

**MODEL COUNTY  
SUBDIVISION REGULATIONS  
(Revised December 1988)**

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**H-89-2**



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# ACKNOWLEDGMENTS AND CREDITS

The model presented here is based jointly on the American Society of Planning Officials' *Model Subdivision Regulations: Text and Commentary*, authored by Robert H. Freilich and Peter S. Levi (Chicago: ASPO, 1975), and on the *Unified Subdivision Ordinance of Tippecanoe County* (as amended through 1982). Many portions of the text of these two models are identical in wording, and giving credit by quotation would be both difficult and awkward. Making the text confusing would significantly lessen the value of this particular model for its use in relation to county subdivision ordinances in Indiana. Accordingly, though all references to the Freilich and Levi model's commentaries are scrupulously footnoted in the prefaces, no footnotes appear in the text indicating which words and phrases come from which source. It is also impossible or impractical to indicate modifications resulting from information obtained from the previously mentioned county officials, from the framers of the 1982 Indiana legislative changes, from Richard C. Ward, from the AICP of *Team Four* consulting planners in St. Louis, or from other colleagues of the author, such as Christopher B. Burke, who helped revise the drainage standards portion of Section Four. Of this much-reworked material, it can only be said clearly in acknowledgment that the text of the various sections is, on the whole, based about equally on the terminology of the two principal models (which, as previously observed, are often identical in wording) with additions and modifications as noted above. Portions of the text that appear in unrevised form from the Freilich and Levi model are used with permission of the American Planning Association, formerly American Society of Planning Officials, holder of the copyright.

The author wishes to thank all of those persons and organizations who were of assistance in developing and publishing these model subdivision regulations. It is impossible here to name them all individually, but they include the members of the Advisory Board of the Highway Extension and Research Project for Indiana Counties and Cities and Charles F. Scholer, the director. Their support of the work and continued guidance have been invaluable. This revised edition brings the text and commentary up to date in regard to revisions in Indiana planning and regulatory legislation, as well as current practice. Most of the changes have been authored by Sallie Lee, now principal planner on the staff of the Tippecanoe County Area Plan Commission. Most of the secretarial work has been done by Dawn Leverknight, to whom the author is especially indebted. Also, the many comments and criticisms obtained by interview or letter from Indiana planners and other public officials and professionals have been invaluable in making this new edition.

T. William Patterson  
Spring 1989

**SPECIAL NOTE REGARDING CITIES AND TOWNS:** At the time of the writing of the first edition, the sponsor was concerned primarily with counties. Before this earlier edition was published, HERPIC was changed to HERPICC and its mandate enlarged to include cities and towns. Where cities and towns have advisory plan commissions, this model is equally adaptable to such local government entities with only slight revisions. No attempt has been made to show these changes because to do so would make the text unnecessarily complicated and confusing. Nevertheless, by changing the appropriate designations from the county to the city or town context (with the aid of the local government planning entity's attorney) it should be fairly simple to apply this model to the city or town level. It was designed for application to counties, cities, and towns. In the latter cases, the references to County agencies having jurisdiction or responsibilities (e.g. for bridges and/or septic tanks) will have to remain.

Where an Area Plan Commission rather than an Advisory Plan Commission is the planning body concerned, there are also a few changes and additions which would be necessary. These can be determined by a close examination of the Indiana Code where references to this type of plan commission are made.

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# GENERAL INTRODUCTION

## Planning and Land Use Controls

The regulation of land subdivision, like zoning, was not conceived initially as a means for carrying out comprehensive land use plans and policies. Rather, subdivision controls were seen as an orderly way of providing for land records and sales through the use of recorded plats. However, in the 1928 Standard City Planning (model) Enabling Act published by the U.S. Department of Commerce, the control of land subdivision was recognized as a way of securing more orderly development in accordance with locally adopted comprehensive land use plans. It was also hoped that such regulations would act as something of a deterrent to land speculation and reduce or eliminate the problems of premature development so dramatically exemplified in the chaotic and destructive Florida real estate "boom and bust" of the mid-1920's.

In recent years subdivision regulations have come to be seen as necessary part of organized guidance systems for growth and development. These systems are usually based on comprehensive plans and policies together with coordinated land use controls, capital improvement programming, and an array of other planning tools. Guidance systems are used to forward such purposes as the prevention of urban sprawl, minimization of the cost of community services and facilities, energy conservation, maximization of the use of public transit, and other local planning objectives.

Most sensitive observers acknowledge that uncontrolled or poorly controlled development has despoiled many parts of our towns, their urban fringes, and much of the surrounding countryside by allowing ill-considered, poorly designed, and haphazard development. The costs of such development to our society in the form of obvious ugliness, needlessly expensive supporting public facilities, streets, and utilities, and excessive energy consumption could all have been avoided through adequate and effective regulation. It is the hope of the author that this model will help Indiana counties, cities, and towns to write regulations which will ensure that private development activities are in the interests of all: the developers, their clients, and the general public.

## The Authority for Regulation

The authority for planning in Indiana cities and counties is now consolidated in the Indiana Code (as amended in 1982, 1985 and 1986) in Title 36, Article 7, Chapters 1-18, where sections 700-713 deal with the regulation of subdivisions. The consolidated legislation provides for both "Advisory Plan" and "Area Plan" commissions (the two principal types in use in Indiana counties), as well as legislation for some special situations.

## The Text: Simplification vs. Elaboration

At first inspection, the text of this model ordinance may appear to be too detailed for the more rural counties with limited budgets to administer but, paradoxically, it is in just such counties that it is most worthwhile to have everything carefully detailed in the regulations in order to avoid important factors being inadvertently overlooked or misunderstood during approval processing because of the possible lack of locally available, professionally trained staff.

The original drafters of the ASPO text, from which portions of this one have been adapted, were midwestern planning attorneys. Professor Robert H. Freilich was professor of Urban Law at the University of Missouri, Kansas City and Peter S. Levi was deputy director and general counsel of the Mid-America Regional Council of the Kansas City Metropolitan Region at the time of publication of their text. Their model has already been used and tested in this region with considerable success. The other model used as a basis here, the Tippecanoe Area Plan Commission's ordinance, is remarkably similar in many ways, but also bears the peculiar stamp of local Indiana subdivision regulatory law and experience.

This HERPICC model is intended as a basis for helping Indiana counties, cities, and towns to write or revise local regulatory ordinances. Having such a model is especially urgent because field trips taken throughout the state have revealed that many jurisdictions are vulnerable to lawsuits because their ordinances are out of date and not conforming to the current provisions of the Indiana Code. This situation is made more serious by the lack of adequate professional planning staff or consultants available to local governments. Many may have received inaccurate advice from their attorneys. Too often, attorneys are not familiar enough with planning law and/or the ins and outs of the current Indiana Code. The appropriate use of professionally trained planners and of lawyers trained and experienced in planning law cannot be overemphasized as a means of achieving more effective planning and development at the local level.



# SECTION I

## GENERAL PROVISIONS

### PREFACE

The first two parts of this section establish the policies of the county in regard to the subdivision of land and make the purposes of regulating this process explicit. They serve as explanatory guidelines for both the private and public participants in new or altered development of land. They underpin the administration of the regulations, giving them a clear, strong legal basis. It is important that these policies should be prestated rather than merely implied if the intent of the regulations is to be clear.

Section 1.4 explains the legal authority on which the regulations are based. In Indiana, there are differences in the authority of "Advisory" as opposed to "Area" plan commissions. For example, a county Advisory Plan Commission can exercise subdivision control if it has adopted a comprehensive plan and subdivision control ordinance throughout its unincorporated area unless it has by ordinance given up extraterritorial jurisdiction to a municipal plan commission. A county Area Plan Commission exercises jurisdiction throughout its unincorporated area and within each participating municipality (Indiana Code, § 36-7-4-205, as amended 1982). Because of such differences, the legal authority on which individual regulations are based needs to be made clear. This section also defines the area of jurisdiction of the regulations in conformance with the appropriate sections of the Indiana Code. Thus a landowner can determine if or what regulations apply to the location of his property.

Section 1.6 explains that even though any part of the ordinance is invalidated or modified by subsequent laws or regulations the validity of the rest of it is unaffected.

The purpose of Section 1.7 is to establish that the subdivision regulations do not nullify or affect previous legislation or pending litigation or existing development except as may be expressly stated in the regulations.

Section 1.8 provides for the repeal of existing subdivision regulations to make clear that only the new regulations are those in force; Section 1.9 provides for amending the new regulations; and Section 1.10 explains the legal purpose and scope of the subdivision regulations.

The procedures for the resubdivision of previously subdivided land are set forth in Section 1.11 in order that obsolete, previously approved designs may be revised to meet current development standards.

Section 1.12 explains the procedure for the vacation of plats when this is deemed desirable by the owner; Section 1.13 sets forth criteria and procedures for a plan commission to allow conditional variances where there would be extraordinary (non-economic) hardships or practical difficulties resulting from strict compliance with the regulations.

And finally, Section 1.14 sets forth the means of enforcing and penalties for violation of these regulations.

Where the term "Commission" stands by itself, it refers to the Area Plan Commission or Advisory Plan Commission, whichever exists in the county passing the ordinance and NOT to the Board of County Commissioners of that county. The Board of County Commissioners of the county is referred to herein as the "County" so as to avoid confusion between the two entities.

Special Note: Throughout the text, portions of this model (e.g. words, phrases, sentences, numbers, etc.) appearing within parentheses ( ) are intended to be part of the adopted ordinance, and the information appearing within brackets [ ] is intended only as advisory to the drafters of the ordinance, as are the prefaces to each section.

**TEXT****1.1 Title**

These regulations shall hereafter be known and cited as the Subdivision Regulations of [name of county, city or town].

**1.2 Policy**

- (1) It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the official comprehensive plan and related policies (such as those embodied in the County Zoning Ordinance) for the orderly and efficient development of the County.
- (2) Land to be subdivided shall be of such a character that it can be developed without peril to health or peril from flood, fire or other menace, and land shall not be subdivided until having access to available existing public facilities and until improvements and proper provision have been made for drainage, water, sewerage, other necessary new public improvements such as schools, parks, recreation facilities, and transportation facilities adequate for serving the subdivision. Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the County Zoning Ordinance and approved by the County Health Department and the County Engineer.
- (3) Both existing and proposed public facilities serving the subdivision shall be properly related and conform to the official County Comprehensive Land Use Plan, related policies and implementation programs including the Capital Budget, Official Map, Thoroughfare Plan, Zoning Ordinance and Housing and Building Codes.

**1.3 Purposes of These Regulations**

- (1) To protect and provide for the public health, safety, and general welfare of the County.
- (2) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies.
- (3) To provide for the safety, comfort, and soundness of the built environment and related open spaces.
- (4) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
- (5) To guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land uses, conserve natural resources such as natural beauty, woodlands, open spaces, and energy both during and after development.

**1.4 Authority And Jurisdiction**

- (1) This ordinance which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, titles § 36-1-3-4 and the § 36-7-4-700 series, as amended) authorizes the [name of] Plan Commission to review and approve or disapprove plats for subdivision throughout the County, except [list excepted jurisdictions here, if any], which show lots, blocks, or sites with or without new streets or highways. This authority extends to the development or resubdivision of undeveloped portions of already recorded plats.
- (2) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the County.

**1.5 Enactment**

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted.

**1.6 Interpretation, Conflict, and Separability**

- (1) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (2) **Conflict with Public and Private Provisions**
  - (a) **Public Provisions.** The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
  - (b) **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder. [Note: Private provisions can only be enforced privately unless a public agency has been made party to such agreements.]
- (3) **Separability.** If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

**1.7 Saving Provision**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the county (and/or municipality) under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County except as shall be expressly provided for in these regulations. [This section should be omitted if there are no prior subdivision regulations in force at the time this ordinance is enacted.]

**1.8 Repealer**

Upon the adoption of [this ordinance] according to law, the Subdivision Ordinance of [name of county], adopted [date], as amended are hereby repealed, except for such sections expressly retained herein. [Note: if the County has no existing regulations this subsection may be omitted.]

**1.9 Amendments**

For the purpose of providing for the public health, safety, and general welfare, the County, on recommendation of the Commission, may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Commission and/or the County in the manner prescribed by law.

**1.10 Conditions**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this county. The developer has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the County and to the safety and general welfare of the future plot owners in the subdivision and of the County at large.

**1.11 Resubdivision of Land**

- (1) **Procedure for Resubdivision.** For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Commission by the same procedure, rules, and regulations as for a subdivision.
- (2) **Procedure for Subdivisions Where Future Resubdivision is Indicated.** Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

**1.12 Vacation of Plats**

Any recorded plat or part of any recorded plat may be vacated only in accordance with I.C. 36-7-3 as amended 1982, 1983, and 1986. (The changes to the Indiana Code regarding the vacation of plats requires the adoption of rules governing procedure, notice and the conduct of hearings.)

**1.13 Variances**

- (1) **General.** Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
  - (a) the granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other nearby property;
  - (b) the conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
  - (c) because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
  - (d) the variance will not in any manner contravene the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map as interpreted by the Commission and the County Engineer; and,  

[Note: If the County's planning commission is an Area Plan Commission, the following section should be added:]
  - (e) Variance modifications submitted in writing to the Commission shall be referred immediately to the appropriate participating jurisdiction for their approval or rejection. If such participating jurisdiction approves of such modifications in writing, or fails to either approve or disapprove within thirty (30) days after the same has been referred to them, the Commission may modify such requirement, standards and specifications so as to promote the public health, safety, and welfare, and prevent detriment to the use and

value of said land, provided however, that nothing herein shall be construed as altering or conflicting with the powers and duties of the Board of Zoning Appeals pursuant to Title 36-7-4-900 series of the Indiana Statutes, as currently amended. No authority to modify shall exist in the Commission if the appropriate participating jurisdiction by writing disapproves such modification.

- (2) **Conditions.** In approving variances, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (3) **Procedures.** A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

#### 1.14 Enforcement, Violation, and Penalties

- (1) **General**
  - (a) It shall be the duty of the Administrator to enforce these regulations and to bring any violations or lack of compliance to the attention of the Commission Attorney [or if there is none, the County Prosecutor].
  - (b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.
  - (c) The division of any lot or any parcel of land into a subdivision, as defined in this ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of one or more new building sites shall not be permitted. All such described divisions shall be subject to all of the appropriate requirements of this ordinance.
  - (d) No Improvement Location Permit or Building Permit required under the Uniform Building Code, the Zoning Ordinance or this ordinance shall be issued on any property subject to this ordinance until the provisions of this ordinance have been complied with.
- (2) **Violations and Penalties.** Any person who violates a provision of this ordinance or any regulations herein contained, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) for each day's violation. [Note: these penalties are suggested as being reasonable and can be varied where conditions seem to warrant.]
- (3) **Restraining Provisions**
  - (a) Any land within the participating jurisdictions subdivided in violation of the terms of this ordinance after the effective date hereof, is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.
  - (b) The Commission may institute an injunction suit requesting an individual or governmental unit be directed to remove a structure erected in violation of this ordinance, or to make the same comply with its terms. If the Commission is successful in its suit, the respondent shall bear the costs of the action.
  - (c) The Commission may institute a suit for mandatory injunction requesting an individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this ordinance, to comply with the provisions of this ordinance. If the Commission is successful in its suit, the respondent shall pay the Commission's reasonable attorney fees and all costs related to the enforcement of this Ordinance.

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# SECTION II

## DEFINITIONS

### PREFACE

The purpose of this section is to explain the meaning of the more important terms used in the text of these model subdivision regulations. By making these meanings explicit, the risk of arbitrary administrative decisions is reduced and fair administration of the regulations enhanced; also, those preparing applications will have their tasks made easier if the purposes and requirements of the regulations are clearly understandable. Common understanding of the regulations will facilitate adherence to them and accomplishment of their stated public purposes for all parties involved in the approval process.

Particular attention is directed to the definition of "Subdivision" because this, especially, must be made clear in the regulations. This textual definition of "Subdivision" protects counties against a number of developmental problems. By creating single lot building sites for residential, commercial, or other purposes, "sell-offs" may, under many ordinances, avoid the subdivision regulatory review process altogether. This frequently results in the creation of residential or commercial strip development along county roads or other streets unsuited to them. Such development contributes to access, traffic safety, and other problems characteristic of uncontrolled incremental development. The definition also facilitates review by excluding from detailed regulation types of subdivision not needing such rigorous regulatory protection.

The definitions given here are designed to give maximum protection to counties in their guidance of growth and should not be modified or abridged without sufficient reasons and careful consideration in the light of local conditions. However, the definitions finally used in an adopted ordinance must reflect the actual terminology used in the text of all sections, and this may vary in accordance with conditions that are unique to the county or other unit of local government using this model.

**TEXT****2.1 Usage**

- (1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".
- (3) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

**2.2 Definitions**

**Accessory Building.** A subordinate structure, the use of which is incidental to that of the dominant use of the principal building or land.

**Administrator.** The officer appointed by and/or delegated the responsibility for the administration of these regulations by the planning commission. This term shall be construed to include those planning staff members working under the direction of the Administrator in the exercise of his responsibilities in regard to the processing of these Subdivision Regulations.

**Advisory Plan Commission.** A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, § 36-7-1-2 (1981) as amended. [Definition to be omitted where the Plan Commission is an "Area" one.]

**Agency.** See Public Agency.

**Alley.** A public or private vehicular right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**Applicant.** The owner of land proposed to be subdivided or his agent or his legal representative.

**Area Plan Commission.** A multiple jurisdictional Plan Commission established under the area plan law as defined in the Indiana Code, § 36-7-4-102 (1981) as amended. [Definition to be omitted where the Plan Commission is an "Advisory" one.]

**Arterial.** Either a Primary Arterial or a Secondary Arterial as defined in this section.

**Average Density Procedures.** Procedures for calculating overall density of development prescribed in the Zoning Ordinance as a flexible tool for maintaining overall densities while allowing individual lot sizes to vary from the minimum size allowed in a given zone. See Flexible Zoning also. [Such procedures are often used in Planned Unit Developments as well as in conventional use zones. This definition should be omitted if not relevant to the Zoning Ordinance.]

**Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**Board of County Commissioners.** Referred to herein as the County so as not to be confused with the Plan Commission, referred to herein as the Commission.

**Bond.** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

**Buffer Landscaping.** Any trees, shrubs, walls, fences, berms, or related landscaping features required under this ordinance or the Zoning Ordinance on private lots and privately maintained for buffering lots from adjacent properties or public rights of way for the purpose of increasing sound and/or visual privacy. (See Screening also.)

**Building.** Any roofed structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

- Building Code.** That County ordinance or group of ordinances establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the County. Also referred to herein as the County Building Code.
- Building Permit.** A certificate issued by the Building Permit Official of a governing body permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done.
- Building Permit Official.** That official of local government authorized to issue building permits.
- Capital Improvements Program.** A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the more durable, longer lived physical assets for the community are included.
- Central Sewerage System.** A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision or an existing public sewer system.
- Central Water System.** A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision.
- Certificate.** The signed and attested document which indicates that a subdivision has been granted secondary approval by the Commission subsequent to proper public notice of its hearing.
- Checkpoint Agency.** A public agency or organization called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or required by law to give its assent before subdivision may take place.
- Collector Street.** A street intended to move traffic from local streets to secondary arterials. (A collector street serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it and no driveway access to it is permitted unless the property is to be in multifamily use for four (4) or more dwelling units.)
- Commission.** The County (Area/Advisory) Plan Commission as referred to herein; not the Board of County Commissioners, or any other commission unless so specified.
- Commission Attorney.** The licensed attorney designated by the Commission to furnish legal assistance for the administration of this ordinance or as provided by statute.
- Comprehensive Plan.** Inclusive physical, social, and economic plans and policies in graphic and verbal statement forms for the development of the County (and the constituent communities within its planning jurisdiction), prepared and adopted by the Commission [and other legally participating jurisdictions, where appropriate], pursuant to the State Acts, and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof. [Parts of definition in parentheses above would apply where the County has an Area Plan Commission.]
- Condominium.** The division of building(s) and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by the Indiana Code, § 32-1-6-1 through 31.
- Construction Plan(s).** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the plat.
- County Attorney.** The licensed attorney designated by the legally authorized body to furnish legal assistance for the administration of these regulations in lieu of the Commission having its own attorney.
- County Auditor.** That County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

**County Building Code.** (See Building Code.)

**County Design Review Committee.** A committee established by the County to provide technical services to the Plan Commission in the administration of these regulations.

**County Engineer.** The licensed engineer designated by the County to furnish engineering assistance in the administration of these regulations. [Usually the County Highway Engineer, but there may be a Drainage Engineer or other engineer specialists in some counties. This definition should be modified to reflect the situation in the county using this model ordinance. It may also be appropriate to use more specific terms than "County Engineer" in the text if the County has more than one type of engineer involved in the approval process.]

**County Government.** That governmental body of the County empowered to adopt planning and public policy ordinances: the County Commission, herein referred to only as the County.

**County Health Officer.** (See Health Officer.)

**County Housing Code.** (See Housing Code.)

**County Recorder.** That county official empowered to record and file land description plats.

**Cul-de-sac.** A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

**Dead-end Street.** A street or a portion of a street with only one (1) vehicular traffic outlet, and no turnaround at the terminal end.

**Department.** (See Public Agency.)

**Designated Officials.** Those officials of the Commission designated in the subdivision ordinance as required signatories for the execution of secondary approval.

**Developer.** The owner of land proposed to be subdivided or his representative. Consent for making applications for development approval shall be required from the legal owner of the premises.

**Drives, Private.** Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.

**Easement.** An authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose(s).

**Escrow.** A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the County Auditor.

**Exempt Divisions.** (See definition of Subdivision.)

**Final Plat.** The map, drawing, or plan described in this ordinance of a Subdivision and any accompanying material submitted to the Commission for secondary approval, and which if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

**Flood Hazard Areas.** Those flood plains which have not been adequately protected from flooding by the Regulatory Flood by means of dikes, levees, or reservoirs, and are shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the State Natural Resources Commission.

**Flood Plain.** The area adjoining the river or stream which has been or may hereafter be covered by flood water from the Regulatory Flood.

