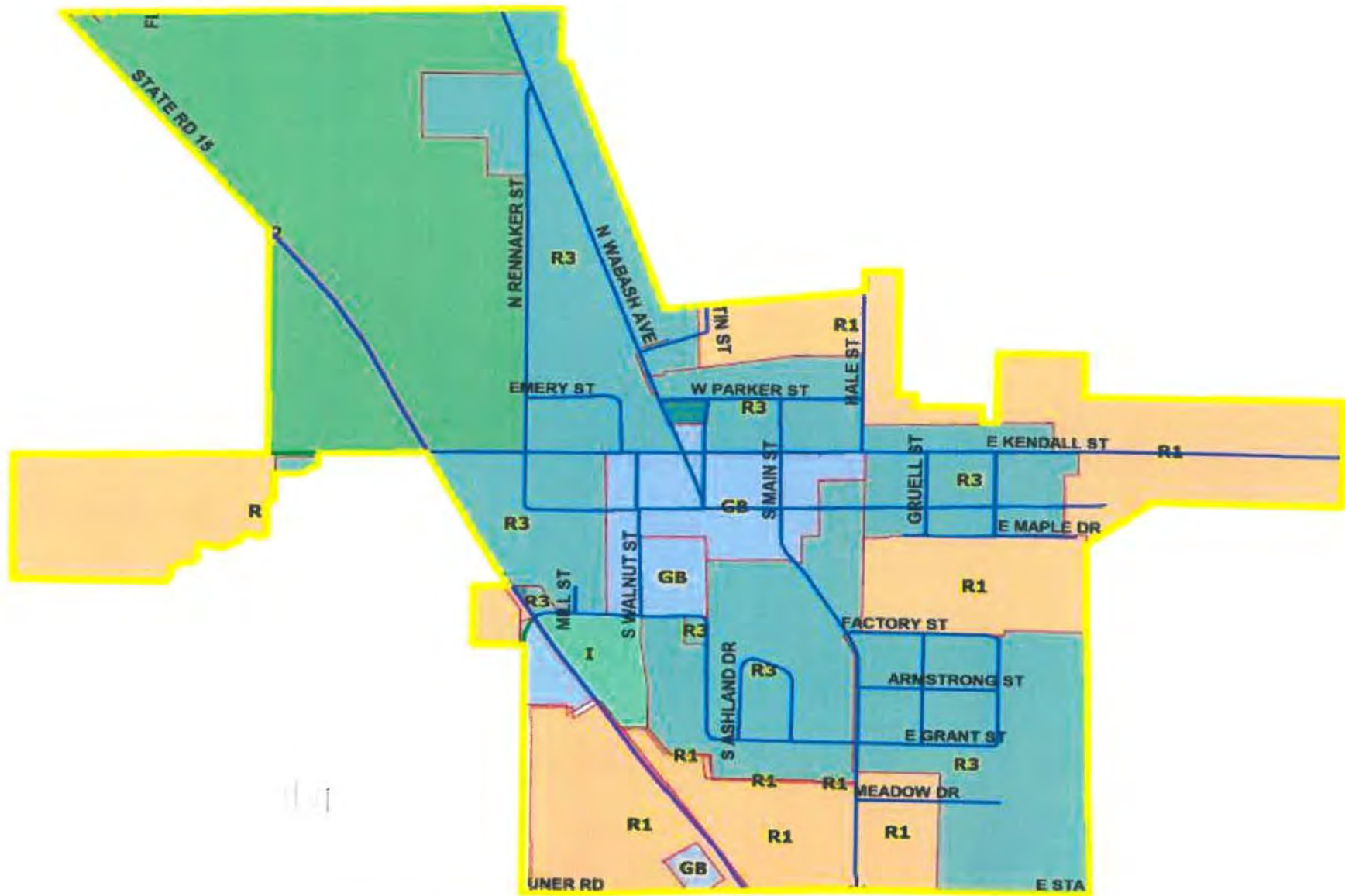
WABASH CITY ZONING MAP    ORDINANCE CHAPTER 26    SECTION 26.36

26-43



DISKO TOWN ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.37

26-44



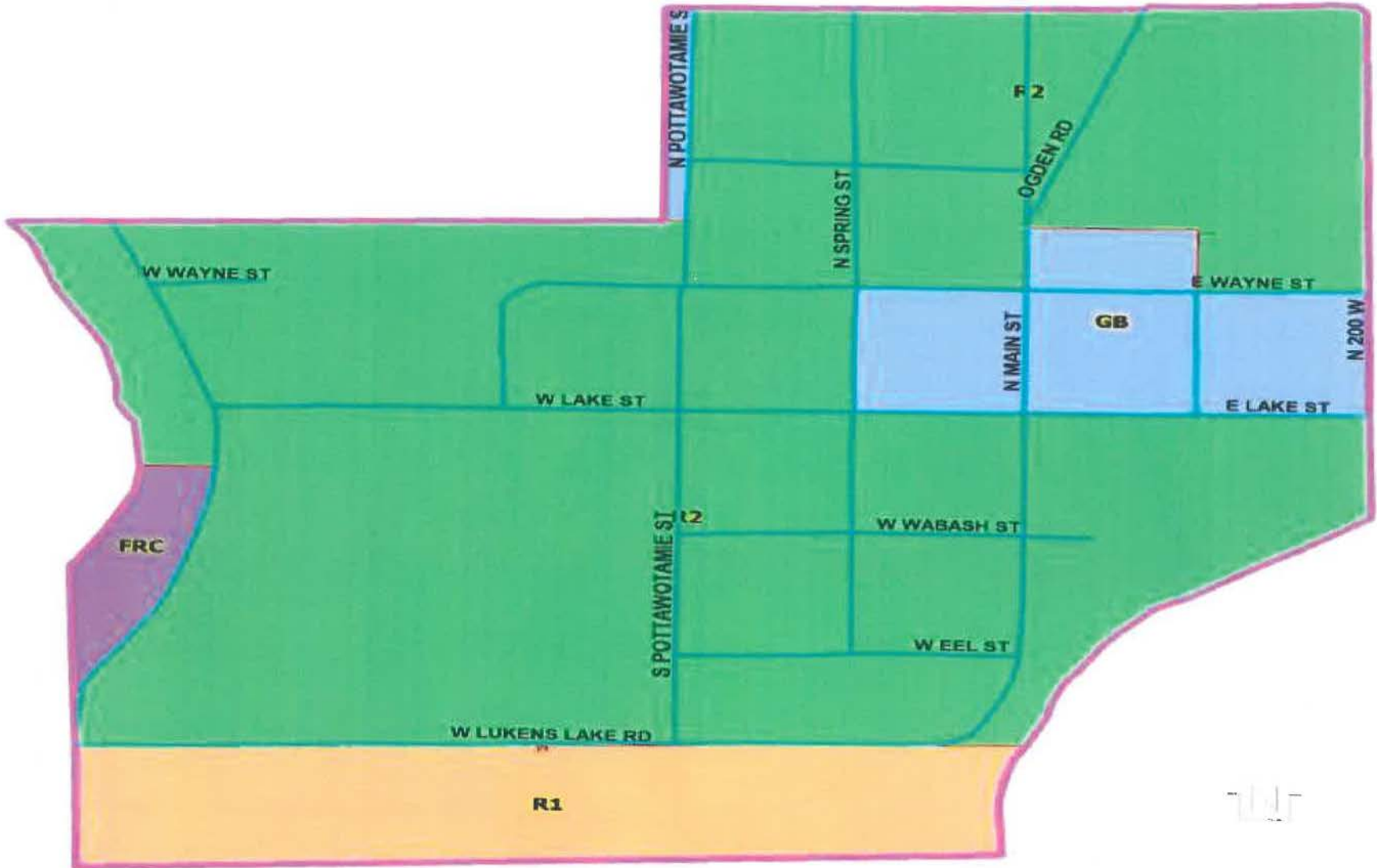
LAFONTAINE TOWN ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.38

