

TITLE 7: Subdivisions

ARTICLE 1: General Provisions

CHAPTER 1: TITLE

Section 1. The ordinance codified in this title shall be known and cited as the Town of Lakeville Subdivision Regulations.

CHAPTER 2: PURPOSE

Section 1. The purpose of this title shall be to provide rules, regulations, and standards in order to achieve orderly development in the Town through land subdivision; to promote the utilization of land to assure to the residents of the Town the best possible environment; to cause land subdivision to be made in accordance with the Land Use and Transportation Plan of the Town; and to promote the health, safety and general welfare of the Town. It shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land by adequate provision for circulation, utilities and services.

CHAPTER 3: ADMINISTRATIVE AUTHORITY

Section 1. The Area Plan Commission, by virtue of Acts of 1957, Chapter 138 of the Indiana General Assembly, as amended, is established as the administrative agency for this title.

CHAPTER 4: SUBDIVISION COMPLIANCE REQUIRED

Section 1. No subdivision, resubdivision, or replat of any lot, tract or parcel of land shall be effected, nor shall any street, sanitary sewer, storm sewer, water main or other facility in connection therewith be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this title.

CHAPTER 5: SALES AND CONSTRUCTION COMPLIANCE REQUIRED--  
EXCEPTION

Section 1. No lot in a subdivision shall be sold, nor shall a permit to erect, alter or repair any building upon land in a subdivision be issued, unless and until a subdivision has been approved and recorded, and until the improvements required by the Town in connection therewith have either been constructed or guaranteed as provided in this title. However, if a Major Subdivision has received Primary approval, permits for model homes may be issued, provided that no more than two permits are in existence at any one time, and that such homes are not occupied until the Subdivision has been given Secondary approval and has been recorded, as provided in this title.

ARTICLE 2: Definitions

CHAPTER 1: DEFINITIONS OF TERMS

Section 1. Terms shall be defined as follows:

- (a) "Appropriate agencies" are those agencies designated by ordinance or the Staff to review subdivisions and may include, but is not limited to the following: County Surveyor, County Engineer, County Health Department, City (Town) Engineer, State Department of Natural Resources, State Division of Aeronautics.
- (b) "Assessor's office" is the Assessor's office of the County.
- (c) "Block" is a tract of land bounded by streets or by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad rights-of-way, rivers and lakes, and other lines of demarcation.
- (d) "Board" is the Town Board of Trustees (now "Town Council" by statute) of the Town.
- (e) "Commission" is the Area Plan Commission of the County.
- (f) "Commission's certificate of approval" is the certificate block signed by the President of the Commission or the Chairman of the Committee and attested to by the Secretary of the Commission or Committee, as appropriate.
- (g) "Commission's seal" is the official seal of the Commission.
- (h) "Committee" is the Plat Committee of the Commission.
- (i) "County" is St. Joseph County, Indiana.
- (j) "County Engineer" is the County Engineer of the County.
- (k) "County Surveyor" is the County Surveyor of the County.
- (i) "Department of Natural Resources" is the State Department of Natural Resources.
- (m) "Easement" is a grant by a property owner to the general public and/or public utility or utilities for the use of land for a specifically stated purpose or purposes.
- (n) "Feasibility study" is a written report prepared by a registered engineer or registered land surveyor pertaining to the suitability of the site for various types of water and sewer systems; for storm drainage retention/detention or disbursement; and the subsoil conditions for various methods of street construction.
- (o) "Federal Insurance Administration" is the administrative office of the National Flood Insurance Program.
- (p) "Flood" or "floodwater" is the water of any river or stream which is above its banks and/or outside its channels and banks.
- (q) "Flood hazard area" is that portion of a floodplain which is not adequately protected from flooding by means of dikes, levees, reservoirs, or other works approved by the Natural Resources Commission.

- (r) "Floodplain" is the area adjoining a river or stream which has been or which may hereafter be flooded, and is so designated by the Federal Insurance Administration and/or the Natural Resources Commission.
- (s) "Improved public right-of-way" are those streets classified by the Town Engineer as bituminous concrete, cement concrete or brick.
- (t) "Interested parties" are i) For a Major Subdivision: Property owners within 300 feet of the proposed Major Subdivision, the Staff of the Commission, and the Subdivider; and 2) For a Minor Subdivision and a Subdivision Replat: the Staff of the Commission, and the Subdivider.
- (u) "Land Use and Transportation Plan" is a composite, or segment thereof, of the mapped and written proposals and recommendations of the Commission relative to the growth and development of the County, including the Town of Lakeville, Indiana.
- (v) "Lot" is a parcel or portion of land separated from other parcels or portions by description as on a subdivision of record or survey map or by metes and bounds for purposes of sale, lease or separate use.
- (w) "Lot, double frontage" is a lot, other than a corner lot, which fronts on two streets.
- (x) "Major subdivision" is a division of land, including apartments, planned unit developments and the replat of subdivisions, accessed by, or along an existing dedicated, accepted and improved public right-of-way, by legal description or by subdivision into two or more lots or parcels for the purpose, whether immediate or future, of conveyance, transfer, improvement or sale, and for which the Commission determines that the extension of the street system and provision of required improvements is necessary in order to permit logical and orderly future development.
- (y) "Minor subdivision" is a division of land, including apartments, planned unit developments and the replat of subdivisions, along an existing, dedicated, accepted and improved public right-of-way which is: i) along a nonmajor street, as classified by the Land Use and Transportation Plan; provided, that all lots may have permanent access to the nonmajor street; or 2) along a major street provided that lots shall not have permanent access to the major street; and further provided, that there shall be a nonaccess easement along the major street, access through a future adjacent street and dedication of the easement for the future street.
- (z) "Nonaccess easement" is a public easement along a public right-of-way across which access to the property is not permitted.
- (aa) "Outlot" is a nonbuildable lot.
- (bb) "Owner" is any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.
- (cc) "Performance guarantee" is any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Committee gives Secondary approval to the Subdivision, including by way of illustration, but not limited to: tax performance bonds, escrow agreements, deposit agreements and other similar collateral or surety arrangements approved as valid and enforceable by the Board.

- (dd) "Plat Committee" is a group of governmental officials appointed by the Commission to hold hearings on and approve subdivisions on behalf of the Commission.
- (ee) "Public sewer" is a sewage disposal system which is operated or owned by a municipality, but does not include a County or Town sewer installed for the purpose of carrying surface water runoff and subsoil drainage.
- (ff) "Public utility" is a firm, corporation, municipal department or board duly authorized to furnish, or furnishing under regulation to the public, electricity, gas, steam, communication (including CATV), transportation, drainage, sewer and water.
- (gg) "Public water" is a water supply system which is constructed, installed, maintained, operated and owned under the jurisdiction of the Public Services Commission of Indiana.
- (hh) "Recorder's office" is the Recorder's office of the County.
- (ii) "Registered Engineer" is an engineer who is licensed in compliance with the laws of the State of Indiana.
- (jj) "Registered Land Surveyor" is a surveyor who is licensed in compliance with the laws of the State of Indiana.
- (kk) "Regulatory Flood" is the one-hundred-year flood as designated by the Federal Insurance Administration.
- (ll) "Replat" is the process of allowing for an adjustment of a lot line or lines, and easements, as shown on a recorded subdivision which: 1) does not affect any street layout, whether existing or proposed and, 2) does not increase the total number of lots within the area proposed to be replatted.
- (mm) "Rerecording" is the process allowing for an adjustment of an easement or easements, or correction of a drafting or typographical error, as shown on an approved and recorded subdivision which does not affect the size or configuration of the lot or lots in question.
- (nn) "Reserve strip" is an area of land adjacent to a public right-of-way which is retained in ownership by an individual for the purpose of denying access to the adjacent land.
- (oo) "Staff" is the staff of the Area Plan Commission.
- (pp) "Standards" is a specific and detailed listing of materials and construction methods for subdivision improvements and standards of construction and design, as adopted by the Board.
- (qq) "Street" is the space or area between lots and/or parcels of land, including an avenue, boulevard, court, highway, lane, parkway, road, throughway or public square and will include but not be limited to those illustrated in the Land Use and Transportation Plan for the County and Town. The Commission is responsible for classifying streets as defined in this title.
- (rr) "Streets, major"
  - (1) "Arterial" is any street that provides for through traffic movements between areas within the Town and through the Town.

