# **Bartholomew County, Indiana Subdivision Control Ordinance**

Bartholomew County Code: Chapter 8: Zoning & Planning Article 1: Subdivision Control

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# CHAPTER 8 ZONING AND PLANNING

## ARTICLE 1. SUBDIVISION CONTROL.1

#### Division 1. General Provisions.<sup>2</sup>

#### Sec. 8-1 Authority.

This Article is adopted pursuant to **I.C.**, **36-7-4-700**, **SUBDIVISION CONTROL**, and any amendments thereto. In accordance with the provisions of said statute, the Bartholomew County Plan Commission (hereinafter called "Commission") has exclusive control over the approval of plats and re-plats involving unincorporated land within the County. (Ord. No. 1986-7, § 8-1-1-1, 10-21-86)

#### Sec. 8-2 Purpose.

This Article is adopted for the following purposes:

- (a) To protect and provide for the public health, safety, and general welfare of the County.
- (b) To guide the future development of the County in accordance with the Comprehensive Plan and any related policies.
- (c) To provide for the safety, comfort, and soundness of the built environment and related open spaces.
- (d) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
- (e) To insure that adequate public facilities will be provided in conjunction with new development.
- (f) To supply proper land boundary records.
  - (1) To provide for the survey, documentation, and permanent monumentation of land boundaries of property.
  - (2) To provide for identification of property.
  - (3) To provide public access to land boundary records. (Ord. No. 1986-7, § 8-1-1-2, 10-21-86)

<sup>&</sup>lt;sup>1</sup>I.C., 36-7-2-2, authorizes the planning and regulation of real property by platting or subdividing.

<sup>&</sup>lt;sup>2</sup>I.C., 36-7-4-700, is the enabling legislation in this area.

#### Sec. 8-3 Code Compliance Required.

All land subdivided or platted under the terms of this Article shall comply with the minimum standards prescribed in the zoning ordinance of current adoption. The Commission shall not have the authority to approve any subdivision which does not comply with said Article. For subdivisions of land within the zoning jurisdiction of another unit of government, the zoning laws of the unit having such jurisdiction shall apply. (Ord. No. 1986-7, § 8 -1-1-3,10-21-86)

#### Sec. 8-4 Minimum Standards.

The standards contained in this Article and in the zoning ordinance are minimum standards. In any case where another Article contains stricter or more stringent standards than those contained in this Article, the stricter standards shall apply. The Commission may require stricter standards when, in the opinion of the Commission, those stricter standards are needed to fulfill the intent and purpose of this Article. (Ord. No. 1986-7, §8 -1-1-4, 10-21-86)

#### Sec. 8-5 Compliance Required for Permit Issuance.

No building permit, improvement location permit, or certificate of occupancy shall be issued for, nor any improvements be commenced upon, any parcel of land which was created by subdivision after the effective date of and not in conformity with the provisions of this Article. No land shall be sold, leased, or offered for sale or lease unless such is in conformity with the provisions of this Article. No road shall be laid out or constructed unless it is consistent with the Bartholomew County Thoroughfare Plan and/or has been approved by the Commission as part of a subdivision. (Ord. No. 1986-7, §8-1-1-5, 10-21-86)

#### Sec. 8-6 through Sec. 8-25 Reserved for Future Use.

#### **Division II. Definitions,**

#### Sec. 8-26 Definitions in General.

- (a) For the purpose of this Article, the following words and phrases, unless a contrary meaning is specifically prescribed, shall have the meaning set forth below. Any term not defined herein which is included in the definitions in the zoning ordinance of current adoption shall have the meaning set forth in said Article.
- (b) Words used in the present tense include the future tense; the singular includes the plural, and the plural includes the singular.
- (c) The word may is Permissive shall is mandatory.
- (d) Words not defined in this Article or zoning ordinance shall be construed to have their customary meanings. (Ord. No. 1986-7, §8-1 -2-1, 10-21-86)

#### Sec. 8-27 Specific Definitions

ACCESS EASEMENT. A private way which provides access to lots, tracts or parcels of land and which meets the minimum standards set forth in this Article.

ADMINISTRATIVE SUBDIVISION. See "SUBDIVISION, ADMINISTRATIVE."

AGRICULTURAL SUBDIVISION. See "SUBDIVISION, AGRICULTURAL."

ALLEY. A public or private way primarily designed to provide secondary access to the side or rear of those properties, which have principal frontage, and/or access on a street.

APPLICANT. The owner(s) of land proposed to be subdivided or designated representatives thereof.

BLOCK. Property abutting on one side of a street, and lying between the two nearest interesting or intercepting streets, or between the nearest intersection of intercepting street and railroad right-of-way, waterway or other definite barrier.

BOARD. The Board of Commissioners of Bartholomew County.

BUILDING SETBACK LINE. The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

COMMERCIAL OR INDUSTRIAL SUBDIVISION. Any subdivision of land involving land which is zoned or intended to be used for commercial, industrial, or multifamily purposes as defined in the Zoning Ordinance.

COMMISSION. The Bartholomew County Plan Commission.

COMPREHENSIVE PLAN. The complete plan or any element thereof for Bartholomew County which has been adopted pursuant to the Indiana Code.

CONSTRUCTION PLANS OR DRAWINGS. Any maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this Article as a condition of the approval of the plat.

COUNTY. Bartholomew County, Indiana.

COUNTY DRAINAGE BOARD. The Bartholomew County Drainage Board.

COUNTY ENGINEER. The Bartholornew County Highway Engineer.

COUNTY HEALTH DEPARTMENT. The Bartholomew County Health Department

COUNTY SURVEYOR. The Bartholomew County Surveyor.

COVENANT. A restriction placed on the development of land through a written, recorded document.

DEPARTMENT. The Columbus/Bartholomew Planning Department or any agency officially designated as a successor thereto.

DRAINAGE SWALE. A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

DRAINAGE SYSTEM. Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of this Article.

EASEMENT. A grant by a property owner for the use by another of any designated part of his property for a clearly specific purpose.

EROSION CONTROL HANDBOOK. A handbook adopted by the Commission detailing erosion control methods.

FLOOD PLAIN. Any flood plain, floodway, floodway fringe district or combination thereof as illustrated on the Flood Boundary and Floodway Maps as prepared by the Federal Insurance Administration.

#### FLOOD PROTECTION GRADE.

- (a) For residential buildings, the elevation of the lowest floor of a building or structure. If a building contains a basement, the basement is considered the lowest floor.
- (b) For commercial and industrial buildings, the water surface elevation for which the building is protected according to the standards and specifications established by the Federal Emergency Management Agency.

FLOODWAY. Any area designated as "floodway" on the Flood Boundary and Floodway Maps of current adoption.

