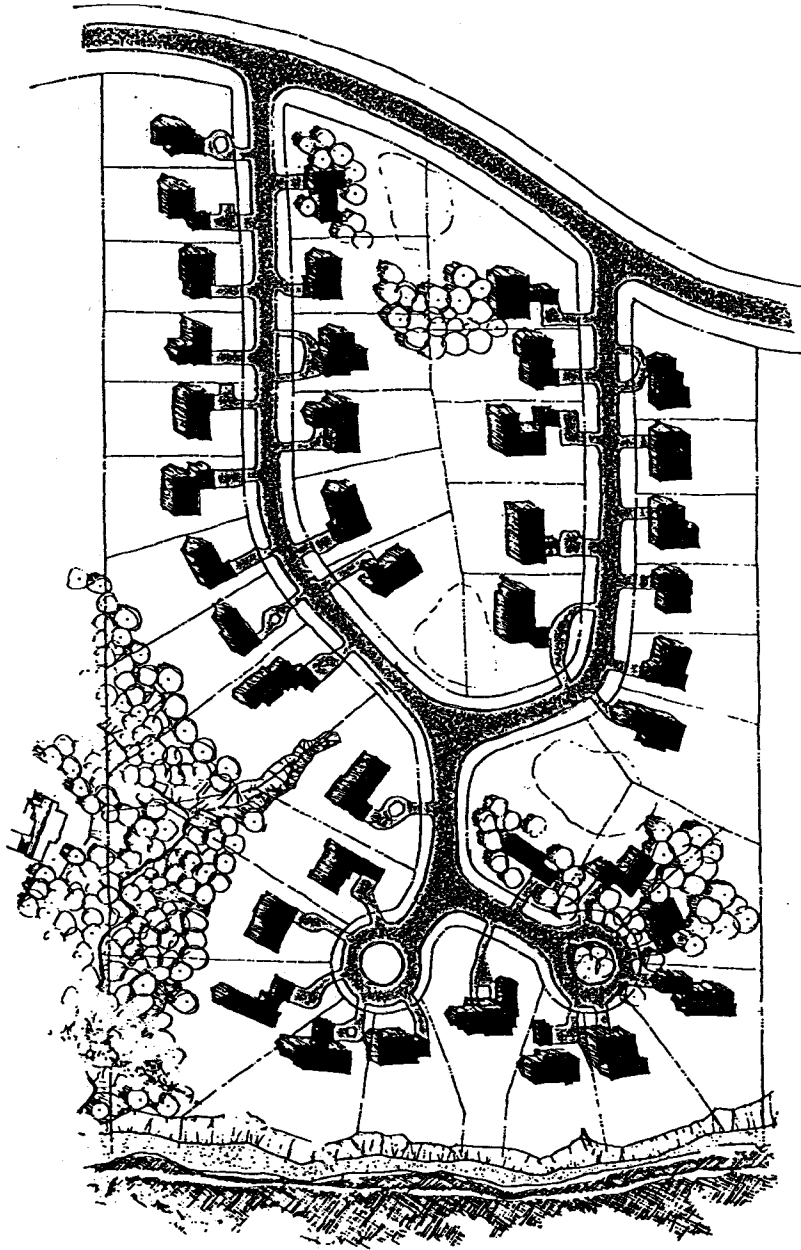


WHITLEY COUNTY



SUBDIVISION REGULATIONS

WHITLEY COUNTY SUBDIVISION CONTROL ORDINANCE

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36-7-4-700 Subdivision Control:

