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Cordry Sweetwater Conservancy District
8377 Cordry Drive Nineveh, Indiana 46164

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BROWN COUNTY, IN
SANDY CAIN, COUNTY RECORDER
03-18-2010 At 10:13 am.
RESOLUTION .00
DR Book 155 Page 1824 - 1833

Cause No. 4213
Resolution 2009-5
(Developmental Rules for Lots and Structures)

WHEREAS, pursuant to Indiana Code 14-33-5-20 and the Cordry Sweetwater Conservancy District Deed Covenants and Restrictions, 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, covenants together with penalties for violations thereof are necessary for the orderly use and enjoyment of the property of the District and for the maintenance and protection of the District's works of improvement;

THEREFORE, BE IT RESOLVED, that the Board of Directors of Cordry Sweetwater Conservancy District hereby adopts this revision to the CSCD Building Rules and Regulations (approved October 17, 2006, by Resolution 2006-8), Rule III. and Rule V. Section M.4, to replace all rules and regulations regarding Boat Shelters, Docks, Boatlifts and Shore Stations as follows:

Article 4. Developmental Rules for Lots and Structures

Section 4.1 Lots and Land Structures

4.1.1 General

4.1.1.1 The rules and regulations in this section and all subsequent sections of this document apply to each and every lot within in the CSCD.

4.1.1.2 All lots within the CSCD shall be known and designated as residential real estate. Lots within the CSCD cannot be converted to forest, wildlife refuge or agricultural use 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. (See the CSCD Covenants and Restrictions).

4.1.1.3 No lot may be further subdivided. (See the CSCD Covenants and Restrictions, Covenant 10)

4.1.1.4 Screening in an existing porch or remodeling an existing porch to include adding windows does not constitute repairs and requires a CSCD permit.

4.1.2 Adjustments and Combinations of Adjoining Lots

4.1.2.1 No lot owner may make adjustments of adjoining lot lines where the lots are owned by the same person(s) or entity without the written permission of the Board. Such adjustments must also be in accordance with Brown County Planning and Zoning Ordinances.

4.1.2.2 The lot owners involved in such adjustments must include a deed restriction relating to their adjoining lots by obtaining 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.

4.1.2.3 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. The new deed must include all of the lots whose lot lines are being adjusted.

4.1.2.4 Adjusting lot lines of adjacent lots which have different owners is not allowed unless the new lots fully comply with all requirements contained in the Rules and Regulations and the Brown County Ordinances.

4.1.2.5 An adjustment of adjoining property lines pursuant to the foregoing requirements shall not be a subdivision of real estate within the meaning of covenant 10 of the CSCD covenants and restrictions.

4.1.3 Ingress and Egress

4.1.3.1 All ingress and egress shall be through the official entrances of the CSCD. No lot owner may provide ingress or egress across the property of a lot owner to a property not within the CSCD boundaries.

Section 4.2 Lake Front Structures

4.2.1 Common Rules – the rules in this Section 4.2.1 apply to Boat Shelters, Docks, Boatlifts and Shore Stations.

4.2.1.1 Shoreline stabilization is required and must be completed prior to the construction or rebuilding of any Lake Front Structure. All Lake Front Structure plans will include a shoreline stabilization plan. The shoreline

stabilization plan must be completed prior to any construction which would impair a complete visual inspection of the stabilization measures included but not limited to decking. The builder must notify the Building Compliance Officer ("BCO") that the shoreline stabilization is completed and ready for inspection and must be certified before other phases of construction are started.

4.2.1.2 Lake Front Structures that serve lots that front the main body of Cordry Lake or Sweetwater Lake shall not extend into the lake more than 20 feet (exclusive of the two foot overhang of a deck or roof above a Boat Shelter). 4.2.1.3.3 below also applies in the situation described in this section.