FLOODWAY FRINGE. Any area designated as "floodway fringe" on the Flood Boundary and Floodway Maps of current adoption.

FLOOD ZONE A. Any area designated as "Zone A" on the Flood Insurance Rate Maps of current adoption.

FRONTAGE. The width of a lot measured along a straight line connecting the side lot lines at points where said side lot lines intersect the right-of-way line of a public or private street from which such lot has legal access. For purposed of determining compliance with minimum frontage requirements, the frontage shall be continuous on a single street.

GRADING. Any stripping, cutting, filling, stockpiling or any combination thereof and shall include the land in its cut or filled condition.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A sewage disposal system for a single parcel or structure, usually but not necessarily a septic tank filter field.

INTERESTED PARTIES. Those parties who are to be notified by mail of a public hearing on a proposed subdivision of land. For purposes of this Article, interested parties shall be those parties so defined in the Plan Commission Rules of Procedure.

LEGAL ACCESS. A platted access easement or the minimum required frontage on a street.

LEGAL DESCRIPTION. A description recognized by law which definitely describes property by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

LEGAL DRAIN. Any drainage system consisting of an open drain, a tiled drain, or any-combination of the two, that is under the jurisdiction of the County drainage board as provided by **I.C. 36-9-27**.

LOCATION MAP. A map showing the location of the property proposed to be subdivided. Such map shall show the closest cross streets in all directions.

LOT. A tract, plot, or portion of a subdivision or any other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

MAJOR SUBDIVISION. See "SUBDIVISION, MAJOR."

MARKER OR MONUMENT. A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

MINOR SUBDIVSION. See "SUBDIVISION, MINOR."

OFF-SITE. Any premises not located within the area of the property to be subdivided, whether or not such premises are in the same ownership as the property to be subdivided.

OVERSIZED IMPROVEMENTS. Improvements required by the Commission, which are in excess of those needed for the subdivision under review. These include but are not limited to increased pavement width, oversized culverts or drainage swales, and oversized retention ponds. When such improvements are required, the County shall pay the difference between the cost of improvements necessary for the subdivision and the cost of the actual required improvement.

OWNER. Any person, firm, corporation, or other legal entity listed in the records of the county auditor having title to land sought to be subdivided under these regulations. For purposes of this Article, any land, which is involved in a contract purchase, may be subdivided only if both the contract seller and the contract purchaser sign the application for such subdivision.

PARENT TRACT. The land from which the new lot or tract of land is being taken from as recorded in the Recorder's Office at the time of adoption of this or appropriate previous Ordinance or amendment.

PARENT TRACT REMAINDER. That portion of the parent tract that remains as the result of a subdivision by which new lots or tracts are created. The parent tract remainder retains the original parent tract's status as a "buildable" parcel without being platted. The label "lot" shall not be applied to the parent tract remainder on any plat unless it has been surveyed, monumented, verified as having acceptable means of sewage disposal, and otherwise reviewed and found to comply with the requirements of this Ordinance to the same extent as new "lots" that are created. (Revised per Ord, 5, 2010 (7.19.10))

PERSON. Includes a corporation, firm, partnership, association, organization or any other group that acts as a unit or legal entity.

PLAT. The map, drawing, or plan described in this Article of a subdivision and any accompanying material submitted to the Commission or Department for approval, and which, if signed by the designated officials may be submitted to the County recorder for recording. (Ord. No. 1986-7, S B-1 -2-2, 10-21-86)

PLAT COMMITTEE. The Bartholomew County Plat Committee. The Plat Committee, appointed by the Plan Commission, (See Rules of Procedure) may hear subdivision proposals which do not involve the opening of a new public way and that complies in all other respects with the Subdivision Control Ordinance and the Zoning Ordinance of current adoption. (Ord. No. 1994-02, S 8-1-22 (1-24-94))

PLAT, FINAL. A plat submitted to the Department for secondary approval, and which, if signed by the designated official and affixed with the Commission seal, may be submitted to the County recorder for recording.

PLAT, PRELIMINARY. A plat submitted to the Commission for primary approval.

POSITIONAL TOLERANCE. The maximum distance that any point/monument of the survey may be mislocated with respect to any other point/monument as opposed to its theoretical location, by state-of-the-art equipment, given the location of any one point/monument and the determination of the meridian used for the survey. It represents the radius in feet from the theoretically correct point.

PRIMARY APPROVAL. An approval (or approval with conditions) granted to a subdivision by the Commission indicating that it has determined after a public hearing that the subdivision complies with the standards prescribed in this Article.

RESUBDIVISION OR REPLAT. Any change in a recorded plat which does not result in the creation of additional lots. Such changes include but are not limited to street layout, lot layout, addition or removal of easements for utilities, drainage, or legal access to abutting property, setback lines, or any text recorded as part of the plat.

RIGHT-OF-WAY. A strip of land, other than an easement, occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, drainage swale, or for another special use. The boundaries of such rights-of-way are considered to be the lot lines of adjoining property from which setback distances are measured.

SECONDARY APPROVAL. An approval by the official designated by the Commission indicating that all conditions of primary approval have been met.

SECTION CORNER. A corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

STREET. A right-of-way dedicated or otherwise legally established which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name. A street also is classified according to function as defined in the Official Thoroughfare Plan.

<u>Cul-De-Sac Street.</u> A local road with only one outlet, having a paved, circular turnaround area at the closed end.

<u>Private Streets</u>. Streets which serve the same function as local streets but which are not dedicated to nor maintained by any unit of government. Any such streets constructed after the effective date of this amendment shall be required to be constructed in accordance with the standards set forth in this Article.

SUBDIVIDER. See "APPLICANT."

SUBDIVISION. The division of a parcel of land into two or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development. It also includes re-subdivision and the grant of an easement which is needed to provide legal access to any property under the terms of this Article. (Ord. No. 1986-7, §8-1-2-2, 10-21-86)

SUBDIVISION, ADMINSTRATIVE. Administrative subdivisions include one (1) or more of the following:

- (1) A re-subdivision which involves only the removal of interior lot lines, with the of the property remaining unchanged, resulting in fewer parcels than were contained in the original parcel;
- (2) A re-subdivision which involves only the removal or relocation of easements on the property;
- (3) A re-subdivision which involves only the changing of notations written on the plat or correction of errors thereon;
- (4) A division of land pursuant to an allocation of land by court decree;
- (5) The division of land into cemetery plots;
- (6) A re-subdivision to correct errors in an existing legal description, provided that no additional building lots are created;
- (7) A division of land involving no more than four (4) parcels for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites are created; (Ord. No. 1986-7, 6 8-1-2-2, 10-21-86; Ord. No. 1987-01 § I (i), 1-26-87)
- (8) A division of a building site containing an existing dwelling which has been located on the site for at least three (3) years from an agricultural parent tract; (Ord. No. 1987- 01, § 1, 1-26-87)
- (9) A division or re-subdivision of land for the acquisition by the public or by a utility for street right-of-way or easement. (Ord. No. 1986-7, § 8-1-2-2, 10-21-86; Ord. No. 1987-01, §1, (i), 1-26-87)