26-45

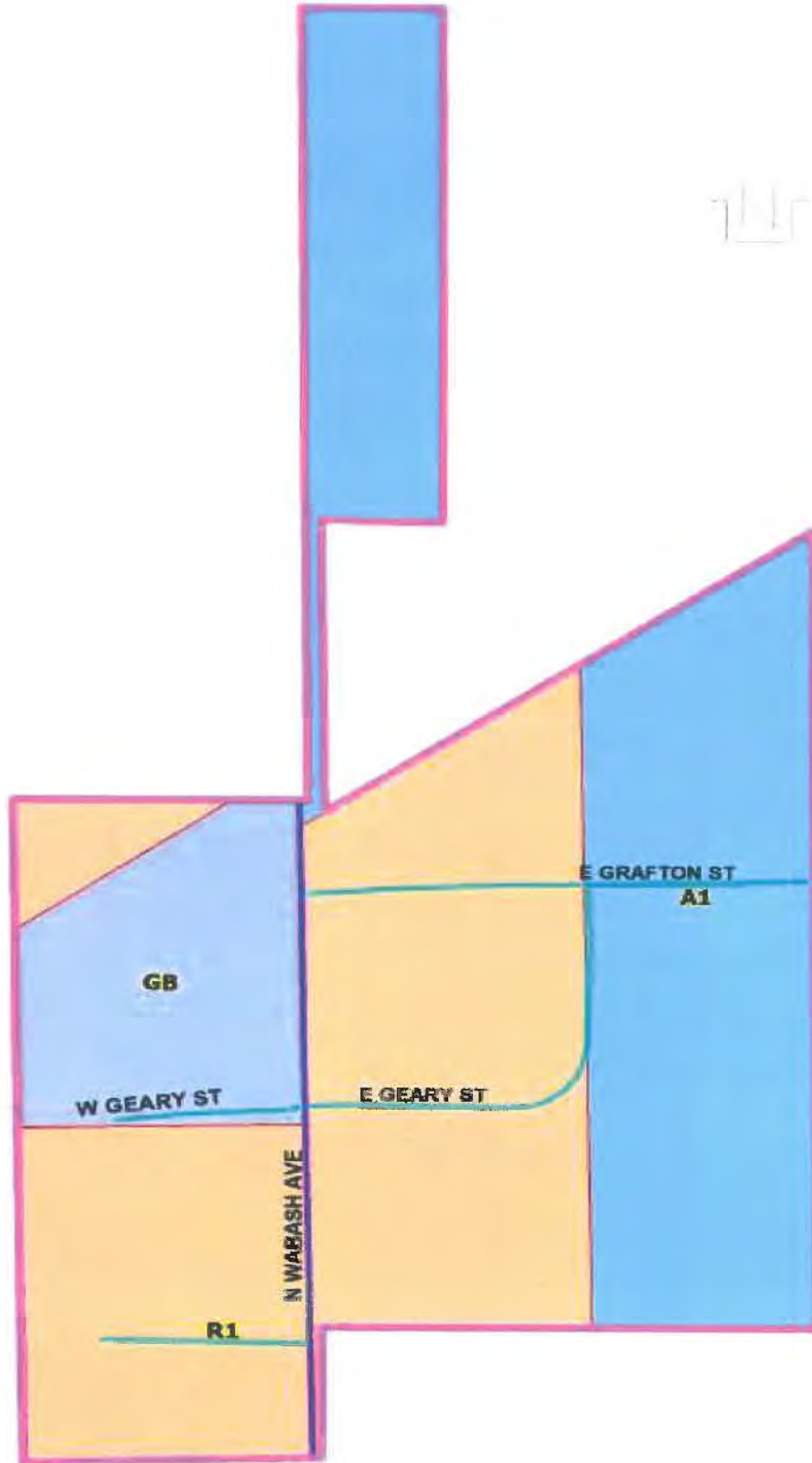


LAGRO TOWN ZONING MAP CHAPTER 26 SECTION 26.39

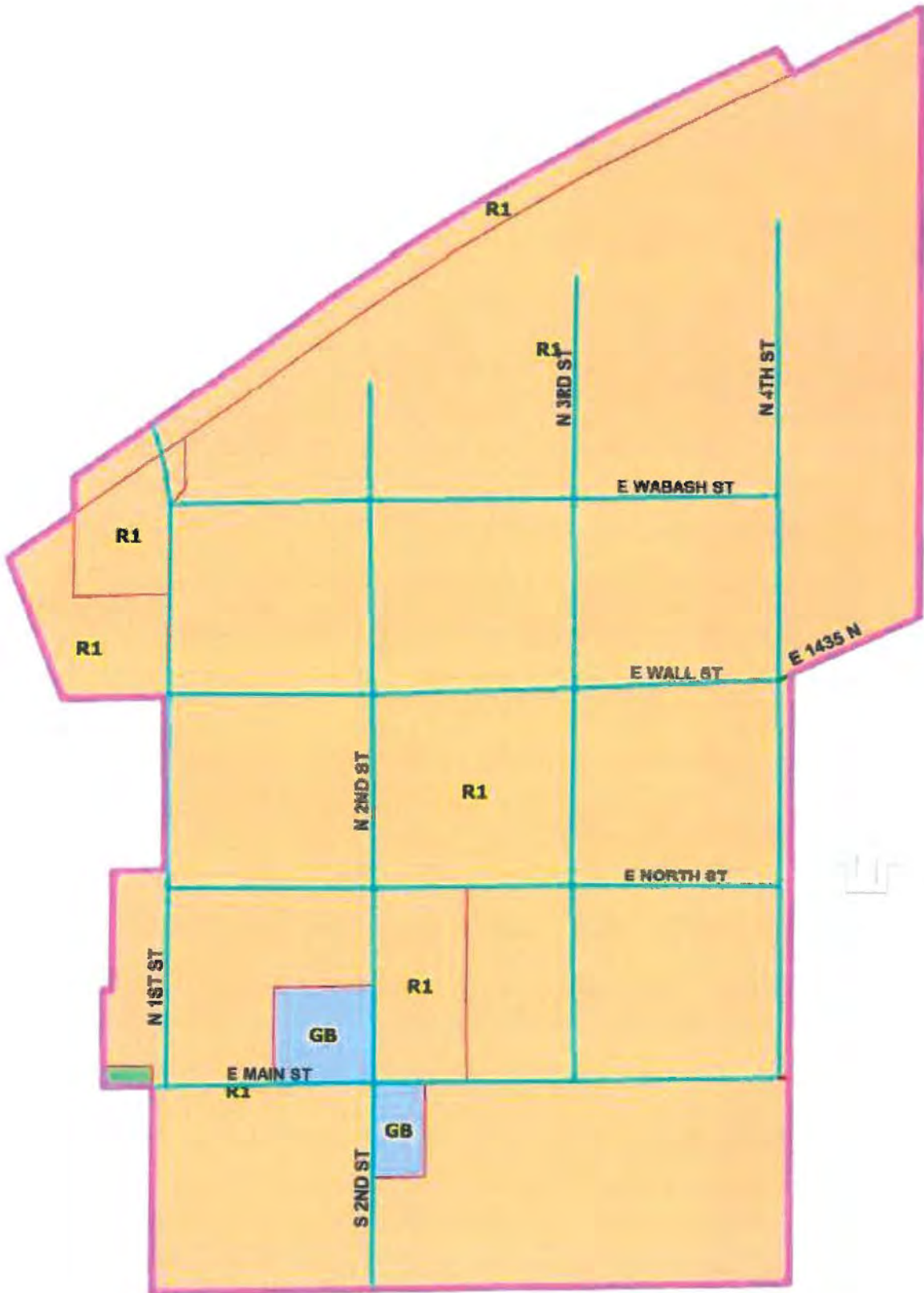
