

# Building Rules & Regulations

**Note:**  
**Addendum A contains Board Resolutions**  
**that Amend this Document**

**Cordry Sweetwater  
Conservancy District**

**Office**

**933-2893**

**Approved October 17, 2006**

**Seven resolutions and cross-references to  
resolutions added on November 22, 2013**



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Addendum A: Board Resolutions that amend this document

**Cordry Sweetwater Conservancy District**

**8377 Cordry Drive Nineveh, In 64164**

**Cause No. 4213**

**Resolution No. 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 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.

**Building Control Commission**

**See Board  
Minutes of  
3/18/2008  
Commission  
Expanded  
From 5 to 7  
Members**

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.
2. Remedies may include, but are not limited to, the issuance of a stop work

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

See  
Resolutions  
2007-8,  
2008-15,  
& 2009-5 in  
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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.

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Resolutions  
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## **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 sightly 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 outs 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 172.

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.

See also  
Resolution  
2007-10 in  
Addendum A

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

See also  
Resolution  
2007-10 in  
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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



See also  
Resolution  
2007-8 in  
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- 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., and 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 from dwelling.

**4. Boat shelters/Dock/Boatlift:** Boat shelter shall mean a roofed structure, with no enclosed 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 (40sqft) 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.

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- 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 boat slip and or a shingled roof over a boat slip 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

See also  
Resolution  
2008-7  
(Geothermal  
Rules) in  
Addendum A

## **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. **Allanthus 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) contractor's 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 1<sup>st</sup> through March 31<sup>st</sup>.
6. No alteration of shoreline will be permitted.

See  
Resolution  
2007-7 in  
Addendum A



## **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.
4. A structure, such as a seawall, designed in a fashion to prevent wave action, may be constructed without a variance to the rear property line set back rule, of twenty five feet, (25ft).

## **XI Road Restrictions – for trucks**

See  
Resolution  
2008-9 in  
Addendum A

To protect the quality of the roads in the CSCD, limitations are required. During the winter months, ~~December 15<sup>th</sup> through May 15<sup>th</sup>~~ trucks of 20,000 pounds gvwt, (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**



## **Building Application Instructions and Requirements**

1. Applications with all required documents must be submitted to the CSCD Building Compliance Officer three (3) weeks prior to the Building Commission monthly meeting. The deadline must be met otherwise the application will be presented to the Building Commission at their next monthly meeting. The Building Commission meets the first Tuesday of every month.
2. The following are required documents.
  - a. Completed building application form.
  - b. A brief statement of what the project is and how it will be constructed and proposed start date.
  - c. Copy of warranty deed.
  - d. Copy of the most recent survey.
  - e. Plot plan with location and dimensions of structure to scale, with setbacks annotated.
  - f. If a variance is required all documentation must be provided to request a variance.
  - g. Construction prints and or drawings to scale with all dimensions, to include an elevated view.
  - h. Septic field and location.
  - i. A detail sediment control plan and materials to be used.
  - j. A detail drainage plan and materials to be used.
  - k. A detail shoreline stabilization plan and materials to be used.
  - l. Application for docks requires verification of shoreline linear feet on a survey.
  - m. Contractors must provide a copy of their license and copy of their certification of liability.
  - n. Applications for docks must include a list of materials to be used.
  - o. If a structure is to be modified or renovated a current picture must be provided.
  - p. Affidavit of bedrooms is required for all new construction, modifications and additions.
  - q. Any other information to clarify the proposed project and construction.
3. Failure to provide the above information and not submitting the application in the specified timeframe indicated will and can cause a delay in the processing of the application.
4. Attached are the application form and a copy of the checklist used to process your application. If you need assistance please call the CSCD office during normal business hours at 317-933-2893.



