

ARTICLE 25, SECTION 2554 OF THE DEARBORN COUNTY ZONING ORDINANCE: POND & LAKE REQUIREMENTS:

The construction of ponds or dams within Dearborn County is permitted as long as the following requirements are met and a Zoning Permit or Site Plan is issued. Retention and detention ponds installed to comply with the stormwater requirements of this Ordinance and the Dearborn County Subdivision Ordinance are exempt from the requirements listed below and shall not be considered a pond, lake or dam. The following requirements are not intended to supersede or contradict any State or Federal regulations pertaining to construction of a pond, lake, dam or watercourse. The more restrictive requirements shall be followed and the issuance of a permit from the Plan Commission does not relieve the applicant of any State or Federal permits, which may be required.

1. Ponds or lakes are permitted to be constructed on property that is five (5) or more contiguous acres in size;
2. No part of the pond or lake shall be constructed closer than 150 feet from any public right-of-way, or public/private easement. If the width of an easement containing a public roadway cannot be determined, 30 feet shall be added to the 150 foot setback, and shall be measured from the centerline of the roadway;
3. Ponds or lakes shall not be constructed closer than 30 feet from a property line, but at no time shall be closer than 150 feet to an existing residence on an adjoining parcel;
4. The pond or lake shall have a spillway constructed, which allows the overflow to follow the natural drainage course, and it shall be constructed so as to prevent soil erosion at the outflow of the dam;
5. Ponds or lakes, which have more than a one square mile area of drainage from upstream or contain more than 30 acres of water, shall be required to follow Site Plan Review as detailed in this ordinance. The plan must be prepared and stamped by a registered Indiana Engineer or Surveyor;
6. Ponds or lakes which have a depth greater than twenty (20) feet measured from crest of emergency spillway to flow line of original ground shall be required to follow Site Plan Review and have the plan prepared and stamped by a registered Indiana Engineer or Surveyor;
7. Any pond or lake constructed closer than 150 feet to a public or private roadway and the enclosure/water impounding area of the pond or lake is located below, or at the same grade, as the roadway, a guardrail shall be required to prevent vehicle entry from the road. A guardrail may not be necessary if vegetation exists between the pond or lake and the roadway, which would reasonably prevent vehicle entry from the road. If the pond or lake is located closer than 150 feet to the roadway, and is at a grade above the roadway, a guardrail may be required if vehicle entry from the roadway is possible. The Dearborn County Engineer, or Highway Department, shall determine if a guardrail is required, and the guardrail shall be constructed according to the requirements and specifications of the Dearborn County Subdivision Ordinance. All ponds or lakes constructed closer than 150 feet to any public roadway shall require a permit from the Dearborn County Highway Department.

ARTICLE 27 DEFINITION OF A POND, REFERENCED FROM THE DEARBORN COUNTY ZONING ORDINANCE:

Pond

Any inland body of water that in its natural state has a surface area of 500 square feet or more with a depth no less than 3.5 feet, and body of water artificially formed or increased that has a surface area of 500 square feet or more with a depth no less than 3.5 feet. For purposes of measuring pond setbacks under this Ordinance, ponds shall include any man made supporting structure containing such body of water.

DEARBORN COUNTY PLANNING & ZONING WEBSITE:

www.dearborncounty.org/planning

**How to obtain pond permit application from our website and submit it to our department:

- 1) Got to www.dearborncounty.org/planning and click on the Online Forms and Applications link in the middle of the index page (*Please note: it should be the only link in red letters*).
- 2) Download the **Location Improvement Permit Application** and submit the application (personally, or by mail), along with the minor plot plan example and fee (of \$20) to the Department of Planning & Zoning. The **Minor Plot Plan** checklist and **Site Plan Example** should be located immediately below the Location Improvement Application link. (*Please note: If the proposed pond exceeds certain pond ordinance requirements, then a Site Plan Review application / process will be required and the fee as well as the application is adjusted accordingly.*)