**Flood Protection Grade.** The elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

**Floodway.** (See Regulatory Floodway.)

**Floodway Fringe.** Those portions of the Flood Hazard Areas lying outside the Floodway, shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

**Foundation.** The supporting member of a wall or structure.

- Frontage.** That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets. (No access for any one lot is permitted to more than one street and that street generally will be the one calculated to have lower traffic volumes and less frequent intersections.)
- Frontage Street.** Any street to be constructed by the developer or any existing street in which development shall take place on both sides.
- Front Yard.** A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage.
- Governing Body.** The body of the relevant local government having the power to adopt ordinances.
- Grade.** The slope of a street, or other public way, specified in percentage (%) terms.
- Health Department and (County) Health Officer.** The agency and person designated by the County to administer the health regulations within the County's jurisdiction.
- High Density.** Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet. [This definition should match the definition in the County Zoning Ordinance.]
- Highway, Limited Access.** A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.
- Housing Code.** That county ordinance controlling the continuing safety and healthfulness of buildings for human occupation within the County's jurisdiction. Also referred to herein as the County Housing Code.
- Improvements.** (See Lot Improvements or Public Improvements.)
- Indiana Code.** The *Burns Indiana Statutes Code Edition*, which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws "now" in force and applicable. (Usually abbreviated as I.C. herein.)
- Individual Sewage Disposal System.** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department.
- Interested Parties.** Those parties who are the owners of properties adjoining or adjacent to the proposed subdivision as shown on the sketch plan.
- Joint Ownership.** Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.
- Land Divider.** The owner of a parcel of land to be further divided through making an exempt division.
- Landscaping.** (See Buffer Landscaping, Screening and Shade Trees.)
- Local Street.** A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.
- Lot.** A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.
- Lot, Corner.** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
- Lot Improvement.** Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

- Low Density.** Those residential zoning districts in which the density is equal or less than one dwelling unit per 40,000 square feet. [This definition should match the definition in the County Zoning Ordinance.]
- Major Street.** A collector or arterial street.
- Major Street Plan.** (See Official Map.)
- Major Subdivision.** Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.
- Map.** A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.
- Marker.** A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.
- Master Plan.** (See Comprehensive Plan.)
- Medium Density.** Those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.
- Minor Subdivision.** Any subdivision containing not more than three (3) lots fronting on an existing street which is an improved right-of-way maintained by the County (or other local government,) not involving any new street or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or this ordinance.
- Model Home.** A dwelling unit used initially for display purposes which typifies the kind of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Commission, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedures for minor subdivisions, as set out in these regulations.
- Monument.** A physical structure which marks the location of a corner or other survey point.
- Nonresidential Subdivision.** A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations. [Note: where flexible zoning exists under the County Zoning Ordinance both residential and related non-residential uses may possibly be permitted in a subdivision if the ordinance so permits. This definition should reflect the actual provisions of the Zoning Ordinance.]
- Off-Site.** Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.
- Official Map.** The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent filing of such approved plats. [Note that the Thoroughfare Plan may be incorporated in the Comprehensive Plan but is nevertheless binding.]
- Official Master Plan.** (See Comprehensive Plan.)
- Ordinance.** Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.
- Owner.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
- Parcel.** A part or portion of land having a legal description formally set forth in a conveyance together with the boundaries thereof, in order to make possible its easy identification.

- Participating Jurisdiction.** A jurisdiction within a county having an Area Plan Commission which agrees to join such a Commission and have it undertake both planning studies and the administration of zoning, subdivision and other planning-related ordinances for that jurisdiction. [Definition to be omitted in ordinances administered by Advisory Plan Commissions.]
- Perimeter Street.** Any existing street to which the parcel of land to be subdivided abuts on only one side.
- Plan Commission.** The County's [Area or Advisory] plan body as established in accordance with Indiana law, often referred to herein simply as the Commission. (Commission standing alone does not refer to the County Commissioners.) [Definition to be modified according to which kind of commission the county or local jurisdiction has.]
- Planned Unit Development.** Planned unit development is a means of land regulation which permits large scale, unified land development in a configuration and possibly a mix of uses not otherwise permitted "as of right" under the County Zoning ordinance but requiring under that ordinance or a special ordinance a special review and approval process. [This definition should be modified or eliminated according to the actual provisions of the Zoning Ordinance.]
- Plat.** A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.
- Preliminary Plat.** The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.
- Primary Approval.** An approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this Ordinance (per I.C. § 36-7-4-700 series: Subdivision Control).
- Primary Arterial.** A street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the county; and/or as a route for traffic between communities; a major thoroughfare.
- Principal Use Building.** A building in which the principal use of the lot or parcel is conducted. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.
- Public Agency.** An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.
- Public Improvement.** Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (All such improvements shall be properly bonded.)
- Rear Yard.** A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.
- Registered Land Surveyor.** A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.
- Registered Professional Engineer.** An engineer properly licensed and registered in the State of Indiana or permitted to practice in Indiana through reciprocity.
- Regulatory Flood.** That flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the State Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

- Regulatory Flood Elevation.** The maximum elevation, as established by the Indiana Department of Natural Resources, reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision under consideration.
- Regulatory Floodway.** The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.
- Restrictive Covenants.** Limitations of various kinds on the usage of lots or parcels of land within a subdivision which are proposed by the subdivider, and, in the case of public health, safety and welfare by the Commission, that are recorded with the plat and run with the land.
- Resubdivision.** A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- Right-of-way.** A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.
- Road(s).** (See Street(s).)
- Sale or Lease.** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.
- Same Ownership.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
- Screening.** Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except as permitted or required under the Zoning Ordinance. Where required by the Zoning Ordinance a screen shall be installed along or within the lines of a plot as a protection for adjoining or nearby properties. Earth berms may be incorporated as part of such screening measures where appropriate.
- Secondary Approval.** The stage of application for formal Plan Commission approval of a final plat of a subdivision the construction of which has been completed or substantially completed which, if approved and signed by the designated officials may be submitted to the County Recorder for filing.
- Secondary Arterial.** A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.



- Setback.** A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures may be erected as prescribed in the County Zoning Ordinance.
- Shade Tree.** A tree in a public place, special easement, or right-of-way adjoining a street as provided in these regulations.
- Side Lot Lines.** Any lines separating two lots other than front or rear lot lines.
- Sketch Plan.** The initially submitted graphic representation of a proposed major subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form acceptable to the Commission; and, in the case of a minor subdivision, the drawing or drawings indicating the proposed manner of layout of the subdivision meeting the conditions of the subdivision ordinance to be submitted to the Commission for primary approval.
- Special Landscaping.** Areas of tree planting, shrubs, or other landscape features serving a public purpose and maintained by the County. (See also Buffer Landscaping and Screening.)
- State Acts.** Such legislative acts of the State of Indiana as they affect these regulations.
- State Plane Coordinates System.** A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.
- Street, Dead-end.** A street or a portion of a street with only one (1) vehicular-traffic outlet.
- Street Right-of-Way Width.** The distance between property lines measured at right angles to the center line of the street.
- Streets, Classification.** For the purpose of providing for the development of the streets, highways, and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the County or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the respective zoning districts of the County and its present and estimated future traffic volume and its relative importance and function as specified in the County Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map.
- Structure.** Anything constructed or erected that requires location on or in the ground or is attached to something having a location on or in the ground.
- Subdivider.** Any person who (1), having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2), directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision; or who (3) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot, parcel site, unit, or plat in a subdivision; and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.
- Subdivision.** The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division of development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The following kinds of divisions of existing parcels of land are herein called "Exempt Divisions" and are classified into two categories: Exempt I and Exempt II. These divisions are exempt from most provisions of this ordinance. Exempt I divisions must be one of the following types of division:
- (a) A division of land into two (2) or more tracts of which all tracts are at least ten (10) acres in size;

- (b) A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
- (c) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
- (d) A division of land for federal, state or local government to acquire street right-of-way;
- (e) A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site each. (See Principal Use Building.)
- (f) A division of land into cemetery plots for the purpose of burial of corpses.

Exempt I divisions are subject only to the provisions of Sections 3.5 and 6.5 of this ordinance, but shall be exempt from other provisions of this ordinance not specified or referred to in those sections.

Exempt II divisions are divisions of land into not more than four (4) parcels two (2) acres or more in size but less than ten (10) acres. Such divisions shall conform to Sections 3.5 and 6.6 of this ordinance but shall be exempt from other provisions of this ordinance not specified or referred to in those Sections.

**Subdivision Agent.** Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and is not involved in developing, marketing or selling real property in the subdivision.

**Subdivision, Exempt.** (See Subdivision.)

**Subdivision, Major.** (See Major Subdivision.)

**Subdivision, Minor.** (See Minor Subdivision.)

**Temporary Improvement.** Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

**Thoroughfare Plan.** (See Official Map.)

**Yard.** A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

**Zoning Ordinance.** That County ordinance setting forth the regulations controlling the use of land in the unincorporated areas and in those jurisdictions within the County not controlling land use through their own zoning ordinances. Also referred to as the County Zoning Ordinance. [In the case of Area Plan Commissions the Zoning Ordinance may be referred to as the Unified Zoning Ordinance or other local term in both the County Subdivision Ordinance and the zoning ordinances of the participating jurisdictions.]

# SECTION III

## APPLICATION AND APPROVAL PROCEDURES

### PREFACE

This Section sets forth the procedures for the application and approval of subdivisions. It is very important that these requirements should be as simple and the procedures as speedy as is consistent with careful consideration of the complex of factors to be taken into account and the number of agencies who are necessarily participants in the process because of their legally-mandated responsibilities in regard to the public interest. (For detailed examples, see *Streamlining Land Use Regulations: A Guidebook for Local Governments*, published by HUD through the U.S. Government Printing Office, 1980. Although dealing primarily with zoning changes, much of the material is applicable in principle to the regulation of subdivisions.)

Subsection 3.1 makes clear the obligation of the Plan Commission to review and approve or disapprove subdivision applications. The procedures described here are designed to facilitate coordination between the submission requirement endeavors of developers and the Commission's processing of applications. They explain in detail the regulatory requirements in order to eliminate confusion and delay. They are intended to help developers to reduce their expenses for obtaining application review and to reduce the amount of review time for all concerned. Shortened procedures are specified for minor subdivisions because they usually need less detailed consideration. This subsection also provides for the platting of all subdivided non-agricultural land within the Commission's jurisdiction. This platting procedure is particularly helpful where the protection of prime agricultural land from development and the restriction of rural non-farm development are important local, land-use goals.

Coordination of subdivision approval with related zoning change applications and/or the use of flexible or planned-unit development zoning regulations are dealt with here. Such coordination is critical for expediting the approval process in cases where both of these interrelated ordinances are involved.

Subsection 3.2 describes the informational requirements concerning the sketch plat and the procedures involved in its adoption.

It cannot be overemphasized that understanding the procedures for adoption is important to the subdivider if he is to avoid spending valuable time to acquire additional information in order to complete the requirements for submission of the approval application.

The sketch plan provides the Plan Commission with the necessary information for initial examination of the proposed subdivision for both quality of design and conformance to the Comprehensive Plan and all pertinent regulations. This review allows "minor-major" classification to be established and so determines which of the subsequent procedures are to be followed. The review of Minor Subdivisions is necessary for preventing circumvention of the regulations through piecemeal development and preventing potential legal and design-related problems arising for future owners and the community as a whole. Rural strip-residential development and urban strip-commercial development created by minor subdivisions often causes serious problems relating to traffic, drainage, access to land-locked properties, and numerous other untoward conditions.

At this point in the text a number of other special problems can be dealt with such as those of lake-shore control, access to waterways and beaches, docks, boat-houses, and other waterside structures or installations. In dealing with such problems, it is often necessary for the Administrator of the regulations and/or the Commission to establish effective coordination with the Indiana Department of Natural Resources where the matters are of mutual concern and responsibility. Those problems which can't be dealt with entirely through administrative action during the review process may require that special language be incorporated into the text of the regulations to handle them.

The preliminary plat described in subsection 3.3 provides a detailed plan of the subdivision for review and comment by the County Design Review Committee (where such a Board has been established for this purpose in this or other local ordinances) prior to the Commission's decision about primary approval, conditional approval, or disapproval. This action can take place only pursuant to the holding of a properly advertised public hearing for the purpose of obtaining citizen reactions to the proposals being considered.

If no County Design Review Committee is in existence and no other governmental agency is assigned a similar function, it may be desirable to bring such an agency or committee into being by Commission action in order to deal more expertly with the design aspects of development and to provide advice concerning design matters related to the zoning ordinance and subdivision regulations. If it appears that creation of such a review body by a local jurisdiction would require modification of existing state enabling legislation, this certainly should be pursued. The appearance of both urban and rural areas is important to the local public welfare for practical reasons and should be improved where advantageous or safeguarded if degradation of the visual environment is to be avoided.

Concerning the importance of preliminary plat approval, Freilich and Levi point out that:

After preliminary approval the developer should be confident that final approval is simply a ministerial act in which he posts his bond and prepares his dedications and maps, with full knowledge of certain approval if all conditions are met. Thus all conditions of plat approval normally be made at the preliminary approval stage.<sup>1</sup>

The requirement for a public hearing enables all interested agencies and citizens to comment and provide information of which the Planning Commission may possibly be unaware.

As Subsection 3.4 indicates, secondary approval of subdivisions rests in the hands of the Planning Commission subject to any special legislative limitations in Indiana law. The text of this model provides a careful prescription for the submission of the final plat for secondary approval in order to ensure compliance with the regulations including the obtaining of required permissions from other agencies of government and that the necessary fees are paid.

If another procedure for posting notice is prescribed than that in 3.2(2), this subsection (3.4) should be modified accordingly. Regarding the amount of fees: Inflation and/or the local revenue situation may require that they be larger than suggested here and adjusted from time to time.

Legislative amendments to the Indiana planning acts in early 1982 changed the subdivision review process considerably from that in use in Indiana previously and common to most American subdivision regulatory enabling legislation. Those aspects of the new review process involving "primary" and "secondary" approval (terms previously novel to this process) have been duly taken account of and incorporated in the model text presented here. Another kind of change, involving creation of a "plat committee" and related alternative procedures, has not been incorporated into this model text because it was felt that to do so would unnecessarily complicate the model, making it more difficult to use and that similar procedural advantages could be achieved (as they are in Tippecanoe County) by the delegation of subdivision approval authority by the Plan Commission to an Executive Committee through internal Commission procedural rules which should be detailed in the text as appropriate. This alternative appears in the model in subsection 3.4 which is concerned with procedures for minor subdivisions but the committee device could conceivably be incorporated into major subdivision approval procedures if a particular Commission felt such a delegation of power to be wise in its situation. However, in view of the greater importance to the community of major over minor subdivision review, such a decision is not likely to be advisable.

Subsection 3.5 describes the processes and requirements for recording the final plat, matters of critical importance, legally and administratively for all concerned for they effectively bring the approval process to its conclusion. Through this process the government, the community, and those who purchase property in, and/or come to live in the approved development are ensured that the development meets all local standards for environmental quality.

## NOTES

<sup>1</sup> Freilich, Robert H. & Levi, Peter S., *Model Subdivision Regulations*; (Chicago: The American Society of Planning Officials, 1975), pp. 51-52. NOTE: In Indiana the terms for "preliminary" and "final" approval are now "primary" and "secondary" approval.

**TEXT****3.1 General Procedures**

- (1) **Discussion of Requirements: Predesign Conference.** Prior to submitting any of the materials required by this ordinance, the applicant or his representative should discuss with the Administrator the nature of the land division being proposed, so that the applicant may be instructed concerning the classification of his subdivision and what regulatory procedures apply to it and must be followed under this ordinance in order to secure primary and secondary approval. Where applicable, requirements concerning the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services should be discussed. The Administrator shall also advise the applicant, where appropriate, to discuss the proposed land division with those other officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction. The distinction between major and minor subdivisions and exempt divisions as defined in this ordinance, shall be made by the Administrator when the applicant submits an application for sketch plan approval in the case of major and minor subdivisions or, in the case of exempt divisions, provides the Administrator at a predesign conference with adequate information to enable him to determine that the proposed division is an exempt division.
- (2) **Classification of Land Divisions.** All land to be divided shall be categorized into one of the three (3) main classes of land division indicated in this ordinance's definition of subdivision. These classes are:
  - (a) major subdivisions,
  - (b) minor subdivisions, and
  - (c) exempt divisions.

Exempt divisions are not subject to the requirements of this ordinance beyond the determination by the Administrator that they meet all the requirements for exempt divisions set forth in Section 3.5 herein. However, lots created by Exempt I divisions (except Exemption F) shall be ten (10) or more acres in size to be eligible as principal use building sites (Exemption A in the definition of subdivision), unless such lots have been created by order of a court (Exemption C). No building site for principle use created through Exemption A shall be reduced below ten (10) acres unless through subdivision or by order of a court (Exemption C). For purposes of this paragraph, a lot is "created" on the date of its recording. (See Section II for the definition of a principal use building.)

Before any permit shall be granted for a structure to be erected on land to be subdivided into a major or minor subdivision, the subdividing owner or his subdivision agent shall apply for and secure approval of the proposed subdivision in accordance with Section 3.2 and either Section 3.3 or Section 3.4 of this ordinance as appropriate. Before any permit shall be granted for a structure to be erected on a parcel of land to be created or altered by an exempt division, the land divider or his agent shall certify to the satisfaction of the Administrator that all requirements for exemption have been met, as detailed in Section 3.5 of this ordinance, in order to exempt the land division from all other requirements of this ordinance.

**3.2 Major and Minor Subdivisions: Sketch Plan Application Procedure for Primary Approval**

- (1) **Application Requirements.** In order to begin the subdivision process the applicant shall file an application for review of sketch plan and certificate with the Administrator and be entitled to a signed receipt for same. This application shall:
  - (a) be made on forms available at the Office of the Commission and signed by the owner;
  - (b) include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, optionee of the

property, and the date on which the contract of sale was executed. If any corporations are involved, the Administrator may request a complete list of all directors, officers, and a listing of stockholders if less than ten (10) in number;

- (c) be presented to the Administrator in duplicate;
  - (d) be accompanied by a minimum of three (3) copies of the sketch plan;
  - (e) be accompanied by a fee of fifty dollars (\$50.00) plus five dollars (\$5.00) per lot in excess of four (4) lots;
  - (f) include an address and telephone number of an agent located within the territory of the commission who shall be authorized to receive all notices required by this ordinance; and,
  - (g) include a listing signed by the checkpoint agencies indicating that they have received a copy of the proposed sketch plan or a certification that it has been sent.
- (2) **Checkpoint Submission.** In order to fulfill this last application requirement, a copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so that their comment may be made to the Administrator. The checkpoint agencies appropriate to each participating jurisdiction in which a plat may be located are listed in Figure 3-1. The Administrator shall request that all officials and agencies to whom a request for review has been made submit a written report to him within fifteen (15) days after receipt of the request. No response from an agency shall be interpreted as meaning "no objection".
- (3) **Classification of Subdivision.** After an application for sketch plan approval has been submitted, and at the time of sketch plan review the Administrator shall classify the proposed subdivision as either major or minor as defined in this ordinance. The required procedures and approvals for major subdivisions are described in Section 3.3; corresponding information concerning the minor subdivision approval process is provided in Section 3.4.

### 3.3 Major Subdivisions

- (1) **General Procedures for Primary and Secondary Approval.** Should the Administrator, during sketch plan review, classify the proposed land division as a major subdivision, the subdivider shall follow the procedures and be subject to the processes outlined in Figure 3-2, and detailed in this Section. In addition to a sketch plan which is reviewed by the Administrator and checkpoint agencies, the applicant seeking approval of a major subdivision shall submit a preliminary subdivision plat to be approved, conditionally approved, or rejected by the Commission at a public meeting, and a final subdivision plat which must be found in compliance with the preliminary plat as approved by the Commission or otherwise approved in order to be signed and recorded.
- (2) **Official Submission Dates.** The deadline for submittal of a sketch plan and application for certificate of approval shall be sixty-one (61) calendar days prior to the date of the public meeting at which the subdivider intends to have his preliminary plat submission heard, and thirty-one (31) calendar days prior to the deadline for the submission of the preliminary plat. Thus, as a minimum, sketch plan submission shall precede preliminary plat submission by no less than thirty-one (31) calendar days, which in turn shall precede the public hearing at which it is intended to be heard by no less than thirty (30) calendar days.
- (3) **Sketch Plan Review Process.** Within twenty (20) calendar days of the subdivider's sketch plan application submittal, the Administrator shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the possible modifications and/or changes that may be suggested or required by this ordinance. The Administrator shall request that a representative of each checkpoint agency wishing to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this ordinance, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet

proposed subdivision in unincorporated  
[name of] County

- 1) Highway Engineer
- 2) Drainage Engineer
- 3) County Soil and Water Conservation District
- 4) County Health Board
- 5) County Park Board
- 6) Appropriate Fire Departments
- 7) Appropriate School Corporations

[Include this where there is an "Area" Plan Commission as appropriate for each participating jurisdiction]  
proposed subdivision within  
City of [name]

- (1) City Engineer
- (2) County Soil and Water Conservation District
- (3) City Board of Health
- (4) City Board of Parks and Recreation
- (5) City Fire Chief
- (6) City Police Chief
- (7) Appropriate School Corporation
- (8) City Environment Review Board
- (9) City Community Development Board
- (10) City Housing Authority

proposed subdivision within incorporated  
Towns, including [list names of participating towns]

- (1) Town Board
- (2) County Health Board
- (3) School Board
- (4) Local Fire Department
- (5) Town Marshall
- (6) County Soil and Water Conservation District

**Figure 3-1. Checkpoint Agencies [Typical List]**

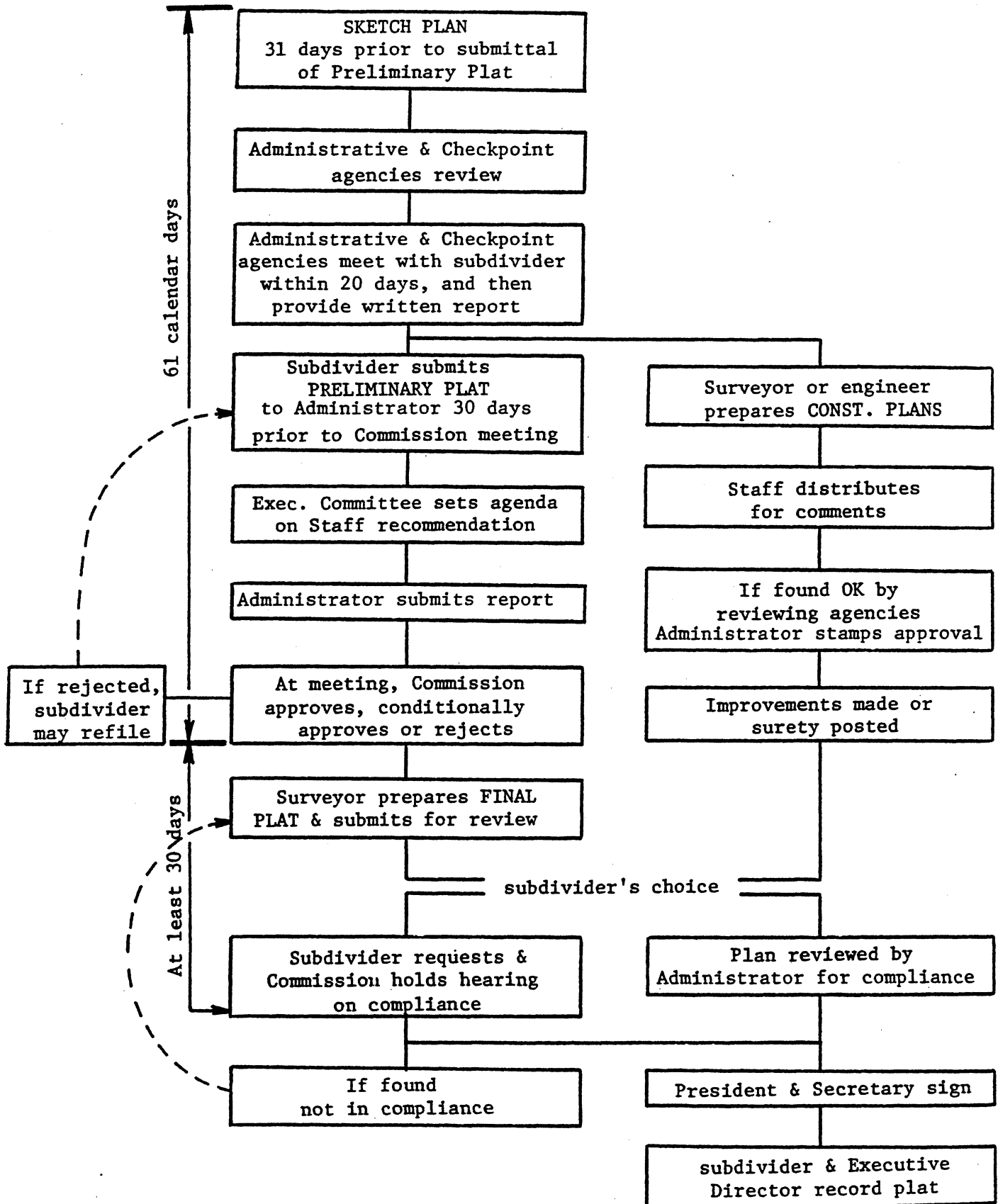


FIGURE 3-2. APPROVAL PROCESS FOR MAJOR SUBDIVISIONS



unsubdivided, and the requirements of the Official Map or Thoroughfare Plan, and Comprehensive Plan as adopted by the participating jurisdictions. Subsequent to this meeting the Administrator shall provide the participants with a written record of the proceedings of that meeting.