4.2.1.3 Because of the variety of cove widths and depths and of the lot shorelines that front each cove, it is not practical to try to establish a developmental formula that would work in all situations. As such, the following guidelines shall control the development of Lake Front Structures along cove shorelines:

4.2.1.3.1 Under no circumstances, shall Lake Front Structures extend into the cove more than that which is provided in 4.2.1.2 above. However, 4.2.1.3.2, 4.2.1.3.3, and 4.2.1.3.4 below can and will at times supersede 4.2.1.2. The BCO will determine during the application process which rules apply to a given permit application;

4.2.1.3.2 Each lot owner along a cove shall have safe and unobstructed access to the main body of the lake by maintaining a channel that is at least 15 feet wide, 7.5 feet wide on each side of the centerline of the cove, which centerline runs reasonably parallel to the shorelines of each side of the cove. The lot owner seeking a permit for a Lake Front Structure on a cove where the width of the cove is 55 feet or less at the location of the proposed Lake Front Structure must provide a professional survey and a professionally prepared plan showing the proposed structure as well as the channel described previously in this section. The survey and plan must be included with the application for the permit for the construction. The BCO or Building Control Commission ("Commission") may also require the survey and the plan described in this rule for coves with a width in excess of 55 feet;

4.2.1.3.3 When a lot owner intends to regularly park a watercraft on the lake side of a Lake Front Structure, the width or length of the watercraft shall be included when establishing how far into the cove or lake the Lake Front Structure can extend and either comply with 4.2.1.2 above or still maintain the channel as described in 4.2.1.3.2 above. When it is the intent of the lot owner to park a watercraft on the lake side of the Lake Front Structure as described in this section,

that fact must be stated in the permit application for the Lake Front Structure so that proper adjustments can be made as to how far the Lake Front Structure can extend into the cove and still prevent the parked watercraft from violating either 4.2.1.2 above or the channel described in 4.2.1.3.2 above. Failure by the lot owner to provide such notice during the permit application process when they intend to or subsequently in the future decide to regularly park a watercraft beside their Lake Front Structure will result in requiring either that the lot owner modify the Lake Front Structure at the expense of the lot owner to comply with 4.2.1.2 above or to maintain the channel as described in 4.2.1.3.2 above for the combined distance into the lake of both the Lake Front Structure and the watercraft or that the lot owner will not be allowed to regularly park the watercraft on the lake side of the Lake Front Structure where doing so would violate either 4.2.1.2 above or 4.2.1.3.2 above for the combined distance into the lake of both the Lake Front Structure and the watercraft;

4.2.1.3.4 If for any reason the proposed construction creates a condition such that the unobstructed channel requirements contained in 4.2.1.3.2 above cannot be met a variance must be obtained prior to the construction.

4.2.1.4 Minimum setback from the side lot line is five (5) feet and the Lake Front Structure is not to cross over an imaginary line that extends out from side lot line setback into the lake.

4.2.1.5 Construction of a Lake Front Structure that alters the shoreline will not be permitted.

4.2.1.6 No material shall be used that may contaminate the lakes.

4.2.1.7 Lot number must be displayed on lakeside of the Lake Front Structure with at least three (3) inch characters. If the lot number is on a sign on the Lake Front Structure, there shall be no advertising of any sort also included on the sign.

4.2.1.8 Electrical must meet Brown County and Indiana State Requirements.

4.2.1.9 Replacement of over 51% of an existing Boat Shelter, Dock, Boatlift or Shore Station must meet all current CSCD requirements.

4.2.1.10 Multiple, adjacent lots owned by the same person(s) or entity must be joined by a warranty deed which contains the statement described in 4.1.2.2 above for a Lake Front Structure to be constructed across property lines, otherwise the lots will be considered as single lots and these Rules and Regulations for Lake Front Structures will apply to each lot. Lots

which must be joined pursuant to this rule can only be separated if upon separation each lot fully complies with all requirements contained in the Rules and Regulations of CSCD and the Brown County Ordinances.

4.2.1.11 A Boat Shelter is not allowed on a lot without a dwelling.

4.2.2 Boat Shelters

4.2.2.1 The purpose of the Boat Shelter is to park/store a watercraft within and under the Boat Shelter for protection and storage.

4.2.2.1.1 The Boat Shelter may include a lift for storing the boat out of water. The Boat Shelter may be constructed with posts and a deck or a pitched roof above it.