ARTICLE 1 - GENERAL PROVISIONS

- 101 SHORT TITLE: This Ordinance shall be known as and may be cited as the County Subdivision Control Ordinance.
- 102 PURPOSE: This Ordinance is adopted in accordance with the County Comprehensive Plan for the following purposes:
- 102.1 To assist in the orderly and efficient development of the County;
 - 102.2 To promote the health, safety and general welfare of the residents of the County; and
 - 102.3 To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
103. COMPLIANCE: No permit shall be issued to erect, alter or repair any building upon any land in any subdivision platted after September 7, 1971 unless and until a subdivision plan has been approved and where required, recorded, and until the improvements required, connected therewith, have either been constructed or guaranteed as stated in Indiana Code 36-7-4-700 et seq., as amended.
- 104 HARDSHIP: Where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, the Commission may make such reasonable exceptions thereto as shall not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, and erection of a building, subject to condition necessary to ensure adequate streets and other public improvements.
- 105 CONFLICT: Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other County or State regulations, resolutions, or ordinances, the highest standards shall govern.
- 106 JURISDICTION AREA: This Ordinance shall apply to all unincorporated land within the County, except that in accord with State law, the Board of County Commissioners may, by ordinance, authorize a city or town to establish jurisdiction over all or any part of the unincorporated land within two (2) miles from the corporate limits of that city or town. If a city or town is authorized to exercise that jurisdiction, the exact jurisdictional area shall be indicated on the appropriate County zone map on file in the office of the County Plan Commission.

ARTICLE 2 - DEFINITIONS

- 201 INCLUSIONS: Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is mandatory.
- 202 TERMS: For the purpose of this Ordinance the following terms shall have the meaning indicated, unless otherwise specifically state.
- 202.1 ALLEY: A permanent service way providing secondary means of access to abutting land.
- 202.2 BLOCK: Property abutting on one side of a street, and lying between the two (2) nearest intersecting or intercepting streets and railroad rights-of-way, waterways, unsubdivided areas or other definite barrier.
- 202.3 BOARD: The Board of Commissioners of the County of Whitley, State of Indiana.
- 202.4 BUILDING: Any enclosed structure, or part thereof, affixed to the land.
- 202.5 BUILDING SET-BACK LINE: A line extending across a lot establishing the minimum open space to be provided between the front lot line of buildings and the road right-of-way line.
- 202.6 CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.
- 202.7 COMMISSION: The County Plan Commission.
- 202.8 COMPREHENSIVE PLAN: The County Comprehensive Plan, on file in the Commission Office and County Auditor's Office, indicating the general locations recommended for transportation facilities, community improvements and land use.
- 202.9 CROSSWALK: A public right-of-way which crosses a block to furnish access for pedestrians in adjacent streets and properties.
- 202.10 CUL DE SAC: A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

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- 202.11 ENGINEER: The County Engineer or County Engineering Consultant.
- 202.12 EROSION AND SEDIMENTATION CONTROL PLANS: Drawings showing structures required to retard the rate of runoff water and grading and excavating practices that will prevent erosion and sedimentation.
- 202.13 HALF STREET: One side of a street divided longitudinally by a property line.
- 202.14 HEALTH BOARD: The State Board of Health, the County Board of Health, or both.
- 202.15 INSPECTOR: Authorized representatives of the County Highway Department, County Board of Health and the Commission assigned to make any of all necessary inspections of the work performed and materials furnished by the developer.
- 202.16 LOT: A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development. In determining the size of a lot, no part of a street right-of-way or crosswalk shall be included.
- 202.17 LOT DEPTH: The mean horizontal distance between the front and rear lines of a lot.
- 202.18 LOT, DOUBLE FRONTAGE: A lot, the generally opposite ends of which both abut on a street.
- 202.19 LOT WIDTH: The mean horizontal distance between the side property lines of a lot.
- 202.20 PLANTING PLANS: Drawings showing the locations, age, caliber, species, and the time of planting of any required grasses, vines, shrubs, and trees.
- 202.21 PLAT: A map, chart or drawing indicating the subdivision or re-subdivision of land, intended to be filed for record.
- 202.22 PLAT OFFICER: An authorized representative of the Commission assigned to review and check subdivision plats submitted to the Commission for approval.

202.23 STREET: A right-of-way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. A street may also be identified according to type of use as follows:

202.23 (a) Arterial Streets: Streets providing for traffic movements between traffic generating areas.

202.23 (b) Collector Streets: Streets providing connection primarily between arterial streets or arterial and local streets.

202.23 (c) Local Streets: Streets serving primarily as access to abutting properties not intended as major arteries carrying through traffic.