**(4) Preliminary Plat Procedures for Primary Approval**

- (a) Submission Requirements.** Following the submission, review and report on the sketch plan application, the subdivider may file for primary approval of a preliminary plat. This submission shall:
- (i)** Be made on forms available at the office of the Commission and be submitted with fee of five dollars (\$5.00) per lot for each lot which was not included in the sketch plan.
  - (ii)** Include indication of all land which the applicant proposes to subdivide and all land immediately adjacent and across any street or railroad right-of-way, extending six hundred (600) feet there from, but not more than two property owners deep from the proposed subdivision, with the names and addresses of the title owners as shown in the Auditor's files. This information may be shown on a separate current Plat Map reproduction from the Auditor's Office showing the boundaries of the subdivision superimposed thereon.
  - (iii)** Be presented in duplicate to the Administrator no later than thirty (30) calendar days prior to the regular meeting of the Commission at which it is intended to be heard.
  - (iv)** Be accompanied by ten (10) copies of the preliminary plat as described in this ordinance.
  - (v)** Generally comply with the sketch plan as reviewed.
- (b) Placement on the Commission Agenda.** Subsequent to the submission for primary approval, the Commission shall place the matter on its next regular meeting agenda for formal action.
- (c) Administrative Review.** Subsequent to placement on the agenda, and prior to the date of public hearing, the Administrator and other appropriate members of the Commission's Staff including its Executive Director shall review the proposal and prepare a written report to the Commission and applicant indicating a recommendation with regard to the subdivision being proposed.
- (d) Public Hearing Notification and Sign Posting Requirements.** The Commission shall hold a public hearing on the preliminary plat and notice of such hearing shall be in two (2) local newspapers of general circulation ten (10) days prior to the hearing (per I.C. § 5-3-1) at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the applicant has placed posters provided by the Administrator (advising interested parties of the hearing) at the locations designated by the Administrator on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested parties shall also be notified by the applicant of the date, time, place and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing by certified mail. The applicant shall file with the Commission at the time of the public hearing an affidavit so testifying along with the certified mail receipts provided by the post office.
- (e) Primary Approval of the Preliminary Plat.** After the Commission has held a hearing upon the preliminary plat, the Administrator's report, checkpoint recommendations, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall at a public hearing, grant primary approval, or disapprove the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat within five (5) days of

the public hearing. Before the Commission approves a preliminary plat showing park reservation(s) or land for another local governmental unit, the Commission shall obtain approval of the park or land reservation from the participating jurisdiction. Primary approval by the Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of primary approval, per I.C. § 36-7-4-708(d).

- (f) **Field Trip.** The Commission, at its discretion, upon hearing the request for primary approval, may elect to continue the matter until its next regularly scheduled public meeting, and may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative or any other person or persons at the discretion of the Commission.
- (g) **Effective Period of Primary Approval.** Unless extended, the primary approval of a preliminary plat shall be effective for a period of five (5) years after the date of primary approval, at the end of which time secondary approval of the subdivision must have been obtained and certified by the Designated Officials. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for sketch plan review and certificate subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon request of the applicant the Commission may extend the primary approval of a preliminary plat in increments of two (2) years beyond an expiration date without further notice and public hearing.

(5) **Approval of Construction Plans**

- (a) **Submission Procedure and Requirements.** Following the review of the sketch plan and prior to submission of the final plat for secondary approval, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator before starting work on any improvements three (3) sets of the detailed plans and specifications thereof for approval. [Four (4) or five (5) sets may be necessary if a Drainage Board is involved or a City Engineer where a subdivision is located in the County but city sewer and water are used.]
- (b) **Review Process.** The Administrator shall immediately refer these plans to the appropriate agencies of the affected participating jurisdictions for review. Once these agencies indicate their approval of the construction plans or fourteen (14) working days have elapsed since their distribution without a written response, the Administrator shall stamp the plans approved and return one (1) set to the applicant. In no event shall secondary approval (of the final plat) be given prior to approval of the construction plans.
- (c) **Installation of Improvements.** The installation of improvements shall be inspected by the appropriate participating jurisdiction. Such inspections are required in all instances regardless of whether the work is performed before or after secondary approval. Failure to request or to procure inspection of work performed after the date of this ordinance and before secondary approval may be cause for denial of secondary approval.

(6) **Final Plat Procedure (Secondary Approval)**

- (a) **Submission Requirements.** Following primary approval or conditional primary approval of the preliminary plat and approval of the construction plans, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator a request for secondary approval of a final plat. The application shall:
  - (i) be submitted on forms available at the Office of the Commission;
  - (ii) include the entire subdivision, or section thereof which derives access from an existing state, county, or municipal roadway;
  - (iii) be accompanied by ten (10) copies of the final plat as described in this ordinance;

- (iv) totally comply with the ordinance and the terms and conditions of primary approval;
    - (v) be accompanied by the performance bond, if required, in a form satisfactory to the Commission Attorney and in an amount established by the Commission upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements;
    - (vi) be accompanied by any restrictive covenants in a form approved by the Commission, where they have been proposed by the subdivider or required by the Commission.
  - (b) **Determination of Conformance (Secondary Approval).** In order to be recorded, a final plat shall either be found to be in conformance with the primary approval by the Administrator, or by the Commission at a public hearing. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new primary approval. The subdivider submitting a final plat conforming to the primary approval shall choose as to whether this review is to be performed by the Administrator, or by the Commission at a public meeting.
    - (i) Should the subdivider not choose Commission review, the Administrator shall within ten (10) working days, review the items submitted as per Section 3.3(6)(a) in order to ascertain the sufficiency as to conformance with the primary approval. If the submission is found to be in conformance and complete, the Administrator shall recommend the signing of the certificate granting secondary approval.
    - (ii) Should the subdivider choose Commission review, the Commission shall determine conformance with the primary approval at a public hearing. The subdivider shall request Commission review in writing no less than thirty (30) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Commission shall place the matter on its next regular meeting agenda. The Administrator shall review the proposal and submit a written report and recommendations to the Commission and the applicant; and, at the public hearing, the Commission shall approve or disapprove the final plat. If granted secondary approval it shall be signed by the Designated Officials. If not granted secondary approval, then the subdivider shall be informed as to the insufficiency of his submittal.
  - (c) **Sectionalizing Plats.** Prior to granting secondary approval of a major subdivision plat, the Commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond be in such amount as will be commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least twenty (20) lots or ten percent (10%) of the total number of lots contained in the approved plat, whichever is less. The approval of all remaining sections not filed with the Administrator shall automatically expire after five (5) years from the date of primary approval of the preliminary plat, unless the expiration date has been extended.
- (7) **Signing and Recording a Plat**
- (a) **Signing of Plat**
    - (i) When the filing of a performance bond is required, the Designated Officials of the Commission shall endorse approval on the plat by signing the certificate only after the bond and the construction plans have been approved, and all the conditions of the primary approval have been satisfied.

- (ii) When installation of improvements is required the Designated Officials of the Commission shall endorse secondary approval of the plat by signing the certificate after all conditions of the primary approval have been satisfied, all improvements satisfactorily completed and accepted for public maintenance (when required), "as built" construction plans submitted (as required by section 5.1(2)(e)) and a maintenance bond provided (as required by section 5.3 (2)). There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the appropriate Board of Works, County Commissioners, Town Board and/or the County Drainage Board that the necessary improvements have been accomplished.
- (b) Assurance to Subdivider. If the subdivider elects to install all improvements before he applies for secondary approval and it is shown that the conditions of the ordinance have been met, and if the final plat completely conforms to the primary approval, the Commission shall have no other recourse than to grant secondary approval.
- (c) Recording of Final Plat
  - (i) The Designated Officials shall sign the certificate which shall be part of the tracing cloth or reproducible mylar of the subdivision plat, plus two (2) mylar prints of the subdivision plat. The mylar prints shall be returned to the subdivider and his engineer or surveyor.
  - (ii) It shall be the responsibility of the subdivider in the presence of the Administrator or his designee to file the plat with the County Recorder within thirty (30) days of the date of signature. Failure of the Subdivider to file the plat as herein provided within thirty (30) days shall constitute a violation of this ordinance.

### 3.4 Minor Subdivisions

- (1) General Procedures for Primary Approval. Should the Administrator, upon examination of the sketch plan application, classify the proposed land division as a minor subdivision, the subdivider shall follow the procedures and be subject to the process outlined in Figure 3-3, and detailed in this Section. In addition to a sketch plan which is reviewed by the Administrator and checkpoint agencies for primary approval, by the Commission [or its Executive Committee, where applicable] the applicant seeking approval of a minor subdivision shall submit for secondary approval a final subdivision plat which must be found in compliance with the sketch plan or otherwise approved by the Commission in order to be signed and recorded.
- (2) Official Submission Date and Placement on the Agenda. An application for sketch plan approval shall be submitted no less than thirty (30) calendar days prior to either a regularly scheduled public meeting of the Commission [or a regularly scheduled meeting of the Commission's Executive Committee, where applicable] at which the proposal is intended to be acted upon. The Administrator shall place such application on the agenda of the first regularly scheduled meeting of the Commission [or its Executive Committee, where applicable] to occur thirty (30) days after the date on which a complete application is submitted.
- (3) Sketch Plan Review Process. Within twenty (20) calendar days of the subdivider's sketch plan application submittal, the Administrator shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be suggested or required by this ordinance. The Administrator shall request that a representative of each checkpoint agency that wishes to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this ordinance, particular attention shall be given to sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map or Thoroughfare Plan and Comprehensive Plan as adopted by the participating jurisdictions. Subsequent to the meeting the Administrator shall provide the participants with a written record of the proceedings of that meeting.

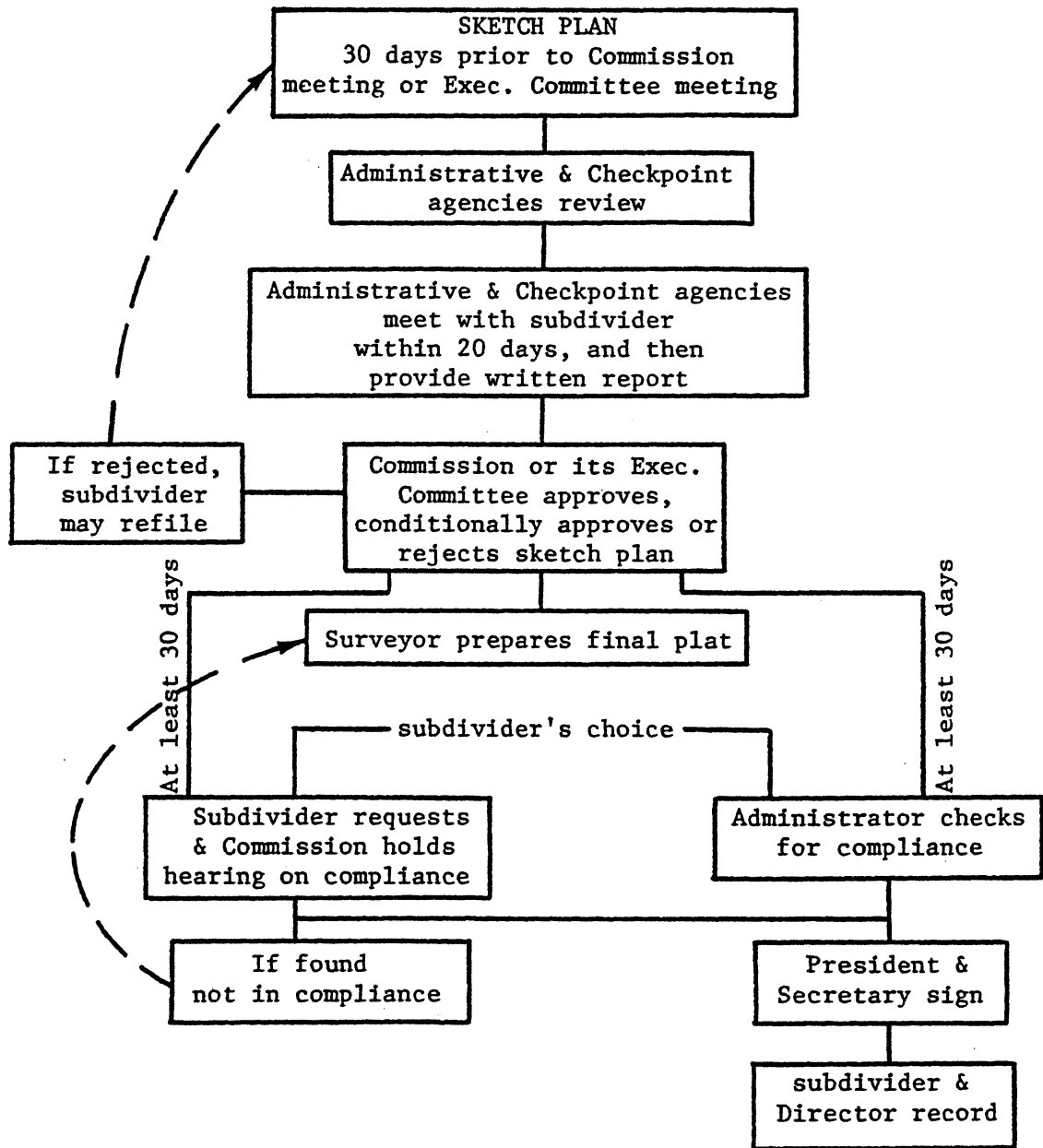


FIGURE 3-3. APPROVAL PROCESS FOR MINOR SUBDIVISIONS

- (4) **Administrative Review.** Subsequent to placement on the agenda, and prior to the date of public hearing, the Administrator and other appropriate members of the Commission's Staff including its Executive Director shall review the proposal and prepare a written report to the Commission and applicant indicating a recommendation with regard to the subdivision being proposed.
- (5) **Public Hearing Notification and Sign Posting Requirements.** The Commission shall hold a public hearing on the sketch plan and notice of such hearing shall be in two (2) local newspapers of general circulation ten (10) days prior to the hearing (per I.C. § 5-3-1) at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the applicant has placed posters provided by the Administrator (advising interested parties of the hearing) at the locations designated by him on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested parties shall be notified by the applicant of the date, time, place and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing by certified mail. The applicant shall file with the Commission at the time of the public hearing an affidavit so testifying, along with the certified mail receipts provided by the post office.
- (6) **Primary Approval of the Sketch Plan.** After the Commission [or its Executive Committee, where applicable] has, at a regularly scheduled hearing, examined the sketch plan, Administrator's report, checkpoint recommendations, testimony, and exhibits submitted, the Commission [or its Executive Committee, where applicable] shall, at a regularly scheduled hearing, approve, conditionally approve or disapprove the sketch plan. One (1) copy of the sketch plan shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the sketch plan within five (5) days after the public hearing. Primary approval by the Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until the minimum of thirty (30) days has elapsed since the granting of primary approval or conditional approval or conditional primary approval per I.C. 36-7-4-708(d).
- (7) **Effective Period of Primary Approval.** Unless extended, the primary approval of a minor sketch plan shall be effective for a period of two (2) years after the date of primary approval, at the end of which time secondary approval of the subdivision must have been obtained and certified by the President and Secretary of the Commission. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for sketch plan review and certificate, subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon written application of the applicant, the Commission may extend the primary approval of a minor sketch plan in increments of two (2) years beyond an expiration date without further notice and public hearing.
- (8) **Final Subdivision Plat Procedure for Secondary Approval**
  - (a) **Application Requirements.** Following approval or conditional approval of the sketch plan, the applicant, if he wishes to proceed with the subdivision, shall file with the administrator an application for secondary approval of a subdivision plat. The application shall:
    - (i) be submitted on forms available at the Office of the Commission;
    - (ii) include the entire subdivision or section thereof;
    - (iii) be accompanied by ten (10) copies of the final subdivision plat as described in this ordinance;
    - (iv) totally comply with the ordinance and the terms and conditions of approval;
    - (v) be accompanied by the performance bond, if required, in a form satisfactory to the Commission Attorney and in an amount established by the Commission upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements; and,

- (vi) be accompanied by restrictive covenants in a form approved by the Commission, where proposed by the subdivider or required by the Commission.
  - (b) **Determination of Conformance (Secondary Approval).** In order to be recorded, a final subdivision plat shall either be found to be in conformance with the approved sketch plan by the Administrator, or by the Commission at a public hearing. If the final subdivision plat deviates from the sketch plan that received primary approval, the subdivision shall be resubmitted to the Commission at a public hearing for a new primary approval. The subdivider submitting a final plat conforming to the primary approval shall choose as to whether this review is performed by the Administrator, [Executive Committee of the Commission, where appropriate] or by the Commission at a public hearing.
    - (i) Should the subdivider not choose Commission review, the Administrator shall within ten (10) working days review the items submitted as per Section 3.4(7)(a) in order to ascertain conformance with the primary approval. If the submission is found to be in conformance and complete, the Administrator shall recommend the signing of the certificate granting secondary approval.
    - (ii) Should the subdivider choose Commission review, the Commission shall determine conformance with primary approval at a public hearing. The subdivider shall request in writing Commission review no less than thirty (30) calendar days prior to the date of the public hearing at which he intends to have his final plat reviewed. The Commission shall place the matter on its next regular hearing agenda; the Administrator shall review the proposal and submit a written report and recommendations to the Commission and the applicant; and, at public hearing, the Commission shall give secondary approval or disapproval of the final plat. If approved it shall be signed by the Designated Officers of the Commission. If not approved, the subdivider shall be informed as to the insufficiency of his submittal.
  - (c) **Sectionalizing Plats.** Prior to granting secondary approval of a minor subdivision plat, the Commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing.
- (9) **Signing and Recording a Plat**
  - (a) **Signing of Plat**
    - (i) When the filing of a performance bond is required, the Designated Officials of the Commission shall endorse approval on the plat by signing the certificate after the bond and the construction plans have been approved, and all the conditions of the primary approval have been satisfied.
    - (ii) When installation of improvements is required the Designated Officials of the Commission shall endorse secondary approval on the plat by signing the certificate after all conditions of the primary approval have been satisfied, all improvements satisfactorily completed and accepted for public maintenance (when required), "as built" construction plans submitted (as required by section 5.1(2)(e)), and a maintenance bond provided (as required by section 5.3(2)). There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the appropriate Board of Works, County Commissioners, Town Board and/or the County Drainage Board that the necessary improvements have been accomplished.

- (b) Assurance to Subdivider. If the subdivider elects to install all improvements before he applies for secondary approval and it is shown that the conditions of the ordinance have been met, and if the final plat completely conforms to the primary approval, the Commission shall have no other recourse than to grant secondary approval.
- (c) Recording of Plat
  - (i) The Designated Officials shall sign the certificate granting secondary approval which shall be part of the tracing cloth or reproducible mylar of the subdivision plat, plus two (2) mylar prints of the subdivision plat. The mylar prints shall be returned to the applicant and his engineer or surveyor.
  - (ii) It shall be the responsibility of the subdivider in the presence of the Commission's Administrator or his designee to file the plat with the County Recorder within thirty (30) days of the date of signature. Failure of the subdivider to file the plat as herein provided within thirty (30) days shall constitute a violation of this Ordinance.