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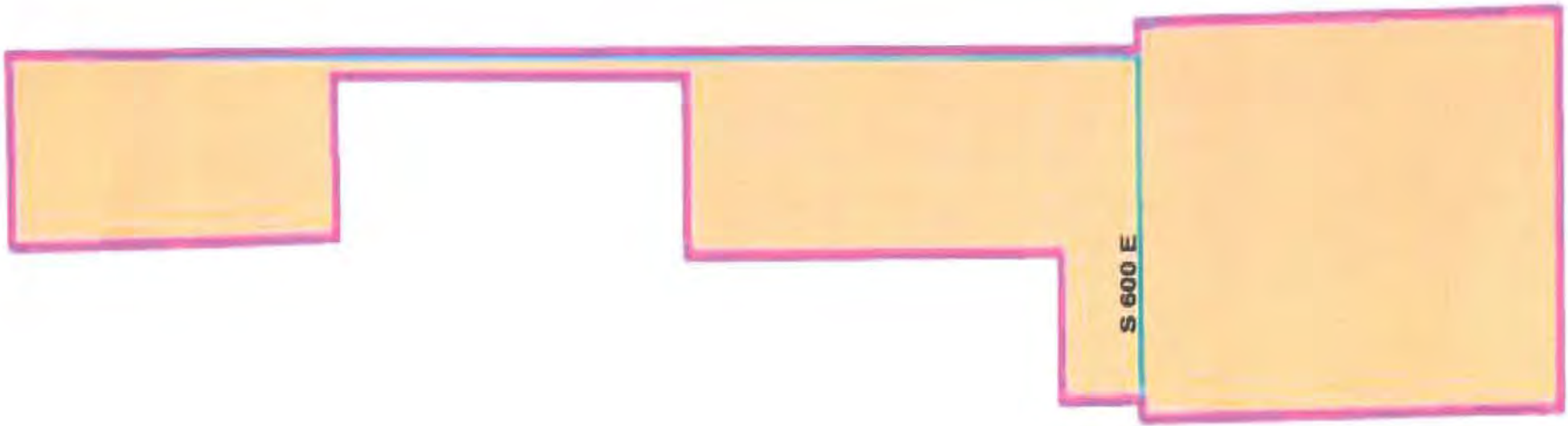
LAKETON TOWN ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.40