202.24 SUBDIVIDER: Any person who undertakes the subdivision of land. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

202.25 SUBDIVISION:

(A) Except as provided in subsection (B) below: the following shall be considered a subdivision:

(1) The division of any parcel of land shown as a unit, or as contiguous units on the last preceding transfer of property, prior to September 2, 1971, into two (2) or more parcels, sites, or lots, for the purpose, whether immediate or future, for the transfer of ownership; or:

(2) The improvement of two (2) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

ARTICLE 3 - PROCEDURE FOR SUBMISSION OF PLAT

301 GENERAL: No person proposing a subdivision shall proceed with any grading or improvements for streets or installation of public utilities until the preliminary plat of the subdivision has been approved by the Commission.

No person proposing a subdivision shall sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision, or construct or commence the final construction of any building in a subdivision until the final plat of the subdivision has been approved by the Commission and recorded in accordance with the provisions of this Ordinance.

302 ADVISORY MEETING: A person desiring approval of a subdivision plat may appear before the Commission to discuss the proposal before filing an application for primary plat approval. No fee or formal application shall be required for this meeting. Its purpose is to save the subdivider time and money. The subdivider shall be prepared to discuss the details of the proposed subdivision, including the proposed use, existing features of the area, existing covenants, land characteristics, availability of community facilities and utilities, size of development, pay areas or public areas, proposed protective covenants, proposed utilities and street improvements. The subdivider may submit a sketch plan as outlined in Section 402 of this Ordinance.

303 PRELIMINARY PLAT: After the advisory meeting, the subdivider shall submit an application for approval of a preliminary plat to the Commission.

303.1 The application shall be accompanied by the following:

303.1 (a) Four (4) copies of all maps and data as set forth in Section 403 of this Ordinance.

303.1 (b) A certified check or money order, in the amount of ten dollars (\$10.00), plus twenty-five cents, (\$.25) for each lot in the subdivision, with a minimum total charge of fifteen dollars (\$15.00) to cover the cost of checking and verifying the proposed plat.

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(B) The following shall not be considered as a subdivision:

- (1) The division or partition of land into parcels of ten (10) acres or more to be used for agricultural purposes only and not involving any new streets or easements of access, and if the sale or exchange does not create additional building sites;
- (2) The division of land into parcels of twenty (20) acres or more for any purpose;
- (3) The division of land by testamentary or intestate provisions, or division of property upon court order;
- (4) The sale or exchange of parcels between adjacent land owners that does not create additional building sites;
- (5) The division of land upon which is located a habitable residence on November 5, 1979; or
- (6) Any parcel existing on November 5, 1979.

202.26 SUBDIVISION, MINOR; A subdivision of five (5) lots or less, not involving the creating of any new street, easement, or means of access.

202.27 WATERCOURSE: Any channel, creek, ditch, drain, river or stream.

303.2 The Commission shall review the application and give it tentative approval or return the application to the subdivider with reasons for disapproval. If tentatively approved, the Commission shall send one copy of each of the maps and data sheets submitted with the application to the Plat Officer within seven (7) days after said approval.

303.3 The Plat Officer shall, within thirty (30) days, transmit any recommendations to the Commission. The Commission may grant an extension of thirty (30) days if requested by the Plat Officer, but only one (1) such extension shall be granted. Upon receipt of any recommendations, the Commission staff shall inform the applicant of the dates of the Commission meetings and shall set a hearing date. The Commission shall advertise by legal notice as set forth in Indiana Code 5-3-1-2, as amended, and shall notify by personal communication any person or agency it determines to have a probable interest in the proposed plat.

303.4 After the hearing, the Commission shall approve the plat proposed in the application subject to the receipt of an acceptable final plat as set forth in Section 404 of this Ordinance, or it shall conditionally approve or disapprove of the Plat, setting forth the conditions and their reasons and shall provide the subdivider with a copy.

303.5 For a period of two (2) years following the date of primary plat approval, the general terms and conditions under which the primary approval was granted shall not be changed.

304 FINAL PLAT: After the primary plat approval is obtained, the subdivider shall submit a final plat to the Commission within two (2) years as set forth in Section 404 of this Ordinance. If no portion of the preliminary plat as approved is submitted in final form within that two (2) year period, then the primary approval shall be considered null and void.

