

Cordry Sweetwater Conservancy District
8377 Cordry Drive Nineveh, Indiana 46164

FILED

JAN 09 2007

Benita Fox
BROWN COUNTY CIRCUIT COURT

Cause No. 4213
Resolution 2006-8

WHEREAS, pursuant to Indiana Code Section 14, the Indiana Conservancy Act, the Board of Directors of the Cordry Sweetwater Conservancy District has the authority to make regulations for the administration of the affairs of the District,

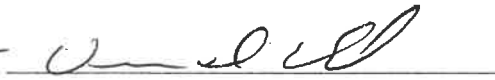
And


WHEREAS, rules and regulations, together with penalties for violations thereof are necessary for the orderly use and enjoyment of the property of the District, therefore, be it resolved that the Board of Cordry Sweetwater Conservancy District hereby adopts these revised rules and regulations.

BE IT FURTHER RESOLVED that this resolution supersedes resolutions 1989-6, 2000-5 and 2005-2

APPROVED this 17th day of October 2006 at Nineveh, Indiana.


Tom Daseler, Chairman

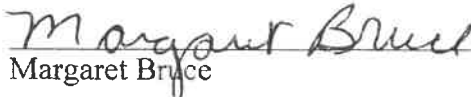

Vernon McGaha, Vice Chairman


Horace Hays, Secretary

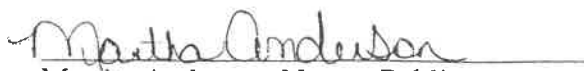

Norman Noe


Larry Kolar


William Marvel


Margaret Bruce

SWORN AND SUBSCRIBED TO BEFORE me, Notary Public, this 17th day of October 2006.


Martha Anderson, Notary Public

MARTHA J ANDERSON
NOTARY PUBLIC STATE OF INDIANA
BROWN COUNTY
MY COMMISSION EXP. JAN. 31, 2010

Building Rules & Regulations

Cordry Sweetwater
Conservancy District

Office

933-2893

Approved October 17, 2006

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Whereas, pursuant to Indiana Code Section 14, the Indiana Conservancy Act, the Board of Directors of the Cordry Sweetwater Conservancy District has the authority to make regulations for the administration of the affairs of the District,

And

Whereas, rules and regulations, together with penalties for violations thereof are necessary for the orderly use and enjoyment of the property of the District, therefore, be it resolved that the Board of Cordry Sweetwater Conservancy District hereby adopts the following rules and regulations.

Be it further resolved that this resolution supersedes resolutions 1989-6 and 2000-5.

Approved this 17th day of October 2006 at Nineveh, Indiana.

I Building Control Commission

The Cordry Sweetwater Conservancy District, (CSCD), Board of Directors has created a Building Control Commission consisting of five (5) persons, one member from the CSCD Board of Directors, appointed by the Board Chairperson, one member from the Cordry Sweetwater Lot Owners Association, appointed by the President and approved by the CSCD Board of Directors, and three members as lot owners at large, with qualifications in the Building and/or watershed protection field. **Note:** only a freeholder may be appointed to a CSCD Commission. The Building Compliance Officer may be a member if he/she is a

freeholder. The Building Compliance Officer will be an advisor to the Building Control Commission and CSCD Board of Directors, if not a freeholder.

The following rules and regulations apply to each and every lot, plot and parcel in the CSCD.

The CSCD has the responsibility to maintain property and aesthetic values of the area. To fulfill the mission some District requirements are more stringent than Indiana State or Brown County Codes.

All plans and specifications for construction of a dwelling or out building or improvements and additions to existing structures must be submitted to and approved by the Building Control Commission before applying for Brown County Permits.

Note: Repairs such as replacing rotten material and supports without changing the shape or size may be performed without a permit.

II Enforcement

In the event of non-compliance with these rules and regulations, the Building Control Commission shall notify the permit holder. The Building Control Commission shall notify the proper authorities for enforcement action. Appropriate fines, fees, and penalties will be assessed for non-compliance, by Brown County or Indiana State Authorities.

All violations pertaining to Indiana Statutes or Brown County Ordinances shall be presented to the proper authorities.

Property owners, (freeholders), may be fined and penalized for any construction, demolition, excavating, etc., without an approved permit by the proper authorities. Also a property owner will be fined and/or penalized for any non-compliant act, with or without a permit.

A. Enforcement Procedures

1. Whenever a violation occurs or is alleged to have occurred, the CSCD Board or its designee shall immediately investigate. If the facts elicited by such investigation are sufficient to establish to the Board or its designee that a violation occurred, the CSCD Board may take all legal and equitable remedies available through these regulations, state and local laws. Remedies may include, but are not limited to, the issuance of a stop work

2. order, injunctive or other legal relief, reporting to county, state, or federal authorities, and revocation of an individual's boat sticker and corresponding privileges to use the lakes.
3. Steps: a. A stop work order will be issued immediately to the property owner. b. A letter will be delivered to the property owner notifying them of the violation or infraction. They will be asked to appear before the Building Control Commission. c. After a ruling is made by the Building Control Commission, they will give a recommendation to the CSCD Board. d. If property owner fails to comply, or does not appear before the Building Control Commission, or answer inquiries, or continues to build, a letter will be sent from our attorney warning them of legal action and of their lake privileges being suspended. If the property owner does not respond and take appropriate action to correct the violation a lawsuit will be filed and their lake privileges will be suspended.