SUBDIVISION, AGRICULTURAL. A subdivision of land into two or more parcels which meets the following criteria:

- (1) All parcels, including the parent tract have legal access; and
- (2) The land is being divided for agricultural purposes and not for the purpose, whether immediate or future, of use, building development, or other improvement for residential, commercial, industrial, recreational, or other non-agricultural purpose; and
- (3) Is at least twenty (20) acres in size; and
- (4) Contains at least seventy-five (75%) percent Class I or Class II soils as shown in and defined by the soil Survey of Bartholomew County; or
- (5) At least seventy-five (75%) percent of the land is planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years; or
- (6) At least seventy-five (75%) percent of the land is planted with ornamental plants or trees for sale for use in landscaping; or

- (7) Has at least seventy-five (75%) percent of its area planted with trees of the species Pinus, Picea, or Abies, (pine, spruce, or fir) grown for the purpose of sale as Christmas trees; or
- (8) Which has been used in three of the last five years for the cultivation and harvesting of crops, grazing by livestock, production of dairy products, the raising of poultry and production of eggs, or the raising of livestock.

SUBDIVISION, BENCHMARK. A permanent monument of known elevation, tied to the U.S.G.S. Benchmark System, installed at ground level. (Ord. No. 1986-7, §8-1-2-2, 10-21-86)

SUBDIVISION IMPROVEMENT AGREEMENT. A document which establishes the contractual relationship between the developer of a subdivision and Bartholomew County for the installation of improvements in accordance with the standards and specifications set forth in this Article. (Ord. No. 1990-01, § 8-1-2-2, 1-8-90)

SUBDIVISION, MAJOR. Any subdivision of land which involves the construction or extension of public or private streets or which, under the standards set forth in this Article, involves substantial improvement or realignment of any existing County road.

SUBDIVISION, MINOR. A subdivision of land which results in the creation of any new lot or the reconfiguration of existing lots and which does not involve the construction or extension of public or private street or utilities, or, under the standards set forth in this Article, involves substantial improvement or realignment of any existing County road. To qualify as a minor subdivision the proposal must meet all of the conditions set forth in Chapter 4 of this Article.

SUBDIVISION REVIEW COMMITTEE. The permanent committee of the Commission designated in the Commission's *Rules of Procedure*.

SUBSURFACE DRAINAGE. A system of pipes, tile, conduit or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.

SURFACE DRAINAGE. A system by which the storm water run-off is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways, yards, etc. so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

THOROUGHFARE PLAN (OFFICIAL). The part of the comprehensive plan, now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification and classification of existing and proposed public streets, highways and other thoroughfares.

WITNESS MONUMENT/MARKER. A marker or monument that is set as a reference to the actual corner when it is not possible or practical to set actual corner. (Ord. No. 1986-7, §8-1-2-2, 10-21-86)

Sec. 8-28 Reserved for Future Use.

#### Division III. Administrative and Agricultural Subdivisions,

#### Sec. 8-29 Administrative Subdivisions.

- (a) General. Administrative subdivisions are subject only to a certification by the official designated in **Section 8-127** that such subdivision is within one (1) of the categories included in the definition of "SUBDIVISION, ADMINISTRATIVE," in **Division II** of this Article. Re-plats which meet the conditions of administrative subdivisions also may be considered under the terms of this Article.
- (b) <u>Filing Fee.</u> A request for Department review of a subdivision shall be accompanied by the filing fee as established by the Commission.
- (c) <u>Submission Materials</u>. The following materials shall be submitted by an applicant for approval of an administrative subdivision:
  - (1) Application signed by the owner(s) of record of all property involved in the subdivision.
  - (2) A drawing prepared in accordance with all applicable standards set forth in Section 8-103 of this Article showing the property involved in the subdivision, indicating the area of each lot or parcel in acres (for parcels larger than 20,000 square feet in area) or square feet and indicating the configuration of the property and any easements thereon before and after the proposed administrative subdivision. This drawing is not required for those applications covered by subsections 5, 6, 8, 9c, 10 and II.
  - (3) Approval certificates. See **Division X.**
  - (4) For removal of interior lot lines, a legal description of the property and the new lot number(s).
  - (5) For removal of platted easements, signed and notarized letters of approval of the proposed action by all utilities having an interest in such easements, and in the case of drainage easements, any neighboring property owners affected by such easements. A notation shall be placed on the plat indicating that the easement has been vacated.
  - (6) For changes in the notations on a previously approved plat, an explanation of the reason(s) for the changes. If the Department finds that such changes have a significant effect on the subdivision as approved by the Commission, the Department may require such change to be decided by the Commission.
  - (7) For division of land into cemetery plots, a plat of the cemetery showing the layout of the cemetery including private drives, parking areas, and the sizes of burial lots. Such plat shall comply with the requirements of **I.C.**, 23-14-8 and any amendments thereto.
  - (8) For divisions by court decree, a copy of the decree showing by legal description how the land is to be divided.

- (9) a. For sale or exchange of adjoining land where one (1) or more of the affected parcels is platted, a legal description and indication on the drawing of the tract to be divided and the tract to be added and certification by a registered land surveyor that monuments have been or will be set to indicate the relocated property lines. If the land involved in the subdivision has not been monumented, no monumentation is required.
  - b. For sale or exchange of adjoining unplatted land, a legal description and indication on the drawing of the tract to be divided and the tract to be added.
  - c. For subdivision where the purpose is to resolve a boundary dispute or to establish a mutually agreed upon boundary line, an affidavit signed by all affected property owners stating the purpose of the subdivision.
  - d. At the time that an administrative subdivision as defined in Section 8-27 "SUBDIVISION, ADMINISTRATIVE" is submitted for secondary approval, the submission shall include quitclaim or warranty deed(s) containing the legal description for each parcel of property for which ownership is transferred within and by said administrative subdivision.
- (10) For corrections of legal descriptions, an affidavit signed by the affected owners stating that the description was in error and a corrected legal description. Such correction shall be recorded, and an appropriate notation shall be placed on the recorded plat.
- (11) For dedication or granting of easements for purposes other than access, a legal description. Such easements shall be recorded, and an appropriate notation shall be placed on the recorded plat.
- (12) For dedication of right-of-way or access easements, a legal description and a plat showing the parcels and the location of the right-of-way or easement. In addition, for right-of-way dedication, certification by a registered land surveyor that monuments will be set indicating the relocated property lines.
- (13) For division of a building site containing an existing dwelling from an agricultural parent tract, evidence that the dwelling has been on the site for at least three (3) years, and a survey by a registered land surveyor meeting the minimum standards contained in **Section 8-104** and monumentation as required in **Section 8-105**.