304.1 The final plat shall be accompanied by :

304.1 (a) Six (6) black or blue line prints and one (1) eighteen and one-half (18½) by twenty-three (23) inch reproducible print of the plat on mylar or linen.

304.1 (b) A certificate that all improvements required by this Ordinance and all other applicable County Ordinances have been installed in strict accordance with the County Standards of Construction or a guarantee that the improvements shall subsequently be installed by the owner, in the form of a bond or deposit of funds or securities in escrow that shall cover the cost of the improvements as estimated by the Engineer and approved by the Commission. The type of securities acceptable for this purpose shall be determined by the Board.

304.2 If the Commission finds that the final plat is in accordance with the requirements of this Ordinance, the Commission shall grant it secondary approval and shall affix its seal upon the plat. The President and Secretary, or other authorized members of the Commission shall endorse the plat and return it to the subdivider. If disapproved, the President shall attach to the original tracing of the final plat a statement of the reasons for that action and return it to the subdivider within seven (7) days.

305 MINOR PLAT: Owners or subdividers creating minor subdivisions shall consult with the Plat Officer. If the Plat Officer finds that the requirements of the Zoning Ordinance and the applicable sections of this Ordinance have been met, and no apparent planning problems will arise from this proposed subdivision, and the subdivider proposes to transfer title of the parcels in this proposed subdivision by means of a metes and bounds description, the Plat Officer shall approve that plat in writing and refer the subdivider to the County Department of Health for its action.

If the Plat Officer determines that any of the requirements of the Zoning Ordinance or any of the applicable sections of this Ordinance have not been met, or that planning problems may develop, that Officer shall return the application to the subdivider with suggestions for changes. The subdivider may request a hearing before the Commission as provided in Section 303.

If the subdivider desires to record a plat of the minor subdivision and if the Plat Officer has determined that the requirements of the Zoning Ordinance and the applicable provisions of this Ordinance have been met, and there are no apparent planning problems, then the Commission may sign, without public hearing, the final plat of the minor subdivision.

305 RECORDING: The subdivider shall present a copy of the approved final plat to be entered for taxation purposes to the County Recorder. Unless the plat is duly recorded within three hundred sixty (360) days from the date of secondary plat approval, the Commission approval of the plat shall expire and shall be of no effect until subsequently reinstated.

401 GENERAL: In a subdivision for residential use of five (5) lots or less, and where the lots abut existing public roads and utilities, the Commission may waive data requirements such as topographic, street and utility information if the Commission deems that information unnecessary.

402 SKETCH PLAN: The subdivider may prepare a sketch plan to present to the Commission at the advisory meeting. This plan may be drawn as a freehand pencil sketch and does not require precise dimensions or any special sheet size. This sketch plan may be used to show the Commission the location, proposed street and lot layout, and other significant features of the proposed subdivision.

403 PRELIMINARY PLAT: The following maps and data shall be submitted with the application for primary plat approval. These maps and data may be on separate sheets or combined on one sheet, depending on the size and complexity of the proposed subdivision.

403.1 A location map of the proposed subdivision showing:

403.11 location within the County;

403.12 zoning of the tract and adjacent properties; and

403.13 existing related streets including the distances therefrom.

403.2 A site plan of the proposed subdivision and all lands within one hundred (100) feet of its boundaries showing:

403.21 contours of the site at vertical intervals of two (2) feet if the general slope is less than ten (10) percent, and at intervals of five (5) feet if the general slope is greater than ten (10) percent;

403.22 character and location of natural or artificial features existing on the land which would affect the design of the subdivision, such as wooded areas, streams, direction and gradient of ground slope, embankments, retaining walls, buildings, or non-residential useage of land;

403.23 names of owners of propertites adjacent to the subdivision;

403.24 existing and proposed streets and rights-of-way, including dedicated widths; roadway widths; approximate gradients; types and widths of pavements; curbs and side-walks;

403.25 existing and proposed easements, including widths and purposes;

403.26 utilities, including the size, capacity and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, and power lines;

403.27 areas subject to periodic overflow of flood or storm waters;

403.28 subsurface conditions, including information about ground water levels and stability of subsoils;

403.29 tract boundary lines by calculated distances and bearings;

403.30 title, graphic scale, north point and date.