- (2) "Collector" is a street which carries traffic from local streets to arterial streets, and may include the principal entrance street of residential developments.
- (ss) "Streets, minor"
- (1) "Local" is any street the primary function of which is to provide direct access to residential, commercial, industrial, or other abutting real estate.
- (2) "Cul-de-sac" is a dead-end street permanently terminated by a vehicle turnaround.
- (3) "Loop street" is any street which has its origin and termination point with the same street and forms a loop or "U" of various shapes or proportions.
- (4) "Marginal service road" is a minor road which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- (tt) "Subdivider" is the owner or the authorized agent for the owner of a subdivision.
- (uu) "Town" is the Town of Lakeville, Indiana.
- (vv) "Town Engineer" is a registered engineer who is either designated or appointed by the Board.
- (ww) "Urban drain" is a drain which when constructed or reconstructed has or will have the hydraulic capacity to provide adequate drainage for land within a watershed which is being converted from rural land to urban land.
- (xx) "Zoning Ordinance" is the zoning ordinance of the Town.

## ARTICLE 3: General Requirements and Design Standards

### CHAPTER 1: GENERAL PRINCIPLES

The Subdivider shall observe the following minimum requirements and standards:

Section 1. The Subdivision shall conform to the applicable provisions of the Zoning Ordinance and the Land Use and Transportation Plan.

Section 2. In all subdivisions every consideration shall be given to attempt to preserve the natural environment and historic monuments as designated by the State or National Registry of Historic Buildings and Monuments and as designated by local authority.

Section 3. The Subdivision shall be coordinated with existing developments or neighborhoods.

Section 4. In the review of subdivisions, the Committee or Commission shall give consideration to the needs and requirements for the following open space uses and community facilities, including but not limited to:

- (a) Playlots and neighborhood parks based upon the standards recommended in the Land Use and Transportation Plan;
- (b) School sites, other public and semipublic buildings and facilities and locations for water supply systems, sewage treatment facilities and drainage facilities in accordance with local and regional Land Use and Transportation Plans.

Section 5. Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown in the Land Use and Transportation Plan, the Board may request their dedication for such purposes, or their reservation for a period of one (1) year following the date of Secondary approval of the Subdivision. In the event the Board passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months. However, if the Board states in writing that it does not want to acquire the land, there are no time reservation requirements.

Section 6. In a subdivision proposed to contain an average of more than two and one-half (2 ½) lots per gross area, and containing fifty (50) or more lots as shown on the Subdivision submitted for Primary approval, at least one (1) acre of open space per each fifty (50) lots shall be platted and permanently dedicated for community park or playground use. At the discretion of the Board, such area may be permanently dedicated to the Town or, if suitably protected by covenants, to a private land owner's association. Playgrounds or public school sites within the boundaries of the proposed subdivision shall be deemed to meet such community open space requirements. The least dimension, of any such required open space, shall be one hundred and fifty (150) feet. A public way, not less than twelve (12) feet in width shall be provided for access to the required open space.

### CHAPTER 2: STREET DESIGN

Section 1. Street Requirements:

- (a) The arrangements of proposed streets shall conform with the Land Use and Transportation Plan.
- (b) Residential streets shall be laid out so as to discourage through and high-speed traffic and shall conform to the latest standards adopted by the Board.

- (c) Stub streets connecting adjacent areas shall be dedicated and improved to the latest standards adopted by the Board or shall be dedicated to the Town for future street right-of-way.
- (d) Subdivisions abutting arterial streets shall provide a marginal service road at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets; or reverse frontage with a minimum five (5) foot non-access easement.
- (e) In order to provide an integrated street system, all stub streets of abutting subdivisions shall be continued into the proposed and existing street system. Existing stub streets in abutting subdivisions which are to be continued and are unimproved shall be improved by the Subdivider of the proposed Subdivision.
- (f) Dead-end streets shall be prohibited, except as stub streets to permit street extension into adjoining vacant tracts, or when designed as cul-de-sacs.
- (g) The platting of half streets shall be prohibited, except when the Committee determines it essential to the reasonable development of the Subdivision in conformity with other requirements of this Article. Whenever a half street has been determined essential, it shall be developed per the latest standards adopted by the Board.
- (h) Reserve strips or areas denying access to adjacent streets are prohibited, unless a written agreement between the developer and the Board, setting forth the terms for the sale of such strip or area, is submitted to the Committee at the time the Subdivision is submitted for Secondary approval.
- (i) Cul-de-sac streets shall not be more than six hundred (600) feet in length measured along their centerline from the centerline of the street of origin to the center point of the turn-around. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.
- (j) All subdivisions must be along an existing, dedicated, accepted and improved public right-of-way, and must have continuous access to other improved public rights-of-way of the County or Town.
- (k) Where parkways or special types of streets are involved, the Board may apply special standards to be followed in their design.
- (l) The street and alley layout shall provide access to all lots and parcels of land within the Subdivision.
- (m) Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
- (n) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed Subdivision, the remainder of the street or alley shall be platted within the proposed Subdivision.
- (o) Alleys shall be discouraged in residential districts but should be included in commercial and industrial areas where needed for loading and unloading or access purposes and, where platted, shall be at least twenty (20) feet in width.

- (p) All streets within a defined lot serving common dwelling units (i.e. multi-family) shall conform to the latest standards adopted by the Board.

Section 2. Rights-of-way and pavement width. The reservation and dedication of rights-of-way and the pavement width of streets shall be in accordance with the Land Use and Transportation Plan and the latest standards adopted by the Board.

Section 3. Street Names. No new street shall have a name which duplicates or so nearly duplicates so as to be confused with any existing street in the incorporated and unincorporated areas of the County, unless the new street is an extension of an existing street. Loop streets and cul-de-sacs which are an extension of existing streets but will never be continued shall not duplicate the name of the existing street. Contiguous streets which have major directional changes shall require a change in street name for each directional change.

Section 4. Intersection standards:

- (a) No more than two (2) streets shall intersect at one point.
- (b) Whenever possible, all streets shall intersect at ninety (90) degrees for a minimum centerline distance of one hundred (100) feet; however, in no instance shall they intersect at less than eighty (80) degrees.
- (c) Two minor streets, or minor street segments, intersecting from opposite sides of a street, shall have their centerlines offset at least one hundred and fifty (150) feet.
- (d) Two major streets, or major street segments, intersecting from opposite sides of a street, shall intersect at their centerlines, or their centerlines shall be offset at least five hundred (500) feet.
- (e) At intersections of streets and/or alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
- (f) If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc at the intersection of the property lines shall be increased as deemed advisable by the Commission.

### CHAPTER 3: BLOCK STANDARDS

Section 1. Block Length. Blocks should not exceed twelve hundred (1200) feet in length.

Section 2. Block Width. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth except where an interior street parallels a Limited Access Highway or an Arterial Street or a Railroad Right-of-way.

### CHAPTER 4: SIDEWALK STANDARDS

Section 1. Construction of sidewalks shall be the responsibility of the lot owner. Sidewalks shall be installed within one year of occupancy.

Section 2. The Board may require, in order to facilitate pedestrian access from the streets to schools, parks, and playgrounds, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

### CHAPTER 5: LOT STANDARDS

Section 1. Lot Sizes. The minimum lot areas, widths and building setbacks shall meet the requirements of the Zoning Ordinance and all other applicable ordinances. Lots containing easements dedicated for future street rights-of-way shall be considered as



corner lots and shall not include said easement for determining lot area, widths and building setbacks.

Section 2. Rear Lot Width. The rear lot line of any lot shall not be less than twenty (20) feet in width, so as to provide for utility easements.