Detail Construction Plans Attached? \_\_\_\_\_ (required and must be to scale and include all dimensions, an elevation view and materials to be used)

Brief Description of Project Attached? \_\_\_\_\_ (required)

Detail Plot Plan to Scale Attached? \_\_\_\_\_ (required and must show all current structures, septic field, proposed structure, dimensions and setbacks)

Detailed Sediment Control Plan Attached? \_\_\_\_\_ (required for all construction which will disturb the soil. The plan must indicate the type of material and method)

Detailed Drainage Plan Attached? \_\_\_\_\_ (required)

Detail Shoreline Control Plan Attached? \_\_\_\_\_ (required for all docks and must indicate the material and method)

Is an Affidavit of Bedrooms Attached? \_\_\_\_\_ (required for new construction or additions to structures)

**If a modification or an addition is proposed for a current structure the following additional items are required:**

Is a Current Picture Attached? \_\_\_\_\_ (required with date of picture)

House Total Square Footage \_\_\_\_\_ First Floor Square Footage \_\_\_\_\_

Second Floor Square Footage \_\_\_\_\_ Basement Square Footage \_\_\_\_\_

Number of Bedrooms \_\_\_\_\_ Number of Baths \_\_\_\_\_ Porch Square Footage \_\_\_\_\_

Deck Attached Square Footage \_\_\_\_\_ Deck Detached Square Footage \_\_\_\_\_

Garage Total Square Footage \_\_\_\_\_ Number of Bays \_\_\_\_\_

Docks Total Square Footage \_\_\_\_\_ Boat Shelter Square Footage \_\_\_\_\_

Height of Boat Shelter at Normal Pool \_\_\_\_\_ Number of Boat Slips \_\_\_\_\_



**The following statement(s) must be signed by owner and contractor:**

I affirm no modifications or additions will be made once the application is approved. I further acknowledge if any modification or addition is made without CSCD granting approval I will be required to remove said modification or addition. I further acknowledge no construction may start until written approval is granted by CSCD. I understand I am responsible and required to notify the CSCD when the project is started and again when the project is completed.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

I \_\_\_\_\_ the contractor for \_\_\_\_\_  
affirm no modifications or additions will be made to the project without approval of the CSCD. I further acknowledge no construction may start until written approval is granted by CSCD. I further acknowledge and understand if I violate CSCD Building Rules it could result in my company not being permitted to operate within the CSCD.

Signature of Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

***NOTE: Some projects require a Brown County Building Permit. You will be advised if this is needed.***

Date Reviewed By Building Commission: \_\_\_\_\_

Results of Building Commission Review: \_\_\_\_\_  
\_\_\_\_\_

Date Building Permit Issued: \_\_\_\_\_

CSCD Representatives Signature: \_\_\_\_\_ Date: \_\_\_\_\_





## Cordry-Sweetwater Bedroom Affidavit

I affirm under 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, utility room, living room and grand room. By Brown County Health Department's definition the following would be considered a bedroom: in-home office, sewing room, recreation room, den, storage room, music room and so on".*

Name of Owner (print): \_\_\_\_\_ Signature: \_\_\_\_\_

Witness By: \_\_\_\_\_ Date: \_\_\_\_\_



## CSCD Building Application Checklist and Approval Process

Permit Number \_\_\_\_\_ Date Received: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Contractors License Number \_\_\_\_\_ (copy attached)

Contractors Certificate of Liability \_\_\_\_\_ (copy attached)

Project Description: \_\_\_\_\_

Date to Building Commission \_\_\_\_\_

Results of Building Commission's review: \_\_\_\_\_

Date Approved: \_\_\_\_\_ Date Owner Notified: \_\_\_\_\_

Date Permit Issued: \_\_\_\_\_ Date Project Started: \_\_\_\_\_

Brown County Permit Required? \_\_\_\_\_ Date issued: \_\_\_\_\_ (copy attached)

Date of first inspection: \_\_\_\_\_ Results of first inspection: \_\_\_\_\_

(picture attached)

Date of second inspection: \_\_\_\_\_ Results of second inspection: \_\_\_\_\_

(picture attached)

Date of third inspection: \_\_\_\_\_ Results of third inspection: \_\_\_\_\_

(picture attached)

Date of final inspection \_\_\_\_\_ Results of final inspection: \_\_\_\_\_  
(picture attached)

I verify the work was completed to specifications and in accordance with all documents contained in this application and pictures attached.