B. Stop Work Orders

The Building Control Commission and/or Brown County shall post a stop work order if:

1. Any land disturbing or construction activity regulated under this rule is being conducted without a permit.
2. The Erosion and Sediment Control Plan is not being implemented in good faith.
3. The conditions of the permit are not being met.

C. Destruction of Conservancy Property

Any person who destroys property belonging to the CSCD shall be prosecuted civilly and/or criminally if the destruction is deemed willful and shall be responsible to the CSCD for the fair market value of the property damaged or destroyed.

III. Lots and Dwellings

All lots, plots, and parcels within the CSCD shall be known and designated as residential real estate. Real estate cannot be converted to forest or wildlife refuge to avoid taxes. No hotel building, boarding house, mercantile building, or factory building or building of any kind for commercial use shall be erected or maintained within the boundaries of the CSCD.

No tents, camp trailers of any kind shall be permanently placed on any lot, plot, or parcel within the boundaries of the CSCD. An exception is made for the

temporary purpose of camping subject to application and approval of the Park and Lake Management. (See the Green Rule Book or call the CSCD Office for details.)

Prior to erecting a storage tent made of plastic or canvas on property located within the District, the property owner shall obtain a permit from the Building Control Commission. The permit will be for a limited period of time. Prior to the expiration of the permit, the property owner shall apply for renewal of the permit should it be necessary to have the storage tent for a period of time longer than permitted.

No lot, plot, or parcel may be further subdivided by the owner to create an additional lot, without Board approval and existing, restricting covenant.

A. Marriage of Lots

No freeholder may make adjustments of adjoining property lines without the written permission of the CSCD Board of Directors. Such adjustments must be in accordance with Brown County Planning and Zoning Ordinance and regulations of the CSCD. All freeholders involved in the adjustments must marry their section to their adjoining lots by a new deed which includes the following statement: The real estate described herein shall not be considered to be separate parcels of real estate for land use, development, conveyance or transfer of ownership, without first obtaining the approval of the Brown County Area Plan Commission, Brown County, Indiana and CSCD or any successor local governmental body having land use jurisdiction over the real estate. This restriction shall be a covenant running with the land. This new deed must be recorded in the office of the Recorder of Brown County, Indiana. A copy of this deed shall be given to the CSCD Office.

B. Ingress and Egress

All ingress and egress shall be through the official entrances of the CSCD. No freeholder may provide ingress or egress across their property to property not within the CSCD boundaries.

IV. Property Maintenance

A. General

No noxious, unlawful, (as provided by the statutes of the State of Indiana, ordinances of County of Brown, or provisions of this resolution) or other offensive activities, shall be carried out on any lot, plot, or parcel within the CSCD, nor shall any person, owner, or guest do anything on any lot plot or parcel on any lake or road within the CSCD which may be or become an annoyance or nuisance to the orderly enjoyment of the inhabitants of the CSCD.

B. Animals

No fur animals, wild animals, farm animals or fowl shall be kept or permitted on any freehold within the CSCD.

No domestic animals shall be kept for the purpose of conducting commercial activities.

No domestic animal owner shall allow his or her animal to cause a nuisance to any freeholder within the CSCD.

Dogs shall be restrained at all times by a leash under the control of the owner or by confinement to the owner's property.

C. Maintenance of Building and Lots

All improved and unimproved property within the CSCD shall be maintained in a slightly manner as follows: Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation or use shall be considered a property nuisance. Each freeholder shall be responsible for the repair, maintenance or removal of any deteriorated structure or the abatement of any health and/or safety hazard existing on their property.

D. Restrictions

A person may not do any of the following:

- (1) Discharge, emit, cause, allow, or threaten to discharge, emit, cause or allow any contaminant or solid waste including any noxious odor into the environment or a public or private owned works which would cause pollution that violates the CSCD rules and regulations regarding illegal and open burning.

- (2) Dump, cause or allow the open dumping of garbage or any other solid waste upon the land. All solid waste and garbage must be taken to a sanitary landfill or disposed of by a licensed trash hauler.
- (3) Accumulate any inoperable cars, trucks, boats, motorcycles or any other motor vehicle outside of a building for a period in excess of thirty (30) days after notification by the CSCD to the property owner via certified letter that item(s) must be removed.
- (4) Burn any items other than paper, paper products, cardboard, untreated lumber, wood, leaves and/or brush. Open burning of any of the listed items must be contained, off of the ground and policed in an effort to prevent an uncontrolled burn. Burning must be completed during daylight hours only. Campfires are excluded from daylight only burning. These rules are in accordance to IDEM requirements, which may change over time.

For purposes of this rule, solid waste is defined as, but not limited to, construction/demolition waste, (bricks, concrete, stone, glass, wallboard, lumber, roofing materials, wiring, plumbing fixtures, insulation) garbage, hazardous household products, hazardous materials, hazardous chemicals, household waste, rubbish, ashes, street cleanings, dead animals, offal, waste from landscaping projects, scrap metals, and plastics.