Section 3. Lot Lines. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

Section 4. Double Frontage. All lots shall abut on an improved street. Double frontage lots should not be platted, except where required along arterials. In this event, the requirements of Chapter 2, Section 1 Street Requirements, of this Article shall be used.

#### CHAPTER 6: EASEMENTS

Section 1. Easements within subdivisions shall be provided for public utilities and drainage as necessary, and dimensioned and labeled as to their specific use. Size of easements shall be to the latest standards adopted by the Board.

Section 2. Whenever a Public Utility holds a blanket easement on a property to be subdivided, the developer shall obtain a release from the Public Utility for the blanket easement. Copies of the releases shall be submitted when the Subdivision is submitted for Secondary approval.

#### CHAPTER 7: APARTMENTS AND PLANNED UNIT DEVELOPMENTS

Section 1. Apartments and planned unit developments shall only be constructed after subdivision plans have been recorded and the improvements required by the Board in connection therewith have either been constructed or guaranteed, as provided in this Title; however, the standards and requirements of this Title may be modified by the Commission for apartments and planned unit developments served by public water and sanitary sewers which, in the judgment of the Commission, achieve substantially the objectives of this Title and which are further protected by such covenants or other legal provisions as shall assure conformity to the achievement of the plan for the development. Such developments shall meet the requirements of the Zoning Ordinance and other applicable codes and ordinances.

Section 2. Wherever possible, unit shopping centers, based upon sound developmental standards, should be designed in contrast to the subdividing of lots for individual commercial use.

## ARTICLE 4: Minor Subdivisions

### CHAPTER 1: CONSULTATION ENCOURAGED

Section 1. Prior to the submission of a Minor Subdivision, the Subdivider is encouraged to consult informally with the Staff and the Board. This will create an understanding between the Staff, the Board, and the Subdivider which may help to alleviate future misunderstandings and extensive revisions.

### CHAPTER 2: MINOR SUBDIVISION - WHEN PERMITTED

Section 1. A parcel or tract of land, as defined in Article 2, Chapter 1, Section 1(v), that was in single and separate ownership on the effective date of this Title may be divided as a Minor Subdivision into not more than three (3) lots, the balance of the original tract included. Any further subdivision of the lots created shall be done only through a Major Subdivision.

### CHAPTER 3: APPLICATION

The Subdivision shall be submitted to the Committee at least twenty-one (21) days prior to the Committee meeting at which it may be considered. The submission shall contain the following:

Section 1. Drawing. An original ink drawing on twenty-four (24) inch by thirty-six (36) inch vellum, linen or mylar film, at a scale of one (1) inch equals fifty (50) feet, with six (6) prints of the drawing showing:

- (a) Name of the Subdivision, which shall not duplicate or closely approximate the name of any other subdivision within the incorporated and unincorporated areas of the County.
- (b) All printed numbers, letters and typed information shall be a minimum size of a 120 Leroy Template or equivalent so that the drawing is adaptable to photographic reduction and will maintain complete legibility.
- (c) Scale, graphic bar scale, north point and date.
- (d) Legal description of the Subdivision which shall include section, township, range and governmental township.
- (e) Township, range or section line accurately tied to the Subdivision by bearing and distances in feet and hundredths thereof.
- (f) Boundary of Subdivision, based on accurate traverse survey with angular and lineal dimensions in feet and hundredths thereof. The traverse survey shall be closed to a minimum accuracy of 1:10,000. A boundary closure sheet shall be provided.
- (g) Lot dimensions in feet and hundredths thereof, angles or bearings expressed in degrees, minutes and seconds.
- (h) Lot numbers.
- (i) Dimensioned building setback lines.
- (j) All easements dimensioned and labeled as for their specific uses.
- (k) All right-of-way lines and width of right-of-way, existing and required for dedication.

- (l) Name, address, seal and certification of the Registered Land Surveyor preparing the Subdivision, in a manner prescribed by the Commission.
- (m) Deed of Dedication, in a manner prescribed by the Commission.
- (n) Owner's certification, in a manner prescribed by the Commission.
- (o) Notarization and seal, in a manner prescribed by the Commission.
- (p) Certification of compliance to the National Flood Insurance Program when required.
- (q) An area four (4) inches vertical by nine (9) inches horizontal within which the Commission may affix its Certificate of Approval without obscuring or obliterating any other items on the Subdivision.

Section 2. Support Drawing. Five (5) prints of a drawing on a sheet twenty-four (24) inches by thirty-six (36) inches, at a scale not less than one (1) inch equals one hundred (100) feet or greater than one (1) inch equals fifty (50) feet, showing, but not limited to:

- (a) Scale, graphic bar scale, north point and date.
- (b) Legal description and tract boundary drawing of the entire property which is being subdivided.
- (c) Natural features such as wooded areas, swamps, wetlands and marshes.
- (d) Existing man-made structures and improvements within the proposed Subdivision.
- (e) Existing topographic contours at vertical intervals of five (5) feet or less from available data. United States Geological Survey data may be used.
- (f) If adjoining property within three hundred (300) feet of the Subdivision is unsubdivided, the names of property owners, as shown in the Assessor's office, Auditor's office, or Recorder's office shall be included. If the property within three hundred (300) feet of the Subdivision is subdivided, the subdivision layout, name, section, and Instrument Number shall be included.
- (g) Future access plan of the entire property which is being subdivided.
- (h) The adjacent County and Town roads and the nearest major intersection.
- (i) A vicinity key map at a scale of one (1) inch equals two thousand (2,000) or three thousand (3,000) feet showing the location of the Subdivision, major streets and physical features, such as rivers and creeks, within a distance of two (2) miles.
- (j) Name and address of the Subdivider.
- (k) Name and address of the Registered Land Surveyor.

Section 3. Ownership. Proof of ownership of the Subdivision.

Section 4. Fee. The submission of the Subdivision shall be accompanied by fees in a manner prescribed by the Commission.

Section 5. Application. A completed application shall be submitted upon forms provided and in a manner prescribed by the Commission.

## CHAPTER 4: MINOR SUBDIVISION REVIEW, APPEAL AND APPROVAL PROCEDURE

The review, appeal and approval procedure for Minor subdivisions shall be as follows:

Section 1. Referral and Review. The Staff shall, within one (1) working day after the filing date, refer prints of the Subdivision to the appropriate agencies.

- (a) If the Subdivision falls within a designated flood hazard area, the Subdivision shall be reviewed by the Department of Natural Resources.
- (b) The Staff may also refer the Subdivision to any State Agency or Board which has regulations or rules which affect the use or design of the Subdivision, or the location or height of structures to be placed within the Subdivision.
- (c) The agencies shall review the Subdivision and submit a report to the Staff. The Staff shall review the Subdivision for technical conformity with the standards fixed in the Subdivision Ordinance and the requirements, recommendations and comments of the reviewing agencies, and prepare a report with a recommendation for the Committee's consideration.

Section 2. Submission to Plat Committee. Within thirty (30) days after the filing of the Subdivision, the Staff shall announce the date, time and place of the meeting at which the Committee shall consider the Subdivision, and shall give due notice in writing to all interested parties at least ten (10) days before the date set for the hearing.

- (a) If the Subdivision complies with the Subdivision Ordinance, or has minor deficiencies which, in the Staff's opinion, can be immediately corrected by the Subdivider's Registered Land Surveyor; and does not need review by the Soils Study Committee, the Department of Natural Resources, or any other State Agency or Board, the Staff shall place the Subdivision on the agenda of the first available meeting of the Committee.
- (b) If the Subdivision does not comply with the Subdivision Ordinance and has deficiencies which, in the Staff's opinion, cannot be immediately corrected by the Subdivider's Registered Land Surveyor, or needs review by the Soils Study Committee, the Department of Natural Resources, or any other State Agency or Board, the Staff shall place the Subdivision on the agenda of the second available meeting of the Committee.

Section 3. Committee Consideration. After receiving the Staff Report and Recommendation, the Committee shall consider the Subdivision for Primary approval without Public notice and hearing.