\_\_\_\_\_  
(Date and signature of CSCD official)

ED: 16 October 2013



## Building Compliance Checklist for Application Packet

1. All items completed on application? \_\_\_\_\_ (required)
2. Owner of property verified? \_\_\_\_\_ (required)
3. Brief statement of what is to be constructed: \_\_\_\_\_  
\_\_\_\_\_ (required)
4. Did owner sign application? \_\_\_\_\_ (required)
5. Did contractor sign application? \_\_\_\_\_ (required)
6. Copy of warranty deed attached? \_\_\_\_\_ (required)
7. Copy of most recent survey attached? \_\_\_\_\_ (required)
8. Plot plan attached with location of structure with dimensions to scale? \_\_\_\_\_ (required)
9. Are all setback dimensions annotated on plot plan? \_\_\_\_\_ (required)
10. Does structure need a variance? \_\_\_\_\_ (required)
11. If a variance is required has all documentation been provided? \_\_\_\_\_ (required)
12. Is a drawing to scale attached with all dimensions, in detail, height, width and length? \_\_\_\_\_ (required)
13. Is an elevation view of project to scale with dimensions attached? \_\_\_\_\_ (required)
14. Is the location and size of septic field annotated on plot plan? \_\_\_\_\_ (required)
15. Is a detail sediment control plan attached? \_\_\_\_\_ (required for any structure on land)
16. Is a detail drainage plan attached? \_\_\_\_\_ (required for any structure on land)
27. Is a septic permit required? \_\_\_\_\_ If so what was the date approved and is a copy attached? \_\_\_\_\_ (required)
18. Is a detail shoreline stabilization plan attached? \_\_\_\_\_ (required for all docks)
19. If application is for a dock what is the linear feet of shore line? \_\_\_\_\_ (required)  
(must be verified by survey)



20. What is the square footage of the dock? \_\_\_\_\_ (required)
21. Does the square footage in number 20 equal square footage per linear feet in number 19 using the 8 square feet per linear foot rule? \_\_\_\_\_ (required) Calculated square footage \_\_\_\_\_.
22. What is the height of the boat shelter from the water at normal pool? \_\_\_\_\_ Is it 14 feet or less? \_\_\_\_\_ (required)
23. Does the boat shelter meet the four (4) foot overhang and two (2) foot overhang rule? \_\_\_\_\_ (required)
24. Has an initial site visit been made? \_\_\_\_\_ Date \_\_\_\_\_ Is a picture attached? \_\_\_\_\_ Do all the drawings and plot plan match project? \_\_\_\_\_ (all required)
25. Is the application ready for review by the Building Commission and all information above verified? \_\_\_\_\_ Date \_\_\_\_\_

Building Compliance Office (signature) \_\_\_\_\_ (date) \_\_\_\_\_  
(required)





## **Addendum A**

### **Board Resolutions that Amend this Document**

- |                    |   |
|--------------------|---|
| Resolution 2007-7  | Change in dates during which dredging is permitted. |
| Resolution 2007-8  | Exception to setback rules for seawalls.            |
| Resolution 2007-10 | Approval of Septic Evaluation Program.              |
| Resolution 2008-7  | Policy for Geothermal Systems                       |
| Resolution 2008-9  | Change in the Dates of Winter Road Load Limits      |
| Resolution 2008-15 | Structures Allowed on Undeveloped Lots              |
| Resolution 2009-5  | Developmental Rules for Lots and Structures         |



**Cordry Sweetwater Conservancy District**

8377 Cordry Drive Nineveh, Indiana 46164

**FILED**

JAN 10 2008

Cause No. 4213

Resolution 2007-7

Amendment to Resolution 2006-8, Section IX, line 5.

*Beth Mulry*  
CLERK BROWN CIRCUIT COURT

**WHEREAS** the Cordry Sweetwater Conservancy District Board of Directors determined it necessary to change the dates for permitting dredging, amendment to Resolution 2006-8, Section IX, line 5.

**WHEREAS** the Cordry Sweetwater Conservancy District Board of Directors is an authority to make regulations for the administration of the affairs of the district, in accord To the Indiana Code Section 14, The Conservancy Act, the Board, in order to protect the Conservancy environment and the enjoyment of the property for each freeholder, proclaim dredging shall be permitted from August 1<sup>st</sup> through to the date of winter road closing to heavy vehicles.

**THEREFORE, LET IT BE RESOLVED** that dredging shall be permitted between August 1<sup>st</sup> and through to the first day of the winter road closing to heavy vehicles. The only exception would be if specifically authorized by the CSCD Board.