V. Building and Sanitary System Requirements

The purpose of CSCD approval is to comply with Indiana and Brown County building rules and regulations while insuring the integrity of the CSCD, maintaining property values and preserving the aesthetic value of our area. For this reason, some District requirements are more stringent than Indiana State and Brown County Codes.

Requirements may be amended from time to time.

A. Building Requirements

1. Drainage is a priority concern of any building project. It is of great concern in lake communities. The CSCD demands that all aspects of drainage be planned before any permit will be issued on any building or landscaping project. A statement, to include components, of the drainage plan shall be included with each project application.
 - *2. A stake survey is required for new dwellings.
 - *3. When adding any structure, both the locations of the structure and the septic system (new and existing) must be staked on the property. The burden of proof lies with the property owner.
 - *4. If there is an existing septic system, Brown County Health Department approval of the existing system is required when applying for any permit except docks. **Any planned improvements that increase the living space**

to a dwelling that can be perceived as or converted to a bedroom, requires that the septic system meets current standards or be improved to meet current standards, (to include attics, garages, porches, and basements).

- *5. The number of bedrooms will be used to determine the size of the septic system for new construction.
- 6. All erosion barriers must be in place prior to construction.
- 7. Total replacement of a structure (footings and slab remaining) requires the CSCD inspection and Brown County Permit(s). If not replaced on the same foundation and with the same square footage and number of bedrooms (or bedroom equivalents) structure will be considered as new dwelling.
- 8. An accessory building (shed, deck, garage, etc.) may not be erected prior to completion of the dwelling.
- 9. Any new cuts into drives or roads must have CSCD approval. The CSCD shall determine the best location of the new cut and may require a metal culvert.
- 10. All new dwelling plans must include adequate parking spaces for a minimum of two vehicles.

A Variance - may be requested if no conforming alternative is available.

* **Note:** Items numbered 2, 3, 4 and 5 under building requirements are Brown County requirements.

B. Permits and Approvals

CSCD approvals and Brown County permits are required for but not limited to the following:

- *1. Septic systems
- *2. Septic repairs
- *3. Any structure, construction, or improvement to property or dwelling.

Note: except those repairs made to existing structures without changing shape, size or square footage of living space.

- 4. Any access to CSCD roads or drives.
- *5. Swimming pools
- 6. Dredging
- 7. Docks
- 8. Boat shelters
- *9. Driveways or driveway improvements

***Note:** Items numbered 1,2,3,5 and 9 under permits and approvals are Brown County requirements.

Note: Construction must not begin until approved by the CSCD and permits are issued by the CSCD Building Control

Commission and Brown County Building and Health Departments and are prominently displayed at the roadside of the property.

C. Duration of Permits

1. All permits are valid for one year
 - a. Construction must begin within one (1) year of the date of the permit
 - b. Construction not completed within one (1) year, a new permit application must be submitted and approved.
 - c. A new permit must be obtained with change of ownership.
2. Any deviation from submitted plans without approval the Building Control Commission will void the original permit and result in a stop work order.

D. Steps of Inspection Process

Dwellings:

1. Inspection of site before construction begins for setbacks.
2. Inspection of footings and check for erosion control.
3. Rough-in inspection for framework, electrical, plumbing, and mechanical fixtures.
4. Final inspection to check for completion of house, septic system, drainage and proper grading.

Docks:

1. Inspection of site, with contractor, before construction begins.
2. Inspection of pole, (pipe) installation, before decking is installed.
3. Final inspection – decking, size, supports, and storage.

E. Site Improvement Plan Required Documents

1. A copy of your **recorded** warranty deed showing proof of ownership and a copy of the latest tax receipt marked paid. All married lots must appear on the same deed with clause to state "The real estate described herein shall not be considered to be separate parcels of real estate for land use, development, conveyance or transfer of ownership, without first obtaining the approval of the Brown County Area Plan Commission, Brown County, Indiana or any successor local government body having use jurisdiction over the real estate and the CSCD. This restriction shall be a covenant running with the land."
2. Duplicate CSCD plot layouts showing location of all structures and septic absorption systems. All building and septic plans must be to scale and must show the following:
 - a. Locations and dimensions of property lines showing length, width and acreage or square footage.

- b. Location and names of roads adjacent to your property
 - c. Location of proposed structure and the distance from the side, front and rear property lines.
 - d. Location of existing structures
 - e. Location of driveways, private roads and parking spaces
 - f. Location and dimensions of septic systems and the water lines entering your house and all underground utilities
3. A duplicate set of construction plans showing all dimensions and area in square feet, side, front and rear elevations. The property owner must sign and date prints prior to approval.
4. Both set of plans are to be initialed by the CSCD Building Compliance Officer. One set of plans will be submitted to Brown County for application of permit.
5. A stake survey report by a certified surveyor is required for dwellings, garages, and/or septic systems. For accessory buildings, dock, etc., older surveys will be accepted, providing the property lines are known and clearly defined. If property lines are not well defined, a new survey will be required.
6. An approved erosion and sediment control plan.