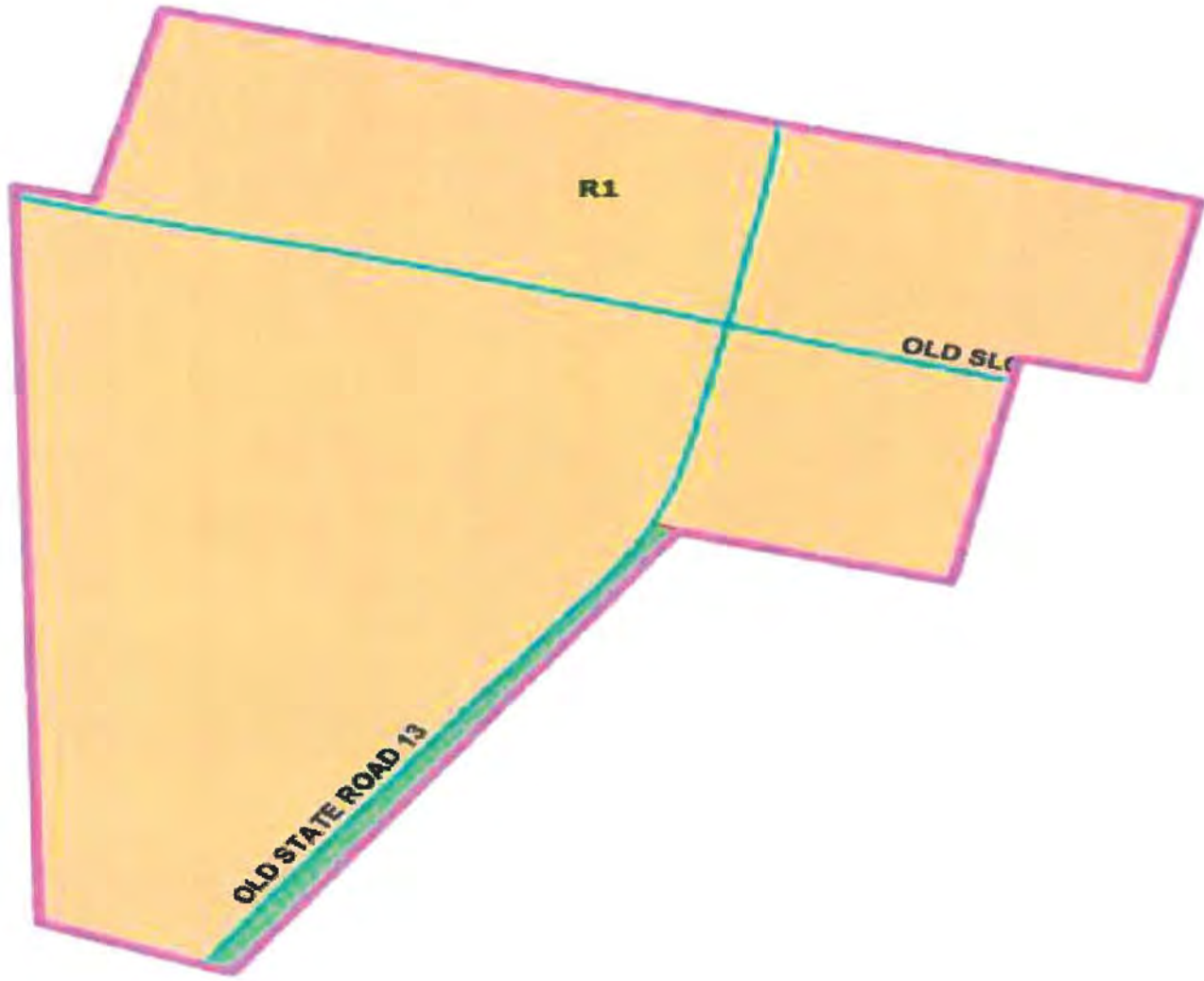




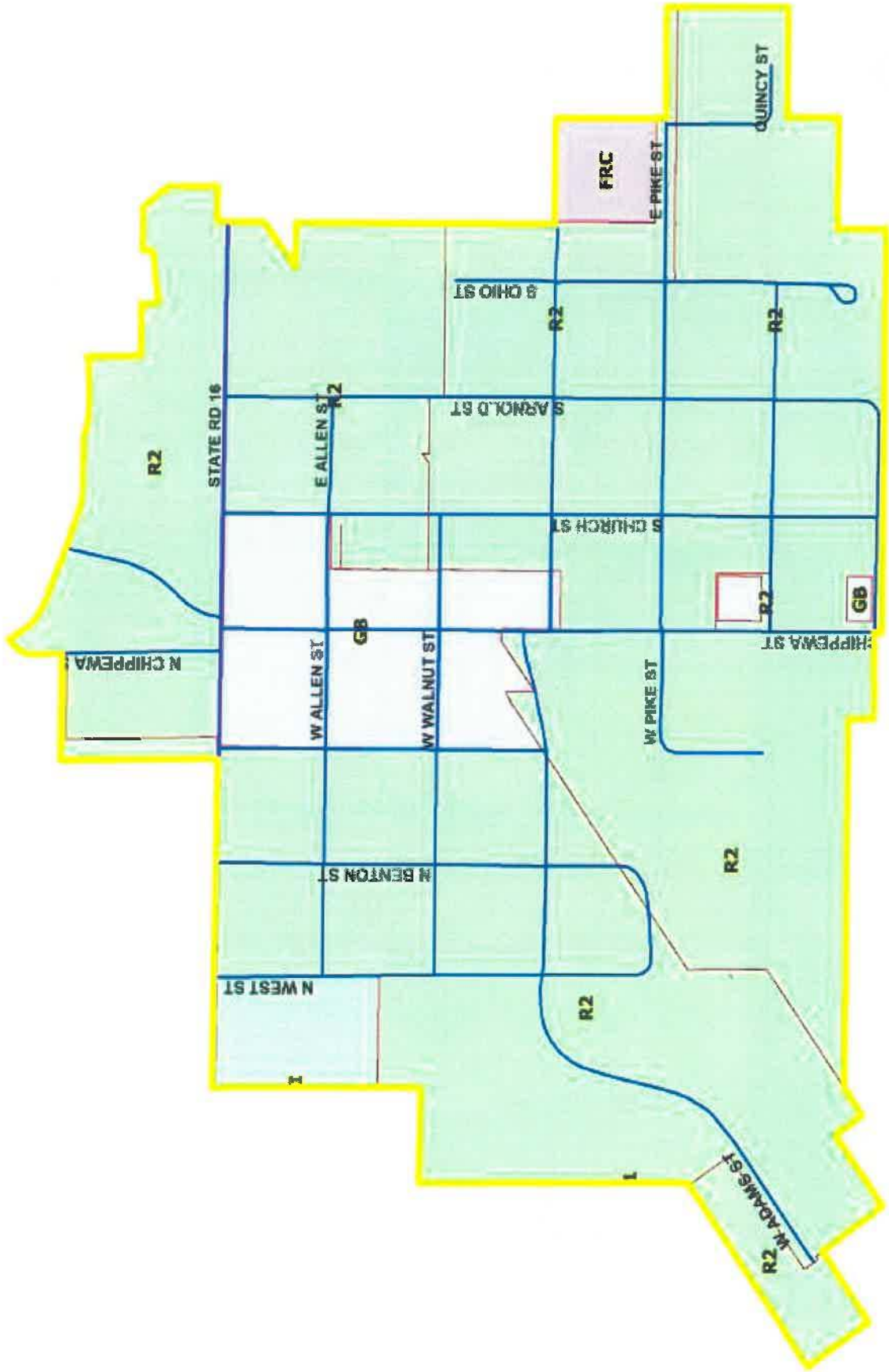