### 3.5 Exempt Divisions

- (1) General Procedure for Exempt I Divisions. In order for a land division to be considered an Exempt I division the information prescribed for the applicable type of division under Section 6.5 shall be submitted to the Administrator so that he can determine whether the division meets the provisions of the definition and Section 3.1 for this classification and therefore can issue to the subdivider a Statement of Compliance to the applicable provisions of this ordinance. Both the subdivider and the Administrator shall hold copies of the Statement of Compliance. When the parcel so exempted by this Statement is conveyed to another party the copy of the instrument of such conveyance shall be recorded with the County Recorder bearing a stamp of approval signed by the Administrator indicating that such Statement of Compliance has been obtained as ascertained by the copy(s) of the Statement which have been held for this purpose.
- (2) General Procedure for Exempt II Divisions. In order for a land division to be considered an Exempt II Division and thus be exempted from all other provisions of this ordinance except the definitional requirements in Section 2.2 under Subdivisions, the requirements of Section 3.1, and the informational requirements of Section 6.6, certain conditions shall be met and certified to the appropriate agency by the Administrator after his determination of qualification for this status has been made. (See Discussion of Requirements, Section 3.1.)
- (3) Necessary Conditions for Exempt II Divisions. In addition to definitional requirements and Section 3.1, a land division qualifying as an Exempt II Division shall be shown as meeting the following conditions.
  - (a) If a parcel created by such an exempt division does not have sanitary sewer service available to it, that tract shall contain within its boundaries sufficient soil of a kind defined by Indiana State Board of Health Bulletin HSE 25-R or its successor to allow for the proper installation of an on-site sewage disposal system.
  - (b) If a parcel created by such an exempt division has frontage on a public road, the land divider shall dedicate to the public real property of a width sufficient to meet one-half (1/2) of the required right-of-way width for that specific public road as indicated on the County Thoroughfare Plan or the Official Map and of a length along that public road equal to the length of that parcel along that roadway.
  - (c) If a parcel created by such an exempt division has frontage on a public road, the depth of that parcel shall not be greater than twice the length of that frontage, such depth being measured from the front lot line to the rear lot line of the parcel.
  - (d) If a parcel created by such an exempt division requires a private roadway because such parcel lacks frontage on a public road, such roadway shall either be fully constructed in accordance with the following minimum standards prior to the issuance of a building permit or be adequately assured to the permit issuer's satisfaction that it will be constructed to the following minimum standards.



- (i) minimum width of sixteen (16) feet, and
  - (ii) minimum depth of eight (8) inches of Type P or O made stone or gravel. Such private roadway need only provide access as far as the parcel's property line and is not intended to include any individual drive within the parcel.
- (e) Certification of Exempt II Divisions. As the conditions in Section 3.5 (2) apply, the land divider shall provide to the Administrator:
  - (i) written evidence that the County Board of Health has been satisfied by a duly authorized representative of a qualified soil testing service as to the presence within the parcel of sufficient soil of a kind defined by Indiana State Board of Health Bulletin HSE 25-R or its successor to allow for the proper installation of an on-site septic sewage disposal system;
  - (ii) official documentation indicating the dedication of right-of-way to the appropriate jurisdiction;
  - (iii) a metes and bounds description of the parcel being created indicating that its depth is no more than twice the frontage; and,
  - (iv) a notarized affidavit assuring construction of a private roadway to the standards previously indicated, prior to the issuance of a building permit for that parcel.
- (f) Exempt Division Review Process. Within three (3) working days of the land divider's complete submission of the required information in the case of Exempt I Divisions (Section 6.5) or the required information and certification (Section 3.5 (e) above) in the case of Exempt II Divisions, the Administrator shall review the submission and notify the land divider that his proposed land division either qualifies as an exempt division and is thus exempt from all other provisions of this ordinance, or does not qualify as an exempt division and is thus subject to the relevant subdivision processes described in this ordinance.
- (g) Dissolution
  - (i) A recorded Exempt II Division or portion thereof may be dissolved by the property owner or owners if, in doing so, no provision of this or any other ordinance, rule, regulation, statute or provision of law is violated. To do so, ten copies of a statement dissolving the Exempt II Division (or any part of it) shall be submitted to the Administrator for review of compliance with above-stated ordinances, rules, etc. This statement, signed by all legal owners, contract buyers, and optionees of the property and notarized, shall contain the Exempt II Division number assigned by the Administrator and legal descriptions of the parcels involved.
  - (ii) Upon a finding of compliance, the Administrator or his designee shall sign all ten statements. Once signed, the approved dissolution is eligible to be recorded.
  - (iii) It shall be the responsibility of the land divider in the presence of the Administrator or his designee to file the approved dissolution with the County Auditor and Recorder within thirty (30) days of the date of signature. Failure of the land divider to so file and record shall automatically invalidate the approval, rendering it null and void and requiring a complete resubmittal for approval.
  - (iv) Upon recording the dissolution statement, the landowner is once more eligible to pursue the full Exempt II Division process as per subsection 3.5 of this ordinance. That is, the land involved, for purposes of land diversion, is restored to its Pre-Exempt II Division status.

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# SECTION IV

## REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN

### PREFACE

Section 4.1 deals with the required general improvements with which the various classes of subdivisions must be provided. It explains what government standards and regulatory functions are involved and must be coordinated in carrying out the Comprehensive Plan. Its provisions help to ensure the protection of the health and welfare of the future occupants of approved subdivisions, assure the quality of new development, minimize untoward effects of the construction of subdivisions on surrounding development, and reduce the financial burden of new development on the usually hard-pressed local government involved.<sup>1</sup>

Each subdivision should achieve at least the minimum standards for the elements of sound development listed in ASPO PAS 135 as being: "preservation of the ... character of the land; economy of construction; inclusion of special facilities; variation in the design, privacy and sociability; and individual lot sizes that are practicable and desirable".<sup>2</sup> Section 4.2 sets forth such general standards.

Section 4.3 deals with streets. Access is important for all parcels in any development. Subdivisions must provide every parcel with adequate access to major streets without overburdening local internal streets with traffic.<sup>3</sup> The provisions for frontage and frequency of access are particularly important along major and collector streets (Section 4.3(1)(a)). Street naming and numbering are reserved for the Planning Commission because it is in the best position to avoid duplication of names and achieve a readily understood, coherent naming and numbering system on an area-wide basis. Having such a system is important for safety and emergency services as well as for the convenience of those entering the subdivision.

When conformance to the Official Map or Thoroughfare Plan requires subdividers to dedicate street rights-of-way of a width in excess of that needed for providing adequate traffic capacity for their subdivision alone, they may be able to get the County (or the participating jurisdiction, where appropriate) to agree to a sharing of these costs on some pro-rata basis.

Interviews with Indiana County Planners and County Engineers confirmed the observation of Freilich and Levi that provisions for drainage and sewerage (Section 4.4) are important for preventing serious problems affecting both lot owners and local governments in areas of either flat land (such as is typical in northern Indiana) or hilly land (such as frequently found in southern Indiana).<sup>4</sup> The drainage facilities should be located in street rights-of-way or easements which must be kept free of obstructions.<sup>5</sup> If they are permitted in the ordinance, provisions for continuing maintenance of detention (holding) or retention ponds may need to be added to the text at this point, including the financing thereof by special tax assessments on the served properties or by other financial arrangements.

Problems of flooding and the control of lake and river shore edges, wetlands and other sensitive areas are now being dealt with in some states through the review of required environmental impact statements, this being a good, although costly and time consuming, tool for carrying out state and local environmental policies for the maintenance of environmental quality. The use of impact statements, however, is not practical where planning staffs are small and lack the expertise or budget to process them but should be considered where environmental problems are serious. Maintenance of the natural character of environmentally sensitive areas should be ensured and in circumstances where a county has a significant problem in protecting such areas there should be a requirement in the ordinance for submission for approval of a "construction process plan" (a plan describing how construction will be undertaken so as to avoid erosion and other forms of damage while work is underway, sometimes called an "erosion control plan") will help to make sure for all such areas that erosion and other construction damage causing either temporary or permanent problems does not occur during the development process. (See the following U.S.D.A. Soil Conservation Service Indiana Technical Guides for detailed information on standards and specifications for handling erosion control problems in new development: #342, "Critical Area Planting"; #412, "Grassed Waterway or Outlet"; and #484, "Mulching".)

Section 4.5 deals with the provision of adequate potable water for human consumption and adequate water for fire protection. Ensuring good water supplies requires coordination between the area's water suppliers, health

department, and fire department together with such interested state agencies such as the State Board of Health and the Indiana Department of Natural Resources. The location of wells, where permitted, must take into consideration water quality and quantity vis-a-vis water table levels and draw-down and the possibility of water contamination by sewage effluents from septic tank drain fields, polluted streams and other sources.

Sanitary sewerage and sewage treatment facilities (Section 4.6) must be adequate to prevent water pollution and other health problems. Requiring separate storm and wastewater sewerage systems is important for long-run water pollution prevention even if the rest of the urbanized area still has combined sewers because, in all probability, the existing combined systems eventually will have to be replaced by separate systems to meet future higher standards. Where individual septic tanks or small "package" disposal systems for subdivisions are permitted, the maintenance of these systems must be ensured. (Note: The State Board of Health Standards would appear to prohibit such off-site disposal. See HSE 25R, "Residential On-site Waterworks Disposal," for current state standards.) If a public sewer system is available, connection to it should be mandatory because of the difficult problems involved in guaranteeing continuing good management of the operation and maintenance of the smaller "package" systems. In some subdivisions special disposal problems may arise necessitating special solutions, especially where the handling of industrial and/or commercial wastes is involved.

Sidewalks and other pedestrian access requirements are provided for in Section 4.7. Consideration of the needs of pedestrians as well as vehicles is often important for achieving the pedestrian access and movement goals of the Comprehensive Plan. As their use grows, bicycles are becoming a matter of local concern and the provision of bikeways and bike trails may also have to be considered and dealt with in the text of the subdivision regulations.

Section 4.8 prescribes the location of easements for grouping utility lines so as to facilitate maintenance. By requiring these lines all to be underground, this section ensures that they will not detract from the appearance of the development. In implementing the requirements of this section, some counties have found that the use of an administrative routing plan aids in the coordination of the location of those utilities required to be shown on the construction plan. This plan can be used to reduce the danger of already placed utilities being damaged during the placement of later installations or during landscaping of properties. This section does not regulate public utility companies, but does regulate the developer.

Section 4.9 deals with the provision of land for public uses. Securing land for parks, recreation, and other public uses generally requires that the land to be so used be accessible to the general public and be dedicated to the appropriate local government. If there are undedicated semipublic or private "common" open spaces in a development, their ownership and maintenance should be provided for through deed restrictions specifying a mandatory "club" plan or other multiple ownership device guaranteeing maintenance of the open spaces.

Here it should be observed that additional exactions for off-site public facilities necessary for supporting development and/or reflecting the direct and indirect costs to the public as a result of development are being increasingly required by states and local governments in the form of "impact fees".

Some local government attorneys contend that such "impact fees" may be exacted in Indiana under the home rule provisions of the Indiana Code. Others who are more conservative hold that special enabling would be necessary. In any case, strong professional planning research justifications will have to be developed locally if such fee systems are to be upheld in court as an alternative to taxation as a means of providing off-site infrastructure and public facilities indirectly necessary as a byproduct of development.

Section 4.10 deals with the preservation of irreplaceable natural features and amenities. It states the very important public purposes served by such measures, particularly the preservation of existing trees and, through a reforestation requirement, the replacement of some necessarily removed during development.

Special provisions for protecting environmentally sensitive wetlands, steep slopes, and wildlife habitats could also be specified in this section as well in locations where it may be desirable and useful as an additional safeguard.

Section 4.12 establishes a Design Review Committee to perform design review tasks described on pages III-2, and IV-19 where design expertise would be helpful to the Plan Commission in its review of the initial design of proposed subdivision layouts and in regard to street furniture to be installed by developers or power companies. Where such expertise exists within a permanent professional planning staff or among members of the Commission or is available by consultant arrangement such a Committee may not be necessary. At any rate, its functions in regard to the review of subdivision plans are minimal; its major functions are in relation to zoning and the issuance of location improvement permits. Accordingly it should be similarly established either in the zoning ordinance or under separate local legislation, whichever the Plan Commission's attorney deems most desirable.

One of the aspects of the subdivision of land so often neglected is its subdivision for other than residential uses, particularly commercial and industrial uses. (4.11) The standards and the development process are often quite different for uses other than housing and therefore different regulatory measures should be established for them. Dedication of service streets where they occur in such subdivisions is especially important for ensuring that they will be properly maintained.

## NOTES

<sup>1</sup> Freilich, Robert H. and Levi, Peter S., *Model Subdivision Regulations, Text and Commentary*, (Chicago: American Society of Planning Officials, 1975). p. 103.

<sup>2</sup> Rosenthal, John, "Cluster Subdivisions," *ASPO Planning Advisory Service Report 135*, (June 1960), p. 28. Copyright by the American Planning Association. Reproduced by permission.

<sup>3</sup> Freilich, et. al., *Model Subdivision Regulations, Text and Commentary*, pp.111-12.

<sup>4</sup> Freilich, et. al., *Model Subdivision Regulations, Text and Commentary*, p.113.

<sup>5</sup> Freilich, et. al., *Model Subdivision Regulations, Text and Commentary*, p.114.

**TEXT****4.1 General Improvements**

- (1) **Conformance to Applicable Rules and Regulations.** In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:
  - (a) all applicable state and local statutory provisions;
  - (b) the County Zoning Ordinance, Building and Housing Codes, and all other applicable laws and ordinances of the appropriate jurisdictions;
  - (c) the Comprehensive Plan, Official Map or Thoroughfare Plan, Public Utilities Plan, and Capital Improvements Program of the County including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted;
  - (d) the special requirements of these regulations and any rules of the Health Department and/or appropriate state agencies;
  - (e) the rules and regulations of the Indiana Department of Highways if the subdivision or any lot contained therein abut a state highway or state frontage road;
  - (f) the highway and drainage standards and regulations adopted by the County Engineer and all boards, commissions, agencies, and officials of the County; and,
  - (g) all pertinent standards contained within still valid planning guides published by the Plan Commission.
- (2) Plat approval may be withheld if a subdivision is not in conformity with the above guides and requirements or with the policies and purposes of these regulations established in Section 1.4 of this ordinance.
- (3) **Self-Imposed Restrictions.** If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Commission may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the Commission Attorney.
- (4) **Plats Straddling Municipal Boundaries.** Whenever access to the subdivision is required across land in another jurisdiction the Commission may request assurance from the County Attorney that such access is legally established, and from the County Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in the amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross municipal boundary lines.
- (5) **Boundary Improvements**
  - (a) The subdivider shall have placed, under the supervision of a Registered Land Surveyor, concrete monuments four (4) inches square or four (4) inches in diameter and forty (40) inches long with an iron pipe cast in the center, at each corner or angle of the ultimate outside boundary. They shall be set following grading of each phase of the subdivision.
  - (b) The subdivider shall have placed, under the supervision of a Registered Land Surveyor, pipes or steel rods, three-fourths (3/4) of an inch in diameter by thirty (30) inches in length at the corners of each lot. They shall be set prior to the issuance of any Building Permit.
- (6) **Character of the Land.** Land which the Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which might reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Commission, upon recommendation of the County Engineer, to solve the problems created by the unsuitable land conditions.

Such land shall be set aside for such uses permitted by the Zoning Ordinance as shall not involve any such danger.

- (7) **Subdivision Name.** The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Commission shall have final authority to designate the name of the subdivision which shall be determined at the time of primary approval.

#### 4.2 Lot Improvements

- (1) **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing building permits to build on each of the created lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on such lots from the appropriate approved street.
- (2) **Lot Dimensions.** Lot dimensions shall comply with the minimum standards in the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve all such potential lots in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to the street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for all of the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.
- (3) **Double Frontage Lots and Access to Lots**
  - (a) **Double Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide for the separation of residential development from the traffic on bordering arterials or to overcome specific disadvantages of topography and orientation affecting the subdivided lots.
  - (b) **Access from Primary and Secondary Arterials.** Lots shall not, in general, derive access from a primary or secondary arterial street. Where driveway access from a primary or secondary arterial street may be the only possible access for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards from multiple access to such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on primary or secondary arterials.
- (4) **Soil Preservation, Grading and Seeding**
  - (a) **Soil Preservation and Final Grading.** No certificates of occupancy shall be issued until final grading has been completed in accordance with the approved construction plans and the lot precovered with top soil having an average depth of at least (6) six inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.
  - (b) **Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area. Drainage shall be designed so as to avoid the accumulation of storm water on any one or more lots from adjacent lots. It shall be the responsibility of the lot owner to maintain the lot grade, as it applies to drainage, as provided for in the approved construction plans.

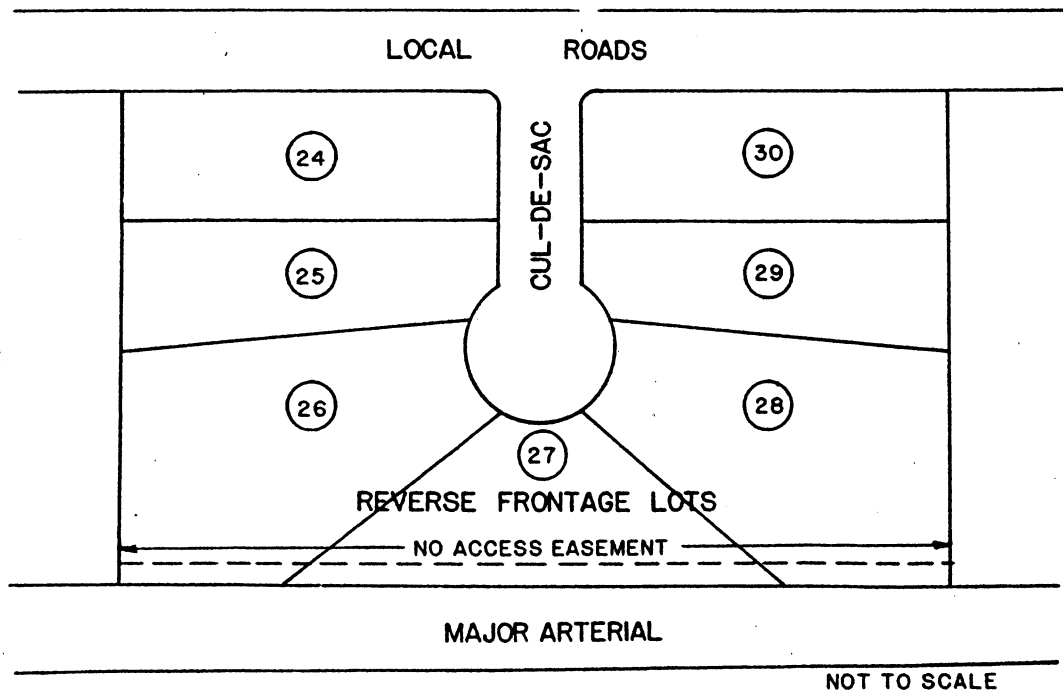
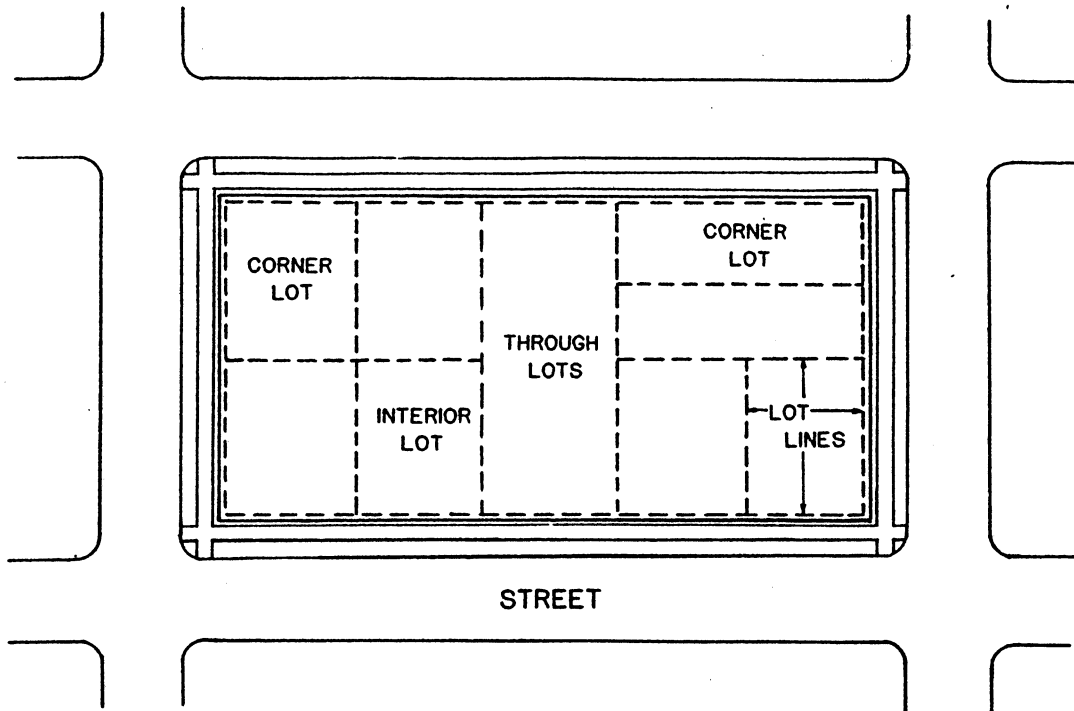