Section 4. Committee Action.

- (a) If, after consideration, the Committee finds that the Subdivision complies with all standards regarding Primary approval of subdivisions and is located within a zoning district permitting subdivisions, the Committee shall give Primary approval to the Subdivision, with or without modifications and conditions imposed, and make written Findings of Fact and a decision which shall include the modifications and conditions imposed. The Staff shall also affix the Commission's Seal and Certificate of Approval upon two (2) copies of the Subdivision, provide the Subdivider's Registered Land Surveyor with one copy and retain the second copy in the Commission's files.
- (b) If, after consideration, the Committee finds that the Subdivision does not comply with all standards regarding Primary approval of subdivisions or is located within a zoning district not permitting subdivisions, the Committee

shall deny Primary approval to the Subdivision and make written Findings of Fact and a decision which sets forth its reasons for disapproval.

Section 5. Notice of Committee's Action. Within ten (10) days after the Committee's acting on the Subdivision, the Staff shall provide all interested parties with a copy of the Findings of Fact and decision signed by the Secretary of the Committee, and notify them in writing of their right to appeal the Committee's decision to the Commission.

Section 6. If No Appeal Has Been Filed:

- (a) If the Subdivision, for which Secondary approval has been requested, received Primary approval by the Committee, no appeal has been filed within ten (10) days of the date of the Notice of Committee's Action, and all modifications or conditions placed upon the Subdivision by the Committee, if any, have been complied with or corrected, the Staff shall give Secondary approval to the Subdivision and affix the Commission's Seal and Certificate of Approval on the original drawing and record the Subdivision per Section 10 of this Chapter.
- (b) If the Subdivision, for which Secondary approval has been requested, received Primary approval by the Committee, no appeal has been filed within ten (10) days of the date of the Notice of Committee's Action, and all modifications or conditions placed upon the Subdivision by the Committee have not been complied with or corrected, the Staff shall deny Secondary approval to the Subdivision. The Staff shall provide written notice to the Subdivider, signed by the Secretary of the Committee, which sets forth its reasons for disapproval, and release the original drawing of the Subdivision to the Registered Land Surveyor who prepared it.
- (c) If the Subdivision was denied Primary approval by the Committee and no appeal has been filed within ten (10) days of the Notice of Committee's Action, the Staff shall release the original drawing of the Subdivision to the Registered Land Surveyor who prepared it.

Section 7. If An Appeal Has Been Filed. If an appeal has been filed within ten (10) days of the date of the Notice of Committee's Action, the Staff shall announce the date, time and place of the meeting at which the Commission shall consider the Subdivision, and shall give due notice in writing to all interested parties at least ten (10) days before the date set for the hearing. The Staff shall prepare a report with a recommendation for Commission consideration.

Section 8. Commission Consideration of Appeal. After receiving the Staff Report and Recommendation, the Commission shall consider the Subdivision without Public notice and hearing.

Section 9. Commission Action.

- (a) If, after consideration, the Commission finds that the Subdivision complies with all standards regarding Primary approval of subdivisions and is located within a zoning district permitting subdivisions, the Commission shall give Primary approval to the Subdivision, with or without modifications and conditions imposed and make written Findings of Fact and a decision which shall include the modifications and conditions imposed. The Staff shall affix the Commission's Seal and Certificate of Approval upon two (2) copies of the Subdivision and provide the Subdivider's Registered Land Surveyor with one copy along with a copy of the Findings of Fact and decision, signed by the Secretary of the Commission. The second copy of the sealed and certified Subdivision shall be retained in the records of the Commission. When all modifications or conditions placed upon the Subdivision by the Commission, if any, have been complied with or corrected, the Staff shall give Secondary approval to the Subdivision, affix

the Commission's Seal and Certificate of Approval upon the original drawing, and record the Subdivision per Section i0 of this Chapter.

- (b) If, after consideration, the Commission finds that the Subdivision does not comply with all standards regarding Primary approval of subdivisions or is located within a zoning district not permitting subdivisions, the Commission shall deny the Subdivision Primary approval and make written Findings of Fact and a decision which sets forth its reasons for disapproval. The Staff shall provide the Subdivider with a copy of the Findings of Fact and decision signed by the Secretary of the Commission, and release the original drawing to the Subdivider's Registered Land Surveyor.

Section 10. Recording. Within seven (7) days of Secondary approval, the Staff shall record the Subdivision in the Recorder's Office and so notify the Subdivider. The Staff shall have the original drawing of the Subdivision duplicated at a reduced scale and release the original drawing to the Registered Land Surveyor who prepared it. The Staff shall distribute reduced copies of the Subdivision to the Board, Town Engineer, County Assessor, County Building Department, County Engineer, County Surveyor, County Health Department, the appropriate Township Assessor, the Commission, Public Utility Companies, the local organization for Registered Land Surveyors, and the Subdivider.

## ARTICLE 5: Major Subdivisions

### CHAPTER 1: CONSULTATION ENCOURAGED

Section 1. Prior to the submission of a Major Subdivision, the Subdivider is encouraged to consult informally with the Staff and the Board. This will create an understanding between the Staff, the Board, and the Subdivider which may help to alleviate future misunderstandings and extensive revisions.

## CHAPTER 2: NAME OF SUBDIVISION

Section 1. The name of the Subdivision shall not duplicate or closely approximate the name of any other subdivision within the incorporated and unincorporated areas of the County. Care should be taken to keep names short and, if applicable, consistent with adjacent subdivisions which have been previously approved and recorded.

## CHAPTER 3: APPLICATION - PRIMARY APPROVAL

The Subdivision shall be submitted to the Committee at least twenty-one (21) days prior to the Committee meeting at which the Subdivision may be considered for Primary approval. The submission shall contain the following:

Section 1. Drawing. An original ink drawing on twenty-four (24) inch by thirty-six (36) inch vellum, linen or mylar film, at a scale of one (1) inch equals two hundred (200) feet, with six (6) prints of the drawing showing:

- (a) Name of the Subdivision.
- (b) Location of the Subdivision by section, township, range and governmental township.
- (c) Scale, graphic bar scale, north point and date.
- (d) Name and address of Subdivider.
- (e) Name, address, seal and signature of the Registered Land Surveyor preparing the Subdivision.
- (f) Boundary line of proposed Subdivision, all existing easements and property lines in exact dimensions of feet and hundredths thereof.
- (g) Location, width and names of prior subdivided streets and lots in the proposed Subdivision and within three hundred (300) feet of the proposed Subdivision, showing all previously recorded streets and lots in dotted lines.
- (h) Layout and approximate dimensions of lots.
- (i) Layout of proposed streets, which shall include the classification of each street, their names and widths, walkways and easements.
- (j) Parcels of land to be dedicated or reserved for public uses shall be shown and labeled as to use, such as retention basins or open space.
- (k) Dimensioned building setback lines.
- (l) Existing topographic contours at vertical intervals of two (2) feet or less. Vertical control data shall be based on Coastal and Geodetic Survey Sea Level Datum of 1929. United States Geodetic Survey contours shall not be acceptable.
- (m) The frontage street(s) and the nearest major intersection(s).
- (n) The drawing shall be accompanied by such other information as the Commission may require under the provisions of this Article.
- (o) A vicinity key map at a scale of one inch equals two thousand (2,000) or three thousand (3,000) feet showing the location of the Subdivision, major streets and physical features, such as rivers and creeks, within a distance of two (2) miles.

- (p) An area four (4) inches vertical by nine (9) inches horizontal, within which the Commission may affix its Certificate of Approval without obscuring or obliterating any other items on the Subdivision.

Section 2. Watershed Map. Six (6) prints (if placed on a sheet other than the Site Analysis) of the Commission's watershed map or similar map showing:

- (a) Location of the Subdivision within the watershed.
- (b) Intermediate streams, drainage courses and reaches within the total watershed.
- (c) Delineation of the watershed flowing into the proposed Subdivision and the number of acres within that part of the watershed.
- (d) Delineation of the watershed flowing out of the proposed Subdivision and the number of acres within that part of the watershed.