4.2.2.1.2 The sides of a Boat Shelter must remain open and not enclosed.

4.2.2.1.3 A storage facility of no more than forty (40) square feet is permitted. The storage area must be located on the dock such that it does not extend out over water.

4.2.2.1.4 Maximum height of Boat Shelter decks and structures all-inclusive is fourteen (14) feet above the water level at normal pool stage.

4.2.2.1.5 Nothing may be attached to the Boat Shelter upper deck(s) or pitched roof that exceeds fourteen (14) feet above the water level at normal pool stage.

4.2.2.1.6 The roof or deck of a Boat Shelter may extend two (2) feet over the lakeside of the Dock.

4.2.2.1.7 The maximum size of the deck above a Boat Shelter is 792 square feet.

4.2.2.1.8 The Dock of a Boat Shelter must follow the square foot restriction stated in section 4.2.3.1 below. The deck on top of a Boat Shelter or a shingled roof over a Boat Shelter does not count toward the total square feet limit for the Dock or Boat Slip portion of the Boat Shelter.

4.2.2.1.9 The deck on top of a Boat Shelter or a shingled roof over a Boat Shelter may extend out no more than four (4) feet on each side of the Boat Slip of the Boat Shelter. This section does not apply to the

lake side (opposite the shoreline side) of the Boat Shelter (see 4.2.2.1.6 above).

4.2.3 Docks

4.2.3.1 Eight (8) square feet of dock may be constructed for each foot of shoreline, not to exceed 1200 square feet.

4.2.4 Boatlifts / Shore Stations

4.2.4.1 A Boatlift or Shore Station is considered to be a temporary Lake Front Structure and, as such, does not require a permit. However, the plans for a Boatlift or Shore Station installation must be approved in advance of the installation by the Commission.

4.2.5 Legal Nonconforming Uses (For Lake Front Structures Only)

4.2.5.1 Reference should be made to the applicable sections of the Brown County Zoning Ordinance regarding legal nonconforming uses and exceptions thereto for all uses that are governed by the Brown County Zoning Ordinance. For uses that are governed in whole or in part by these Rules and Regulations, the following provisions shall govern all legal nonconforming uses:

4.2.5.1.1 A legal nonconforming use may be continued, although such use does not conform to all the provisions of these Rules and Regulations, as hereinafter provided:

4.2.5.1.2 No structure shall be erected that constitutes a legal nonconforming use, except in conformance with the applicable provisions of these Rules and Regulations.

4.2.5.1.3 These provisions shall apply in the same manner to any use which may become a legal nonconforming use due to a later amendment to these Rules and Regulations.

4.2.5.1.4 An illegal nonconforming use shall not be validated by the adoption of these Rules and Regulations or any prior versions of the Rules and Regulations.

4.2.5.1.5 The casual, intermittent, temporary or illegal use of a lot shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on part of a lot shall not be construed to establish a nonconforming use on the entire lot.

4.2.5.1.6 In circumstances where there is question whether or not a nonconforming use exists, it shall be considered a question of fact and shall be decided by the Board in accordance with these Rules and Regulations.

4.2.5.1.7 Nothing in these Rules and Regulations shall prevent the restoration of a structure destroyed less than fifty-one percent (51%) of its square footage at the time of such destruction by explosion, fire, flood, earthquake, windstorm, act of God, riot or act of a public enemy, subsequent to the passage of these Rules and Regulations; or shall prevent the continuance of the use, except an illegal nonconforming use, of such structure or part thereof, as such use existed at the time of such impairment of such structure or part thereof. All such restoration and construction shall be subject to the obtaining of a permit, with the fees waived for the restoration of a building or structure destroyed less than fifty-one percent (51%) and restored according to its state of existence prior to destruction. All restorations resulting in a divergence from original plans or restoring a structure destroyed fifty-one percent (51%) or more shall be subject to obtaining a permit.