FIGURE 4-1. LOT AND FRONTAGE EXAMPLES



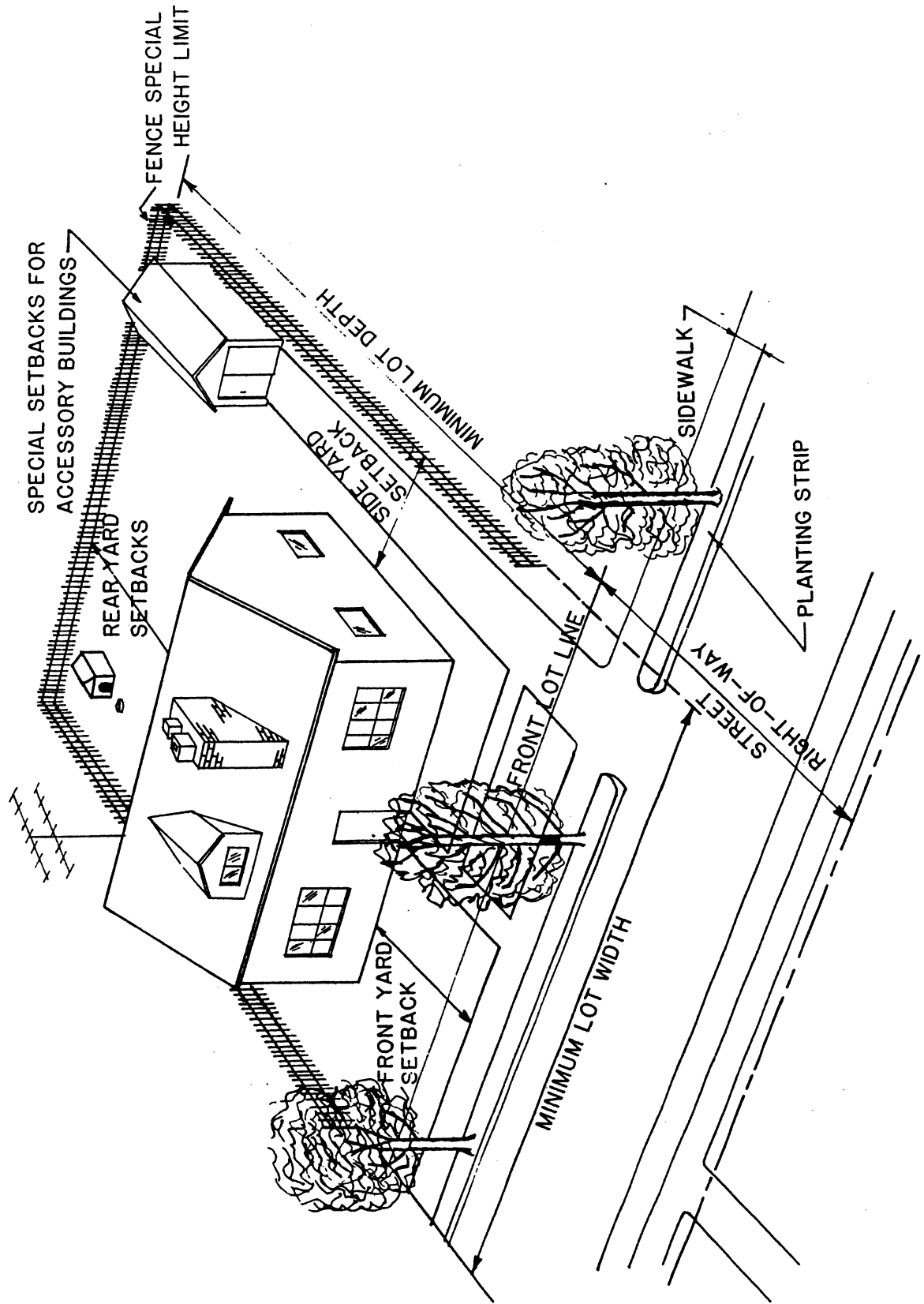


FIGURE 4-2. YARD AREAS AND STREET IMPROVEMENTS

- (c) **Lawn-grass Seed and Sod.** Lawn-grass seed shall be sown at not less than four (4) pounds to each one thousand (1000) square feet of land area. The seed shall be sown between March 15 and September 30. The seed shall consist of a minimum of ten percent (10%) rye grass by weight and a minimum of ninety percent (90%) of permanent bluegrass and/or fescue grass by weight. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All lots shall be seeded from the road side edge of the unpaved right-of-way back to a distance of twenty-five (25) feet behind the principal residence on the lot. No certificate of occupancy shall be issued until respreading of soil and seeding of lawn has been completed; except that between October 15 and March 15 and between May 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and the property owner, with a copy to the Building Permit Official, that respreading of soil and seeding of the lawn will be done during the immediately following planting season as set forth above in this section, and leave a cash escrow for performance in such amount as shall be determined by the Building Permit Official. Sod may be used to comply with any requirement of seeding set forth herein.
- (5) **Debris and Waste.** No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of any kind shall be buried in any land, or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.
- (6) **Fencing.** Each subdivider and/or developer shall be required to furnish and install fences wherever the Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the County Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.
- (7) **Waterbodies and Watercourses.** If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Commission may approve an alternative allocation of interests whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No part of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street from which it has access, provisions shall be made for installation of a culvert or other structure, of a design approved by the County Engineer.
- (8) **Performance Bond to Include Lot Improvement.** The performance bond shall include an amount to guarantee completion of all requirements contained in Section 4.2 of these regulations including, but not limited to, soil preservation, final grading, lot drainage, lawn-grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the Commission. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond, the County may enforce the provisions of the bond where compliance with the provisions of this section or any other applicable law, ordinance, or regulation has not occurred.

#### 4.3 Streets

##### (1) General Requirements

- (a) **Frontage on Improved Streets.** No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there is not an Official Map, unless such a street is:
- (i) an existing state, county, or township highway, or
  - (ii) a street shown upon a plat approved by the Commission and recorded in the office of the County Recorder of Deeds. Such street or highway must be suitably improved as required by the highway rules, regulation specifications, or orders, or be secured by a performance bond required under these regulations, with

Street Type	Min. Width R-O-W	Min. Pmnt. Width (1)	Min. Side Ditch Width	Min. Shoulder Width	Max. Grade	Min. Radius of Curve	Min. Length of Tangent (3)	Min. Sight Distance	Min. Corner Radius (4)	Min. Turn-Around (5)
Urban Cross Section	1. Place	40 ft.			7.5%		100 ft.	200 ft.	20 ft.	80/60 ft.
	2. Local Street	50 ft.	N/A		7.5%	100 ft.	100 ft.	200 ft.	20 ft.	100/80 ft.
	3. Collector	60 ft.			7.0%		150 ft.	240 ft.	25 ft.	N/A
Urban Cross Section	1. Local Street	60 ft.	N/A		6.0%	200 ft.	200 ft.	200 ft.	40 ft.	160/140 ft.
	2. Collector	70 ft.						240 ft.		N/A
	1. Secondary	70 ft.			(2)	(2)	(2)	(2)	(2)	N/A
Rural Cross Section	2. Primary	80 ft.	N/A							
	3. Divided Prim.	100 ft.								
	1. Place	50 ft.			7.5%		100 ft.	200 ft.	20 ft.	100/76 ft.
Rural Cross Section	2. Local Street	60 ft.	10 ft.	6 ft.	7.5%	100 ft.	100 ft.	200 ft.	20 ft.	100/76 ft.
	3. Collector	65 ft.			7.0%		150 ft.	240 ft.	25 ft.	N/A
	1. Local Street	65 ft.	10 ft.	6 ft.	6.0%	200 ft.	200 ft.	200 ft.	40 ft.	160/140 ft.
Rural Cross Section	2. Collector	75 ft.						240 ft.		N/A
	1. Secondary	80 ft.	22 ft.	6 ft.	(2)	(2)	(2)	(2)	(2)	N/A
	2. Primary	120 ft.	48 ft.	8 ft.						
Rural Cross Section	3. Divided Prim.	150 ft.	31 ft.	10 ft.						

(1) Curb and gutter is in addition on Urban Cross Sections (combined 2 ft. minimum on each side).

(2) As required by the Local Government Engineer and/or Indiana State Highway Commission.

(3) Between reverse curves.

(4) Measured at curb on Urban Cross Sections, at pavement edge on Rural Cross Sections. Transitional curve into the turnaround within cul-de-sacs: Residential - 50 ft.; Non-residential - 100 ft.

(5) Diameter, measured at edge of right-of-way/edge of pavement, or back to back of curb on urban cross sections.

(6) Includes subdivisions for uses permitted in residential districts as a matter of right or through Special Exception.

N/A Not applicable.

TABLE 4-1. DESIGN STANDARDS FOR STREETS

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STANDARDS APPLIED TO ALL STREETS

Minimum Grade: 0.5%

Minimum Block Length: 400 ft. (1000 ft. between collectors along  
arterials)

Maximum Block Length: 2600 ft.

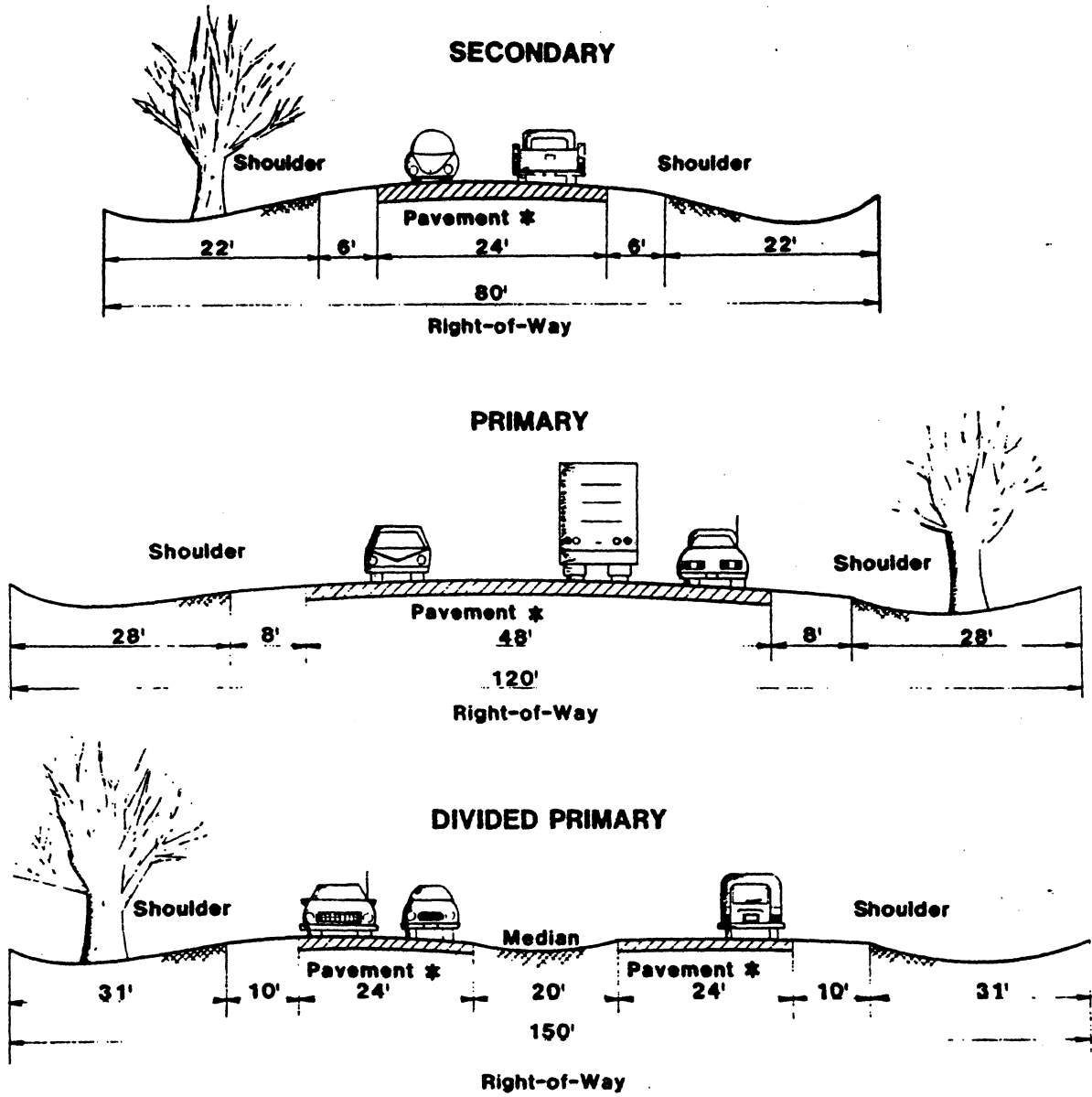
Maximum Cul-De-Sac Length: 800 ft.

Maximum Length of Temporary Dead-End Street 1000 ft.

Minimum Length of Vertical Curves: 100 ft., but not less than 20 ft.  
for each percent of algebraic  
difference in grade.

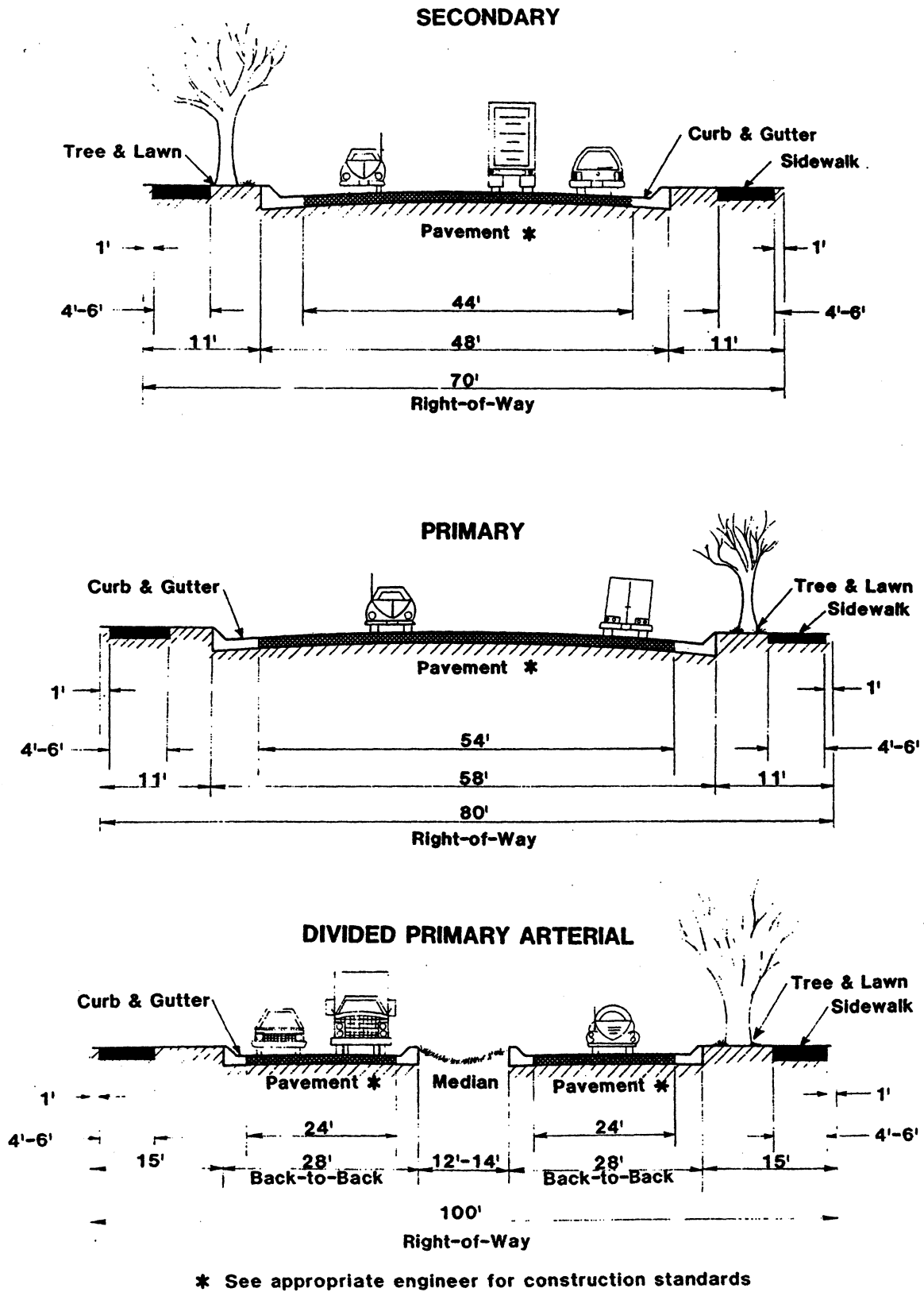
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**TABLE 4-1. DESIGN STANDARDS FOR STREETS (Continued)**



\* See appropriate engineer for construction standards

FIGURE 4-3. TYPICAL RURAL CROSS SECTIONS FOR MAJOR STREETS



**FIGURE 4-4. TYPICAL URBAN CROSS SECTIONS FOR MAJOR STREETS**

the width and right-of-way required by these regulations or as indicated on the Official Map or Thoroughfare Plan. Whenever the area to be subdivided is to use an existing street frontage, such street shall be suitably improved as provided herein above.

- (2) **Grading and Improvement Plan.** Streets shall be graded and improved and conform to the County construction standards and specifications and shall be approved as to design and specifications by the County Engineer, in accordance with the construction plans required to be submitted prior to secondary approval.
- (3) **Topography and Arrangement**
  - (a) Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided. Specific standards are contained in the design standards of these regulations.
  - (b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map or Thoroughfare Plan, and/or Comprehensive Plan. [Here the language may have to be modified to fit the content of the Official Map and Comprehensive Plan as they exist.]
  - (c) All arterials and collector streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers, to population densities; and to the pattern of existing and proposed land uses.
  - (d) Minor or Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.
  - (e) Rigid, rectangular "gridiron" street patterns are generally to be avoided, and the use of casually curvilinear streets, cul-de-sacs, or loop streets shall be encouraged where such use will result in a more desirable lay-out and relate better to the existing topography. On flat land, innovative, varying geometrical street patterns shall be encouraged where they are likely to enhance visual interest and a sense of order for those using them (e.g., non-grid rectilinear, trapezoidal, polygonal, or other geometric patterns).
  - (f) Proposed streets shall, where appropriate, be extended to the boundary lines of the tract to be subdivided unless this is prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission such extension(s) is/are not necessary or desirable for the coordination of the layout of the subdivision under consideration with the existing street layout or for the most advantageous future development of adjacent tracts (see paragraph 11(a) below).
  - (g) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, bikeways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.
- (4) **Blocks**
  - (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial streets, rail roads, and waterways.
  - (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand six hundred (2,600) feet nor be less than four hundred (400) feet in length. Blocks along arterials and collector streets shall not be less than one thousand (1000) feet in length.

- (c) In long blocks the Commission may require the reservation of easements through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrianways or crosswalks not less than ten (10) feet wide, may be required by the Commission through the center of blocks more than eight hundred (800) feet long or at other appropriate locations and at the ends of the cul-de-sacs where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined to be suitable by the Commission for the intended use.
- (5) **Access to Collector Streets.** Where possible, lots in single family residential subdivisions fronting on collector streets shall be avoided and lots at the corners of intersections between local and collector streets shall front on the local street and have driveway access to it only and not to the collector street. In multiple family residential areas entrances to group parking lots shall have access only to collector streets (where possible) and such entrances shall be widely spaced.
- (6) **Access to Primary Arterials.** Where a subdivision borders on or contains an existing or proposed primary arterial, the Commission may require that access to it be limited by one of the following means:
- (a) the subdivision of the lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial and screening shall be provided within a strip of land along the rear property line of such lots;
  - (b) a series of cul-de-sacs, or loop streets entered from, and designed generally to be at right angles to an access street that is at some distance from and parallel to the arterial street, with the rear lines of their terminal lots backing onto the arterial; and,
  - (c) a marginal access or service road (separated from the primary arterial by a landscaped and/or decoratively fenced grass strip and having access thereto at widely spaced suitable points).
- (7) **Street Names.** The sketch plan, as submitted, shall indicate names of proposed streets. As part of his review the Administrator shall refer proposed street names to the local postmaster for his comments regarding duplication of names and possible confusion. After reviewing them the Administrator shall inform the subdivider of his recommendations for their possible revision during the sketch plan review. Names shall be sufficiently different in sound and in spelling from other street names in the County or other nearby areas so as to avoid confusion. A street which is, or is planned as, a continuation of an existing street shall bear the same name.
- (8) **Street Regulatory Signs.** The applicant shall provide and install a street sign at every street intersection within his subdivision as required by the County Engineer. The County shall inspect and approve all street signs before issuance of certificates of occupancy for any residence on the approved streets.
- (9) **Street Lights.** Installation of street lights shall be required in accordance with design and specification standards approved by the County Engineer. Street light standards and fixtures shall also be in accordance with the visual design standards of the County Design Review Committee [where existing]. [Note: Where there will be no arrangement for the property owners to pay for the operation and maintenance of street lights the County may wish to omit this section.]
- (10) **Reserve Strips.** The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to it from adjacent property if such street is a local service street rather than a collector or arterial street. (See paragraphs (5) and (6) above.)
- (11) **Construction of Streets**
- (a) **Construction of Streets other than Cul-de-sacs.** The arrangement of streets shall provide for the continuation of streets between adjacent subdivisions or other properties when such continuation is necessary for the convenient movement of traffic, for effective fire protection, for efficient provision of utilities, and where such continuation is in accord-



ance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end (stub) street temporarily, the right-of-way shall be provided for all such temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. Temporary turnarounds must be provided at the ends of such stub streets. The Commission may limit the length of temporary dead-end streets in accordance with the design standards in these regulations.

- (b) **Cul-de-sacs (Permanent Dead-end Streets).** Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with County construction standards and specifications available from the County Engineer's office. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards in these regulations.

**(12) Design Standards**

- (a) **General.** In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access for police, fire-fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate street location in order to achieve a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required. (Street classifications may be indicated in the Comprehensive Plan, Thoroughfare Plan, or on the Official Map; otherwise, they shall be determined by the Commission.)
- (b) **Street Surfacing and Improvements.** After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause the roadways to be surfaced to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the County Engineer. Adequate provision shall be made for culverts, drains, and bridges. All street pavement, shoulders, drainage improvements and structures, curbs, turn-arounds, and sidewalks shall conform to all construction standards and specifications adopted by the Commission, County Engineer, or the County and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.
- (c) **Excess Right-of-way.** Right-of-way widths in excess of the standards designed in these regulations shall be required whenever, due to topography, additional width is necessary to provide for adequate and stable earth slopes. Such slopes shall not be in excess of three to one.
- (d) **Railroads and Limited Access Highways.** Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows.
  - (i) In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon other than earth berms, walls, fences and other landscape screening devices approved by the Commission is prohibited."
  - (ii) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to a railroad shall, wherever

practical, be at a sufficient distance therefrom to ensure a suitable depth for commercial or industrial sites.

- (iii) Streets parallel to a railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(e) Intersections

- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Commission.
  - (ii) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart.
  - (iii) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
  - (iv) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
  - (v) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trimming trees) in connection with the grading of the public right-of-way to the extent deemed necessary by the County Engineer to provide an adequate sight distance.
  - (vi) The cross-slopes on all streets, including intersections shall be three percent (3%) or less.
- (f) Bridges of primary benefit to the applicant, as determined by the Commission, shall be constructed at the full expense of the applicant without reimbursement from the County. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Commission, will be fixed by special agreement between the County and the applicant. Said cost shall be charged to the applicant pro-rata as the percentage of his land developed and so served.

(13) Street Dedications and Reservations

- (a) New Perimeter Streets. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required right-of-way width within his own subdivision's boundaries.

- (b) **Widening and Realignment of Existing Streets.** Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the applicant at his own expense to the full width required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying the yard or area requirements of the Zoning Ordinance.