**LET IT FURTHER BE RESOLVED** that anyone not complying with this resolution risks loosing there lake privileges and in the case of the contractor, contractor privileges.


**APPROVED** this 21<sup>st</sup> day of August, 2007 at Nineveh, Indiana.

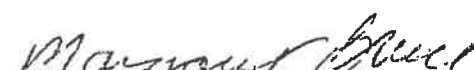
  
Tom Daseler, Chairman

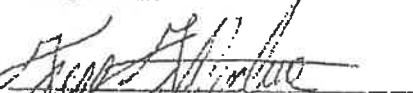
  
Larry Kolar, Vice-Chairman

  
Quinn Hetherington, Secretary

  
Norman Noe

  
Tom Dzientek

  
Margaret Bruce

  
Gregg Gillentine

SWORN AND SUBSCRIBED TO before me, a NOTARY PUBLIC, this 21<sup>st</sup> day of August, 2007, at Nineveh, Indiana.

  
Martha Anderson, Notary Public



**Cordry Sweetwater Conservancy District**

8377 Cordry Drive Nineveh, Indiana 46164

Cause No. 4213

Resolution 2007-8

Amendment to Resolution 2006-8, Article X

**FILED**

JAN 10 2008

*Beth Mulry*  
CLERK BROWN CIRCUIT COURT

**WHEREAS** the Cordry Sweetwater Conservancy District Board of Directors determined it necessary to promote shoreline stabilization with the use of riprap or hard armor, such as vinyl or concrete, without applying for a variance to the Building Rules.

**WHEREAS** the Cordry Sweetwater Conservancy District Board of Directors is an authority to make regulations for the administration of the affairs of the district, in accord to the Indiana Code Section 14, The Conservancy Act, the Board, in order to protect the Conservancy environment and the enjoyment of the property for each freeholder, proclaim shoreline stabilization projects can be permitted without having to apply for a variance.

**THEREFORE, LET IT BE RESOLVED** to add line 4, of Article X, of Resolution 2006-8 to state, "A structure, such as a seawall, designed in a fashion to prevent wave action, may be constructed without a variance to the rear property line setback rule, of 25 feet."

**APPROVED** this 18th day of September, 2007, at Nineveh, Indiana.

*Tom Daseler*

Tom Daseler, Chairman

*Larry Kolar*

Larry Kolar, Vice Chairman

*Quinn Hetherington*

Quinn Hetherington, Secretary

*Norman Noe*

Norman Noe

*Tom Dzennik*

Tom Dzennik

*Margaret Bruce*

Margaret Bruce

*Gregg Gillentine*

Gregg Gillentine

**SWORN AND SUBSCRIBED TO** before me, a Public Notary, this 18th day of September, 2007 at Nineveh, Indiana

*Marty Anderson*

Marty Anderson, Notary Public



**Cordry Sweetwater Conservancy District**  
8377 Cordry Drive Nineveh, Indiana 46164  
Cause No. 42131  
Resolution No. 2007- 10

**FILED**

JAN 10 2008

*Beth Mulry*  
CLERK BROWN CIRCUIT COURT

**WHEREAS** the Cordry Sweetwater Conservancy District Board of Directors determined it necessary to promote a septic system evaluation program to assure long term lake water quality and environmental health throughout the Conservancy District. And,

**WHEREAS** the Cordry Sweetwater Conservancy District Board of Directors is an authority to make regulations for the administration of the affairs of the district, in accord to the Indiana Code Section 14, The Conservancy Act, the Board, in order to protect the Conservancy environment and the enjoyment of the property for each freeholder, proclaim and establish a Cordry Sweetwater Septic System Evaluation Committee and rules and regulations to provide for a system evaluation of all septic systems in the Conservancy. And,

**WHEREAS** failing septic systems are a major health and environment issue in the state of Indiana, Brown County and the Cordry Sweetwater Conservancy District. Cordry Sweetwater Conservancy District (CSCD) Rules and Regulations provide for a system of regular cleaning and inspection of all single household septic systems in use within the jurisdiction of the District. Resolution 2007-10 establishes rules for cleaning and evaluation of septic systems:


**THEREFORE, LET IT BE RESOLVED** that the Cordry Sweetwater Conservancy District Board of Directors:

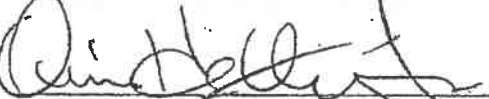
1. Establishes the Cordry Sweetwater Septic Evaluation Committee (CSSEC) consisting of three members. The Committee will be dissolved at the completion of the first septic implementation cycle, December 2010, with oversight of the program assigned to the Building Control Commission and routine clerical administration becoming a responsibility of the CSCD staff. Any extension of the CSSEC term or change in the scope of the Septic System Evaluation Program requires approval by Resolution of the CSCD Board of Directors.
2. Sets forth CSSEC responsibilities including establishing and maintaining a schedule for cleaning and inspection of Conservancy Freeholders' installed individual septic systems, which, if they fail or malfunction, could drain into the lake and impair lake water quality or create a health risk.
3. Requires all septic systems to be cleaned and evaluated at least once each five years based on a rotation schedule; costs of evaluations will be at the Freeholder's expense; septic system evaluations will be completed by a licensed professional company; evaluation reports will be monitored by the committee; corrective measures will be undertaken by the Freeholder.

Resolution 2007-10 continued:

**APPROVED** this 20<sup>th</sup> day of November 2007, at Nineveh, Indiana.

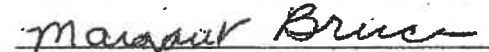
  
Tom Daseler, Chairman


  
Larry Kotlar, Vice Chairman

  
Quinn Hetherington, Secretary

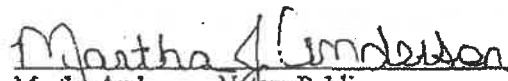
  
Norman Noe

  
Tom Dziennik

  
Margaret Bruce

  
Gregg Gilentine

**SWORN AND SUBSCRIBED TO** before me, a Public Notary, this 20<sup>th</sup> day of November, 2007 at Nineveh, Indiana.

  
Martha Anderson, Notary Public



**Cordry Sweetwater Conservancy District**  
8377 Cordry Drive Nineveh, Indiana 46164

**FILED**

Cause No. 4213  
Resolution 2008-7

AUG 20 2008

**"Policy for Geothermal Systems"**

*Beth Mulry*  
CLERK BROWN CIRCUIT COURT

**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**, the Cordry Sweetwater Conservancy District Board of Directors, acting as sovereign power, to of the Cordry and Sweetwater Lakes, as stated in Covenant 13 as "Lake Management", is committed to protect the ecology and safety of the lakes, therefore finds it necessary to accept the attached recommendations approved by the Cordry Sweetwater Conservancy District's Building Commission and referred by the Cordry Sweetwater Conservancy District's Ecology Commission as the;

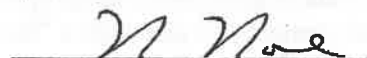
**"Geothermal Heating/Cooling Concerns and Recommendations"**

(Attachment revised August 15, 2008)

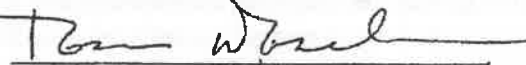
**THEREFORE BE IT RESOLVED** that these recommendations become policy and applied to the Cordry Sweetwater Conservancy District Rules, and that the Cordry Sweetwater lakes be for the enjoyment of all the District's freeholders and not to be used for individual freeholder's private utilities.

**APPROVED** this 19<sup>th</sup> day of August 2008, at Nineveh, Indiana.


  
Tom Dziennik, Chairman

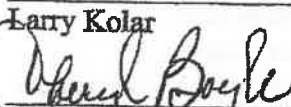
  
Norman Noe, Vice Chairman

  
David Moebs, Secretary

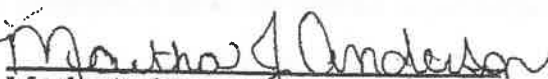
  
Tom Daseler

  
Larry Kolar

  
Quinn Hetherington

  
Cheryl Boyle

**SWORN AND SUBSCIBED TO BEFORE** me, Notary Public, this 19<sup>th</sup> day of August 2008.

  
Martha Anderson, Notary Public

Geothermal Heating/Cooling Concerns and Recommendations: (revised August 15, 2008)

The geothermal heating/cooling systems in the lakes are a physical hazard given the heavy recreational uses of our lakes. The heating/cooling coils are located in the lake in 10-14 feet of water and are assembled in bales of 5-6 coils per bale. These bales are 3 feet high and 4 to 5 feet in diameter. The number of bales required for a home depends on the BTU's required to heat and cool the home.