Section 3. Site Analysis. Six (6) prints of a map or a series of maps at a scale of one (1) inch equals two hundred (200) feet showing the following information for the proposed Subdivision and the adjacent area within three hundred (300) feet. The Commission's section maps may be used as base maps for the following:

- (a) Name of Subdivision.
- (b) Location of the Subdivision by section, township, range and governmental township.
- (c) Scale, graphic bar scale, north point and date.
- (d) Name and address of the Registered Land Surveyor preparing the Subdivision.
- (e) Boundary of Subdivision, with approximate dimensions in feet.
- (f) Existing topographic contours at vertical intervals of five (5) feet or less from available data. United States Geological Survey data may be used.
- (g) Natural features such as wooded areas, swamps, wetlands, marshes, streams and drainage courses.
- (h) Soil Conservation Service soil information with soil boundaries, identification codes, names, slope and erosion factors, and urban group classifications as designated by the Commission.
- (i) Delineation and location of all watersheds, streams, drainage courses, reaches and swales which flow into and/or through the proposed Subdivision.
- (j) At the boundary of the proposed Subdivision, the acreage of all watersheds which flow into and out of the Subdivision.
- (k) Acres of watersheds at the confluence of streams, drainage courses, reaches and swales within the proposed Subdivision.
- (l) Floodplains and floodways as shown on maps published by the Federal Insurance Administration.
- (m) Existing man-made structures and improvements within the proposed Subdivision.



- (n) Existing street patterns within a three hundred (300) foot area adjacent to the proposed subdivision.

Section 4. Engineering Feasibility Report. Six (6) copies of a typed feasibility report covering sewage, water and drainage facilities and streets to serve the Subdivision, including but not limited to the following:

- (a) Existing System. The Subdivision shall connect to an existing public sanitary sewer and public water supply system. A letter from the utility shall be submitted indicating the ability of the utility to service the Subdivision.
- (b) Drainage system. If the connection to an existing storm drain system is not feasible, the type of drainage system to be utilized shall be stated.
- (c) Street Construction. A preliminary report on type of street construction based on the latest standards adopted by the Board.

Section 5. Drainage Plan. The plan shall be prepared and certified by a Registered Engineer or Registered Land Surveyor per Standards, as adopted by the Board, and submitted to the Town Engineer, County Engineer, and the County Surveyor. The submittal of the Subdivision to the Committee shall not be accepted unless one (1) copy of the approved plan or a letter of approval from the Town Engineer accompanies the submittal and a letter from the County Surveyor which indicates that the County Drainage Board has received an application for approval of the Subdivision's drainage system as an "Urban Drain" as specified in the 1965 Indiana Drainage Code, Chapter 305, Acts of 1965, as amended.

Section 6. Ownership. Letter from Subdivider showing his interest in the property to be subdivided, or that he is the agent for the owner of the land, or proof of ownerships or a copy of a purchase agreement.

Section 7. Property list. List showing names and addresses of property owners within three hundred (300) feet of the proposed Subdivision and two (2) sets of stamped, addressed envelopes for property owners within three hundred (300) feet of the proposed Subdivision. Names and addresses may be obtained from the Assessor's office, Auditor's office or the Recorder's office.

Section 8. Fee. The submission of the Subdivision shall be accompanied by fees as prescribed by the Commission.

Section 9. Application. A completed application upon forms provided and in a manner prescribed by the Commission.

#### CHAPTER 4: MAJOR SUBDIVISIONS - PRIMARY REVIEW, APPEAL AND APPROVAL PROCEDURE

The Primary review, appeal and approval procedure for Major Subdivisions shall be as follows:

Section 1. Referral and Review. The Staff shall, within one (i) working day after the filing date, refer prints of the Subdivision to the appropriate agencies.

- (a) If the Subdivision falls within a designated flood hazard area, the Subdivision shall be reviewed by the Department of Natural Resources.
- (b) The Staff may also refer the Subdivision to any State Agency or Board which has regulations or rules which affect the use or design of the Subdivision, or the location or height of structures to be placed within the Subdivision.

- (c) The agencies shall review the Subdivision and submit a report to the Staff. The Staff shall review the Subdivision for technical conformity with the standards fixed in the Subdivision Ordinance and the requirements, recommendations and comments of the reviewing agencies, and prepare a report with a recommendation for the Committee's consideration.

Section 2. Submission to Plat Committee. Within thirty (30) days after the filing of the Subdivision, the Staff shall announce the date, time and place of the meeting at which the Committee shall consider the Subdivision; mail due notice to all interested parties at least ten (10) days before the date set for hearing and give notice of the hearing by publication in accordance with IC 5-3-1.

- (a) If the Subdivision complies with the Subdivision Ordinance or has minor deficiencies which, in the Staff's opinion, can be immediately corrected by the Subdivider's Registered Land Surveyor and does not need review by the Soils Study Committee, the Department of Natural Resources or any other State Agency or Board, the Staff shall place the Subdivision on the agenda of the first available meeting of the Committee.
- (b) If the Subdivision does not comply with the Subdivision Ordinance and has deficiencies which, in the Staff's opinion, cannot be immediately corrected by the Subdivider's Registered Land Surveyor or needs review by the Soils Study Committee, the Department of Natural Resources or any other State Agency or Board, the Staff shall place the Subdivision on the agenda of the second available meeting of the Committee.

Section 3. Committee Consideration. After receiving the Staff Report and Recommendation, the Committee shall consider the Subdivision at a Public Hearing.

Section 4. Committee Action.

- (a) If, after consideration, the Committee finds that the Subdivision complies with all standards regarding Primary approval of subdivisions and is located within a zoning district permitting subdivisions, the Committee shall give Primary approval to the Subdivision, with or without modifications and conditions imposed, make written Findings of Fact and a decision which shall include the modifications and conditions imposed.
- (b) If, after consideration, the Committee finds that the Subdivision does not comply with all standards regarding Primary approval of Subdivisions or is located within a zoning district not permitting subdivisions, the Committee shall deny Primary approval to the Subdivision, make written Findings of Fact and a decision which sets forth its reasons for disapproval.

Section 5. Notice of Committee's Action. Within ten (10) days after the Committee's acting on the Subdivision, the Staff shall provide the Subdivider with a copy of the Findings of Fact and decision, signed by the Secretary of the Committee, and notify all interested parties of the Committee's decision and their right to appeal the Committee's decision to the Commission.

Section 6. If No Appeal Has Been Filed:

- (a) If the Subdivision received Primary approval by the Committee, and no appeal has been filed within ten (10) days of the date of the Notice of Committee's Action, the Staff shall affix the Commission's Seal and Certificate of Approval on the original drawing and one copy of the original drawing. The original drawing shall then be released to the Subdivider's Registered Land Surveyor and the copy of the original drawing shall be retained in the files of the Commission.
- (b) If the Subdivision was denied Primary approval by the Committee and no appeal has been filed within ten (10) days of the Notice of Committee's Action, the Staff shall release the original drawing of the Subdivision to the Registered Land Surveyor who prepared it.

Section 7. If An Appeal Has Been Filed. If an appeal has been filed within ten (10) days of the date of the Notice of Committee's Action, the Staff shall place the Subdivision on the agenda of the Commission's first available meeting, mail due notice in writing to all interested parties at least ten (10) days before the date set for hearing and give notice of the hearing by publication in accordance with IC 5-3-1. The Staff shall prepare a report with a recommendation for Commission consideration.

Section 8. Commission Consideration of Appeal. After receiving the Staff Report and Recommendation, the Commission shall consider the Subdivision at a Public Hearing.

Section 9. Commission Action.