#### (d) Review Procedure. See Division XII.

#### (e) Length of Approval.

- (1) The approved administrative subdivision shall be recorded in the County Recorder's Office within 120 days of certification by the Department. Any such subdivision and certification not recorded within that period shall become null and void.
- (2) The approved administrative subdivision and any deed as required by **Section 8-29** (C)(9)(c) shall be recorded concurrently in the County Recorder's Office within 120 days of certification by the Department. Any such subdivision, deed(s) and certification not recorded within that period shall become null and void. (Ord. No. 1991-15, § 1, 12-30-91)

### Sec. 8-30 Agricultural Subdivisions.<sup>3</sup>

(a) General. Agricultural subdivisions are subject only to certification by the Department that all property involved in the subdivision meets the criteria contained in the definition of "SUBDIVISION, AGRICULTURAL" in Division II of this Article. (Ord. No. 1986-7, 58-1-3-2, 10-21-86)

With the exceptions listed below, land subdivided under the terms of this Section shall not be considered building lots, and no building permit shall be issued on a parcel so subdivided.

- (1) Permits may be issued to remodel, expand, improve, or repair a dwelling existing on an agricultural parcel at the time of the subdivision.
- (2) In the event a dwelling existing on an agricultural parcel at the time of the subdivision is destroyed, a permit may be issued to construct a new dwelling to replace it, but no other new residential structures shall be permitted. (Ord. No. 1987-01, SI, 7- 27-87)
- (b) <u>Filing Fee.</u> A request for Department review of an agricultural subdivision shall be accompanied by the required filing fee as established by the Commission.
- (c) <u>Submission Materials</u>. The following materials shall be submitted by an applicant for approval of an agricultural subdivision:
  - (1) Application signed by the owner(s) of record of all property involved in the subdivision.
  - (2) Legal description of the property.
  - (3) Documentation sufficient to show that the property involved in the subdivision meets the criteria contained in the definition of "SUBDIVISION, AGRICULTURAL" in Division II of this Article.
  - (4) A drawing prepared in accordance with the standards contained in **Section 8-103**, **A** through **G 1-6**, showing the area of each lot or parcel in acres (for parcels larger than 20,000 square feet) or square feet, and the configuration of the property before and after the proposed subdivision, and showing the location and nature of the legal access to the property. (Ord. No. 1986-7, 58-1-3-2, 10-21-86)

Such drawing shall be set at a scale no smaller than one (1) inch = 400 feet, unless the size and configuration of the property makes this scale impractical. Where appropriate, the drawing may be prepared with a broken scale. (Ord. No. 1987-01, § 2, 7-27-87)

(5) All applicable certificates. See **Division X.** 

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<sup>&</sup>lt;sup>3</sup> Editor's Note: There were two (2) Ordinances numbered 1987-01. One was passed on 1-26-87, and the second one on 7-27-87.

- (d) <u>Subdivision with Agricultural Remainder</u>. A subdivision involving a division of land classified as a minor subdivision and also involving land meeting the criteria for an agricultural subdivision may be handled in accordance with the procedure described in **Section 8-37**. A subdivision involving a division of land classified as a major subdivision and also involving land meeting the criteria for an agricultural subdivision may be handled in accordance with the procedure described in **Section 8-45**.
- (e) Review Procedure. See Division XII.
- (f) <u>Length of Approval.</u> Agricultural subdivisions must be recorded in the County Recorder's Office within one hundred and twenty (120) days after certification by the Department that such subdivision meets the required criteria. Any agricultural subdivision not recorded within that time shall be null and void. (Ord. No. 1987-01, § 8-1-3-2, 10-21-86)

Sec. 8-31 and Sec. 8-32 Reserved for Future Use.

#### Division IV, Minor Subdivisions.

#### Sec. 8-33 General.

Those subdivisions meeting the definition of "SUBDIVISION, MINOR," contained in Division II of this Article may be considered under the provisions of this Division. Re-plats meeting the conditions of eligibility contained herein also may be considered under the provisions of this Chapter. After a subdivision request has been filed, the planning director shall determine whether the petition may be considered as a minor subdivision. The planning director's decision may be appealed to the Commission. Minor subdivisions may receive primary approval by the Plat Committee or Plan Commission and secondary approval by the official designated in **Section 8-126** of this Article. (Ord. No. 1994-02, § 8-1-4-1, 1-24-94)

#### Sec. 8-34 Conditions of Eligibility.

Before determining that a subdivision is eligible to be considered under this Article, the planning director shall find that all of the following criteria are satisfied: (Revised per Ord. 5, 2010 (7.19.10)

- (a) Orderly Development. The subdivision will not impede orderly development of land or the provision of public services and improvements.
  - (1) The subdivision will not interfere with the implementation of the Comprehensive Plan.
  - (2) The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.
- (b) Utilities and Drainage. All parcels in the subdivision will have adequate utilities and drainage.
  - (1) All lots shall be served by a sanitary sewer or other sewerage system approved by the Indiana Department of Health, or they shall have the capability to contain a subsurface disposal system which complies with all requirements of the Indiana Department of Health and the County Health Department. Any subdivision of land which requires the extension of existing sewers or the construction of new treatment facilities shall be considered as a major subdivision.

If extension of sewer service is found to be a feasible alternative and is desirable because of soil conditions, topography, lot sizes, or other factors, the petition shall be considered as a major subdivision.

- (2) All lots shall be served by a public or quasi-public water system or shall have the capability to contain a well which complies with all requirements of the Indiana Department of Health and the County Health Department.
- (3) All lots shall be provided with drainage improvements as necessary to comply with the requirements of **Division VII**, Design Principles and Standards.
- (c) Access. All parcels in the subdivision and adjacent land will have adequate ingress and egress without the construction of any new streets or substantial improvement to existing streets. (Revised per Ord. 5, 2011 (8.1.11))
  - (1) All lots will have legal access to a platted private street or to a public street which has been accepted for maintenance by, or has been continuously maintained for a period of 10 years immediately preceding the filing of the subdivision, by a public agency regularly having responsibility for such maintenance.
  - (2) Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
  - (3) If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.
    - (a) For the purposes of this subsection, any subdivision that involves the cumulative creation of no more than 4 new buildable lots, excluding any that are permitted through an administrative subdivision process, shall not require road improvements or the construction of new streets. Such subdivisions shall be considered as having been provided with the best possible access through individual driveways, provided that driveway locations area available that meet all applicable requirements of this Ordinance, the Zoning Ordinance, and the County Engineer. In no instance shall this be interpreted as waiving the required dedication of right-of-way along the frontage of any new lots created, consistent with Section 8-57(a) of this Ordinance.
    - (b) Any subdivision that involves the cumulative creation of more than 4 new buildable lots, excluding any that are permitted through an administrative subdivision process, shall not be approved by the Plat Committee but shall instead be forwarded to the Plan Commission. The Plan Commission shall consider the Thoroughfare Plan and the specifications of this Ordinance for new roads in determining adequate ingress and egress, any needed road improvements, and whether or not better access can be provided through the construction of a new street. If the Plan Commission determines that a new street is required and/or that road improvements are required and they are substantial the application shall be considered a Major Subdivision and shall be refiled as such.
    - (c) The 4 buildable lots shall be calculated from the effective date of this Ordinance, October 21, 1986.
    - (d) The use of an access easement, consistent with Section 8-60 of this Ordinance shall not be considered as the extension or construction of a private street.