It has been determined that fish hooks will not damage the units although you'll probably lose the hook if you snag a bale. A boat anchor could possibly damage a bale if it got entangled in a bale. They are normally in deep enough water that hitting them if you dive from a boat is unlikely. The effects of the liquid inside the tubes if discharged into the lake along with the heat generated by the coils have a negligible affect on the lake.

They could be damaged by dredging equipment, mechanical weeding activities or if we would lower the lake for dock and shore repair, there might not be the enough water over them for proper operation. If these bales do fail, they will float to the surface where they become a boating hazard and can block access to the lake to nearby property owners. In the past, CSCD personnel have taken it upon themselves to add additional weights to the bales and connecting lines to submerge these units to clear the lakes of these hazards. As these units age, this has become a more common occurrence. Using CSCD personnel to correct these hazards exposes the personnel to personal safety hazards along with exposing CSCD to the possibility of a liability if these units are damaged by our employees or equipment.

With this in mind, we recommend the following:

1. No additional geothermal systems (open or closed) will be allowed or approved, if they will be placed in the lakes or would result in any kind of discharge into the lakes.
2. Existing systems installed prior to June 2008 will be allowed to remain with the following conditions: Current owners of geothermal heating/cooling systems with bales in the lake must submit all the below information and also sign a "Hold Harmless" agreement or the bales must be removed from the lake (CSCD property).
3. Owners must submit the following information and documentation:
  - The system shall be inspected annually by a certified geothermal contractor and a copy of this inspection report shall be filed with the conservancy office.
  - A sign must be posted where the coils enter and exit the lakes to notify boaters or maintenance staff of the existence of the geothermal system.
  - Provide as many phone numbers as it takes to reach them if their system fails.
  - Provide as much information as they can about their system (location, size, etc.).
  - Provide contact information for two approved contractors that CSCD can call if we cannot locate the homeowners. These contractors must be able to remove the hazard within 24 hours of notification.
  - Provide a signed document stating CSCD is authorized to use these contractors on behalf of the homeowner to clear an existing hazard in the event the homeowner cannot be contacted. If these contractors cannot respond in a timely manner and it becomes necessary for CSCD personnel to clear the hazard, the homeowner agrees to pay a \$1000 fee to the conservancy to cover costs incurred or actual costs if higher.
  - Provide a signed document certifying that the geothermal coil(s) in the lake are located in the idle zone and not in the high speed zone of the lake. If the coil(s) are in the high speed zone of the lake, they must be moved to the idle zone or removed entirely from the lake.
  - If the geothermal coils are no longer being used, they must be removed from the lakes.
  - If ownership of the property transfers, the new owners must follow the process above at the time they sign up for water service.

**Cordry Sweetwater Conservancy District**

8377 Cordry Drive Nineveh, Indiana 46164

**FILED**

NOV 20 2008

Cause No. 4213

Resolution 2008-9

Change the Dates of Winter Road Load Limits

Beth Mulry

CLERK BROWN CIRCUIT COURT

**WHEREAS** the Cordry Sweetwater Conservancy District Board of Directors is an authority to make regulations for the administration of the affairs of the District, in accord to the Indiana Code Section 14, *The Conservancy Act*, the Board of Directors, in order to protect the Conservancy environment, specifically the roads, proclaims that the Board of Directors wishes to change the dates of the winter months load limit restriction on the Conservancy roads to match the dates of the winter months load limit restrictions currently in effect for Brown County roads.

**AND, WHEREAS** the current road restrictions for trucks for the Cordry Sweetwater Conservancy District ("Building Rules & Regulations, October 17, 2006, Section XI, page 21) are: "To protect the quality of the roads in the CSCD, limitations are required. During the winter months, December 15<sup>th</sup> through May 15<sup>th</sup>, trucks of 20,000 pounds gvw (gross volume weight, truck and load), or less will be permitted to travel on CSCD roads. Exceptions to road restrictions are: 1. Septic trucks, 2. Emergency vehicles, 3. Road Maintenance trucks, 4. Trash collection, 5. Fuel trucks."