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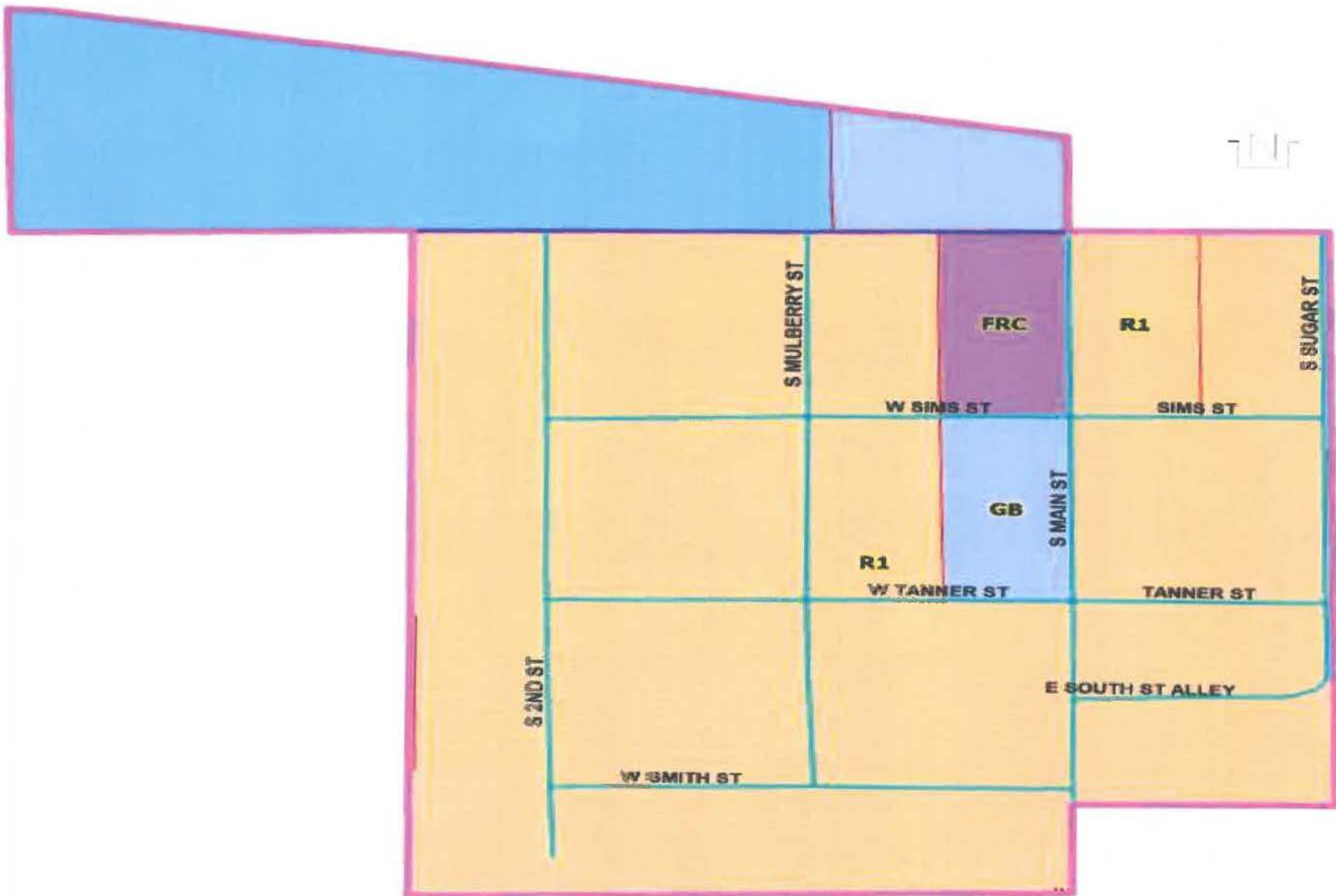