- (a) If, after consideration, the Commission finds that the Subdivision complies with all standards regarding Primary approval of subdivisions and is located within a zoning district permitting subdivisions, the Commission shall give Primary approval to the Subdivision, with or without modifications and conditions imposed and make written Findings of Fact and a decision which shall include the modifications and conditions imposed. The Staff shall then provide the Subdivider with a copy of the Findings of Fact and decision, signed by the Secretary of the Commission; affix the Commission's seal and Certificate of Approval on the original drawing and one copy of the original drawing; and release the original drawing to the Subdivider's Registered Land Surveyor. The copy of the original drawing shall be retained in the records of the Commission.
- (b) If, after consideration, the Commission finds that the Subdivision does not comply with all standards regarding Primary approval of Subdivisions or is located within a zoning district not permitting subdivisions, the Commission shall deny Primary approval to the Subdivision and make written Findings of Fact and a decision which sets forth its reasons for disapproval. The Staff shall then provide the Subdivider with a copy of the Findings of Fact and decision signed by the Secretary of the Commission, and release the original drawing to the Subdivider's Registered Land Surveyor.

Section 10. Effective approval. Primary approval of the Subdivision shall be effective indefinitely; however, all Subdivisions receiving Secondary approval shall be developed to the latest standards adopted by the Board, and applicable codes and ordinances at the time of Secondary approval.

## CHAPTER 5: APPLICATION - SECONDARY APPROVAL

The Subdivision shall be submitted to the Committee at least twenty-one (21) days prior to the Committee meeting at which it may be considered. The submission shall include the following:

Section 1. Drawing - An original ink drawing, and six (6) prints, on twenty-four (24) inch by thirty-six (36) inch vellum, linen or mylar film, at a scale of not less than one (1) inch equals fifty (50) feet or greater than one (1) inch equals one hundred (100) feet. All printed numbers, letters and typed information shall be the size of a 120 Leroy Template or equivalent so that the drawing is adaptable to photographic reduction and will maintain complete legibility. The Subdivision may include all or part of the Subdivision which received Primary approval, and shall retain the lot numbers and overall characteristics of the Subdivision which received Primary approval and shall include the following:

- (a) Name of the Subdivision. If the Subdivision is only a portion of the Subdivision which received Primary approval, each section or addition shall be separately designated.
- (b) Legal description of the Subdivision which shall include section, township, range and governmental township.
- (c) Name, address, seal and certification of the Registered Land Surveyor preparing or certifying the Subdivision as prescribed by the Commission.
- (d) Scale, graphic bar scale, date and north point.
- (e) Exact location, width and name of all streets within the Subdivision and the exact location and width of all alleys, crosswalks and other easements.
- (f) Township, range or section line accurately tied to the Subdivision by bearing and distances in feet and hundredths thereof.
- (g) Boundary of Subdivision, based on accurate traverse survey with angular and lineal dimensions in feet and hundredths thereof. The traverse survey shall be closed to a minimum accuracy of 1:10,000. A boundary closure sheet shall be provided.
- (h) All radii, central angles, points of curvature and tangency, length of tangents, lengths of arcs, widths of rights-of-way and similar data shall be shown for all streets. All street lines shall be tied to other streets and alleys with accurate dimensions in feet and hundredths thereof and angles or bearings,
- (i) Accurate location and type of all existing and required monuments,
- (j) All easements dimensioned and identified as to their specific uses,
- (k) All lot numbers and lines with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds. Lots in sections or additions to a Subdivision with the same name shall be numbered consecutively throughout the several sections or additions,
- (l) All recorded subdivisions bounding the Subdivision shall be shown in dotted lines with name, section or addition and Recorder's instrument number,
- (m) Any areas other than public right-of-way to be dedicated or reserved for public use or semipublic use, or areas to be reserved for the use of all property owners, shall be shown on the drawing and labeled as to their use and shall have a separate legal description on the drawing with accurate

dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds,

- (n) Dimensioned building setback lines,
- (o) Certification of compliance to the National Flood Insurance Program when required,
- (p) Deed of dedication as prescribed by the Commission,
- (q) Owner's certification as prescribed by the Commission,
- (r) Notarization and seal as prescribed by the Commission,
- (s) Urban drain certificate, when required, as prescribed by the Commission,
- (t) An area four (4) inches vertical by nine (9) inches horizontal, within which the Commission may affix its Certificate of Approval without obscuring or obliterating any other items on the Subdivision.

Section 2. Town Engineer's Report. A report from the Town Engineer shall be submitted to the Staff prior to Secondary approval of the Subdivision. The report shall indicate that the requirements of Article VIII have been satisfactorily completed or that plans and specifications for improvements have been approved and performance guarantees for the improvements have been filed and approved. These guarantees shall:

- (a) Run to the Town, and
- (b) Provide satisfactory surety as required by the latest standards adopted by the Board. The surety shall be foreclosed if improvements and installations have not been completed within twelve (12) months from the date of the Committee's granting of the Secondary approval to the Subdivision; however, an extension of time may be granted by the Board at their public meeting provided a request for such extension has been petitioned to the Board by the applicant or his successor in title, prior to the time surety would lapse as defined above.

Section 3. Ownership. Proof of ownership of the Subdivision.

Section 4. Fee. The submission of the Subdivision shall be accompanied by fees as prescribed by the Commission.

Section 5. Application. A completed application upon forms provided and in a manner prescribed by the Commission.

#### CHAPTER 6: MAJOR SUBDIVISION - SECONDARY REVIEW AND APPROVAL PROCEDURE

The Secondary review and approval procedure for a Major Subdivision shall be as follows:

Section 1. Referral and Review. The Staff shall, within one (1) working day after the filing date, refer prints of the Subdivision to the appropriate agencies. The appropriate agencies shall review the Subdivision and submit a report to the Staff. The Staff shall review the Subdivision for technical conformity with the standards fixed in the Subdivision Ordinance and the requirements, recommendations and comments of the appropriate agencies, and prepare a report with a recommendation for the Committee's consideration.

Section 2. Submission to Plat Committee. Upon receipt of the reports from the appropriate agencies, and after the ten (10) day appeal period for Primary approval of

the Subdivision has expired and an appeal, if any, has been acted upon by the Commission, the Staff shall place the Subdivision on the agenda of the first available meeting of the Committee and announce the date, time and place of the meeting.

Section 3. Determination of Major Change. A Subdivision being considered for Secondary approval shall be considered to be a major change from the Subdivision having received Primary approval if:

- (a) Any Collector streets have been relocated; or
- (b) Any entrance street has been relocated; or
- (c) The drainage plan has been altered in such a way as to impact abutting property owners; or
- (d) The Plat Committee in its sole discretion believes it advisable, because of the collective effect of numerous small changes.

Section 4. Committee Action.

- (a) If, after consideration the Committee finds that the Subdivision complies with all standards regarding Secondary approval of subdivisions; all required improvements meet the requirements of Article 8; does not constitute a major change from the Subdivision which received Primary approval; and complies with all the conditions and modifications imposed upon the Subdivision by either the Committee or the Commission as a condition of Primary approval, the Committee shall give Secondary approval to the Subdivision, and authorize the Staff to record the Subdivision. The Staff shall then affix the Commission's Seal and Certificate of Approval upon the original drawing and provide written notice to the Subdivider, signed by the Secretary of the Committee, that the Subdivision was approved by the Committee, and that the Subdivision will be recorded within seven (7) days of Secondary approval per Section 5 of this Chapter.
  
- (b) If the Committee finds that the Subdivision does not comply with all standards regarding Secondary approval of subdivisions; any required improvement does not meet the requirements of Article 8; that the Subdivision constitutes a major change from the Subdivision which received Primary approval, or does not comply with all the conditions and modifications imposed upon the Subdivision by the Commission or Committee as a condition of Primary approval, the Committee shall deny the Subdivision Secondary approval. The Staff shall then provide written notice to the Subdivider, signed by the Secretary of the Committee, which sets forth the Committee's reasons for disapproval. The Staff shall then release the original drawing to the Subdivider's Registered Land Surveyor.