Appendix A

Definitions

1. BCO – (see “Building Compliance Officer”)
2. Board – the Cordry Sweetwater Conservancy District Board of Directors.
3. Boatlift – (see “Lift, Watercraft”)
4. Boat Shelter - a shelter built over a watercraft slip for the purpose of protecting a boat. The boat shelter has a roof or deck above the watercraft slip but has no sides or walls other than an optional storage area. The storage area is located over the end of the watercraft slip that is over land.
5. Boat Slip – (see “Slip, Watercraft”)
6. Building – A structure having a roof supported by columns or walls, for shelter, support, enclosure or protection of persons, animals, chattels, or property.
7. Building Height - The vertical distance measured from the average level of the proposed or existing finished surface of ground adjacent to the exterior walls of the building to the highest point of the building.
8. Building Compliance Officer (“BCO”) - The term shall refer to the person delegated whose primary responsibility is to issue location improvement permits and conduct relative inspections.

9. Building Front Line - A line extending across the portion or face of the building nearest the front line of the lot. This face includes sun parlors, and covered porches whether enclosed or unenclosed but does not include steps.
10. Building Setback Line - The line beyond which a building shall not extend. Setback lines may be applicable to the front, side, and or/rear yard. A line parallel to and within the lot property lines, which a building shall not extend beyond. Applies to all property lines.
11. Commission – the CSCD Building Control Commission.
12. Covenant - A private legal restriction on the use of land contained in the deed to the property (normally applied to all lots in a subdivision).
13. CSCD – Cordry Sweetwater Conservancy District.
14. Deck - Refers to a structure built on land, can be multiple decks, at different planes. May or may not have railings around it. Usually used for outdoor leisure, entertaining, or for entering the residence.
15. Decking – Material placed or fixed to the top of a frame to provide a walkway.
16. District, Conservancy, or CSCD - Any time these terms are used in the Rules and Regulations they refer to the Cordry Sweetwater Conservancy District.
17. Dock - This is a platform extending over the water for exiting and entering boats. A dock may extend over the shore on the same plane.
18. Dock, Single Plane - A dock with only one level.
19. Dwelling - Any building or portion thereof which is designed for permanent human occupancy and which is located on a permanent foundation.
20. Grandfather Clause - A clause in some laws creating exemption because of conditions existing before enactment of the legislation.
21. Improved Lot - Property with a dwelling and septic system.
22. Lake Front Structure – (see, "Structure, Water")
23. Lift, Watercraft – a mechanical device (manual or powered) for raising a watercraft out of the water. The Watercraft Lift is Installed beside a dock or within a watercraft slip or boat shelter.
24. Lot - A lot is a parcel of land as duly platted and recorded at the office of the Brown County Recorder. The lot may consist of:
 - a. A single lot of record.
 - b. A combination for development of complete lots of record or of complete lots of record and portions of lots of record.
25. Lot Line, Front- The line separating the lot from the street.
26. Lot Line, Rear - The lot line that is opposite the front lot line.
27. Lot Line, Side - Any lot line other than front or rear line.

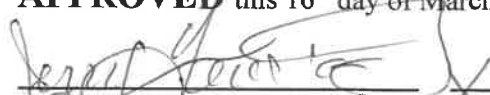
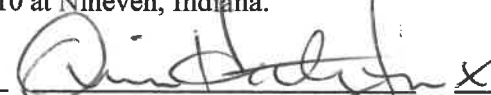