- (4) All lots will have driveway locations which will provide for adequate sight distance and will be properly spaced according to County standards.
- (5) Land adjacent to the property involved in the subdivision also will have adequate access according to the criteria contained in this section.
- (d) Endangerment. The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare. (Ord. No. 19W7, §8-14-2, 10-21-86)

#### Sec. 8-35 Primary Approval.

- (a) All subdivisions of land meeting the definition of "SUBDIVISION MINOR," in Division II of this Article may be submitted to the Plat Committee or Commission for primary approval as specified in this section. (Ord. No. 1994-02, § 8-14-3 A, 1-24-94)
- (b) Required Submission Materials. All requests for primary approval of a minor subdivision shall be submitted with the items listed in this section.
  - (1) Filing Fee. Filing fee as established by the Commission. (Revised per Ord. 5, 2010 (7.19.10), No. 1986-7 (10-21-86))
  - (2) Preliminary Plat. An original drawing conforming to the survey and drafting standards set forth in Division XI and copies (with the number to be specified by the Department) of the drawing showing the following: (Revised per Ord. 5, 2010 (7.19.10))
    - (a) Legal description of the subdivision.
    - (b) Bar scale (the scale shall be 50 feet to the inch or larger, unless the property involved in the subdivision is of a size or shape which requires a smaller scale to fit on the required sheet size, in which case another scale approved by the Department may be used).
    - (c) Lot numbers, dimensions, and sizes in square feet or acres.
    - (d) Boundary lines of floodway and floodway fringe areas on each lot as scaled from the flood plain district maps of current adoption by the County, appropriately labeled.
    - (e) If there will be a parent tract remainder, such land shall be shown on the plat either with the new lot(s) or as a part of a location map or other image separate from the drawing of the new lot(s). Such remainder may be shown based upon a metes and bounds or other deed description. If the size and configuration of the property makes it impractical to show the parent tract remainder at the same scale as the new lot(s), a smaller scale may be used, provided that except in extreme circumstances, the scale shall be no smaller than one (1) inch = 400 feet. The term "lot" shall only be applied to the parent tract remainder if it is surveyed, monumented, verified as having acceptable septic system sites, and otherwise reviewed and found to comply with the requirements of this Ordinance to the same extent as the new "lots" being created by the subdivision. (Revised per Ord. 5, 2010 (7.19.10))
    - (f) Any easements (existing or proposed, including but not limited to utility easements, drainage easements, access easements, etc.), legal drains, and easements to be vacated by the subdivision with notations regarding the vacation.

- (g) Rights-of-way as established by the Thoroughfare Plan.
- (h) Location map.
- (i) All applicable certificates and notations as shown in **Division X.** (Ord. No. 1986-7, SS-1-4-3 B. 2(a) (i), 10-21-86)
- (j) Notations for each lot, tract, and/or parent tract remainder describing any future subdivision rights allocated to that property in accordance with the zoning ordinance, as applicable. (*Revised per Ord. 5, 2010 (7.19.10)*)
- (3) Physical Features Map. A drawing, at the same scale as the preliminary plat, and copies (with the number to be specified by the Department) showing all significant topographical and other physical features to be retained and/or created on the proposed lots, including the following: (Revised per Ord. 5, 2010 (7.19.10))
  - (a) Water bodies.
  - (b) Existing buildings to be retained.
  - (c) Roads, shared driveways, alleys, streets, or other forms of access shared by more than 1 lot.
  - (d) For lots proposed to include existing or new water bodies, the number of acres or square feet of contiguous land area on each lot, the minimum lot size for the zoning district in which each lot is located, and a calculation of 75% of the minimum lot size for the zoning district in which each lot is located.
  - (e) For lots that will be served by individual subsurface disposal systems:
    - i. a statement describing the amount of each lot that includes soils indicated by the Soil Survey of Bartholomew County to have severe limitations for septic systems, and
    - ii. the location of all soil borings used to determine the suitability of each lot for a septic system.
  - (f) For subdivisions containing any land with a slope of 15 percent or greater as determined by the Soil Survey of Bartholomew County, the topography as shown on the USGS quad sheet (or better source).
  - (g) The names of the owners, as well as lot numbers and subdivision names (if any), keyed to all properties immediately adjacent to the subdivision site on the same side of the road.
- (4) Supporting Material. The following supporting material shall be submitted with the preliminary plat: (*Revised per Ord. 5, 2010 (7.19.10*))
  - (e) One application, on forms specified by the Department.
  - (f) A list specifically citing any requirements of this Article for which modifications are requested and the reasons for such request. (*Revised per Ord. 5, 2010 (7.19.10*))
  - (c) Evidence that a sewerage permit can be obtained from the County Health Department (in the form of a Preliminary and/or Conditional Sewage Certificate) or evidence that other acceptable sewer service is available to all building lots in the subdivision. This requirement also applies to parent tract remainders that are less than 5 acres in area. (*Revised per Ord. 5*, 2010 (7.19.10))

- (d) Documentation sufficient to show that all applicable design standards of this Article are met by the proposed subdivision.
- (e) Erosion control plan, if necessary to comply with the design standards of this Article (see **Division VII**).
- (f) Drainage report, if necessary to comply with the design standards of this Article (see **Division VII**).
- (g) If any lot in a minor subdivision is to receive its access from a State highway, evidence that a driveway permit can be issued by the Indiana Department of Transportation shall be submitted (such as a letter or permit issued by INDOT). (*Revised per Ord. 5, 2010* (7.19.10))
- (c) Length of Approval. Primary approval of a minor subdivision shall be valid for 120 days, unless an extension is granted by the Plat Committee or Commission. If secondary approval is not granted before the expiration of 120 days, the primary approval shall be null and void. (Ord. No. 1994-02, §8-1-4-3, C, 1-24-94)