F. Assessments- any road assessments owed by the property owner must be paid prior to permit approval.

G. Fee Schedule for Permits

Boathouse	\$50.00
Dock	\$25.00
Dock Storage	\$25.00
Dredging	\$25.00
Contractors Barges (annual fee)	\$100.00
Temporary Storage Units	\$25.00
Fencing	\$25.00

H. Contractor Rules

These contractor rules are to protect the Freeholders as well as the CSCD, from loss, due to accidents, fraud, theft, etc., and to protect and promote the aesthetical value of the CSCD.

1. All contractors must be registered with the Cordry Sweetwater Conservancy District Office.

2. All contractors must be insured with a minimum of five hundred Thousand dollars, (\$500,000.00), of liability insurance.
3. Contractors must have with them an up to date certificate of insurance
4. All contractors must be licensed and in good standing with Brown County Planning and Zoning and Health Departments.
5. All watercrafts being used by contractors must display the contractor's registration number, issued by the CSCD.
6. Contractors violating rules and regulations will be given one written warning. After two or more violations in one year the contractor's privileges may be revoked.
7. Property owners doing their own work are required to apply for permit with CSCD and Brown County Planning and Zoning, and comply with CSCD, Brown County and Indiana State Building Codes and Rules.
8. Boat ramp and marina are not to be used as storage area for building materials, at any time without written approval from the Building Compliance Officer.

I. Erosion, Drainage and Sediment Control Requirements

All land disturbing activities (grading, filling, stockpiling, clear-cutting or excavating), excluding regular maintenance within the boundaries and jurisdiction of the CSCD are applicable. Requirements and specification should meet or exceed those outlined in "Indiana Handbook for Erosion Control in Developing Areas". Emphasis will be placed on minimizing off-site sedimentation.

1. Submit an Erosion and Sediment Control Plan along with a Site Improvement Plan to the Building Control Commission. **Note: Projects 5 acres and larger must file a Notice of Intent Letter to the Indiana Department of Environmental Management as per 327 IAC 15-5-7 (Rule 5)**
2. Plan will be reviewed and approved by the Building Compliance Officer. The applicant will be notified in the event of any necessary changes within two (2) weeks.
3. Once the Erosion and Sediment Control Plan has been approved, a permit will be issued as part of the Site Improvement Plan by the Building Control Commission and Brown County Health Department. **No person shall begin land-disturbing activity without first receiving a permit.**
4. Drainage lines on slopes must terminate into distribution boxes surrounded by a minimum of two feet of stone, (of at least no. fifty threes or larger in size), and set back from the lake at a minimum of twenty-five feet, or into riprap at least fifteen feet from waters edge. No drain should terminate directly into lake.

J. Plan Content

An Erosion and Sediment Control Plan must include:

1. Description and location of the specific measures that the applicant proposes to employ to minimize soil erosion and the migration of soil off of the site.
2. Sequence of construction, including each land disturbing activity and the installation of erosion control measures.
3. Provisions for maintenance of the erosion control measures.
4. Drawing including site layout, dimension of land disturbing activities and location of erosion control measures.

K. Plan Content – (more than 5 acres)

Erosion and Sediment Control Plan must contain the required elements as listed in 327 IAC 15-5-7 (Rule 5)

L. Sanitary Systems

The design, construction, installation, location, maintenance, operation and size of the residential sewage system shall comply with the provisions of the Indiana State Board of Health Rule 410 IAC 6-8.1 and Brown County Ordinance I 72.

Some of the basic septic system requirements are as follows. Refer to the legal documents listed above for complete criteria.

1. There shall be no construction of any kind over any portion of a septic system. Ground cover should be planted immediately upon completion of backfill and grading.
2. Holding tanks shall only be used, (temporarily), upon approval by the Commissioner of the Indiana State Department of Health, or one of his/her agents.
3. When a new system is to be installed or a repair made on an existing system, the owner must obtain a written permit after submittal of a plan to the Brown County Department of Health.
4. Upon installation, the Brown County Health Department will inspect and approve the septic system before any construction can begin on the dwelling.

5. A site evaluation and soil analysis will be performed by a certified Soil Scientist, registered with the Indiana State Department of Health, for the Brown County Health Department to decide on the proper system to be installed.
6. No septic system shall be installed where the land surface slopes more than 15%.
7. There must be at least thirty-four inches of soil with a soil-loading rate of .25 to 1.2 gallons per square foot, per day, for a septic system to be installed. The only exception to this is, twenty inches of soil with a soil-loading rate of .25 to 1.2 gal/sqft/day, for a sand mound system. Thirty-four is the minimum, because, twenty-four inches of soil, with the proper soil loading rate is required between the trench bottom and any limiting layer, with the minimum trench depth of ten inches. The seasonal water table limit can be overcome by installing a perimeter drain to twenty-four inches below the lowest part of the trench system, providing the drain exhausts properly.
8. The CSCD abides by the Brown County Ordinance I-72, and Brown County Health Department, in regard to the size of septic systems.
9. Minimum distance in feet to system:

	Septic tank	Absorption field
Lake (property line)	50	50
Stream, ditch, ravine or drainage tile	25	25
Dwelling or other structure (upslope)	10	10
Dwelling or other structure (down slope)	50	50
Side lot lines	5	5
Front lot lines	5	5
Water lines under pressure, including		
Existing lines of adjacent property	10	10
Public water supply, (reservoir, well)	200	200

Lift stations or pump chambers are to be *three quarters of the size* of the required septic tank. Risers are required as well, for maintenance and inspection.