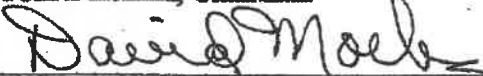
**BE IT RESOLVED** that the dates stated in the current rule above will be changed from December 15<sup>th</sup> through May 15<sup>th</sup> to December 15<sup>th</sup> through April 15<sup>th</sup>. All other aspects of the current rule remain unchanged.

**AND, BE IT FURTHER RESOLVED** that any person, partnership, firm, or corporation who violates any part of this resolution shall, by the authority of the Cordry Sweetwater Conservancy District Board of Directors and the Brown County Prosecutor, upon conviction, be found guilty of an ordinance violation and be penalized under the provisions of Ordinance No. C 1-86.

**APPROVED** this 18<sup>th</sup> day of November, 2008, at Nineveh, Indiana.

  
Tom Dziennik, Chairman

  
Norman Noe, Vice Chairman

  
David Moebs, Secretary

  
Tom Daseler

  
Larry Kolar

  
Quinn Hetherington

  
Cheryl Boyle

**SWORN AND SUBSCRIBED TO BEFORE** me, Notary Public, this 16<sup>th</sup> day of September, 2008.

  
Martha Anderson, Notary Public



**Cordry Sweetwater Conservancy District**  
8377 Cordry Drive Nineveh, Indiana 46164

**FILED**

JAN 14 2009

Cause No. 4213

Resolution 2008-15

(Rescinding Resolution 2008-6, Structures Allowed on Undeveloped Lots)

*Beth Mulry*  
CLERK BROWN CIRCUIT COURT

**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;

**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, Rule V. Section M - 4, to include "Undeveloped lots may only have a single plane, square or rectangular dock not to exceed 100 square feet in size";

See  
Resolution  
2009-5 in  
Addendum A

**AND BE IT FURTHER RESOLVED**, In congruence with Covenant #1, no "building structure" may be constructed, placed, or located on an undeveloped lot until and unless a dwelling in compliance with Covenant #1 is located on the lot or an adjacent lot owned by the same person or persons. If the building structure is constructed, placed, or located on the lot adjacent to the dwelling-improved lot and the ownership of that lot and the adjacent-improved lot subsequently becomes dissimilar in any way, the building structure located on the lot not containing the dwelling shall become a nonconforming building structure in violation of Covenant #1 and must be removed.

(A "building structure" is a structure which contains or includes a roof over any part of the structure. The term includes, but is *not* limited to, sheds, shacks, garages, boat houses, and party-decks, any part of which is constructed, placed, or located on a lot. The term does *not* include a structure that is only temporarily located on a lot and which can quickly and easily be removed without damage to the subject real estate (for example, camping trailers). A roofed-structure that is allowed to remain on a lot indefinitely will not be deemed to qualify for the foregoing exclusion, whether or not the structure can quickly and easily be removed without damage to the subject real estate.)

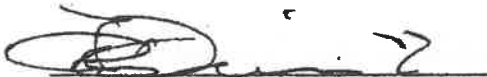
In addition, and apart from Covenant #1, no non-building structure (for example, fences, steps, decks, retaining walls) may be constructed, placed, or located on an undeveloped lot without an approved motion of the Building Control Commission, except that such motion approval shall not be required for picnic tables and other similar temporary structures that can quickly and easily be removed without damage to the subject real estate;

**Resolution 2008-15 (continued)**

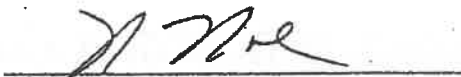
**AND BE IT FURTHER RESOLVED**, That this resolution rescinds and completely replaces Resolution 2008-6 passed by the CSCD Board of Directors during the CSCD Board of Directors meeting on August 19, 2008;

**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.

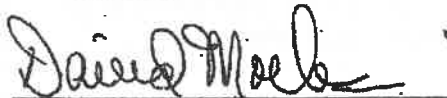
**APPROVED** this 3rd day of January 2009 at Nineveh, Indiana.