#### 4.4 Drainage and Storm Sewers

- (1) **General Requirements.** The Commission shall not recommend for approval any subdivision plat which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Commission and the County Drainage Board, and a copy of the design computations shall be submitted along with the plans. (The "Rational Method is described in Chapter 3 of the *County Storm Drainage Manual* by Christopher B. Burke, Project for Indiana Counties and Cities, School of Civil Engineering, Purdue University, West Lafayette, May 1981, hereinafter referred to as *Drainage Manual*.) Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter or when the encroachment of storm water into the street disrupts traffic (*Drainage Manual*, p.5-27). When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.
- (2) **Nature of Storm Water Facilities**
  - (a) **Location.** The applicant may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the County's construction standards and specifications.
  - (b) **Accessibility to Public Storm Sewers**
    - (i) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance adequate provision shall be made for the disposal of storm water, subject to the specifications of the County Engineer. However, in subdivisions containing lots of less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of facilities shall be conducted by the County Engineer [or Drainage Engineer if there is one or, if none, the County Surveyor depending on local administrative arrangements].
    - (ii) If a connection to a public storm sewer will be provided eventually, as determined by the County Engineer [see comment above] and the Commission, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision(s) for such connection(s) shall be incorporated by inclusion in the amount of the performance bond or equivalent required for the subdivision plat.
  - (c) **Accommodation of Upstream Drainage Areas.** A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer [see comment above] shall determine the necessary size of the facility, based on the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

FIGURE 4-5. SUBDIVISIONS OF FLOOD PLAIN

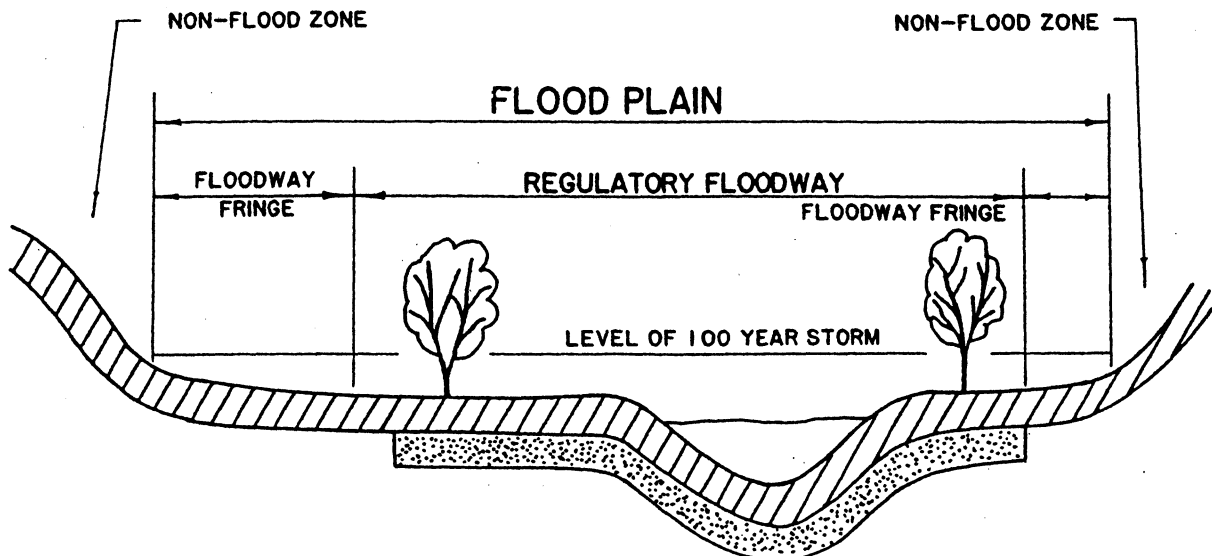
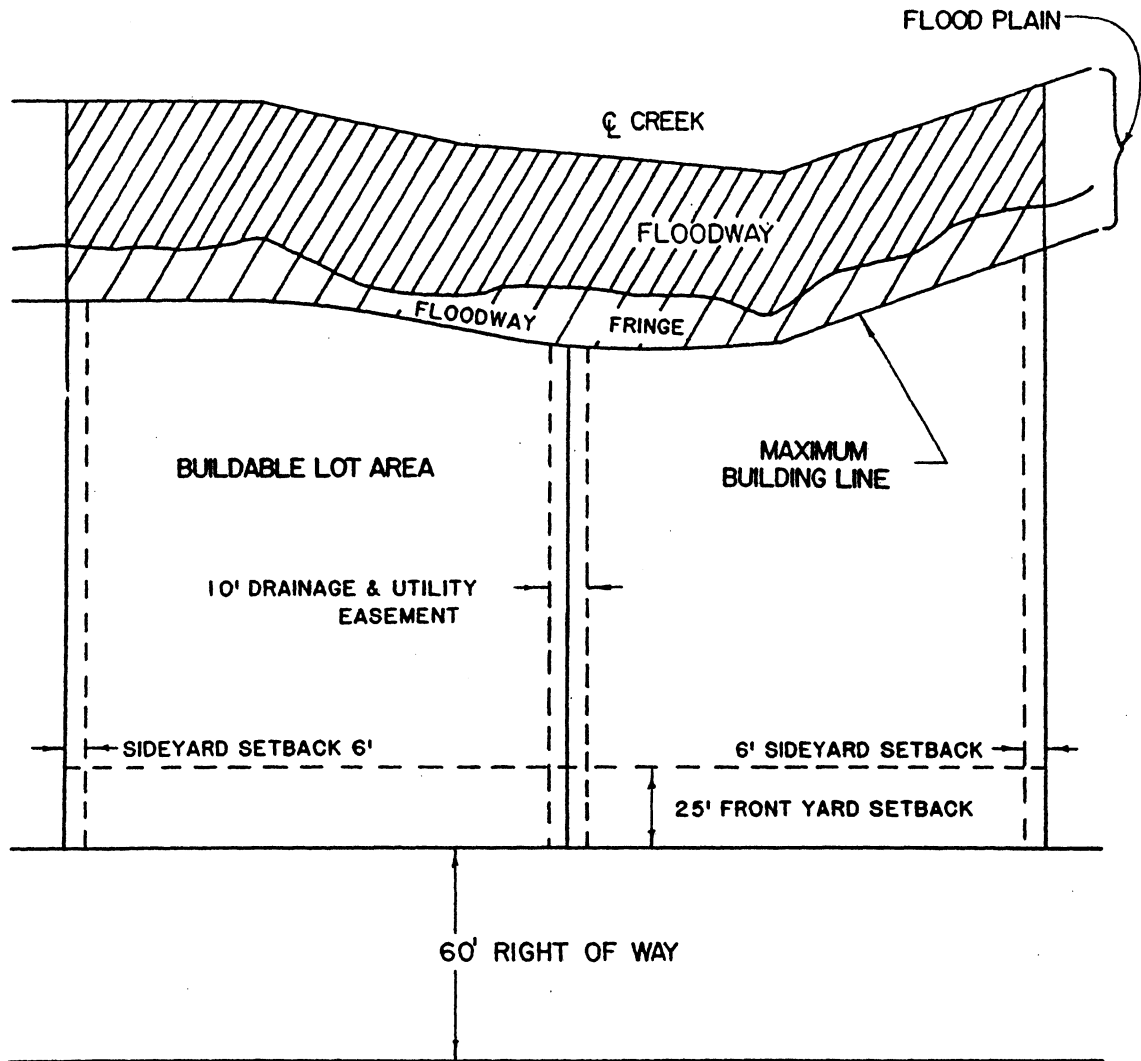


FIGURE 4-6. FLOOD PLAIN DELINEATION

- (d) **Effect on Downstream Drainage Areas.** The County Engineer [see comment under (b)(i) above] shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies together with such other studies as may be available and appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission may withhold secondary approval of the subdivision until provision (such as a storage facility) has been made for the improvement of said potential condition in such sum as the Commission shall determine. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate drainage water course or facility.
  - (e) **Areas of Poor Drainage.** Areas which are not in the Flood Plain but contain soils which are subject to flooding may be approved for subdivision by the Commission, provided that the subdivider fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two (2) feet above ponding levels.
  - (f) **Areas of High Seasonal Water Tables.** In areas characterized by soils having a high seasonal water table as determined by the [\_\_name of\_\_] County Soil and Water Conservation District; lots shall be limited to slab type construction unless the Commission determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.
  - (g) **Floodway Areas.** If a subdivision of land is proposed within the Flood Plain, Floodways shall be preserved and not diminished in capacity by filling or obstruction, except as approved by the Natural Resources Commission in writing. No residential building site may be located within the Floodway.
  - (h) **Floodway Fringe Areas.** Where a subdivision is proposed within an area of the Flood Plain designated as a Floodway Fringe, the Commission may approve such subdivision provided that: all streets are elevated sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade two (2) feet above the Regulatory Flood elevation; where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by, flood water; and, approval to fill the area from the Natural Resources Commission has been obtained in writing. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
  - (i) **Flood Plain Areas.** Where a subdivision is proposed within an area of the Flood Plain for which Floodway and Floodway Fringe designations have not been made, the Commission shall not approve such a subdivision unless all streets are raised sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade of two (2) feet above the Regulatory Flood elevation; where provided, public water and sanitary sewer facilities are constructed to eliminate contamination of or by flood water; and, filling to achieve the above will not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream. All filling in the Flood Plain must be approved in writing by the Indiana Natural Resources Commission. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
  - (j) **Recording of Plats in the Flood Plain and Floodway Fringe.** All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn, on the final plat for recording.
- (3) **Dedication of Drainage Easements**
- (a) **General Requirements.** Where a subdivision is traversed by a drainage course, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided, granted or dedicated to the county conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the

purpose of both drainage and maintenance of the right-of-way. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(b) **Drainage Easements**

- (i) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
- (ii) The applicant shall dedicate, either in fee or by drainage or conservation, easement land on both sides of existing watercourses of a width to be determined by the Commission and, in the case of legal drains, the County Drainage Board.
- (iii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (iv) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures nor for computing the area requirement for any individual lot.

**4.5 Water Facilities**

(1) **General Requirements**

- (a) The applicant shall take all actions necessary to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing for domestic water use and fire protection.
- (b) Where a public water main is accessible the subdivider shall install adequate water facilities (including fire hydrants) conforming to the requirements and specifications of the State or local authorities. All water mains shall be at least six (6) inches in diameter.
- (c) Water main extensions shall be approved by the officially designated agency of the State, County or municipality concerned.
- (d) To facilitate the above, the location of all fire hydrants, water supply improvements, and the boundary lines of proposed districts indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.
- (e) The design of all water facilities shall conform to or exceed the standards described in the latest edition of *Recommended Standards for Water Works* as published by Health Education Service, Inc., Albany, New York. [Note: this publication contains the standards agreed to by a consortium of midwestern states including Indiana.]

(2) **Individual Wells and Central Water Systems**

- (a) In low-density zoning districts, if a public water system is not available, at the discretion of the Commission, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water sample test results shall be submitted to the Health Department for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. These approvals shall be submitted to the Commission.

- (b) If the Commission requires that a connection to a public water main be eventually provided as a condition for approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives secondary approval. Performance or cash bonds may be required to insure compliance.
- (3) **Fire Hydrants.** Hydrants should be provided at each street intersection and at intermediate points between intersections as recommended by the state Insurance Services Office and the local fire department. Generally, hydrant spacing may range from 350 to 600 feet depending on the nature of the area being served as determined by the County Engineer.

#### 4.6 Sewerage Facilities

- (1) **General Requirements.** The subdivider shall install sanitary sewer facilities in a manner prescribed by the County construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the County Engineer, Health Department, and other appropriate State and Federal agencies. (In the case of a city system extended into the County, the city's engineering standards, etc. would prevail.) In addition, the design shall meet or exceed the minimum standards described in the latest edition of *Recommended Standards for Sewage Works* as published by the Health Education Service, Albany, New York and plans shall be approved by the all state and federal agencies where required by those agencies. [Note: this publication also contains standards agreed to by a consortium of midwestern states including Indiana.]
- (2) **Sanitary Sewerage System Requirements.** Where provided, sanitary sewerage facilities shall connect with public sanitary sewerage systems, and shall be installed to serve each lot to grades and sizes required by approving officials and agencies. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Health Officer, participating jurisdiction, and appropriate State agency.
- (3) **Individual Disposal System Requirements.** If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and any ordinance of any participating jurisdiction (where applicable) establishing lot areas for individual sewerage disposal systems.
- (4) **Selected Design Criteria**
  - (a) **Alignment.** All sewers shall be laid with a straight alignment between manholes, unless otherwise directed or approved by the County Engineer.
  - (b) **Manhole Location.** Manholes shall be installed at the end of each line, and at distances not greater than 400 feet for sewers 18 inches in diameter and larger.
  - (c) **Manholes.** The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches where required to match crowns. The use of drop manholes requires approval by the County Engineer. The minimum inside diameter of the manholes shall conform to those specified by the County Engineer. Inside drop manholes will require special consideration; however, in no case shall the minimum clear distance be less than that indicated herein. The relationships between intersecting sewer lines shall meet the standards required by the County Engineer. (See (a) above.)
  - (d) **Sewerage Locations.** Sanitary sewers shall be located within street or alley rights-of-ways unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. Where sewer lines in private easements cross public street or alley rights-of-way a manhole shall be provided in such rights-of-way where possible. Imposed loading shall be considered at all manhole locations. Not less than six (6) feet of cover shall be provided over the top of pipe in street and alley rights-of-way or three (3) feet in all other areas.
  - (e) **Cleanouts.** Cleanouts will not be permitted.

- (f) **Water Supply Interconnections.** There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable water system. Sewers shall be kept removed from water supply wells or other water supply sources and structures.
- (g) **Relation of Sewers to Water Mains.** A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water line is at least two (2) feet above the sewer line.

**4.7 Sidewalks**

- (1) **Required Improvements**
  - (a) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way of all streets as shown in Table 4-1.
  - (b) Concrete curbs are required for all streets where sidewalks are required by these regulations or required at the discretion of the Commission.
  - (c) A grassed or landscaped median strip at least two (2) feet wide shall separate all sidewalks from adjacent curbs. The median strip shall be improved according to Section 4.2(4) of these regulations.
- (2) **Pedestrian Accesses.** In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Commission may require perpetual unobstructed easements at least twenty (20) feet in width. Such easements shall be indicated on both the preliminary and final plats.

**Table 4-2: REQUIRED SIDEWALKS IN URBAN CROSS SECTION**

<b>STREET TYPE</b>	<b>STANDARD WIDTH</b>
All RESIDENTIAL: Place, Local Street, Collector, Arterial .....	.4 ft.
NON-RESIDENTIAL: Local Street, Collector .....	.4 ft.
ARTERIAL .....	.6 ft.

**4.8 Utilities**

- (1) **Location.** All utility lines, including but not limited to gas, electric power, telephone and CATV cables shall be located underground throughout the subdivision. Wherever existing lines are located above ground, except on public roads and rights-of-ways, they shall be removed and placed underground. All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or sketch plan in the case of a minor subdivision. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership intended to be developed for the same primary use.
- (2) **Easements**
  - (a) Easements centered on rear lot lines shall be provided for utilities (private and municipal). Such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the coordination of utility easements with those established in adjoining properties.
  - (b) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. All easements shall be indicated on preliminary and final plats.



4.9 Public Uses

(1) Parks, Playgrounds, and Recreation Areas

(a) Recreation Standards. The Commission shall require that land be reserved for parks and playgrounds or other recreational purposes in locations designated on the Comprehensive Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the Commission. The area shall be shown and marked on the plat: "Reserved for Park and/or Recreational Purposes". When recreation areas are required, the Commission shall determine the number of acres to be reserved from the following table, which has been prepared on the basis of providing three (3) acres of recreation area for every one hundred (100) dwelling units. The Commission may refer such proposed reservations to the local government official or agency in charge of parks and recreation for recommendation. If approved by such official or agency, the developer shall dedicate all such recreation areas to the local government as a condition of secondary approval.

(i) Recreation Requirements are shown in Table 4-3.

**TABLE 4-3: RECREATION REQUIREMENTS**

SINGLE-FAMILY LOTS SIZE OF LOT	PERCENTAGE OF TOTAL LAND IN SUBDIVISION TO BE RESERVED FOR RECREATION PURPOSES
80,000 & greater SF .....	1.5 per cent
50,000 SF .....	2.5 per cent
40,000 SF .....	3.0 per cent
35,000 SF .....	3.5 per cent
25,000 SF .....	5.0 per cent
15,000 SF .....	8.0 per cent

(ii) Minimum Size of Park and Playground Reservations. In general, land reserved for recreation purposes shall have an area of at least four (4) acres. When the percentages from Table 4-3 above would create less than four (4) acres, the Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two (2) acres be reserved for recreational purposes where it is impractical or impossible to secure additional lands in order to increase its area. When recreational land in any subdivision is not reserved, or the land reserved is less than the percentage indicated in Section 4.9 (1)(a), the provisions of Section 4.9 (1)(d) shall be applicable.

(b) Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as playground, play field, or other active recreation purposes and shall be relatively level and dry. It shall be improved by the developer to the standards required by the Commission and the cost of the improvements shall be included in the amount of the performance bond. Passive recreation areas along stream valleys may be accepted by the Commission as part of the required area if adequate flat land is also provided for space-consuming recreation activities. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no part of the site shall be narrower or shallower than two hundred (200) feet except for stream-valley and other linear passive recreation areas which shall at no point be narrower than fifty (50) feet. The Commission may refer any subdivision intended to

contain a dedicated park to the local government official, department, or agency in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the County for park purposes shall have prior approval of the County and shall be shown on the plat as "Reserved for Park and/or Recreation Purposes".

- (c) **Applicability to Land Using Average Density Provisions.** Any subdivision plat in which the principle of flexible zoning has been used shall not be exempt from the provisions of this section except as to any portion of the land area which is actually dedicated to the County for park and recreation purposes. If no additional area, other than the area to be reserved through averaging, is required by the Commission, the full fee shall be paid as required in Section 4.9 (1)(d). If further land is required for reservation, apart from the reserved by averaging, credit shall be given as provided by Section 4.9 (1)(d).
- (d) **Other Recreation Reservations.** The provisions of this section are minimum standards. None of the preceding subsections of this ordinance shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

(2) **Other Public Uses**

- (a) **Plat to Provide for Public Uses.** Whenever a tract to be subdivided includes a school, recreation areas, (in excess of the requirements of Subsection (1), immediately above), or other public uses as indicated on the Comprehensive Plan or any portion thereof, such space shall be suitably incorporated by the applicant into his sketch plan. Except when an applicant uses planned unit development procedures in which land is set aside by the developer for public use as required under those procedures in the Zoning Ordinance. After proper determination of its necessity by the Commission and the appropriate County official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats. Upon such a determination by the Commission, the following shall apply:
  - (i) **Referral to Public Agency.** The Commission shall refer the sketch plan to the public agency concerned with acquisition for its consideration and report. The Commission may propose alternate areas for such acquisition and shall allow the public agency 30 days for reply. The public agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time within five (5) years required to complete the acquisition.
  - (ii) **Notice to Property Owner.** Upon a receipt of an affirmative report the Commission shall notify the property owner and the Administrator shall designate on the preliminary and final plats each area proposed to be acquired by a public agency.
- (b) **Duration of Land Reservation.** The acquisition of land reserved by a public agency on the final plat shall be initiated within five (5) years of notification in writing from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a site plan of the proposed development and a tentative schedule of construction. Failure on the part of a public agency to initiate acquisition within the prescribed five (5) years shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

**4.10 Preservation of Natural Features and Amenities**

- (1) **General.** Existing features which would add value to the type of intended development or to the County as a whole, such as trees, watercourses falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until primary approval of the preliminary plat has been granted. All trees on the plat which are required to be retained shall

be preserved, and all trees, where needed, shall be welled and protected against change of grade. The sketch plan shall show the number and location of existing trees, as required by these regulations, and shall further indicate all those marked for retention and the location of all proposed shade trees required along the street side(s) of each lot as required by these regulations.

**(2) Shade Trees Planted by Developer**

- (a)** As a requirement for subdivision secondary approval the applicant shall plant trees on the property of the subdivision. Such trees are to be planted within five (5) feet of the right-of-way of the street or streets within and abutting the subdivision, or at the discretion of the Commission and the County Engineer, within the right-of-way of such streets. One (1) tree shall be planted for every forty (40) feet of frontage along each street unless the Commission, upon recommendation of the County Engineer, shall grant a waiver in accordance with Section 1.13. Such waiver shall be granted only if there are existing trees growing along such a right-of-way or on the abutting property which in the opinion of the Commission comply with these regulations.
- (b)** New trees to be provided pursuant to these regulations shall be approved by the County Engineer and shall be planted in accordance with the regulations of the County Engineer. Such trees have a minimum trunk diameter (measured twelve (12) inches above ground level) of not less than two (2) inches. Only Oak, Honey Locust, Hard Maples, Ginkgo, or other long-lived shade trees acceptable to the County Engineer and to the Commission, shall be planted.

**4.11 Nonresidential Subdivisions**

- (1) General.** If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall meet such special provisions as the Commission finds appropriate and requires. A nonresidential subdivision shall also be subject to all the requirements set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the Commission and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance, except that where lot lines are to be established incrementally they need not be shown on the sketch plan or the preliminary plat for primary approval. All shopping centers and other nonresidential subdivisions of buildings for leasehold shall be subject to the relevant provisions of this ordinance.
- (2) Standards.** In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed are appropriate for the uses anticipated and adequately take into account other uses in the vicinity. The following principles and standards shall be observed.
  - (a)** Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of industrial development anticipated. Proposals for incremental lot by lot subdivision must be made clear in a statement on the preliminary plat which is satisfactory to the Commission.
  - (b)** Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
  - (c)** Special requirements may be imposed by the Commission upon recommendation of the County with respect to street, curb, gutter, and sidewalk design and construction.
  - (d)** Special requirements may be imposed by the Commission with respect to the installation of public utilities, including water, sewer, and storm water drainage and preprocessing of sewage. Special requirements may also be imposed regarding the storage and disposal of toxic materials.