10. No shack, or out houses to include pit, mechanical, electrical or chemical toilets shall be permanently erected or emptied on any lot plot, or parcel within the boundaries of the CSCD.
11. There shall be no vehicular traffic of any kind over or near a septic system, before or after construction.

All items in the sanitary section are requirements of the Indiana State and Brown County Health Departments, with the exception of number 10.

M. Structure and Set back Requirements

1. Dwellings:

a.. Minimum Square footage Requirements:

1. All one-story structures shall have a minimum first floor of not less

than one thousand (1000) square feet.

2. All one and one-half story structures shall have a minimum first floor area of seven hundred and twenty (720) square feet and a total of both floors of one thousand (1000) square feet. However, the entire upper floor of said structure shall be finished and livable.
 3. All Tri-level and Bi-level structures shall have a minimum first floor area of one thousand (1000) square feet not including the lower level of the structure.
 4. All two-story structures shall have a minimum first floor area of seven hundred and twenty (720) square feet and a total of both floors of not less than one thousand (1000) square feet. However, the entire upper level of the structure must be finished and livable.
 5. All structures not mentioned by the above descriptions shall not have a total living area of less than one thousand (1000) square feet.
 6. Construction must be completed prior to occupancy, and construction of said residential structure must be completed within one (1) year of its beginning.
 7. Minimum width of a structure is twenty (20) feet.
- b. Minimum setback to front of building line including decks, porches, etc., constructed between the house and the road lot line:
1. At side drives: thirty-five feet (35ft) from property line at the edge of the road or fifty feet (50ft) from the center of the road, whichever is greater.
 2. At main roads: (i.e. Center Lake Dr., Cordry Dr. and Sweetwater Dr., Sunset Dr.), fifty (50) feet from property line at edge of road or sixty-five feet (65) from center of road, whichever is greater.
 3. Minimum setbacks from side lot lines are as follows: one side –ten feet, (10ft); other side fifteen feet (15ft).
 4. Minimum setback from rear property line, or shoreline if on lakeside: twenty-five feet (25ft).
 5. Maximum height restriction to highest ridge of structure above ground at finished floor on roadside of property line – twenty-five feet (25ft).
 6. Maximum area of lot covered by dwelling and all accessory buildings, including garages – thirty percent (30%).
 7. Location of all fuel supply tanks shall conform to NFPA 58 Table 3-2.2.2, under the jurisdiction of the of the Brown County Area Plan Commission/Building Department. Minimum horizontal distance from any structure, property line or line of buildings: 125-500 gallon tanks – 10 feet, 501-1200 gallon tanks – 25 feet.

2. **Accessory Buildings** (including garages and carports). Maximum square footage of all out buildings footprint, shall not exceed the total square footage of the dwellings footprint.
 - a. Minimum setback from the road lot line is as follows: side drives-

- twenty-five feet (25ft), main drives – thirty-five feet (35ft)
- b. Minimum setback from side lot line-six feet (6ft)
- c. Minimum setback from rear property line or shoreline if on lakeside – Twenty-five feet, (25ft).
- d. No habitable space.
- e. No garage shall have more than three bays.

3. **Decks**, open (no roof or sides)

- a. Minimum distance from side property line – six feet (6ft)
- b. Minimum setback from road property line – same as dwellings.
 1. At side drives: thirty-five feet (35ft) from property line at the edge of the road or fifty feet (50ft) from the center of the road, whichever is greater.
 2. At main roads: (i.e., Center Lake Dr., Sweetwater Dr., Cordry Dr., Sunset Dr.): fifty feet (50ft) from the property line at edge of road or sixty-five feet (65ft) from center of road, whichever is greater.
- c. Minimum setback from rear property line or shoreline if on lakeside – twenty-five feet (25ft) for decks attached to a dwelling. Detached decks may be constructed if there is a ten feet (10ft) set back.

4. **Boat shelters/Dock/Boatlift:** Boat shelter shall mean a roofed structure, with no enclose sides. Said structure use is to provide for the protection and storage of watercraft.

- a. Maximum distance from the **shoreline** into the lake at normal pool stage – twenty feet (20ft). Watercraft and dock combination no more than twenty-eight feet (28ft), at normal pool stage.
- b. Maximum distance from the shoreline into the coves of one hundred and twelve feet (112ft) or less in width – twenty-five percent (25%) of cove at normal pool stage of lake, (watercraft and dock combination).
- c. Fifteen feet of unobstructed water must remain in the center of the cove, unless the said property is at end of cove. At the end of cove dock can extend across end, not to exceed setback of five feet (5ft) from property line. Where there are two or more properties, adjacent, at end of cove, those property owners may cooperatively construct dock in a fashion so that the dock follows the contour of the shoreline without obstructing travel into the cove. The docks can be continuous around the end of the cove, but must remain separate or not connected, at each property line.
- d. Minimum setback from side lot line – five feet (5ft), and structure not to cross over imaginary line, that extends out from side lot line.
- e. A storage facility of no more than forty square feet (40sgft) is permitted. Storage area must not extend out, over water.
- f. Maximum height of boat shelter decks and structures all-inclusive – fourteen feet (14ft) above water level at normal pool stage.