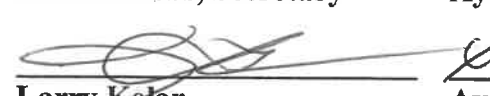
28. Marriage of Lots - when 2 or more lots are combined to make one, the lots must be recorded and deeded as married lots.
29. Nonconforming Structure - Where a lawful structure exists at the effective date of the adoption or amendment of the CSCD Building Rules and Regulations that could not now be built under the terms of these rules by reason of restrictions on area, lot coverage, height, yards, locations on lot, bulk, or other requirements concerning such a structure, may be continued so long as it remains lawful subject to the following conditions:
 - a. The structure may not be enlarged or altered in any way that increases its nonconformity, but the structure may be altered to decrease its nonconformity.
 - b. If a nonconforming structure is destroyed [act of God or man] by more than 51% (determined by square footage), it must be reconstructed as much as possible in conformity with the current Rules and Regulations.
30. Normal Pool Stage – The level of the lake where the water level is at the top of the spillway lip and no water is flowing over the spillway lip.
31. Permanent - has no beginning time or date and no ending time or date. Has a fixed foundation and no time limitations.
32. Permit - Construction Approval Certificate; a certificate issued by the Building Compliance Officer, permitting a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any over-water structure within the CSCD, or cause the same to be done, subject to State and local County authority. The permit is a contract between the CSCD and the lot owner. The lot owner is ultimately responsible for obtaining the permit. Brown County issues a permit for structures on land. However, CSCD has approval responsibility and authority based on covenants and restrictions in the deeds of CSCD property.
33. Person – person shall be defined as any individual, corporation, business or any other entity, whether private or government, including the CSCD.
34. Repair - Means to fix or enable a structure or any part of a structure to be usable. This can be accomplished by replacing parts of the structure without replacing the whole of the structure.
35. Replacement - means to remove a structure and build something in place of it or to build anew.
36. Rules and Regulations – The Cordry Sweetwater Conservancy District, Building Control Commission, Lot and Water Front Development and Use Rules and Regulations.
37. Screened Porch - A covered porch, not framed in for utilities, but framed with posts and horizontal framework to accommodate the screen. Any porch framed with less than 30 inch centers would be considered framework for a room addition.
38. Shore Station – a type of boat shelter that is prefabricated to provide a watercraft lift that, optionally, can have a minimal cover for the watercraft. It is installed next to a dock.
39. Single Plane Dock – (see, "Dock, Single Plane")
40. Slip, Watercraft – a type of dock that provides for mooring a watercraft with docks on three sides of the watercraft. No walls or roof are allowed to enclose the watercraft.
41. Structure – Anything that is constructed or erected on or in the ground or attachment to something having a location on or in the ground. In addition, a structure may be moveable

if located on land and can be used for housing or storage purposes, either temporarily or permanently. Structure includes, without limitation, swimming pools, poles, fences, ponds, signs, tents, docks, boat shelters, decks, patios, walkways, gas or liquid storage tank, and recreational vehicle.

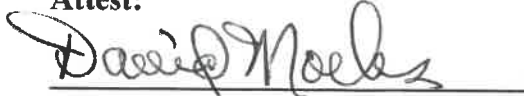
- 42. Structure, Land – a structure that is entirely located on the land.
- 43. Structure, Water – a structure that is located mostly over the water of one of the lakes. Such structures are allowed to be built on the property (lakes) owned by the CSCD. (See "Boatlift", "Boat Shelter", "Dock", "Shore Station")
- 44. Temporary - Not fixed, portable and has a beginning and ending time.
- 45. Unimproved Lot -This is a plotted/surveyed piece of land with no house or utilities installed on the property.
- 46. Use, Illegal Nonconforming - A use of property existing at the time of the passage of these Rules which does not conform to all of the applicable provisions of these Rules nor those of any version of these Rules that was superseded by these Rules.
- 47. Use, Legal Nonconforming - A use of property existing at the time of the passage of these Rules which does not conform to all of the applicable provisions of these Rules, but which did conform to applicable provisions of any Rules superseded by these Rules.

AND BE IT FURTHER RESOLVED, That once this Resolution is approved by the CSCD Board of Directors that a copy of this resolution shall be placed in the front of the CSCD Building Rules and Regulations approved October 17, 2006, by Resolution 2006-8.

APPROVED this 16th day of March of 2010 at Nineveh, Indiana.

	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jerry Fenwick, Chairman	Aye	Nay	Quinn Hetherington	Aye	Nay
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Tom Dziennik, Vice Chairman	Aye	Nay	Cheryl Boyle	Aye	Nay
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Moebs, Secretary	Aye	Nay	Norman Noe	Aye	Nay
	<input type="checkbox"/>	<input type="checkbox"/>			
Larry Kolar	Aye	Nay			

Attest:


 David Moebs, Secretary