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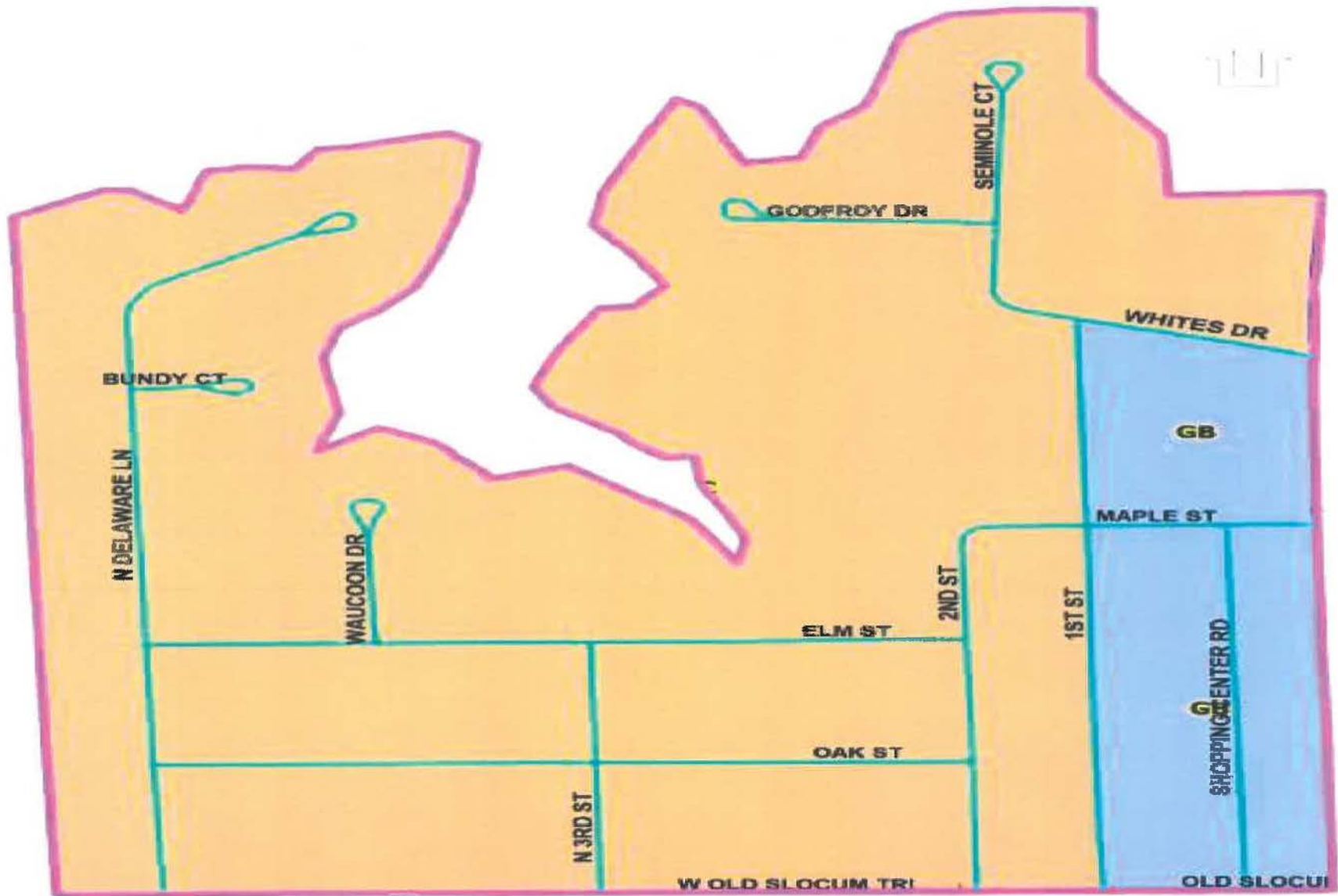