- g. Construction of boat shelter or dock that alters shoreline, will not be permitted.
- h. Only a single plane dock may be constructed as follows; eight (8) square feet of dock may be constructed for each foot of shoreline, not to exceed 1200 square feet. The deck on top of a boatlift and or a shingled roof over a boatlift does not count toward the square feet and may extend out no more than four (4) feet on each side of the boat slip. Multiple lots must be married/joined for a dock to be constructed across property lines, otherwise they will be considered as single lots and setbacks will apply to each lot. Shoreline stabilization is required and must be completed prior to the construction or rebuilding of any dock. All dock plans will include a shoreline stabilization plan and must be put in to effect before decking is added. The builder must notify the Building Compliance Officer that the shoreline stabilization is completed and ready for inspection and must be certified before other phases of construction are started.
- i. No material shall be used that may contaminate water.
- j. Roof or deck above boat dock may extend two feet, (2FT), over lakeside of dock.
- k. Lot number must be displayed on lakeside of dock with at least three inch, (3in) characters.
- l. Electrical must meet Brown County and Indiana State Requirements.

5.Fencing

No permit is needed if these requirements are met.

- a. Fence must be of a decorative nature.
- b. Fencing must not obstruct reasonable view, light or air to any lot owner.
- c. Minimum setback from shoreline if on lakeside- twenty-five feet (25ft).
- d. Dog pens must meet minimum setback requirements and variance guidelines.
- e. No kennels allowed (for 5 or more dogs).
- f. Minimum setback from roadside property line: six feet, (6ft), or twenty feet, (20ft), from roadside, which ever is greater.
- g. Maximum of three feet, (3ft.) six inches, (6in.) in height.
All others require a permit

6. Swimming pools – same as accessory buildings

- a. Minimum setbacks from road lot line are as follows: side drives – twenty feet (20ft); main drives – thirty-five feet (35ft).
- b. Minimum setback from side lot line – six feet (6ft)

- c. Minimum setback from rear property line – twenty-five feet (25ft).
- d. All Indiana State and Brown County laws apply.
- e. As specified by Indiana State Code, below or in-ground Pools require fencing.
- f. As specified by Indiana State Code, above ground pools over thirty inches, (30”), deep requires a handrail.

7. Communication receivers must maintain a ten feet, (10ft) set back minimum from roads. These include but not limited to:

- a. Satellite dishes
- b. Antennas

VI Tree and Landscape Requirements

A. Purpose and Goals – It is the purpose and intent of this regulation to:

1. Promote and enhance the beauty of the CSCD through tree preservation and landscaping.
2. Insofar as practical, safeguard the ecological environment of the CSCD by dissuading the unnecessary clearing and disturbing of trees and natural vegetation that exists.
3. Promote planting of trees and shrubbery on public and private land.

B. Definitions

1. Caliper – the caliper is the diameter measurement of the trunk taken 6 inches above ground level.
2. Diameter Breast Height (DBH) – the diameter of a tree in inches at 4 ½ feet above ground level and is applicable to trees irreplaceable height.
3. Exempt Tree – any tree on the exempt tree list maintained and provided by the CSCD.
4. Person – person shall be defined as any individual, corporation, business or any other entity, whether private or government, including the CSCD.
5. Public Property – all property owned by the CSCD and all property included in the right-of-way as defined by the CSCD.
6. Replacement Tree – a replacement tree shall be a tree two, (2”) in caliper or greater which is not an exempt tree. Further, replacement tree shall conform at mature size with the planting space, taking into consideration buildings, sidewalks, curbs and overhead and underground utilities.

7. Tree – a woody, perennial plant, ordinarily with one main stem or
8. trunk, which develops many branches, and which ordinarily grows to a height of ten feet or more with a diameter in excess of 6 inches at a height of five feet.

C. Tree Removal

1. No Person shall remove a tree from public property except by the consent of the CSCD or its designated agents.
2. No person shall remove any non-exempt tree of ten inches (10") DBH or greater from unimproved private properties unless said removal is part of an approved construction development plan.
3. A person must have removal complete within 30 days of notice, and need not replace, a tree if it cannot be saved and if any of the following conditions are present:
 - a. The tree causes a safety hazard to pedestrians or vehicular traffic.
 - b. The tree causes safety hazard to a building
 - c. The tree is diseased or weakened causing safety hazards to the public
 - d. The tree or any portion of the tree is in the lake

D. Tree Preservation

1. **General provisions:**
 - a. The equipment of this section shall apply to all projects that require a site plan review.
 - b. Landscape plans, when such are required, shall specify the planned impact of improvements and development (overhead lines, roadways, berms, parking areas, etc.) upon the property.

E. Enforcement

The provisions of this regulation shall be enforced in accordance with the CSCD Rules and Regulations.

Exempt Tree List

1. **Ailanthus Altissima – (Tree of Heaven)**
2. **American Elm – (except disease-resistant varieties)**

3. **Black Locust**
4. **Black Pine**
5. **Box Elder**
6. **Choke Cherry**
7. **Cottonwood**
8. **Mulberry**
9. **Osage Orange – (Hedge apple)**
10. **Silver Maple**
11. **Sumac**
12. **Willow**

VII Variance Guidelines

1. No variances will be approved if other solutions are available.
2. The lake must not be endangered.
3. All work must be within the property boundaries, and meet County and State regulations.
4. There must be no health hazard.
5. Other areas of consideration maybe but not limited to view, ecological impact, and design compatibility.