403.3 A subdivision plat of the proposed subdivision drawn at a scale no smaller than one hundred (100) feet to one (1) inch showing:

403.31 subdivision name;

403.32 names and addresses of the owner, subdivider, and the persons who prepared the plan;

403.33 street pattern, including the names, which shall not duplicate existing streets in the County unless it is an extension of an existing street, widths of rights-of-way of streets, widths of easements for alleys, and approximate grades of streets;

403.34 layout of lots, including dimensions, numbers, building setback lines or front yard lines;

403.35 parcels of land to be dedicated or reserved for schools, parks, playgrounds or other public or community use, and ;

403.36 key plan, legend, notes, graphic scale, north point and date.

403.4 Engineering plans for the proposed subdivision showing:

403.41 profiles, cross-sections and specifications for proposed street improvements:

403.42 profiles and other explanatory data concerning installation of water distribution systems, storm sewers, and sanitary sewers;

403.43 a letter or report on the feasibility of connection to an existing sewerage system, including distances to the nearest public sewer, service load of the subdivision and capacity of the treatment plant;

403.44 if connection to a public sewerage system is not feasible, a letter or report on the feasibility of a separate sewerage system and treatment works for the subdivision, including the design population, type and location of the treatment plant and the receiving station;

403.45 if connection to a public or a private sewerage system is not feasible, a letter or report on the feasibility of on-lot sewerage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, water courses, ground water table elevations, and the results of soil percolation tests for each individual lot conducted in accordance with the recommended practices of the Board of Health.

403.5 Restrictions: A draft of the protective covenants of private restrictions to be adopted in the final subdivision plat.

404 FINAL PLAT: The final plat shall be drawn at a scale no smaller than one hundred (100) feet to one (1) inch. The final plat shall show:

404.1 Subdivision name, names and addresses of owner and subdivider, source of title of land as shown by the records of the County Recorder, graphic scale, north point, date, certificate of approval of the Commission;

404.2 Survey data with certification by a registered professional engineer or land surveyor, showing:

404.21 calculated and actual measurable distances and bearings of the subdivision boundaries, lots, utility easements, streets, alleys, building setback lines, and parcels of reserved or dedicated land for community purposes;

404.22 location and distances to the nearest established street corners or official monuments, and of the streets intersecting the boundaries of the subdivision;

404.23 location, type, material and size of monuments;

404.24 complete curve data; and

404.25 lot numbers and street names

404.3 Notations as to whether improvements are dedicated or not.

404.4 Soil and Water Conservation: The Commission, upon determining from a review of the preliminary plat by the representatives assisting the County Soil and Water Conservation District that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earth moving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdividers to provide soil erosion and sedimentation control plans and specifications prepared by a registered professional engineer or an architect, or by using the Standards and Specifications for soil erosion adopted by the United States Soil Conservation Service.

ARTICLE 5 - DESIGN STANDARDS

- 501 GENERAL: The Commission shall not approve any plat unless the land to be subdivided is in accordance with the Comprehensive Plan objectives and that conditions are created favorable to the health, safety, convenience, and harmonious development of the County.
- 502 NATURAL FEATURES: Earth movements, such as grading, topsoil removal, mineral extraction, stream course changing road cutting, waterway construction, or enlargement, removal or stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning shall be conducted to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography.

502.1 In subdivisions where earth movements are necessary, the subdivider shall stockpile the top six (6) inches of earth to be removed. When the rough grade is completed, the topsoil shall be redistributed across the proposed lots, making it easier to establish lawns and landscaping features. Topsoils shall not be used for subsurface filling.

502.2 Existing Flora. The subdivider shall protect and retain all existing trees; shrubbery, vines, and grasses not actually lying in public roadways, drainage-ways, building foundation sites, private driveways, soil absorption, waste disposal areas, paths, and trails.