#### Sec. 8-36 Secondary Approval.

- (a) General. After all conditions of primary approval have been met, the applicant may request secondary approval.
- (b) Required Submission Materials. All requests for secondary approval shall be accompanied by the materials listed in this section.
  - (1) Final Plat. An original drawing (which may be the same drawing submitted as the preliminary plat) prepared in accordance with the standards set forth in **Division XI** and two copies showing all information required in **Section 8-35(b)(2)** as approved by the Commission or Plat Committee. (*Revised per Ord.* 5, 2010 (7.19.10))
  - (2) Supporting Material. Documentation sufficient to show that all conditions of approval have been met. (*Revised per Ord. 5, 2010 (7.19.10)*)
- (c) Length of Approval. Secondary approval of a minor subdivision shall be valid for a period of one year from the date of such approval. If the subdivision is not recorded before the expiration of one year, it shall become null and void. (Ord. No. 1986-7, §8-1-4-4, 10-21-86)

Sec. 8-37 Reserved for Future Use (Revised per Ord. 5, 2010 (7.19.10))

Sec. 8-38 Review Procedure.

See **Division XII**. (Ord. No. 1986-7, 58-1-4-6, 10-21-86)

Sec. 8-39 and Sec. 8-40 Reserved for Future Use.

#### **Division V. Major Subdivisions.**

#### Sec. 8-41 General.

Major subdivisions require primary approval by the Commission and secondary approval by the official designated in **Section 8-126** of this Article. Before filing a major subdivision, applicants are required to present conceptual plans for the subdivision to the Commission for informal discussion. Re-plats which require extension of streets or utilities shall be considered under the terms of this Article. (Ord. No. 1986-7, §8-1-5-1, 10-21-86)

#### **Sec. 8-42 Concept Plan.** (Revised per Ord. 5, 2011 (8.1.11))

- (a) Purpose. In order to assist the applicant in preparing an acceptable major subdivision proposal, the Commission shall review and discuss with the applicant and/or his/her representatives a concept plan. The purpose of this discussion is to enable the applicant to receive guidance from the Commission as to the suitability of the land for the development proposed, any aspects of the proposal that do not meet the minimum requirements established by this Ordinance, and any alternative proposals the applicant may have that meet the intent but not the letter of the minimum requirements of this Ordinance (and therefore require the consideration of a modification). The applicant is welcome to bring more than one alternative layout of lots and streets. Accurate surveys and detailed engineering data are not required nor recommended at this stage in the subdivision process.
- (b) Required Submission Materials. All applications for concept plan review shall be accompanied by the materials listed in this section.
  - (1) Filing Fee. The concept plan submittal (which may portray multiple concepts) shall be accompanied by the required filing fee as established by the Commission.
  - (2) Concept Plan Contents. The following materials shall be submitted for the Commission's review (with the number of copies to be specified by the Planning Department):
    - (a) A legible base map with a scale no smaller than one inch equals 200 feet, with minimum 10-foot contours.
    - (b) Proposed name of the subdivision.
    - (c) North arrow and date
    - (d) Approximate site boundary.
    - (e) Existing land use and zoning on the site and in the surrounding area within one-half mile of the perimeter of the site.
    - (f) Existing roads on and/or adjacent to the site and in the surrounding area within one-half mile of the perimeter of the site, including Thoroughfare Plan classification, road name, and approximate right-of way width (if readily apparent)..
    - (g) Soil classifications and existing drainage patterns on the site.
    - (h) Any significant natural or other features of the site, such as streams, ponds, flood plains, wooded areas, existing utilities and/or structures.

- (i) Areas proposed for development, proposed uses, areas reserved for future development, and tentative street layout. This drawing shall show all contiguous holdings of the owner with an indication of the portion which is proposed to be subdivided.
- (j) Areas reserved for open space or recreation, if any.
- (b) Commission Consideration. Before providing guidance to the applicant regarding the proposed subdivision, the Commission shall give consideration to the following:
  - (1) The arrangement, location, and width of roads (see **Section 8-57**).
  - (2) Lot sizes and arrangement (see **Section 8-59**).
  - (3) Drainage, both on site and within the general area.
  - (4) Sewage disposal, water supply, and other utilities.
- (d) Length of Approval. Concept plan approval shall be valid for a period of one (1) year from the date of such approval. If the applicant fails to apply for primary approval before the expiration of one (1) year, said approval shall be null and void.

After the recording of a final plat for any portion of the development, the concept plan shall not expire, and modifications to the plan may be made only with approval from the Commission. (Ord. No. 1988-08, §8-1-5-2 D, 4-25-88)

#### Sec. 8-43 Primary Approval.

If the Commission approves development in phases under the terms of **Section 8-46** of this Article, the preliminary plat may be for only the first phase of the subdivision. (Ord. No. 1938-08, §1, 4, 4-25-88)

- (a) Application. After receiving the written record of the discussion of the concept plan, the applicant may request primary approval as specified in **I.C.**, **36-74-703**. (Ord. No. 1986-07, §8-1-5-3A, 10-21-86)
- (b) Required Submission Materials. All requests for primary approval shall be submitted with the items listed in this section. (*Revised per Ord. 5, 2010 (7.19.10*))
  - (1) Filing fee as established by the Commission. (Ord. No. 1986-7, §8-1-5-3, B1, 10-21-86)
  - (2) Preliminary Plat. A set of drawings conforming to the survey and drafting standards contained in **Division XI**, except that scalar rather than computed dimensions may be shown (see **Figure 11-1** for typical sheet layout) and copies (with the number to be specified by the Department) of the drawing(s) showing the following: (*Revised per Ord. 5, 2010 (7.19.10*), *Ord. No. 1988-08,(4-25-88)*)
    - (a) Legal description of the subdivision.
    - (b) Bar scale (the scale shall be 50 feet to the inch or larger, unless the property involved in the subdivision is of a size or shape which requires a smaller scale to fit on the required sheet size, in which case another scale approved by the Department may be used).