- (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing onto existing or potential residential development and provision of a permanently landscaped buffer strip where necessary.
- (f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

[If off-site public facilities necessary to meet the standards embodied in sections 4.3 through 4.9 (above) are not already in place or programmed in the County Capital Improvement Program to be in place by the time the subdivision is expected to be occupied, the developer may, appropriately, have to provide such off-site facilities or supply funds to enable the County to do so, in order to secure Secondary Approval. More and more frequently counties are having to refuse development permission because of their financial inability to provide adequate off-site facilities to serve new development. One control device is to tie subdivision approval to the Capital Improvement Program by means of a requirement that the subdivision meet a designated point score for off-site facilities in place and available to it; e.g., utility capacity, school classroom capacity, highway access, and other infrastructure availabilities. Also, many governmental entities in rapidly growing areas are requiring that developers pay "development impact fees" as a way of providing funds for the necessary off-site facilities.]

#### 4.12 Design Review Committee – Membership and Jurisdiction

- (1) **Membership.** The Design Review Committee (hereinafter referred to as the "Review Committee") shall consist of and continues as a five-member panel appointed as follows.
  - (a) One (1) ex-officio member of the [name of] Plan Commission appointed from among its members to serve as liaison between the Review Committee and the Plan Commission as well as serving as a fully participating member of the Review Committee.
  - (b) Four (4) citizen members appointed by the Town Trustees who may not be members of the Plan Commission. These citizen members must, insofar as possible, possess the following professional qualifications.
    - (i) They must hold a college level academic degree in architecture, landscape architecture, art history, city planning, historic preservation, history, urban design or urban planning or have had an equivalent combination of education and experience in dealing with the historic and/or visual aspects of the natural and built environments.
    - (ii) They must possess a sensitive and keen interest in the protection and enhancement of the natural and built environments.
- (2) **Terms of Office.** The initial five members shall be appointed for terms of four (4), three (3), two (2) and one (1) year, respectively. Thereafter each successive member shall be appointed for four (4) years. The staggering of terms is intended for the purpose of giving the Review Committee continuity in its recommendations to the Commission.
- (3) **Territorial Jurisdiction.** The Review Committee shall have a jurisdiction which coincides with that of the Plan Commission.
- (4) **Purpose.** The purpose of the Review Committee is to provide professional and technical advice to the Plan Commission in the administration of these regulations as specified elsewhere herein.
- (5) **Coordination with the Zoning Ordinance Subdivision Regulations.** This Review Committee is established both under the Subdivision Regulations and the Zoning Ordinance to serve the differing needs of these two ordinances. It shall be made up of the exact same members under both ordinances in order to facilitate coordination of the decision-making with respect to the design review aspects of these ordinances.

## **SECTION V**

# **ASSURANCE FOR COMPLETION OF IMPROVEMENTS**

### **PREFACE**

Section 5.1 deals with the completion of improvements, the financing of improvements, and provisions for assuring their completion by means of a performance bond, escrow deposit or other means of monetary security guaranteeing such completion. The purpose of this requirement is to prevent an unnecessary financial burden for local government and/or purchasers of property in the development. This Section also describes procedures in the event of failure to complete improvements and for acceptance of dedication offers. The purposes of the section are clearly stated in the text. (See Indiana Code 36-7-4-709 as added by Acts 1981, 1982, and 1985.)

Section 5.2 deals with the inspection procedures and fees in relation to ensuring that improvements are installed to the specified standards and are satisfactorily completed so the subdivider's performance bond or equivalent can be released or reduced as is appropriate.

Section 5.3 provides for the maintenance of improvements pending their acceptance by the County and for ensuring their satisfactory condition for at least three years after their acceptance.

Section 5.4 provides for deferral or waiver of required improvements where circumstances make either of these actions both appropriate and in the public interest.

Section 5.5 details requirements for and procedures for the issuance of building permits and occupancy certificates.

**TEXT****5.1 Improvements and Performance Bond**

- (1) **Completion of Improvements.** Before the plat is signed by the Designated Officials all applicants shall be required to complete, in accordance with the Commission's decision and to the satisfaction of the County Engineer, all the streets, sanitary, and other public improvements including lot improvements on the individual lots of the subdivision as required in this ordinance, specified in the approved construction plans and on the final subdivision plat, and as approved by the Commission and to dedicate the public improvements to the County, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- (2) **Performance Bond**
  - (a) The Commission in its sole discretion may waive the requirement that the applicant complete all public improvements prior to the approval of the final subdivision plat or section thereof, and that, in lieu thereof, the applicant shall post bond securable to [ name of ] County, hereinafter referred to as performance bond, in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the required public improvements. This amount of bond shall be sufficient to secure to the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements, as provided for in Section 3.3 (7)(a)(1) and 3.4 (8) (a)(1) of this ordinance.
  - (b) In lieu of such a bond the subdivider may submit a certified check made payable to [ name of ] County in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Sections 3.3 (7)(a)(1) and 3.4 (8)(a)(1) of this ordinance. Any such check shall be held by the County Auditor.
  - (c) In lieu of such a bond the subdivider may submit irrevocable letters of credit in behalf of the subdivider and securable by the County in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided in Sections 3.3 (7)(a)(1) and 3.4 (8)(a)(1) of this ordinance. In the event an irrevocable letter of credit is used it shall be written for a maximum length of two (2) years. The Commission, two (2) months prior to the expiration of the letter of credit, shall determine if the public improvements have been accepted for maintenance by the County or other units of government having jurisdiction over them, and if they have not been accepted shall so notify the subdivider of the County's intent to secure the funds pledged by such letter of credit or, at the discretion of the Commission, to grant an extension of the original period fixed by the Commission. No extension shall exceed (1) year, and the subdivider filing with the Commission a new letter of credit for the period so extended.
  - (d) In lieu of such a bond the subdivider may submit a certificate of deposit made out to either the [ name of ] County and the subdivider to be held by the County Auditor in an amount equivalent to one hundred percent (100%) of the cost of completion of the uncompleted portion of required public improvements as provided for Sections 3.3 (7) (a)(1) and 3.4 (8)(a)(1) of this ordinance. The subdivider must endorse the certificate of deposit before submitting it to the Commission so that the County may secure the funds.
  - (e) A performance bond furnished pursuant to this ordinance shall comply with all statutory requirements and shall be satisfactory to the Commission Attorney as to form, sufficiency, and manner of execution as set forth in this ordinance. (See Appendix A for forms.) The period within which required public improvements must be completed shall be specified by the Commission in the primary approval of the preliminary plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of secondary approval. Such bond shall be approved by the participating jurisdiction as to amount. The Commission may, upon proof of difficulty, grant an extension of the completion date set forth in such bond for a maximum period of one (1) additional year,

provided that the bond submitted for this extension period meets all other requirements herein. The Commission may, at any time during the term of such bond, accept a substitution of principal or sureties on the bond.

- (3) **Temporary Public Improvements.** The applicant shall build and pay for all costs of temporary public improvements required by the Commission (or as requested by the participating jurisdiction) and shall maintain same for the period specified by the Commission. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the Commission as separate suitable bond for temporary facilities. This bond shall insure that the temporary facilities will be properly constructed, maintained, and removed (except for turnaround at ends of the peripheral stub streets intended for connection into adjacent future subdivisions).
- (4) **Cost of Public Improvements.** All required public improvements shall be made by the applicant at his expense without reimbursement by the participating jurisdiction or any public improvement district therein, unless sharing of expenses is agreed upon by the County (or other participating jurisdiction, where applicable).
- (5) **Governmental Units.** Governmental units to which these bond provisions apply may file a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Section in lieu of said bond.
- (6) **Failure to Complete Public Improvements.** For subdivisions for which no performance bond has been posted, if the public improvements are not completed within the period specified by the Commission in the primary approval of the preliminary plat, or the sketch plan in the case of a minor subdivision, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and the required public improvements have not been installed within the terms of such performance bond, the participating jurisdiction may thereupon request the County to declare the bond to be in default and cause all public improvements to be installed according to secondary approval regardless of the extent of the building development at the time the bond is declared to be in default.
- (7) **Acceptance of Dedication Offers.** The approval by the Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the County (or other participating jurisdiction) of any street, easement, or park shown on said plat. The Commission may require said plat to be endorsed with appropriate notes to this effect. The approval relates only to the real property itself.

## 5.2 Inspection of Public Improvements

- (1) **General Procedure.** If the participating jurisdiction finds upon inspection per Section 3.3 (7)(a)(1) and 3.4 (8)(a)(1) that any of the improvements have not been constructed in accordance with the approved construction plans, the applicant shall be responsible for completing the public improvements according to such plans. Where the cost of the public improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the public improvements according to specifications.
- (2) **Release or Reduction of Performance Bond**
  - (a) **Certificate of Satisfactory Completion.** The County (or other participating jurisdiction) shall not accept required public improvements, nor the Commission release nor reduce a performance bond, until the County has submitted to it a certificate stating that all required public improvements or a pro rata part in the case of a reduction have been satisfactorily completed. The applicant's engineer or surveyor shall provide the participating jurisdiction with detailed "as built" construction plans of the public improvements, indicating location, dimensions, materials, and other information required by the Commission or participating jurisdiction. Upon such certification, the County (or other participating jurisdiction) shall thereafter accept the public improvements for maintenance in accordance with the established procedures unless the county has reliable information as to non-compliance with the plans and specifications.

- (b) **Reduction of Performance Bond.** A performance bond shall be reduced upon actual acceptance of public improvements, but only by the amount originally estimated for the completion of said public improvements.

**5.3 Maintenance of Public Improvements**

- (1) The applicant shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks (where required) until acceptance of said public improvements by the County (or other participating jurisdiction).
- (2) The applicant shall be required to file a maintenance bond with the Commission, prior to acceptance, in an amount not to exceed ten percent (10%) of the cost of all public improvements, and in a form satisfactory to the Commission Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three (3) years after the date of their acceptance by the County (or other participating jurisdiction).

**5.4 Issuance of Building Permits**

No building permit shall be issued for the last ten percent (10%) of lots in a final subdivision plat or section thereof, or if ten percent (10%) be less than two (2), for the last two (2) lots of a subdivision or section thereof, until all public improvements required by the Commission for the plat with the exception of sidewalks have been fully completed and accepted for maintenance by the participating jurisdiction.



# **SECTION VI**

## **SPECIFICATIONS FOR DOCUMENTS**

### **TO BE SUBMITTED**

#### **PREFACE**

An orderly and effective subdivision control program involves an approval process based on accurate, detailed and complete information submitted by the applicant in a form suitable for satisfactory planning evaluation. The process should be expedited by the Plan Commission through careful, speedy coordination of the necessary participant review actions involved in all of the required steps. The process should be as simplified and streamlined as possible within the constraints of maintaining a good quality of development control and control of the unavoidable limitations on intergovernmental relationships and responsibilities.

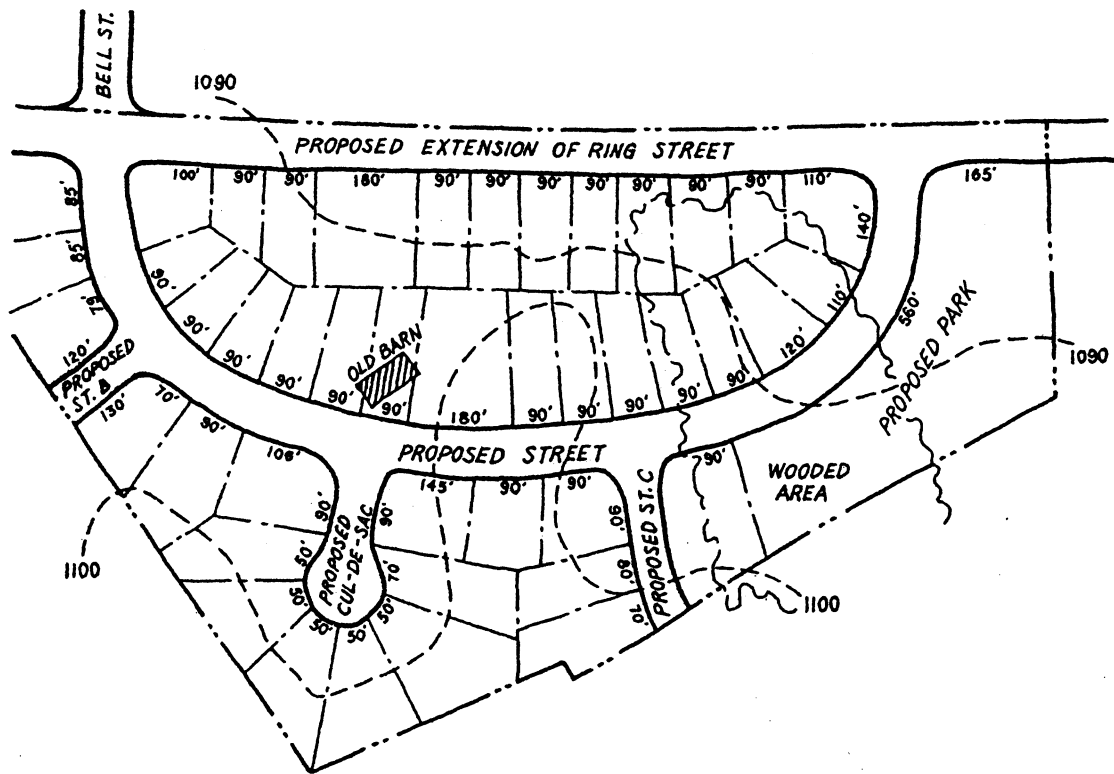
This section specifies precisely what information must be supplied by the applicant in writing and by drawings. It describes the data and documents and the degree of detail of information they must contain and the form in which it must be submitted. Standardization and uniformity of information are necessary in order to eliminate uncertainty for the applicant and to facilitate speedy and equitable administration of the ordinance.

The Plan Commission can aid the applicant by providing checklists of the different documents and information to be submitted at each stage of processing of the applications. For sample forms, the reader is referred to the Appendix.

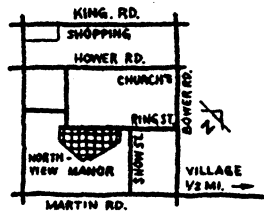
**TEXT****6.1 Sketch Plan**

Sketch plans submitted to the Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information. (See Figure 6-1.)

- (1) **Name**
  - (a) Name of subdivision if property is within an existing subdivision.
  - (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which primary approval is still in effect.
  - (c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
- (2) **Ownership**
  - (a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
  - (b) Citation of any existing legal rights-of-way or easements affecting the property.
  - (c) A complete copy of any existing covenants on the property.
  - (d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
- (3) **Description.** Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.
- (4) **Features To Be Included on Sketch Plans**
  - (a) Location of property lines, existing easements, burial grounds, railroad rights-of-ways, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level (see section 4.10 (1)); location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract, names of adjacent and adjoining property owners (from the latest assessment rolls).
  - (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
  - (c) Approximate topography, at the same scale as the sketch plan (normally showing two (2) foot contour intervals but the Administrator may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes).
  - (d) The approximate location and widths of proposed streets.
  - (e) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
  - (f) The approximate location, dimensions, and areas of all proposed of existing lots.
  - (g) The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.



VICINITY MAP  
NORTHILL TOWNSHIP  
COUNTY, OHIO



AVAILABLE UTILITIES  
8" SANITARY SEWER - 7' DEEP  
30" STORM SEWER - 9' DEEP  
6" WATER LINE  
GAS LINE ELECTRIC AND TELEPHONE  
POLES ON WEST SIDE OF STREET

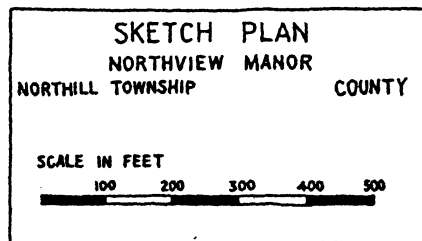


FIGURE 6-1. SKETCH PLAN

- (h) The location of temporary stakes to enable the Commission to find and appraise features of the sketch plan in the field.
- (i) Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
- (j) A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.
- (k) If the subdivision is classified as a minor subdivision, the sketch plan must also comply with section 6.2.

## 6.2 Preliminary Plat

- (1) **Preparation.** The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one hundred (100) feet to the inch, may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty-four by thirty-six (24 x 36) inches (see Figure 6-2). (It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar; preparation in pencil will make required changes and additions easier.)
- (2) **Features.** The preliminary plat shall show the following.
  - (a) The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; and, the names of adjoining streets.
  - (b) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
  - (c) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, bridges and topography (at the same scale as the sketch plan).
  - (d) The location and width of all existing and proposed streets, alleys, and other public ways and their rights-of-way, and of easements and building set-back lines, utilities, fire hydrants and storm water facilities.
  - (e) The locations, dimensions, bearings and areas of all proposed or existing lots.
  - (f) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
  - (g) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name and registration number of the land surveyor.
  - (h) The date of the map, approximate true north point, scale, and title of the subdivision.
  - (i) Sufficient data acceptable to the County Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; also, the location of all proposed monuments.
  - (j) Names of the subdivision and all new streets subject to approval by the Commission.
  - (k) Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.

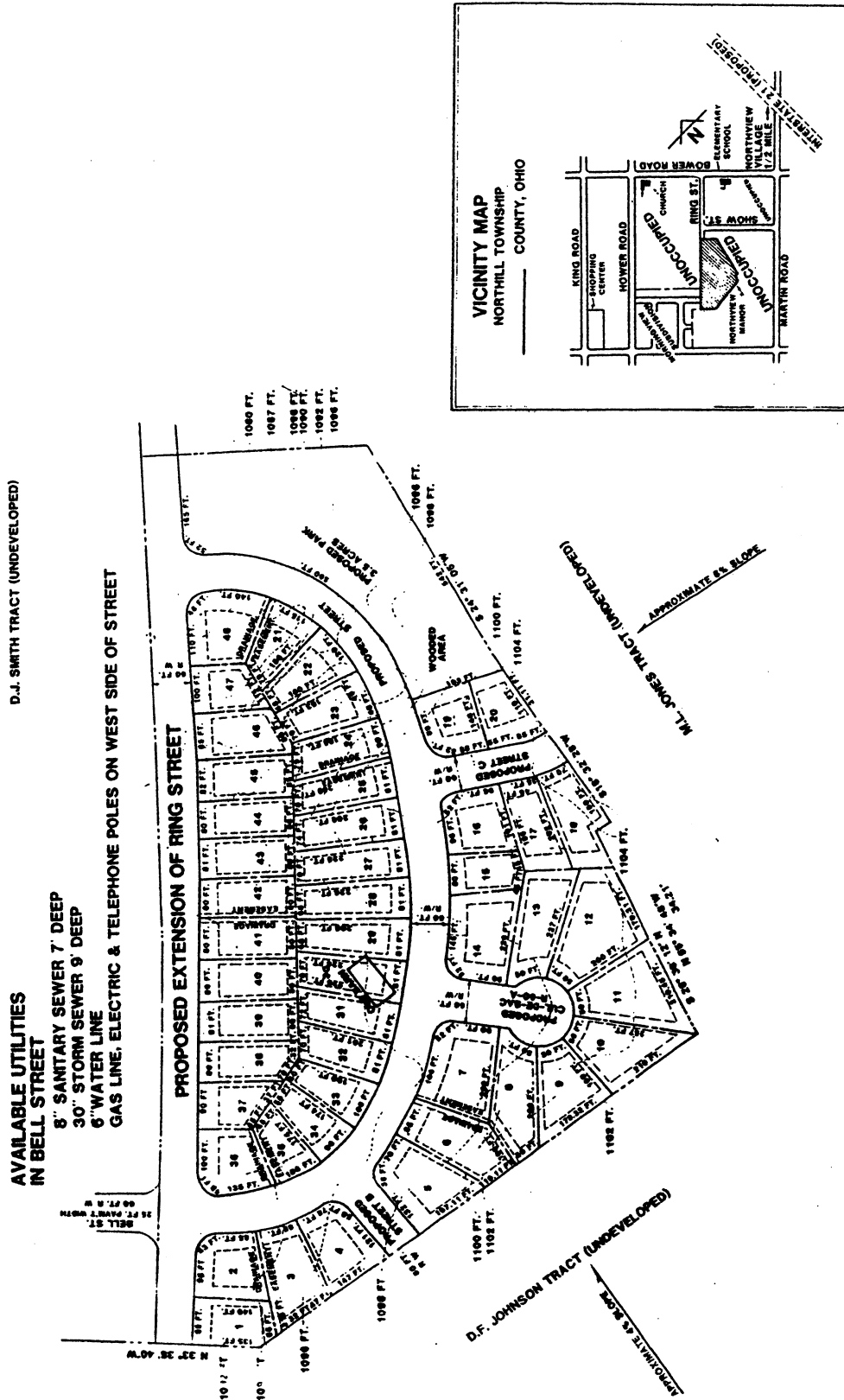


FIGURE 6-2. PRELIMINARY SUBDIVISION PLAT

- (l) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- (m) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
- (n) All information required on the sketch plan should also be shown on the preliminary plat, and the following notation shall also be shown:
  - (i) Explanation of drainage easements, if any.
  - (ii) Explanation of site easements, if any.
  - (iii) Explanation of site reservations, if any.
  - (iv) Endorsement of owner, as follows:  
 Owner \_\_\_\_\_ Date \_\_\_\_\_

### 6.3 Construction Plans

General Construction Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown.

- (1) Profiles showing existing and proposed elevations lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection, shall be shown. Radii of all curves, lengths of tangents, and central angles on all streets.
- (2) The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred foot stations shall be shown at five (5) points as follows: On a line at right angles to the center line of the street, and all elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.
- (3) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
- (4) Location, size elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Comprehensive Plan at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured four (4) feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.
- (5) Topography at the same scale as the sketch plan with a contour interval of two (2) feet, referred to the sea-level datum. All data provided shall be the latest applicable U.S. Coast and Geodetic Survey data and should be so noted on the plat.
- (6) All specifications and references required by the County's construction standards and specifications, including a site-grading plan for the entire subdivision.

- (7) Notation of approval as follows:

Owner \_\_\_\_\_ Date \_\_\_\_\_

Commission President \_\_\_\_\_ Date \_\_\_\_\_

- (8) Title, name, address, signature, registration number and seal of the professional engineer and/or surveyor, and date, including revision dates.