These trees shall be protected and preserved during construction in accordance with the conservation practices recommended by the United States Department of Agriculture in "Agricultural Information Bulletin No. 285, Protecting Trees Against Damage From Construction Work, United States Government Printing Office, 1964, as amended. Two (2) copies of this document are incorporated by reference into this Ordinance and shall be on file in the office of the County Soil and Water Conservation District Office and in the office of the County Auditor for public inspection. These trees are to be preserved by well islands or retaining walls whenever abutting grades are altered.

502.3 Tree cutting and shrubbery clearing shall be conducted to prevent erosion and sedimentation and to preserve and improve scenic qualities.

Review of cutting, clearing, and earth movement may be requested of the County Soil and Water Conservation District Supervisors, the State Department of Natural Resources, and the State Stream Pollution Control Board by the Commission as it deems appropriate.

502.4 Temporary vegetation and mulching shall be used to protect critical areas. Permanent vegetation shall be installed as soon as practicable.

502.5 Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

502.6 Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

503. STREETS: The Commission shall not approve any plat unless all streets shown thereon are of sufficient width and proper grade, and located to accommodate the probable volume of traffic thereon, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets conforming to the County Thoroughfare Plan.

503.1 Local streets shall be planned to discourage through traffic.

503.2 Whenever a dedicated or platted portion of a street or alley exists along a boundary of the tract being subdivided, the remainder of that street or alley shall be platted to the prescribed width within the proposed subdivision.

503.3 Half streets shall not be provided, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this Ordinance, or where necessary to acquire the remaining half by condemnation for improvement in the public interest.

503.4 Cul-de-sacs shall not be longer than five hundred (500) feet, including a turn around which shall be provided at the closed end with an outside curb radius of at least forty (40) feet and a right-of-way radius of not less than fifty (50) feet. The maximum grade of the turn around portion of the cul-de-sac shall be five (5) percent.

503.5 Alleys shall not be permitted in residential districts, but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes.

503.6 The minimum distance between center lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be one hundred twenty-five (125) feet unless it is an in-line cross street intersection.

503.7 No intersections of more than two (2) streets at one point shall be permitted.

503.8 Temporary dead-end streets may be permitted where the preliminary plat shows that the street shall be extended to conform to the provisions of this Ordinance and/or to provide access to adjacent property where deemed necessary by the Commission to provided for adequate flow of future traffic. However, the length of that dead-end shall not be greater than four hundred twenty (420) feet. A circular right-of-way in excess of the required street right-of-way at the terminus of the temporary dead-end street shall not be required.

503.9 Right-of-way requirements may be increased where anticipated traffic flow warrants, or if drainage easements should reasonably parallel these thoroughfares. Any increased width shall be required by the Commission upon the advice of the Engineer.

503.10 Except where in conflict with the provisions of this Ordinance, all public streets in the County shall be constructed in conformity with the standards adopted by the Board of County Commissioners on December 23, 1974, and as subsequently amended. Minimum right-of-way widths, paving widths, angle of intersection, curb radius, distance along sides of right triangles, horizontal alignments, vertical alignments, and maximum grades shall be in accordance with the following table:

	Arterial Streets	Collector Streets	Local Streets	Cul-de- sacs	Cross Walks	Alleys
Right-Of-Way Width (in feet)	70	60	50	40	12	30
Paving Width (in feet)	42	24	24	24	10	10
Maximum Grade (percentage)	7.5	12	14	14	--	14
Minimum Angle for Intersection (degrees)	90	80	70	70	---	70
Minimum Curb Radius (in feet)	35	25	15	15	--	5
Grades for 25 ft Before Intersection (Percentage)	3	3	3	3	---	3
Site Triangles (Distance along side of)						
Through Street:	500	500	250	250	---	50
Stop Street:	30	30	25	25	--	20
Horizontal Align- ment (Minimum Radii of Center Line, in feet)	600	400	200	100	--	100
Vertical Curves (Minimum Sight Distance, in feet)	500	350	200	100	--	100

504 BLOCKS: Blocks shall not exceed one thousand (1,000) feet in length. If it is necessary for blocks to exceed this length, pedestrian ways, easements, or both may be required near the center of the block.

505 LOTS: The lot and yard sizes shall conform with the requirements of the Zoning Ordinance. The lots shall be designed in accordance with the following design standards:

505.1 Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private vehicle purposes and shall be served by a public or private street system, imposed in accordance with this Ordinance and connected to the general public street system.