Section 5. Recording. Within seven (7) days of the Secondary approval, the Staff shall record the Subdivision in the Recorder's Office and so notify the Subdivider. The Staff shall have the original drawing of the Subdivision duplicated at a reduced scale and release the original drawing to the Registered Land Surveyor who prepared it. The Staff shall distribute reduced copies of the Subdivision to the Board, Town Engineer, County Assessor, County Building Department, County Engineer, County Surveyor, County Health Department, the appropriate Township Assessor, the Commission, Public Utility Companies, the local organization for Registered Land Surveyors, and the Subdivider.

## ARTICLE 6: Subdivision Replats

### CHAPTER 1: CONSULTATION ENCOURAGED

Section 1. Prior to the submission of a Subdivision Replat, the Subdivider is encouraged to consult informally with the Staff and the Board. This will create an understanding between the Staff, the Board, and the Subdivider which may help to alleviate future misunderstandings and extensive revisions.

### CHAPTER 2: APPLICATION - PRIMARY APPROVAL

The Subdivision Replat shall be submitted to the Committee at least twenty-one (21) days prior to the Committee meeting at which it may be considered. The name of the Subdivision Replat shall not be identical to that of the original subdivision, but the name of the original subdivision shall be contained within that of the Subdivision Replat. The submission shall include the following:

Section 1. Drawing - An original ink drawing on twenty-four (24) inch by thirty-six (36) inch vellum, linen or mylar film, at a scale of one (1) inch equals fifty (50) feet, with six (6) prints of the drawing. The drawing shall include the following:

- (a) Original lots in dotted lines.
- (b) New lots designated by letters.
- (c) All required information as listed under Article 5, Chapter 5, Section 1.

Section 2. Application. A completed application shall be submitted upon forms provided and in a manner prescribed by the Commission.

Section 3. Ownership. Proof of ownership of the Subdivision Replat.

Section 4. Fee. The submission of a Subdivision Replat shall be accompanied by fees as prescribed by the Commission.

### CHAPTER 3: SUBDIVISION REPLAT REVIEW, APPEAL AND APPROVAL PROCEDURE

The review, appeal and approval procedure for Subdivision Replats shall be as follows:

Section 1. Referral and Review. The Staff shall, within one (1) working day after the filing date, refer prints of the Subdivision Replat to the appropriate agencies.

- (a) If the Subdivision Replat falls within a designated flood hazard area, the Subdivision Replat shall be reviewed by the Department of Natural Resources.
- (b) The Staff may also refer the Subdivision Replat to any State Agency or Board which has regulations or rules which affect the use or design of the Subdivision Replat, or the location or height of structures to be placed within the Subdivision Replat.
- (c) The agencies shall review the Subdivision Replat and submit a report to the Staff. The Staff shall review the Subdivision Replat for technical conformity with the standards fixed in the Subdivision Ordinance and the requirements, recommendations and comments of the reviewing agencies, and prepare a report with a recommendation for the Committee's consideration.

Section 2. Submission to Plat Committee. Within thirty (30) days after the filing of the Subdivision Replat, the Staff shall announce the date, time and place of the meeting at



which the Committee shall consider the Subdivision Replat, and shall give due notice in writing to all interested parties at least ten (10) days before the date set for the hearing.

- (a) If the Subdivision Replat complies with the Subdivision Ordinance; or has minor deficiencies which, in the Staff's opinion, can be immediately corrected by the Subdivider's Registered Land Surveyor; and does not need review by the Soils Study Committee, the Department of Natural Resources, or any other State Agency or Board, the Staff shall place the Subdivision Replat on the agenda of the first available meeting of the Committee.
- (b) If the Subdivision Replat does not comply with the Subdivision Ordinance and has deficiencies which, in the Staff's opinion, cannot be immediately corrected by the Subdivider's Registered Land Surveyor, or needs review by the Soils Study Committee, the Department of Natural Resources, or any other State Agency or Board, the Staff shall place the Subdivision Replat on the agenda of the second available meeting of the Committee.

Section 3. Committee Consideration. After receiving the Staff Report and Recommendation, the Committee shall consider the Subdivision Replat for Primary approval without Public notice and hearing.

Section 4. Committee Action.

- (a) If, after consideration, the Commission finds that the Subdivision Replat complies with all standards regarding Primary approval of subdivision replats and is located within a zoning district permitting subdivisions, the Committee shall give Primary approval to the Subdivision Replat, with or without modifications and conditions imposed, and make written Findings of Fact and a decision which shall include the modifications and conditions imposed. The Staff shall also affix the Commission's Seal and Certificate of Approval upon two (2) copies of the Subdivision Replat, provide the Subdivider's Registered Land Surveyor with one copy and retain the second copy in the Commission's files.
- (b) If, after consideration, the Committee finds that the Subdivision Replat does not comply with all standards regarding Primary approval of subdivision replats or is located within a zoning district not permitting subdivisions, the Committee shall deny Primary approval to the Subdivision Replat and make written Findings of Fact and a decision which sets forth its reasons for disapproval.

Section 5. Notice of Committee's Action. Within ten (10) days after the Committee's acting on the Subdivision Replat, the Staff shall provide all interested parties with a copy of the Findings of Fact and decision signed by the Secretary of the Committee, and notify them in writing of their right to appeal the Committee's decision to the Commission.

Section 6. If No Appeal Has Been Filed:

- (a) If the Subdivision Replat for which Secondary approval has been requested, received Primary approval by the Committee, no appeal has been filed within ten (10) days of the date of the Notice of Committee's Action, and all modifications or conditions placed upon the Subdivision Replat by the Committee, if any, have been complied with or corrected, the Staff shall give Secondary approval to the Subdivision Replat and affix the Commission's Seal and Certificate of Approval on the original drawing, and record the Subdivision Replat per Section 10 of this Chapter.
- (b) If the Subdivision Replat, for which Secondary approval has been requested, received Primary approval by the Committee, no appeal has been filed within ten (10) days of the date of the Notice of Committee's Action, and all modifications or conditions placed upon the Subdivision

Replat by the Committee, if any, have not been complied with or corrected, the Staff shall deny Secondary approval to the Subdivision Replat. The Staff shall provide written notice to the Subdivider signed by the Secretary of the Committee, which sets forth its reasons for disapproval, and release the original drawing of the Subdivision Replat to the Registered Land Surveyor who prepared it.

- (c) If the Subdivision Replat was denied Primary approval by the Committee and no appeal has been filed within ten (10) days of the Notice of Committee's Action, the Staff shall release the original drawing of the Subdivision Replat to the Registered Land Surveyor who prepared it.

Section 7. If An Appeal Has Been Filed. If an appeal has been filed within ten (10) days of the date of the Notice of Committee's Action, the Staff shall announce the date, time, and place of the meeting at which the Commission shall consider the subdivision, and shall give due notice in writing to all interested parties at least ten (10) days before the date set for the hearing. The Staff shall prepare a report with a recommendation for Commission consideration.

Section 8. Commission Consideration of Appeal. After receiving the Staff Report and Recommendation, the Commission shall consider the Subdivision Replat without Public Hearing.

Section 9. Commission Action.

- (a) If, after consideration, the Commission finds that the Subdivision Replat complies with all standards regarding Primary approval of subdivision replats and is located within a zoning district permitting subdivisions, the Commission shall give Primary approval to the Subdivision Replat, with or without modifications and conditions imposed and make written Findings of Fact and a decision, which shall include the modifications and conditions imposed. The Staff shall affix the Commission's Seal and Certificate of Approval upon two (2) copies of the Subdivision Replat and provide the Subdivider's Registered Land Surveyor with one copy along with a copy of the Findings of Fact and decision signed by the Secretary of the Commission. The second copy of the sealed and certified Subdivision Replat shall be retained in the records of the Commission. When all modifications or conditions placed upon the Subdivision Replat by the Commission, if any, have been complied with or corrected, the Staff shall give Secondary approval to the Subdivision Replat and affix the Commission's Seal and Certificate of Approval upon the original drawing, and record the Subdivision Replat per Section 10 of this Chapter.
- (b) If, after consideration, the Commission finds that the Subdivision Replat does not comply with all standards regarding Primary approval of subdivision replats or is located within a zoning district not permitting subdivisions, the Commission shall deny the Subdivision Replat Primary approval and make written Findings of Fact and a decision which sets forth its reasons for disapproval. The staff shall provide the Subdivider with a copy of the Findings of Fact and decision signed by the Secretary of the Commission, and release the original drawing to the Subdivider's Registered Land Surveyor.