#### 6.4 Final Subdivision Plat

- (1) **Preparation.** The final subdivision plat shall be presented in india ink on tracing cloth or reproducible mylar at an appropriate scale and contain the same information as on the preliminary plat, except for any changes or additions required by the conditions of primary approval (see Figure 6-3). The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Commission's approval. The final subdivision plat shall be prepared by a land surveyor licensed by the state.
- (2) **Features.** All revision dates must be shown as well as the following:
- (a) notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Commission in accordance with these regulations, and
  - (b) all monuments erected, corners, and other points established in the field shall be shown and noted in their places on the plat. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

#### 6.5 Exempt I Divisions

The information that must be provided in order for the decision to be made that a division is an Exempt I division varies as follows according to the definition for each type of Exempt I division listed under Subdivision in Section 2.2 of this ordinance. Thus:

- (1) for type "A" divisions a metes and bounds legal description of the exempt division and the land from which it is being divided must be provided;
- (2) for type "B" divisions the old legal and new legal descriptions must be provided;
- (3) for type "C" divisions a copy of the court decree showing by legal description how the land is to be divided must be provided;
- (4) for type "D" divisions a legal description and plot plan showing the parcel and the location of the street right-of-way must be provided;
- (5) for type "E" divisions a legal description and plot plan showing the tract to be divided and the tract(s) to be added to must be provided; and,
- (6) for type "F" divisions a plat of the cemetery showing the layout of the private drives, parking areas, and size of burial lots must be provided.

#### 6.6 Exempt II Divisions

See Section 3.5 (3) for the certification documents required of Exempt II divisions.

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# APPENDIX

## Required Forms and Certificates

All applications, requests for plat approval, notices, affidavits, certificates, endorsements and instruments assuring the completion and maintenance of improvements required by the provisions of this ordinance shall be submitted to the Administrator or prepared by the Administrator on the following forms.

- (1) Application for Minor Sketch Plan Review, Primary Approval and Certificate
- (2) Application for Major Sketch Plan Review and Certificate
- (3) Request for Primary Approval of a Major Subdivision Plat
- (4) Notice of Public Hearing on Subdivision Plat
- (5) Notice of Public Hearing Release Form
- (6) Notice to Interested Parties
- (7) Affidavit of Notice to Interested Parties for Primary Subdivision Approval
- (8) Sign Posting Affidavit
- (9) Request for Secondary Approval of Subdivision Plat
- (10) Certificate of Approval
- (11) Land Surveyor's Certificate
- (12) Dedication Certificate
- (13) Subdivision Performance Bond
- (14) Performance Bond Secured by Deposit
- (15) Irrevocable Letter of Credit
- (16) Maintenance Bond
- (17) Statement of Compliance (Exempt Divisions)

The Commission shall determine the need for and the form of any additional or amended applications, requests for plat approval, notices, affidavits, certificates, endorsements and instruments as may be required in the enforcement of the regulations of this ordinance.

FORM ONE

App. No. S- \_\_\_\_\_

Date Rec'd. \_\_\_\_\_

Rec'd. by \_\_\_\_\_

APPLICATION FOR MINOR SKETCH PLAN REVIEW, PRIMARY APPROVAL AND CERTIFICATE

Name(s) of Subdivider(s) \_\_\_\_\_

Address(es) \_\_\_\_\_

Phone(s) \_\_\_\_\_

Subdivider's Representative (if any) and Registered Land Surveyor (if any):

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

I (we) do hereby apply for sketch plan review, primary approval and certificate of approval of the following described subdivision in accordance with the provisions of the Comprehensive Plan. I (we) am (are) the owner (owners) of the real estate included in said subdivision.

Name of Subdivision \_\_\_\_\_ generally described as follows:

Civil Township \_\_\_\_\_ Section \_\_\_\_\_ Quarter Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

(LEGAL DESCRIPTION OF SUBDIVISION ATTACHED HERETO)

Area in acres \_\_\_\_\_; Number of Lots \_\_\_\_\_

Will there be public improvements other than sidewalks? \_\_\_\_\_ YES; \_\_\_\_\_ NO

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature(s) of Subdivider(s) \_\_\_\_\_

State of Indiana )  
County of (name of) ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Notary Public

Residing in \_\_\_\_\_ County  
My Commission expires \_\_\_\_\_

FOR STAFF USE: Date of Sketch Plan Review \_\_\_\_\_  
Date of Commission/Exec. Committee hearing \_\_\_\_\_  
Fee of \$ \_\_\_\_\_ received from subdivider. Date \_\_\_\_\_

FORM TWO

App. No. S- \_\_\_\_\_

Date Rec'd \_\_\_\_\_

Rec'd by \_\_\_\_\_

APPLICATION FOR MAJOR SKETCH PLAN REVIEW AND CERTIFICATE

Name(s) of Subdivider(s) \_\_\_\_\_

Address(es) \_\_\_\_\_

Phone(s) \_\_\_\_\_

Subdivider's Representative (if any) and Registered Land Surveyor (if any):

Name(s) \_\_\_\_\_

Address(es) \_\_\_\_\_

Phone(s) \_\_\_\_\_

I (we) do hereby apply for sketch plan review and certificate of approval of the following described subdivision in accordance with the provisions of the Comprehensive Plan. I (we) am (are) the owner (owners) of the real estate included in said subdivision.

Name of Subdivision \_\_\_\_\_ generally described as follows:

Civil Township \_\_\_\_\_ Section \_\_\_\_\_ Quarter Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

(LEGAL DESCRIPTION OF SUBDIVISION ATTACHED HERETO)

Area in acres \_\_\_\_\_; Number of Lots \_\_\_\_\_

Will there be public improvements other than sidewalks?  YES;  NO

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature(s) of Subdivder(s) \_\_\_\_\_

State of Indiana )  
County of (name of) ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Notary Public

Residing in \_\_\_\_\_ County  
My Commission expires \_\_\_\_\_

FOR STAFF USE: Date of Sketch Plan Review \_\_\_\_\_

Fee of \$ \_\_\_\_\_ received from subdivider. Date \_\_\_\_\_

FORM THREE

File No. S- \_\_\_\_\_

Date rec'd \_\_\_\_\_

Rec'd by \_\_\_\_\_

S.P. No. S- \_\_\_\_\_

REQUEST FOR PRIMARY APPROVAL OF A MAJOR SUBDIVISION PLAT

Name(s) of Subdivider(s) \_\_\_\_\_

Address(es) \_\_\_\_\_

Phone(s) \_\_\_\_\_

Subdivider's Representative (if any) and Registered Land Surveyor (if any):

Name(s) \_\_\_\_\_

Address(es) \_\_\_\_\_

Phone(s) \_\_\_\_\_

I (we) do hereby request primary approval of the following described subdivision in accordance with the provisions of the Comprehensive Plan. I (we) am (are) the owner (owners) of the real estate included in said subdivision.

Name of Subdivision \_\_\_\_\_ generally described as follows:

Civil Township \_\_\_\_\_ Section \_\_\_\_\_ Quarter Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Area in acres \_\_\_\_\_; Number of Lots \_\_\_\_\_

Miles of new streets to be dedicated to the public (in hundredths):

Full width \_\_\_\_\_; Half width \_\_\_\_\_

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature(s) of Subdivider(s) \_\_\_\_\_

State of Indiana )  
County of (name of) ) SS:

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Notary Public

Residing in \_\_\_\_\_ County  
My Commission expires \_\_\_\_\_

FOR STAFF USE: Date of Public Hearing before Commission \_\_\_\_\_

Fee for Additional Lots of \$ \_\_\_\_\_ received from subdivider. Date \_\_\_\_\_

FORM FOUR

NOTICE OF PUBLIC HEARING ON SUBDIVISION PLAT

NOTICE IS HEREBY GIVEN, THAT THE (NAME OF) COUNTY AREA PLAN COMMISSION, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19 \_\_\_\_, at 7:30 P.M., in the COUNTY OFFICE BUILDING, INDIANA, WILL HOLD A PUBLIC HEARING ON A REQUEST BY \_\_\_\_\_

(subdivider)

FOR PRELIMINARY APPROVAL OF \_\_\_\_\_ SUBDIVISION.  
(name of subdivision)

SAID SUBDIVISION INVOLVES THE FOLLOWING DESCRIBED REAL ESTATE IN

\_\_\_\_\_ TOWNSHIP, LOCATED AT

(Name of Civil Township)

\_\_\_\_\_, TO WIT:

(Common Address or Road Location)

DESCRIPTION

Written suggestions or objections to the provisions of said request may be filed with the Secretary of the (Area/Advisory) Plan Commission at or before such meeting and will be heard by the (name of) County Area/Advisory Plan Commission at the time and place specified. Said hearing may be continued from time to time as may be necessary.

Interested persons desiring to present their views on the said request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place.

(AREA/ADVISORY) PLAN COMMISSION OF (NAME OF) COUNTY, INDIANA

BY: \_\_\_\_\_

President

SEAL:

Attest: \_\_\_\_\_

FORM FIVE

NOTICE OF PUBLIC HEARING

RELEASE FORM

TO: (Name of local newspaper)

Name \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

This is to authorize you to publish the attached legal notice delivered to you by the (name of) County Area Plan Commission, the cost of which is the obligation of the above and will be paid by me.

Signature: \_\_\_\_\_

FORM SIX

NOTICE TO INTERESTED PARTIES

(NAME OF) COUNTY

AREA/ADVISORY PLAN COMMISSION

Notice is hereby given that the (name of) County Area/Advisory Plan Commission, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at 7:30 p.m. in the (NAME OF BUILDING) at (complete address), Indiana, will hold a public hearing on \_\_\_\_\_ SUBDIVISION  
(Name of Subdivision)

The proposed subdivision involves \_\_\_\_\_ Lots on \_\_\_\_\_  
\_\_\_\_\_ acres located on \_\_\_\_\_  
(Street or Road)

between \_\_\_\_\_ and \_\_\_\_\_  
(Street or Road) (Street or Road)

in \_\_\_\_\_ TOWNSHIP, SECTION \_\_\_\_\_, T \_\_\_\_\_ N, \_\_\_\_\_ R \_\_\_\_\_ W.

\_\_\_\_\_  
(Petitioner)

FORM SEVEN

(NAME OF) COUNTY  
AREA/ADVISORY PLAN COMMISSION  
AFFIDAVIT OF NOTICE TO INTERESTED PARTIES  
FOR PRIMARY SUBDIVISION APPROVAL

STATE OF INDIANA )  
COUNTY OF (NAME) ) SS:

\_\_\_\_\_  
(NAME OF SUBDIVISION)

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT NOTICE TO  
(NAME OF PERSON MAILING LETTERS)  
INTERESTED PARTIES OF THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING ON THE  
ABOVE REFERENCED SUBDIVISION S- \_\_\_\_\_ BEING THE APPLICATION OF  
\_\_\_\_\_ WAS CERTIFIED AND MAILED TO THE  
LAST KNOWN ADDRESS OF EACH OF THE FOLLOWING PERSONS OWNING PROPERTY ADJOINING  
OR ADJACENT TO THE PROPERTY CONTAINED IN THIS PETITION:

OWNERS ADDRESS

AND THAT SAID NOTICES WERE SENT BY CERTIFIED MAIL ON OR BEFORE THE \_\_\_\_\_  
DAY OF \_\_\_\_\_, 19\_\_\_\_, BEING AT LEAST TEN (10) DAYS PRIOR TO THE  
DATE OF THE PUBLIC HEARING.

\_\_\_\_\_  
(Petitioner or Agent)

Subscribed and sworn to before me, a Notary Public in and for said County and  
State, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

residing in \_\_\_\_\_ County



FORM EIGHT

SIGN POSTING AFFADAVIT

STATE OF INDIANA )  
COUNTY OF (NAME OF) )

SS:

RE: Request for Preliminary  
Subdivision Plat Approval  
before the (name of)  
County (Area/Advisory)  
Plan Commission

\_\_\_\_\_  
(Name of Subdivision)

\_\_\_\_\_, AFTER BEING FIRST DULY SWORN STATES:  
(Name of Sign Poster)

1. that the Ordinance requiring the posting of a sign on property being considered for preliminary subdivision plat approval, as adopted by the participating jurisdictions of the (name of) County Area Plan Commission, has been fully complied with in connection with the above referenced request; and
2. that said sign(s) was duly erected on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, in full compliance with the requirements of said Ordinance and remains on said property to this date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Sign Poster)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_.

Residing in \_\_\_\_\_ County

Appendix

Required Forms and Certificates

FORM NINE

File No. S- \_\_\_\_\_

REQUEST FOR SECONDARY APPROVAL OF  
SUBDIVISION PLAT

Date Rec'd. \_\_\_\_\_

Rec'd. by \_\_\_\_\_

FOR STAFF USE:

Plat requires: \_\_\_\_\_ determination of conformance S.P. No. S- \_\_\_\_\_ Date Approved \_\_\_\_\_  
\_\_\_\_\_ additional approval Prelim.No. S- \_\_\_\_\_ Date Approved \_\_\_\_\_  
\_\_\_\_\_ restrictive covenants received. Date \_\_\_\_\_

Name(s) of Subdivider(s) \_\_\_\_\_  
Address(es) \_\_\_\_\_  
Phone(s) \_\_\_\_\_

I (we) do hereby request determination of conformance with the preliminary plat for the following described subdivision in accordance with the provisions of the Comprehensive Plan. I (we) am (are) the owner (owners) of the real estate included in said subdivision.

Name of Subdivision \_\_\_\_\_ generally described as follows:

Civil Township \_\_\_\_\_ Section \_\_\_\_\_ Quarter Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Area in acres \_\_\_\_\_; Number of Lots \_\_\_\_\_

Miles of new streets to be dedicated to the public (to hundredths):

Full width \_\_\_\_\_; Half width \_\_\_\_\_

Subdivider requests: \_\_\_\_\_ Staff determination of conformance  
\_\_\_\_\_ Commission determination of conformance

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature(s) of Subdivider(s) \_\_\_\_\_

State of Indiana )  
County of (name of) ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Notary Public

Residing in \_\_\_\_\_ County  
My Commission expires \_\_\_\_\_

FOR STAFF USE:

As appropriate: \_\_\_\_\_ Staff determines conformance. Date \_\_\_\_\_  
\_\_\_\_\_ Commission determines conformance. Date \_\_\_\_\_  
\_\_\_\_\_ Commission grants required approval. Date \_\_\_\_\_

FORM TEN

CERTIFICATE OF APPROVAL (ALL SUBDIVISIONS)

After having given public notice of the time, place and nature of hearing on the application for primary approval of this subdivision by publication in (Names of local newspapers) more than ten (10) days before the date set for hearing thereon, under authority provided by Chapter 138, Acts 1957, enacted by the General Assembly of the State of Indiana, and all acts supplemental and amendatory thereof, this plat was given primary approval by a majority of the members of the (name of) County Area/Advisory Plan Commission or its Executive Committee at a meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(NAME OF) COUNTY AREA/ADVISORY PLAN  
COMMISSION

BY \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

FORM ELEVEN

LAND SURVEYOR'S CERTIFICATE

Each final plat submitted for secondary approval shall carry a certificate signed by a registered professional land surveyor in substantially the following form:

I, \_\_\_\_\_ hereby certify that I am a registered professional land surveyor of the State of Indiana; that this plat correctly represents a survey completed by me on \_\_\_\_\_, 19\_\_\_\_; that all the monuments shown thereon actually exist, and that their location, size, type, and material are accurately shown; and that the computed error of closure of the boundary survey is not more than one (1) foot in ten thousand (10,000) feet; and that this plat complies with the provisions of the Subdivision Ordinance.

(SEAL)

\_\_\_\_\_

Signature

FORM TWELVE

## DEDICATION CERTIFICATE

Each final plat submitted to the Commission for secondary approval shall carry a deed of dedication, either on said final plat or incorporated therein by reference, in substantially the following form:

We, the undersigned \_\_\_\_\_, owners of the real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the herein plat.

This subdivision shall be known and designated as \_\_\_\_\_, an addition to the (name of city, town, township), (name of) County, State of Indiana. All streets and alleys and public open spaces shown and not heretofore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street there shall be erected or maintained no building or structure.

EASEMENTS - Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

(Additional dedications and protective covenants, or private restrictions would be inserted here upon the subdivider's initiative or the recommendation of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20\_\_\_\_, (twenty-five-year period is suggested), at which time said covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the building sites covered by these covenants, (or restrictions), it is agreed to change such covenants (or restrictions) in whole or in part.

Invalidation of any one of the foregoing covenants (or restrictions) by judgment or court order shall in no wise affect any of the other covenants (or restrictions) which shall remain in full force and effect.

(TWELVE) continued

The right to enforce these provisions by injunction, together with the right to cause the removal by due process of law of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

WITNESS OUR HANDS AND SEALS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of Indiana  
County of (name)

Before me, the undersigned Notary Public, in and for the County and State, personally appeared \_\_\_\_\_, \_\_\_\_\_, and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_ County

My Commission expires \_\_\_\_\_

FORM THIRTEEN

TO BE ISSUED ON BONDING COMPANY  
STATIONERY

SUBDIVISION PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we, (NAME AND ADDRESS OF PRINCIPAL)  
\_\_\_\_\_, as Principal, and \_\_\_\_\_  
(NAME AND ADDRESS OF SURETY), as Surety, are held and firmly  
bound unto (name of) County, Indiana, in the sum of \_\_\_\_\_  
(AMOUNT SPELLED OUT), (NUMERICAL AMOUNT), for payment of which we  
firmly bind ourselves, our heirs, executors, administrators, and assigns.

THE CONDITION OF THIS BOND is such that if the said Principal shall complete  
the construction of \_\_\_\_\_  
(COMPLETE DESCRIPTION OF IMPROVEMENTS AND DESCRIPTION  
OF PROPERTY LOCATION),  
according to the approved plans and specifications on file with the (name of)  
County (Area/Advisory) Plan Commission, on or before \_\_\_\_\_  
(NOT MORE THAN 2 YEARS FROM DATE BOND IS ISSUED), then this obligation is null and void,  
otherwise to remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this \_\_\_\_\_  
(DATE-DAY, MONTH, YEAR).

\_\_\_\_\_  
(NAME OF PRINCIPAL)

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
(SIGNATURE OF PRINCIPAL)

\_\_\_\_\_  
(TYPED NAME OF INDIVIDUAL SIGNING)

\_\_\_\_\_  
(NAME OF SURETY)

APPROVED BY: \_\_\_\_\_ BY: \_\_\_\_\_  
(SIGNATURE OF REPRESENTATIVE)

(NAME OF) COUNTY (AREA/  
ADVISORY) PLAN COMMISSION

\_\_\_\_\_  
(TYPED NAME OF INDIVIDUAL SIGNING)

\_\_\_\_\_  
Executive Director

FORM FOURTEEN

PERFORMANCE BOND - SECURED BY DEPOSIT

KNOW ALL MEN BY THESE PRESENTS:

That I (we), \_\_\_\_\_, of \_\_\_\_\_  
 in the County of (name), Indiana, hereby am (are) held and stand firmly bound, and  
 bind and obligate myself (ourselves), and my (our) successors, assigns, executors,  
 administrators, heirs, and devisees to (name of) County in the same of \_\_\_\_\_  
 \_\_\_\_\_ dollars (\$ \_\_\_\_\_) and have secured my (our) compliance with this  
 obligation by the deposit with the County Auditor of said sum in money, savings  
 bank books duly assigned, or negotiable securities, in an amount satisfactory to  
 the (Area/Advisory) Plan Commission.

The CONDITION of the obligation is such that is the undersigned or his (their)  
 successors, assigns, executors, administrators, heirs, or devisees shall have  
 within the time specified in the order of the (Area/Advisory) Plan Commission  
 fully and satisfactorily performed in the manner specified, all of the conditions,  
 covenants, terms, agreements, and provisions contained in the application signed  
 by \_\_\_\_\_ and dated \_\_\_\_\_, 19\_\_\_\_, and in the  
 approval of a definitive plan of a certain subdivision entitled \_\_\_\_\_  
 \_\_\_\_\_ and drawn up by \_\_\_\_\_ and dated \_\_\_\_\_  
 \_\_\_\_\_, 19\_\_\_\_, which was granted on \_\_\_\_\_, 19\_\_\_\_, or is  
 hereafter granted, by the (Area/Advisory) Plan Commission, then this obligation  
 shall be null and void; OTHERWISE it shall remain in full force and effect, and  
 the aforesaid security for the payment of said sum shall be and become the  
 sole property of (name of) County as liquidated damages.

IN WITNESS WHEREOF, the obligor has hereunto set his (its, our) hand(s) and  
 seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
 \_\_\_\_\_



FORM FIFTEEN

(NAME OF) COUNTY, INDIANA  
IRREVOCABLE LETTER OF CREDIT

\_\_\_\_\_  
(Name of Bank)

(Name of) COUNTY  
INDIANA

Date: \_\_\_\_\_

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ \_\_\_\_\_ for the account of \_\_\_\_\_ (PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before \_\_\_\_\_:

(Insert date twenty-four (24) months from date of this letter)

- 1.
- 2.
- 3.
- 4.

in \_\_\_\_\_, a subdivision of (name of) County, Indiana.

Acting through the Board of County Commissioners, you will notify us when either:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default thereunder.

All drafts drawn hereunder must be marked: "Drawn under \_\_\_\_\_

(Name of Bank)

\_\_\_\_\_, Credit No. \_\_\_\_\_, dated \_\_\_\_\_

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof, and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

(FIFTEEN) continued

We hereby agree with the drawers, endorsers, and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before \_\_\_\_\_.

Very truly yours,

\_\_\_\_\_  
(Name of Bank)

BY: \_\_\_\_\_

(Authorized Signature)

FORM SIXTEEN

TO BE ISSUED ON BONDING COMPANY STATIONERY

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we (Developer's Name)  
(Address), as Principal, and \_\_\_\_\_

\_\_\_\_\_,  
as Surety, are held and firmly bound unto (name of) County, Indiana, in the full  
and just sum of (Written amount, and in parentheses, the numerical amount),  
for the payment of which, well and truly to be made, we bind ourselves, jointly  
and severally, and joint and several heirs, executors, administrators, and  
assigns, firmly by these presents, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

THE CONDITIONS OF THE ABOVE OBLIGATION are such that, if the above described  
Principal shall well and truly maintain (Describe items to maintain)

\_\_\_\_\_  
\_\_\_\_\_  
and they shall be free from defects of workmanship and materials, general wear  
and tear excepted, for a period of three (3) years, then this obligation shall  
be null and void, otherwise to remain in full force and effect.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(Name of Principal)

Witness: \_\_\_\_\_

BY: (Signature of Principle)

\_\_\_\_\_  
(Name of Surety)

Witness: \_\_\_\_\_

BY: (Signature of Surety)

\_\_\_\_\_  
(Type name of Attorney-in-fact)

FORM SEVENTEEN

STATEMENT OF COMPLIANCE (EXEMPT DIVISIONS)

This division is found to be in compliance with Section 3.5 of the Subdivision Ordinance and therefore is a parcelization which does not require review by the (name of) County Area/Advisory Plan Commission.

ATTEST:

---

Executive Director