- (c) Lot number, scalar layout, dimensions, and sizes in square feet or acres. If there will be a parent tract remainder, such land shall be shown on the plat either with the new lot(s) or as a part of a location map or other image separate from the drawing of the new lot(s). Such remainder may be shown based upon a metes and bounds or other deed description. If the size and configuration of the property makes it impractical to show that parent tract remainder at the same scale as the minor subdivision, a smaller scale may be used, provided that except in extreme circumstances, the scale shall be no smaller than one (1) inch = 400 feet. The term "lot" shall only be applied to the parent tract remainder if it is surveyed, monumented, verified as having acceptable septic system sites, and otherwise reviewed and found to comply with the requirements of this Ordinance to the same extent as the new "lots" being created by the subdivision. (Revised per Ord. 5, 2010 (7.19.10))
- (d) Accurate locations of all existing and platted streets intersecting the boundaries of the tract.
- (e) Source of the owner's title to the land as shown by the last entry in the records of the County recorder.
- (f) All applicable certificates and notations as shown in **Division X**.
- (g) Accurate locations and dimensions of any property to be dedicated to the public or reserved for public, semi-public, or community use.
- (h) Street rights-of-way as established by the Official Thoroughfare Plan of the County. (Ord. No. 1986-7, 58-1-5-3 A, BI, B2 (a-h), 10-21-86)
- (i) Notations for each lot, tract, and/or parent tract remainder describing any future subdivision rights allocated to that property in accordance with the zoning ordinance, as applicable. (Revised per Ord. 5, 2010 (7.19.10))
- (j) Delineation of flood plain boundaries, indicating the classification of each flood plain area.
- (k) The location, size, elevation, and other appropriate description of all existing and proposed permanent features of the property, either natural or manmade, including but not limited to streets, sewers, drains, water bodies, wetlands, railroads, transmission towers, existing structures, regulated drains, water mains, culverts, utility lines, fire hydrants, drainage structures, and significant topographic features. This material shall also include the following: (Revised per Ord. 5, 2010 (7.19.10))
  - (1) Water elevations of adjoining lakes and ponds at the date of the survey and the approximate high- and low-water elevations. All elevations shall be referred to in the USGS datum plane (with an indication of the datum used).
  - (2) For lots proposed to include existing or new water bodies, the number of acres or square feet of contiguous land area on each lot, the minimum lot size for the zoning district in which each lot is located, and a calculation of 75% of the minimum lot size for the zoning district in which each lot is located.
  - (3) For lots that will be served by individual subsurface disposal systems:
    - a statement describing the amount of each lot that includes soils indicated by the Soil Survey of Bartholomew County to have severe limitations for septic systems, and

- ii. the location of all soil borings used to determine the suitability of each lot for a septic system.
- (4) The names of the owners, as well as lot numbers and subdivision names (if any), keyed to all properties immediately adjacent to the subdivision site on the same side of the road.
- (l) Location of pedestrian circulation system, if any, and the materials to be used for such system (Ord. No. 1986-7 (10-21-86))
- (m) Delineation of the phases, if any, of the development, indicating the lots and improvements to be included in each phase
- (3) Supporting Material. The following supporting material shall be submitted with the preliminary plat: (*Revised per Ord. 5, 2010 (7.19.10*))
  - (a) One application, on forms specified by the Department.
  - (b) Topographic contours at vertical intervals of five feet for areas containing land with 10 percent slope or greater, and at intervals of two (2) feet for areas containing land with less than 10 percent slope. The Topography may be shown on a separate print, but it shall be shown at the same scale as the original plat. (Revised per Ord. 5, 2010 (7.19.10))
  - (c) Erosion control plan (see **Section 8-61**).
  - (d) Sewage disposal plan.
  - (e) Drainage report (see **Section 8-61**).
  - (f) Zoning classifications of the property included in the subdivision
  - (g) Specifications for any required improvements to existing County roads.
  - (h) Delineation on a USGS base map of the drainage area in which the subdivision is located and of the location of drainage courses and surface water flow within the drainage area.
  - (i) For any improvements or systems which are to be owned and/or maintained by the property owners in the subdivision, a plan for establishing such ownership and for providing and financing such maintenance. Documents and/or plans submitted under this section are subject to determination by the Commission that they are adequate to ensure that the County will not be held responsible in the future for such maintenance.
  - (j) Sewage system approval.
    - (1) If the development is to contain individual subsurface disposal systems, the applicant must show that the design criteria in **Division VII** are met, and in addition, the applicant must provide for each lot, and any parent tract remainder of less than 5 acres, a certificate from the County Health Department indicating that such a system can be installed on the property and detailing any conditions to be placed upon such installation. The Commission may require these conditions to be recorded as part of the approved subdivision (*Revised per Ord. 5, 2010 (7.19.10*))
    - (2) If the development is to be served by a public or semi-public sewer system, the applicant must provide evidence that such system has the capacity and capability to serve the

- development and guarantees of a sufficient number of hook-ons to serve all lots and any parent tract remainder of less than 5 acres in the subdivision. (*Revised per Ord. 5, 2010* (7.19.10))
- (3) If the development is to be served by a private system, the applicant must provide evidence that the system design has been approved by the Indiana Department of Environmental Management, that there are arrangements to ensure continued operation and maintenance of the system, that the system has or will have sufficient capacity to serve the development, and guarantees of a sufficient number of hook-ons to serve all lots and any parent tract remainder of less than 5 acres in the subdivision. (Revised per Ord. 5, 2010 (7.19.10))
- (k) A list specifically citing any requirements of this Article for which modifications are requested and the reasons for such request.
- (l) Documentation sufficient to show that all design standards as set forth in **Division VII** are met. (Ord. No. 1986-7, §8-1-5-3, B3, (a-n), 10-21-86)
- (m) If any lot or road in a major subdivision is to receive access from or intersect with a state highway, a copy of the driveway permit or approval letter issued by the Indiana Department of Transportation shall be submitted. (Ord. No. 1987- 01, §1 (7), 7-27-87)
- (c) Review Procedure. See Division XII.
- (d) Length of Approval. Primary approval shall be valid for one year from the date of approval by the Commission. The Commission may establish time limits of less than one year on any or all conditions of primary approval. If the Commission approves development in phases, secondary approval of each phase shall automatically continue the primary approval of the remaining phases to the same expiration date as that for the secondary approval. (Ord. No. 1986-7, §8-1-5-3, C, D, 10-21-86)

#### Sec. 8-44 Secondary Approval.

After all conditions of primary approval have been met, a final plat meeting such conditions may be submitted for secondary approval.

- (a) Required Submission Materials. An application for secondary approval shall be accompanied by all materials specified in this section.
  - (1) Final Plat. An applicant for secondary approval shall submit original drawings prepared in accordance with the standards set forth in **Division XI**, and copies (with the number to be specified by the Department) showing all information listed in **Sections 8-43 B 2 a** through **i** (with computed lot dimensions. and sizes), in accordance with the Commission's approval.
  - (2) Final Improvement Plans. An applicant for secondary approval shall submit drawings detailing all improvements to be installed as approved by the Commission. These drawings shall contain all applicable notations and certificates as specified in **Division X**.
  - (3) Supporting Material. An applicant for secondary approval shall provide documentation sufficient to show that all conditions of approval by the Commission have been met.