Section 10. Recording. Within seven (7) days of Secondary approval, the Staff shall record the Subdivision Replat in the Recorder's Office and so notify the Subdivider. The Staff shall have the original drawing of the Subdivision Replat duplicated at a reduced scale and release the original drawing to the Registered Land Surveyor who prepared it. The Staff shall distribute reduced copies of the Subdivision Replat to the Board, Town Engineer, County Assessor, County Building Department, County Engineer, County Surveyor, County Health Department, the appropriate Township Assessor, the Commission, Public Utility Companies, the local organization for Registered Land Surveyors, and the Subdivider.

ARTICLE 7: Subdivision Rerecordings

#### CHAPTER 1: RERECORDING APPLICATION

The Subdivision Rerecording may be submitted at the convenience of the Subdivider. The name of the Subdivision to be rerecorded shall not be altered in any way. The submission shall include the following:

Section 1. Drawing. The original and three (3) prints of the recorded Subdivision which received Secondary approval, with the following provisions:

- (a) A revision date,
- (b) A "Certificate of Rerecording" as defined below in Section 2 of this Chapter.
- (c) Sufficient space beside, below or above the "Certificate of Rerecording" for the Commission seal.

Section 2. Certificate of Rerecording. The "Certificate" shall be a written comment, in detailed form, of the technical changes performed. The Certificate shall include the following:

- (a) The instrument number of the approved and recorded Subdivision.
- (b) Seal and certification of the Registered Land Surveyor preparing or certifying the Subdivision, as prescribed by the Commission.
- (c) Signatures of all owners, if different from those on the approved and recorded Subdivision.

Section 3. Ownership. Proof of ownership shall be provided if the signator or signators on the Certificate of Rerecording are different from those on the approved and recorded Subdivision.

Section 4. Fee. The submission of a Subdivision Rerecording shall be accompanied by fees as prescribed by the Commission.

## CHAPTER 2: SUBDIVISION RERECORDING - REFERRAL, REVIEW AND APPROVAL PROCEDURE

Section 1. Referral and review. After the filing date, the Staff may, if necessary, refer prints of the Subdivision to the appropriate agencies for their review and recommendation. The agencies shall review the Subdivision and submit a report to the Staff. The Staff shall review the Subdivision for technical conformity with the standards fixed in the Subdivision Ordinance and the requirements, recommendations, and comments of the appropriate agencies.

Section 2. Consideration. Upon receipt of the reports, if any, from the appropriate agencies and completion of its own review, the Staff shall consider the Subdivision without public notice or hearing and determine whether the Subdivision meets the requirements of this Article.

Section 3. Staff Action.

- (a) If, after consideration, the Staff finds that the Subdivision complies with all standards regarding Secondary approval of subdivisions for rerecording, the Staff shall give Secondary approval to the Subdivision, affix the Commission's Seal and Certificate of Approval on the Subdivision and record the Subdivision per Section 4 of this Chapter.
- (b) If, after consideration, the Staff finds that the Subdivision does not comply with all standards regarding Secondary approval of subdivisions to be rerecorded, the Staff shall deny Secondary approval to the Subdivision, provide written notice to the Subdivider, signed by the Secretary of the Committee, which sets forth its reasons for disapproval, and release the original drawing to the Registered Land Surveyor who prepared it.

Section 4. Rerecording. Within seven (7) days of Secondary approval, the Staff shall rerecord the Subdivision in the Recorder's Office and so notify the Subdivider. The Staff shall have the original drawing of the Subdivision, which was rerecorded, duplicated at a reduced scale and release the original drawing to the Registered Land Surveyor who

prepared it. The Staff shall distribute reduced copies of the Subdivision to the Board, Town Engineer, County Assessor, County Building Department, County Engineer, County Surveyor, County Health Department, the appropriate Township Assessor, the Commission, Public Utility Companies, the local organization for Registered Land Surveyors, and the Subdivider.

## ARTICLE 8: Improvements

### CHAPTER 1: DESIGN AND CONSTRUCTION

Section 1. All required improvements shall be designed and constructed in accordance with the latest standards adopted by the Board.

### CHAPTER 2: INSPECTION

Section 1. Inspection of construction of all required improvements shall be provided by the Board.

### CHAPTER 3. REQUIRED IMPROVEMENTS

Section 1. Boundary Improvements.

- (a) Monuments - Concrete monuments, four inches square and thirty-six inches long with an iron pipe cast in the center shall be set at each corner or angle of the outside boundary.
- (b) Corner Markers - Pipes or steel rods, three-fourths-inch in diameter by eighteen inches in length, shall be placed at the corner of each lot and block.

Section 2. Street, Drainage and Underground Utility Improvements. After a subdivision has received Primary approval, and prior to construction of any streets in a subdivision, and prior to submittal of a subdivision for Secondary approval, the Subdivider shall, in conformance with the policy of the Board, submit prints of the construction and Urban Drain drawings to the Town Engineer, County Engineer and the County Surveyor showing but not limited to:

- (a) All streets within the Subdivision which received Primary approval;
- (b) All drainage facilities within the Subdivision, such as storm sewers, culverts, drainage ditches, retention ponds or curbs and water and other underground utilities including but not limited to gas, telephone and electric. As-built drawings of underground facilities shall be filed with the Town Engineer for record keeping.

Section 3. Other Improvements.

- (a) Fire Hydrants - Fire hydrants shall be installed. Hydrant spacing and hydrant make and type shall be in conformance with the insurance services office and reviewed by the Town Engineer.
- (b) Street and Traffic-control Signs - Street-name and traffic-control signs shall be placed at intersections according to the standards and specifications of the Board. The Subdivider shall deposit: with the Board two typewritten copies of the street intersections' names and required traffic-control signs and an amount as specified by the Board for each sign, which shall then be installed by the Town Highway Department.
- (c) Water and Sewer Systems - A public sanitary sewer system and a public water supply system shall be installed, and shall be made available to every lot in the Subdivision.

### CHAPTER 4: ACCEPTANCE OF DEDICATION

Section 1. In any subdivision containing streets or thoroughfares which are therein reserved for dedication to public use, Secondary approval of the Subdivision by the Committee shall constitute the acceptance of such dedication.

## CHAPTER 5: ACCEPTANCE OF IMPROVEMENTS

Section 1. Upon the completion of the required improvements in conformance with the terms of this Title and the latest standards adopted by the Board, such improvements shall be accepted with a one-year warranty.

ARTICLE 9: Administration

CHAPTER 1: RECOMMENDATIONS FOR MODIFICATIONS OR AMENDMENTS

Section 1. The Commission, in accordance with statutes adopted by the Indiana General Assembly, may from time to time recommend to the Board revisions, modifications or amendments to this title.

CHAPTER 2: VARIANCES

Section 1. Should the Subdivider clearly demonstrate that because of peculiar physical conditions pertaining to his land or particular design considerations to enhance the development of his land, the literal enforcement of one or more of the regulations of this title is impracticable or will exact undue hardship, the Commission may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this title.

Section 2. The Commission, in the case of Minor Subdivisions, may classify and approve a subdivision along an existing and improved public right-of-way as a Minor Subdivision, even though the Subdivision does not qualify under the requirements of the future street system in this title provided a subdivision has been submitted in conformance with Article 4, Chapter 2 and 3, and the Subdivider, at a public hearing, can demonstrate to the satisfaction of the Commission, that the enforcement of the requirements of the future street system is impractical or will exact undue hardship.

CHAPTER 3: APPROVAL REQUIRED

Section 1. No subdivision shall be entitled to recording in the office of the County Recorder or have any validity until it shall have been approved in the manner prescribed in this title.