ROANN TOWN ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.45

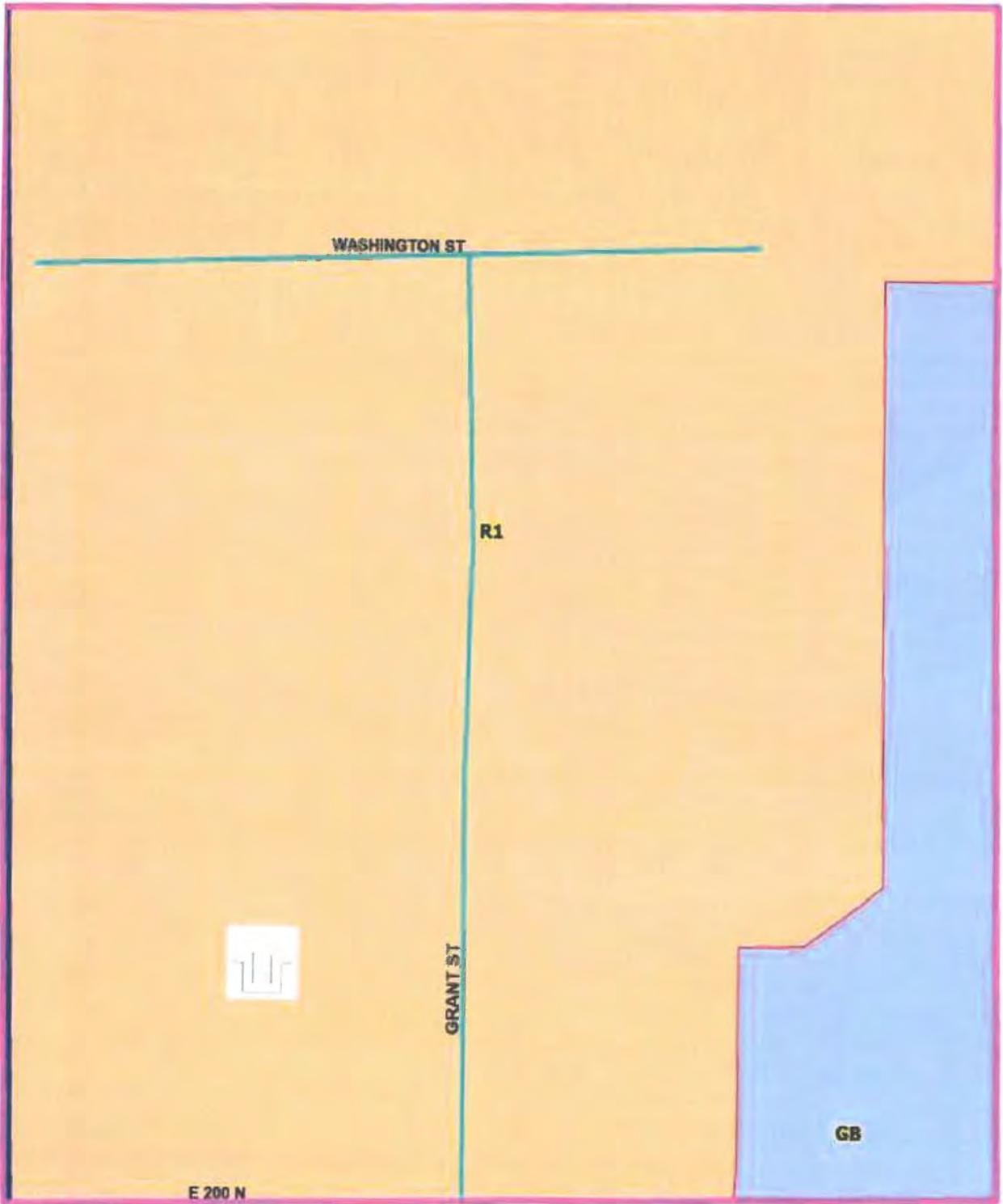


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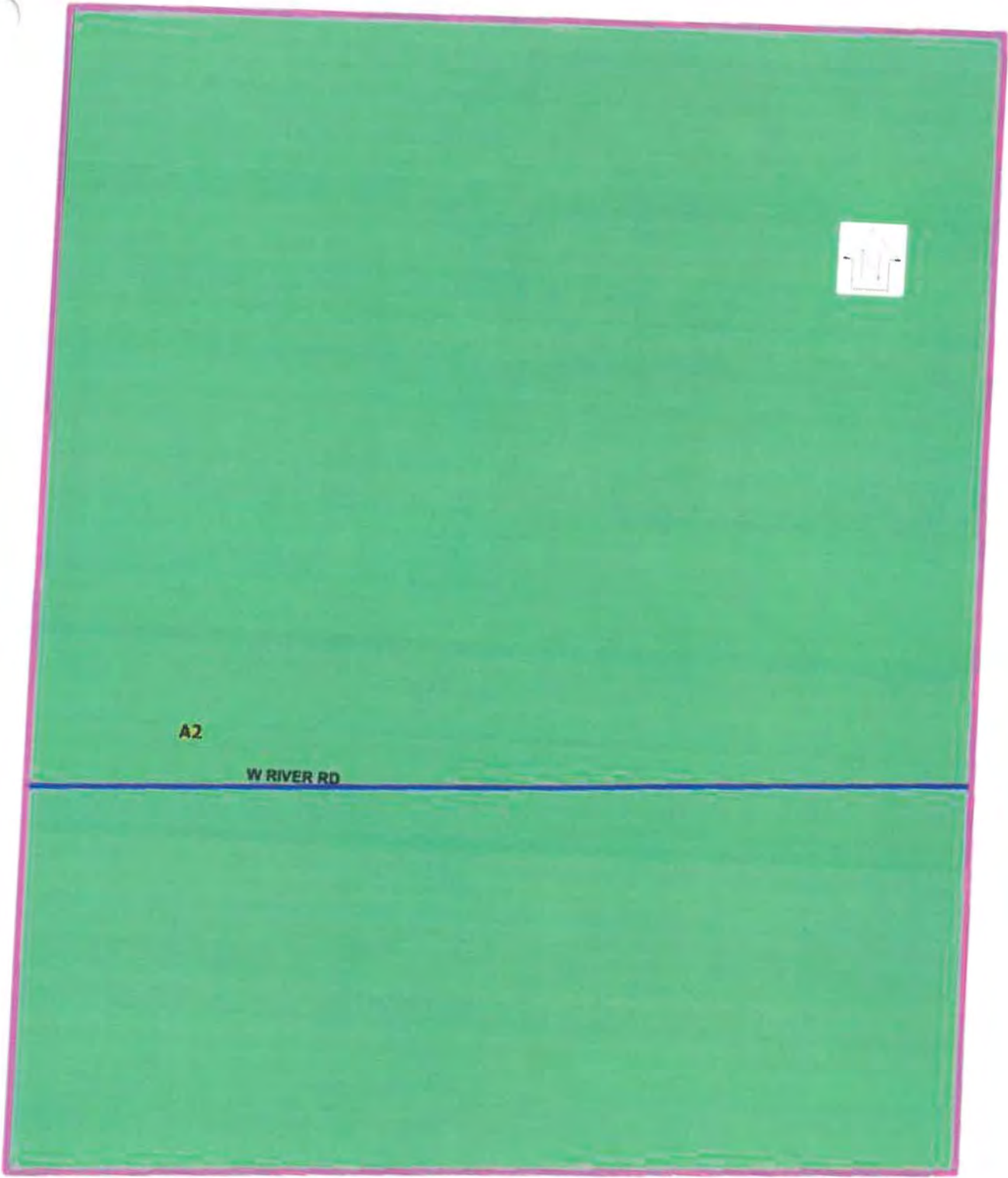
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SOMERSET TOWN ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.47