Variance Procedures

1. Pick up Conditional Use Application form and Building Rules from the CSCD office
2. Fill out Conditional Use Application form after reading Building Rules and Regulations and return it to CSCD office with plot plan showing location of septic system absorption field and location of proposed variance with accurate measurements (four corners must be staked on property). A copy of your recorded warranty deed showing proof of ownership and a copy of latest tax receipt marked paid.
3. Form will be dated, stamped and logged in the CSCD computer and will be given to the Building Control Commission by the Building Compliance Officer for review.
4. A site visit within seven (7) days by the Building Control Commission will be scheduled to qualify and advise to the necessity of the variance.
5. Petitioner must provide, to the Building Control Commission, proof of notification to all property owners within a 300 ft radius of the property line. Notice shall be given at least two weeks prior to the hearing and must include a fair description of the proposed variance and the time and date if the hearing.

6. After consideration by the Building Control Commission a written recommendation will be submitted five days prior to the hearing date to the CSCD Board of Directors for review. On the specified hearing date, notified property owners shall have the opportunity to state their objections. At that time, the CSCD Board of Directors will approve or deny the request for variance.

7. If approved, the petitioner must obtain a permit from the Brown County Plan Committee prior to construction.

8. The Building Control Commission will make a follow-up visit for verification of compliance.

VIII Signs

Absolutely, no business, trade, or commercial enterprise shall be advertised within the boundaries of the CSCD with exception noted in Paragraph 3. Only the following types of signs may be posted in the CSCD:

1. Real Estate "For Sale" signs. Real estate "For Sale" and "For Sale By Owner" signs are limited to one (1) sign on the lakeside of the property and one (1) on the roadside of the property. Signs may not exceed 1,600 square inches and may not be more than 66 inches above the grade level. They must be removed within three (3) days after the house is sold.
2. Event and or Sale signs. Temporary signs for sales, open houses, functions, etc., including directional signs, may be posted for periods not to exceed 72 hours. Signs will be limited to one (1) on the property and one (1) directional sign on each drive or access road leading to the property from Cordry Dr., Sweetwater Dr., or Sunset Dr. No sign is to exceed 1,600 square inches or more than 50 inches above grade level.
3. Home Construction/Improvement signs: One (1) sign identifying the general contractor may be posted on the property while work is in progress. The sign may not exceed 1,600 square inches nor be greater than 50 inches above grade level. The sign must be removed within three (3) days after Home Construction/Improvement is completed.
4. Political signs: Temporary political signs may be posted on a freehold owned by the freeholder. Signs may not exceed 1,600 square inches nor be greater than 8 square feet and may not be erected more than 30 days prior to Election Day. They must be removed within three (3) days after Election Day. No signs are permitted on Conservancy property right-of-ways or poles or posts. However, candidates running in this jurisdiction may post one (1) sign in the road right-of-way at each of the three entrances to the area, subject to size and duration listed herein.
5. Permanent signs: Signs containing only the name of principal occupant of a dwelling or the generic name of the dwelling, no larger than 12 inches by 24 inches posted on the property and on a common standard at the beginning of the drive are permitted. Scattered signs on individual standards at the beginning of a drive are not permitted. The CSCD Board of Directors must approve all other permanent signs.

IX Dredging Rules

Dredging is regulated by the State of Indiana in cooperation with the Indiana Department of Environmental Management, the Department of Natural Resources, and the Army Corp of Engineers. There are very specific requirements for dredging, depending upon the type of dredging being performed. The CSCD contracts dredging from time to time, when there is an increase in silting and or sediment migration. The individual property owners may contract out dredging work, providing the contractor is a licensed and insured.

The type of dredging the individual property owner may perform is: “**One Step Dredging**”. One step dredging is performed by using an excavator or similar device, which extracts the material and places it directly into a dump truck or some kind of containment, not allowing any dredging material to drain back into the water body. Then the dredging material is to be placed at an approved upland site, i.e. an agricultural field. Auger/suction dredging is another approved type of dredging.

Note: No dredging material shall be placed back into water body.

1. All dredging requires a permit from the CSCD to be posted at roadside of the property where dredging is being performed.
2. The dredging plan shall include:
 - a) site (address and lot number),
 - b) site where dredging material is to be placed,
 - c) contractors name and updated certificate of insurance,
 - d) method of dredging (to include equipment)
 - e) property owners' information (name(s), copy of warranty deed, plot plan and drawing of shoreline structures).
 - f) Accompanying each request for dredging shall be a detailed plan of slope and shoreline, demonstrating approximate amount of silt to be removed in inches. This plan should demonstrate no undercutting of the shoreline. A drawing shall be included to demonstrate lake bottom before and after dredging.
3. Dredging can be a group project among adjacent lot owners, for example in a cove, requiring only one permit.
4. Dredging must follow contour of lake bottom and taper gently at property lines.
5. Dredging will be permitted only from October 1st through March 31st.
6. No alteration of shoreline will be permitted.