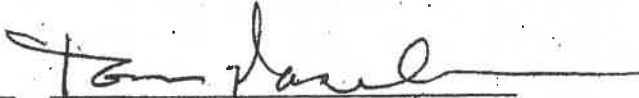
Tom Dzennik, Chairman



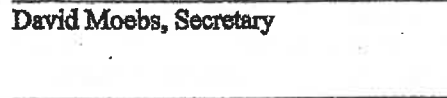
Norman Nee, Vice Chairman



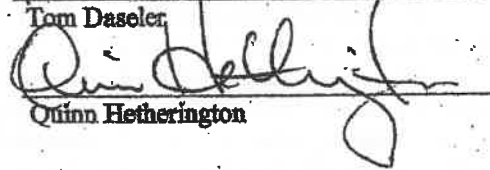
David Moebs, Secretary



Tom Daseler



Larry Kolar



Quinn Hetherington



Cheryl Boyle

**SWORN AND SUBSCRIBED TO BEFORE** me, Notary Public, this 3rd day of January 2009.



Martha Anderson, Notary Public

RECEIVED  
MAR 22 2010

BY:-----

**Cordry Sweetwater Conservancy District**  
8377 Cordry Drive Nineveh, Indiana 46164

201000000763  
Filed for Record in  
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 property lines 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.

When there are two or more property owners at the end of a cove, the method for determining the centerline of a cove is established as follows: at the intersection of the property lines of each freehold a perpendicular line will be drawn in ten foot increments, on each property line, from the intersection. A minimum of three perpendicular lines must be established on a survey, additionally, there will be drawn perpendicular lines at any point where the property line, of any of the property's, changes direction. The intersection of the perpendicular lines will determine the centerline of the cove. This centerline of the cove determines cove usage with either building structures or boat parking. Any questions concerning the application of this rule should be directed to the Building Compliance Officer.

**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 Deck 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.

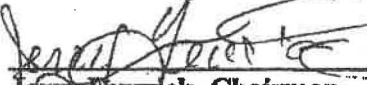
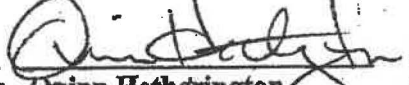
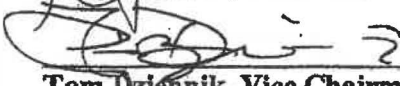
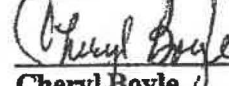
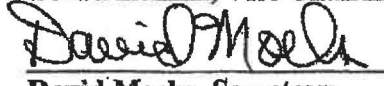
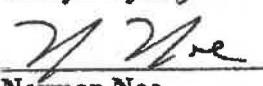

28. Marriage of Lots - when 2 or more lots are combined to make one, the lots must be recorded and deeded as married lots.
29. Nonconforming Structure - Where a lawful structure exists at the effective date of the adoption or amendment of the CSCD Building Rules and Regulations that could not now be 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 16<sup>th</sup> day of March of 2010 at Nineveh, Indiana.

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

Attest:

  
David Moebs, Secretary



## **Requirements for Building Docks and Boat Shelters**

1. Completed building approval application.
2. Completed set of plans; 1. overhead aspect, 2. elevation, (showing distance from normal pool stage of lake to top part of structure). Plans should demonstrate all necessary measurements, to include size of structure, setbacks from property lines, and shoreline.
3. Copy of certified survey with measurements of property easy to read.
4. Copy of warranty deed, to show ownership.

**What is allowed or not on unimproved/unbuildable lots**

1. Steps allowed as long as they meet setback requirements. They should only have a width of 3ft. to 4ft. and may have a landing no more than 4ft. by 4ft..  
No deck disguised as a landing.
2. A porta potty may be on the lot , but must coincide with a camping permit. There must be a date of delivery and a date of pickup to be reported when a camping permit is issued.
3. Stone landscaping that is not anchored with cement, and can be easily removed.
4. A flat area next to the road for parking. If a driveway is required must follow all requirements as if getting ready to build a residence. If a culvert is required must have one installed.
5. May have an unanchored picnic table or swing.
6. May stack wood on lot, but only if it is cut on lot. May not use lot for woodlot. All brush from tree cutting must be removed from lot. [fire hazard].
7. Nothing that would alter the shore line.
8. Lot may not be used as a storage/staging area for commercial enterprise. Storage of vehicles or construction debris etc.
9. All camping debris must be removed when leaving lot.

## AREA MAP