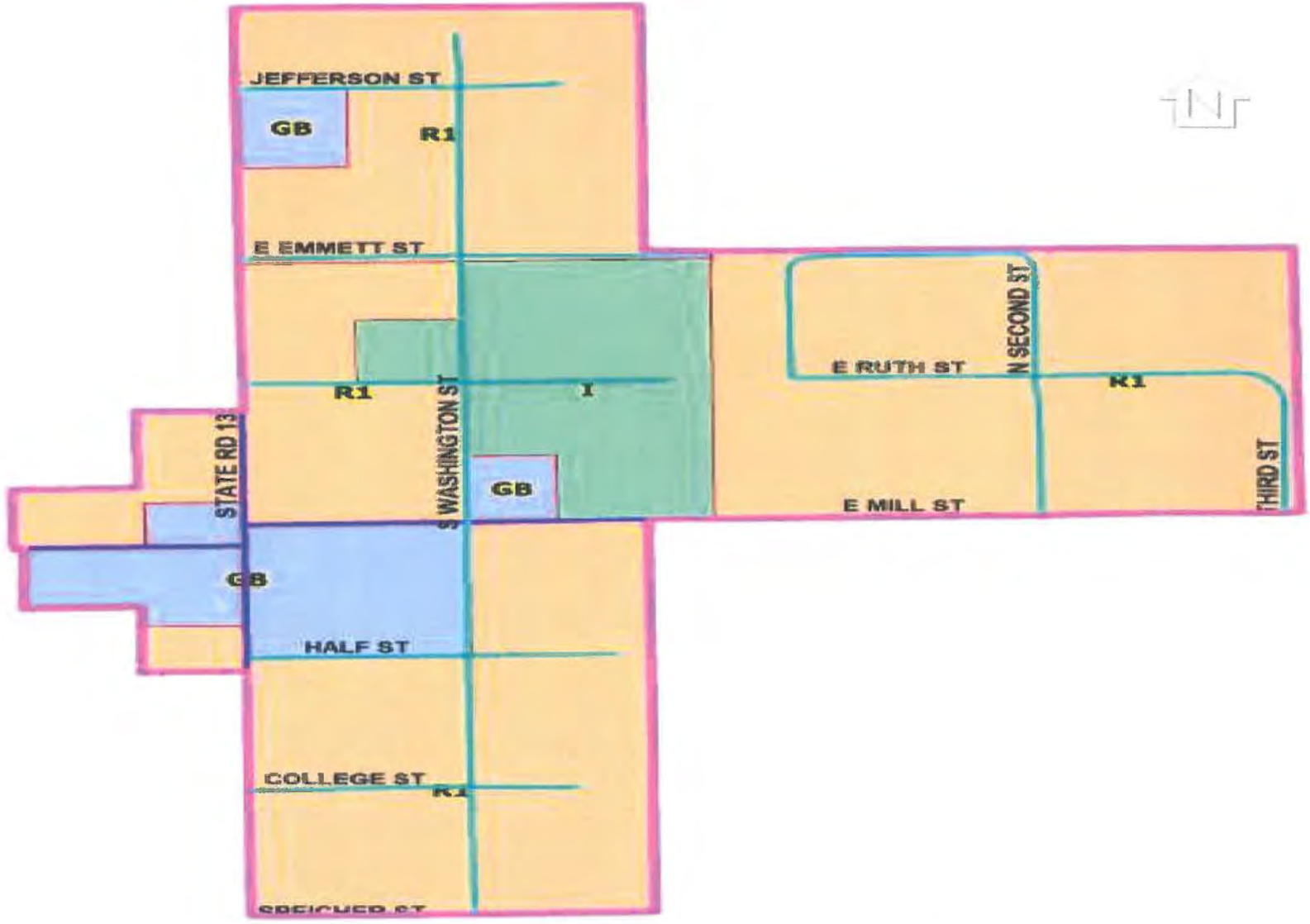




A2

W RIVER RD

26-57



URBANA TOWN ZONING MAP ORDINANCE CHAPTER 26 SECTION 26.60