505.2 Side lines of lots shall be approximately at right angles to straight streets and on radial lines on curved streets whenever feasible. Pointed or very irregular lots shall be avoided unless these variations improve the overall neighborhood design.

505.3 Double frontage lots shall be avoided unless the subdivision is adjacent to a platted road and then the Commission may require the frontage lots to back onto that road. Corner lots shall not fall within this category.

505.4 If a tract is subdivided into larger than required building lots and there is no covenant preventing re-subdivision of the lots, these lots or parcels shall be arranged to permit a logical location and opening of future streets and re-subdividing with provision for adequate utility connections.

506 EASEMENTS:

Where alleys are not provided, easements for utilities shall be platted. These easements shall have a minimum width of twenty (20) feet, and where located along interior lot lines, one-half ($\frac{1}{2}$) of the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with utility companies to assure the proper placing for the installation of services.

506.1 Guy line easements shall be provided as prescribed by the utility companies.

506.2 Where a subdivision is traversed by a water course, a storm water easement or drainage right-of-way shall be provided as specified by the State Drainage Code (Indiana Code 36-9-27).

506.3 Paths and trails shall not exceed fifteen (15) feet in width and shall be designed and constructed to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.

506.4 All utility easements as dedicated on the face of the plat shall be kept free of all permanent structures. The removal of any obstructions such as structures, trees, shrubbery, fences, or any installation thereon, whether temporary or permanent, by a utility company, shall in no way obligate the utility company in damages, or to restore the obstruction to its original form.

507 WATER AND SEWER SYSTEM: The water supply and sewage disposal systems for subdivision shall meet the design standards and requirements of the Board of Health.

508 PLANNED UNIT DEVELOPMENT: The design standards of this Ordinance may be modified by the Commission in the case of a plan utilizing an unusual concept of development which meets the requirements of this section. The planned unit development provision is intended to encourage original and imaginative subdivision design which preserves the natural amenities of the site and provides for the general welfare of the County.

508.1 The unit plan shall be consistent with the spirit and intent of this Ordinance;

508.2 The unit plan shall conform to the "Planned Residential, Commercial and Industrial Projects" requirements of the Zoning Ordinance;

508.3 The area of land to be developed shall not be less than five (5) acres; and

508.4 Properties adjacent to the unit plan shall not be adversely affected.

ARTICLE 6 - IMPROVEMENTS

601 GENERAL: All of the required improvements specified in this article shall be constructed in accordance with the County Standards for Construction and all other applicable County and State regulations.

602 MONUMENTS AND MARKERS: Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners.

602.1 All monuments and markers shall be set flush with the proposed finished grade.

603 STREETS: The streets shall be graded to the grades and dimensions shown on plans and profiles as approved by the Commission and shall include the following improvements:

603.1 Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage at all points along the streets.

603.2 All improvements shall be installed to meet all applicable County specifications. In addition to the requirements for streets set forth in Section 503 of this Ordinance, all subdividers shall construct streets in compliance with the standards adopted by the Board on December 23, 1974, as amended. Two (2) copies of these standards are on file in the office of the County Auditor for public inspection, and are incorporated by reference into this Ordinance.

604 STORM DRAINAGE: The construction of a storm drainage system shall conform to the State Drainage Code (Indiana Code 36-9-27) and shall meet the following requirements:

604.1 Drainage ditches or channels shall have a minimum gradient of one (1) percent; and

604.2 Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water. Where the Commission determines that conditions warrant, settlement depressions shall be required to prevent erosion wash from damaging adjacent property or accumulation on street surfaces.

605 EROSION CONTROL: The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented in accordance with plans and specifications and within the time periods approved by the Commission.

605.1 Sod, if required, shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of the drainage.

605.2 Shoreland drainage facilities shall, if required by the Commission, include water retention structures and settling basins to prevent erosion and sedimentation where these facilities discharge directly into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Commission.

606 WATER SUPPLY: Where a public water supply is available, the subdivider shall connect to that public water supply and construct a system of water mains with a connection for each lot.