X Shoreline Stabilization

Shoreline stabilization is in the best interests of both the Conservancy and the riparian property owners. The objective is to preserve and protect the lake shoreline from erosion. Riparian property owners may apply for shoreline stabilization for the repair or construction of any of the CSCD approved methods of preventing silting and erosion. The contractor must be licensed and insured, and in good standing with Brown County and the State of Indiana.

1. A plan must be submitted, with completed application, to the Building Compliance Officer, for review by the Ecology and Building Control Commissions.
2. The Building Compliance Officer will issue a permit, (providing the plan falls within all of the guidelines of the Building and Ecology rules).
3. The permit shall be posted where it can be easily viewed from the road.

XI Road Restrictions – for trucks

To protect the quality of the roads in the CSCD, limitations are required. During the winter months, December 15th through May 15th, trucks of 20,000 pounds **gvw**, (gross volume weight, truck and load), or less will be permitted to travel on CSCD roads. Exceptions on following page.

Exceptions to road restrictions are:

1. Septic trucks
2. Emergency vehicles
3. Road maintenance trucks
4. Trash collection
5. Fuel trucks

Remember, before you begin any major project, know where buried utilities are located, where your septic system is located and where your property lines are located. Take care to keep all vehicular traffic away from septic systems, and do not store or build over your septic system. If you are not sure, please ask.

**Building Compliance Officer
Cordry Sweetwater Conservancy District
317-933-2893**

**Cordry Sweetwater Conservancy District
Application for Construction Approval**

Application Number _____ Date Issued _____

Applicant _____

Address of Applicant _____

Telephone Number _____

Owner _____

Address of Owner _____

Owner Telephone Number _____

Contractor's License/ID Number: _____ Phone Number _____
(Attach Copy of Contractor's Certificate of Liability Insurance)

Type of Improvement: Dwelling _____ Garage _____ Shed/Barn _____ Deck _____
Boat Shelter _____ Boat Dock _____ Other _____

Location of Improvement: Lot Number _____ Address _____

Septic Approval Number _____

Property Ownership and Land Use (check one): Contract _____ Deed _____

Date of Contract or Deed: _____

Taxes Paid (circle one): Brown County Yes No CSCD Yes No

Present use of property: _____

Plot Plan Provides

Property Information:

Width _____

Depth _____

Area (Sq Ft or Acres) _____

Building Information:

Set back from road (ft): _____ Side Yards (ft) _____ Rear Yard (ft) _____

Ground floor (Sq Ft) _____ Basement or second floor (Sq Ft) _____

Total Living Area (Sq Ft) _____ Garage (Sq Ft) _____

Porch(es)(Sq Ft) _____ Deck(s)(Sq Ft) _____ Other _____

Number of bedrooms _____ Number of baths _____

Building Height: _____ Type material _____ Approx value: \$ _____

I do hereby give my permission to the CSCD and/or authorized personnel to make any on-site inspections, which they deem necessary for construction or changes contemplated by this application.

Brown County Building Plan approval and permit will be required for this Project.

Owner's Signature: _____ Date: _____

Builder's Signature: _____ Date: _____

Note: Gross weight limitation for trucks – 20,000 pounds. No trucks shall use Conservancy roads from Dec. 15th through May 15th, except septic and propane.

DOCUMENTS REQUIRED FOR CONSTRUCTION APPROVAL

1. COPY OF WARRANTY DEED.
2. SURVEYOR LOCATION REPORT ON ALL LOTS YOU WISH TO BUILD ON. YOU MAY OPT TO HAVE SURVEY STAKES PLACED IN THE GROUND BY A LICENSED SURVEYOR.
3. LOCATION DRAWING THAT SHOWS THE SITE OF THE NEW CONSTRUCTION SHOWING DISTANCES TO LOT LINES.
4. DRAWINGS SHOWING DETAILS OF WHAT YOU WISH TO BUILD.
5. LOCATION AND SIZE OF THE SEPTIC FIELD.
6. EROSION AND SOIL MIGRATION CONTROL PLAN
7. A COMPLETED APPLICATION FOR CONSTRUCTION APPROVAL.
8. DRAINAGE PLAN

Cordry Sweetwater Bedroom Affidavit

I, _____, affirm under the penalties of perjury, that my home is considered to be a ___ bedroom home, as described by definition* and accepted by the Brown County and Indiana State Health Departments.

"Bedroom" means any room in a residence that contains all of the following: forty-five square feet or more and at least one operable window or exterior door approved for emergency egress or rescue. A bedroom is **none of the following**: bathroom, kitchen, closet, foyer, pantry, laundry room, furnace room, utility room, living room and grand room. By this definition, (Brown County Health Department's), the following **would be** considered a bedroom: in-home office, sewing room, recreation room, den, storage room, music room and so on.

NO CONSTRUCTION MAY START UNTIL WRITTEN APPROVAL IS GRANTED BY THE CONSERVANCY.

NO APPLICATION WILL BE PROCESSED WITHOUT ALL REQUIRED INFORMATION BEING PRESENT. Questions can be directed to the Conservancy Office, Mon. – Fri., 8:00 A- 4:00P, at 317-933-2893