601. 1 If a private water supply is permitted, individual wells shall be installed in accord with Board of Health rules and regulations.

607 SEWERS: If a public sewer system is available, the subdivider shall connect to that system and construct a system of mains with a tap for each lot.

607.1 A State approved community sewage disposal system serving the entire subdivision may be permitted.

607.2 If the soils and land area permit, a County approved sewage disposal system on individual lots may be permitted.

(36-7-4-700)

SUBDIVISION CONTROL

- 608 UTILITIES: All trenches crossing street rights-of-way shall be properly back filled and compacted.
- 609 STREET SIGNS: Street name signs of a type adopted or approved by the Board shall be installed at each street intersection by the subdivider, at a location specified by the County Highway Department.

ARTICLE 7 - ADMINISTRATION

- 701 INSPECTION: When the plans of streets and other improvements have been approved as provided in this Ordinance, the subdivider shall first notify the Inspector of his or her intent to proceed with the construction or installation of those streets and improvements. The subdivider shall notify the Inspector at least twenty-four (24) hours before any such construction or installation shall commence to give County officials an opportunity to inspect the site prior to commencement of work and to inspect installation and construction of those streets and improvements during the course of the work being performed.
- 702 ACCEPTANCE: After streets and improvements have been installed and constructed pursuant to the requirements contained in this Ordinance, and if the subdivider desires to have the County accept those streets or improvements, the subdivider shall notify the proper County officials that the construction or installation has been completed, and shall supply the Board with a copy of the as-built plan on which that street or improvement has been constructed or installed. The plan shall clearly designate the number of lineal feet of the street or improvement which the subdivider desires to be accepted by the County.
- 703 APPEALS: Any decision or requirement of the Commission made under the authority of this Ordinance is subject to the right of appeal and review by certiorari.
- 704 PENALTIES: Any person who violates any provision of this Ordinance shall be guilty of an ordinance violation and, upon conviction, shall be fined not more than three hundred dollars (\$300.00). Each day a violation occurs or continues, constitutes a separate offense.
- 705 NUISANCE: The erection, construction, enlargement, conversion, moving or maintenance of any structure of the use of land contrary to any provision of this Ordinance is a nuisance and constitutes a violation of this Ordinance. The Commission may institute a suit for injunction in the County Circuit Court to restrain any person or governmental unit from violating any provision of this Ordinance and to cause that violation to be prevented, abated, or removed. The action may also be instituted by any property owner who may be damaged by the violation of any provision of this Ordinance.

(36-7-4-700)

SUBDIVISION CONTROL

706 CUMULATIVE REMEDIES: The remedies provided for in this Article shall be cumulative and not exclusive, but in addition to any other remedies provided by law.

ARTICLE 8 - IMPLEMENTARY PROVISIONS

801 IMPLEMENTATION: Any subdivision or plat which has received final or secondary approval by the Board prior to September 7, 1971, shall be considered an approved final subdivision. If the approved final subdivision plat is not recorded by August 29, 1972, that final subdivision plat approval shall be null and void. If a plat is invalid, that plat shall not be developed unless it is resubmitted as a preliminary plat meeting all the requirements of this Ordinance.

Statutory History:

Res. of Dec. 20, 1965, "X" MB 347; Order of May 6, 1970, "X" MB 493; Order of Mar. 2, 1971, "X-1" MB 15; Ord. P2-1971, adopted Sep. 7, 1971, "X-1" MB _____; Order of Dec. 23, 1974, "X-1" MB 137; Ord. 0-79-7, adopted Dec. 17, 1979, "X-1" MB 266; Ord. 0-80-1, adopted May 5, 1980, "X-1" MB 273.

Parallel Citation:

IC 36-7-4-700. (Subdivision Control Ordinances).

Codifier's Note:

Ordinance P2-1971 provided:

"Subdivision Control Ordinance

* * *

An Ordinance regulating the subdivision of land for the purpose of sale or building development: defining terms; providing regulations, requirements and design standards; prescribing procedures for the presentation, approval and recording of plats, setting fees; and prescribing penalties for violations...

* * *

This Ordinance shall take effect upon its passage (approval by the Board of County Commissioners)."