- (b) Review Procedure. See Division XII.
- (c) Length of Approval. Secondary approval shall be valid for one year from the date of such approval. (Ord. No. 1986-7, §8-1-5-4, 10-21-86).

#### **Sec. 8-45 Reserved for Future Use** (*Revised per Ord. 5, 2010 (7.19.10)*)

#### Sec. 8-46 Phases.

The Commission may permit the development of a subdivision to take place in phases. In reviewing a request for phased development, the Commission shall consider the factors listed in this section.

- (a) Design Standards. The relationship of the number and configuration of the lots in each phase shall conform to the design standards of this Article.
- (b) Improvements. The improvements in each phase shall be adequate to serve the lots to be developed in that phase.
- (c) Non-Completion of Subdivision. The Commission shall attempt to ensure that each phase of the subdivision will conform to the intent and purposes of this Article in the event that some phases are not completed. (Ord. No. 1986-7, §8-1-5-6,10-21-86)

#### Sec. 8-47 through Sec. 8-49 Reserved for Future Use.

#### Division VI. Commercial, Industrial, and Multifamily Subdivisions.

#### Sec. 8-50 General.

Commercial, industrial, and multifamily subdivisions are recognized as having a different character and different requirements from those established for residential neighborhoods. Any land zoned or intended to be used for commercial, industrial, or multifamily purposes shall be subject to the requirements of this Division, as well as all other applicable provisions of this Article. (Ord. No. 1986-7, §8-1-6-1, 10-21-86)

#### Sec. 8-51 Classification.

Commercial, industrial, and multifamily subdivisions may be classified as minor or major subdivisions according to the definitions in Division 11, and are subject to all requirements relating to that classification. (Ord. No. 1986-7, 58-1-6-2, 10-21-86)

#### Sec 8-52 Required Submission Materials.

Applicants for approval of a subdivision under this Division shall submit all materials specified in this Article for the appropriate classification of subdivision. Such subdivisions are required to meet the design and improvement standards for commercial, industrial, and multifamily subdivisions as specified in **Divisions VII** and **VIII** (Ord. No. 1986-7, §8-1-6-3, 10- 21-86)

#### Sec. 8-53 and Sec. 8-54 Reserved for Future Use.

#### **Division VII. Design Principles, and Standards.**

#### Sec. 8-55 General.

The standards contained in this Article apply to all minor and major subdivisions. All subdivisions shall be designed with consideration given to the topography of the land and other natural characteristics of the site and surrounding property. (Ord. No. 1986-7, §8-1-7-1, 10-21-86)

#### Sec. 8-56 Land Suitability.

If the Commission finds that the property requested to be subdivided is unsuitable for development because of flooding, topography, inadequate water supply, inadequate sewage disposal, or other conditions which may endanger health, life, or property, the Commission shall not approve the land for subdivision. As a minimum, the Commission is empowered to approve the subdivision of land only after it finds that the land meets the following criteria: (*Revised per Ord. 5, 2010 (7.19.10*))

- (a) Water Bodies. Each lot will contain a contiguous land area providing a suitable building site which is at least 75 percent of the minimum lot size established by the Zoning Ordinance. The remaining 25 percent of the required minimum lot size may contain permanent or seasonal water bodies.
- (b) Sewage Disposal. Each lot will be served by an existing public or private sewer system or a proposed system design approved by the Indiana Department of Health and the County Health Department, or each lot will contain enough land of a soil type suitable for septic tanks to permit installation of an individual subsurface disposal system of sufficient size to accommodate the wastewater generated by the uses permitted on the property. If the Soil Survey of Bartholomew County indicates that absorption fields are to be located in soils having severe limitations for such systems, each lot will be large enough to accommodate two absorption fields, each containing adequate trench bottom to support a typical 3-bedroom house given the soil loading rate on that lot (as determined by the Bartholomew County Health Department). Lots with severe soils only capable of providing two absorption fields for homes with less than 3-bedrooms may also be approved at the discretion of the Commission, with that determination not being subject to the criteria for granting a However, the Commission shall only approve lots capable of supporting modification. comparatively smaller homes based on a finding that the homes will be a marketable addition to the county's housing supply capable of maintaining their viability and appeal in the long term. (Revised per Ord. 5, 2010 (7.19.10))
- (d) Water Service. Each lot will have an adequate supply of potable water through a public or community system approved by the Indiana Department of Health or by individual wells. If the lots are to be served by individual wells, a letter from the County Health Department certifying that a well meeting the locational requirements of current applicable regulations can be located on each lot shall be required. (Ord. No. 1986-7, §8-1-7-2 (A-D), 10-21-86)
- (d) Flood Hazards. Each lot will contain enough land which is not located in a floodway as defined by the zoning ordinance to accommodate the permitted use(s) of the property and, if required, an individual subsurface disposal system. (*Revised per Ord. 5, 2010 (7.19.10), Ord. No. 1986-7 (10-21-86), Ord. No. 1987-01 (1-26-87)*)

#### Sec. 8-57 Streets.

Streets must be designed with regard to topography, soil characteristics, natural features, function, clarity of movement, and economy of street length. The layout of new streets shall be designed in relation to existing streets. Where deemed appropriate by the Commission, access to existing streets shall be provided. The Commission may require the subdivision to have more than one point of ingress and egress. The arrangement and character of all streets shall conform to the Official Thoroughfare Plan of the County.

- (a) Right-of-way. The owners of property to be subdivided on existing streets shall dedicate any additional right-of-way necessary to comply with the minimum standards of the Thoroughfare Plan. Where topography, design features, or other conditions necessitate additional right-of-way or easements to permit construction of a street to the established standards for such street, the Commission may require dedication of such right-of-way or establishment of such easements.
- (b) Extension of Streets. Where the Commission deems appropriate, streets shall be extended to the subdivision boundary line to provide for existing and future traffic circulation.
- (c) Dead-End Streets. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan and where more than one lot long must be provided with temporary turnarounds meeting the specifications in Section 8-80.
- (d) Alleys. Alleys shall not be permitted in residential subdivisions. The Commission may permit alleys in commercial or industrial subdivisions if it finds that alleys are the best means of serving the subdivision. Such alleys shall have a minimum right-of-way width of twenty (20) feet and a minimum pavement width of sixteen (16) feet.
- (e) Geometric Standards. The minimum geometric standards shall be as shown on **Table 7-1**.

TABLE 7-1
BARTHOLOMEW COUNTY ROADS
MINIMUM DESIGN STANDARDS

				MARGINAL ACCESS
	ARTERIAL	COLLECTOR	LOCAL	SUBDIVISION
ADT	1000 or more	500 to 999	100 to 499	<100
PAVEMENT WIDTH	24 ft.	22 ft.	22 ft.	20 ft.
SHOULDER WIDTH	8 ft.	6 ft.	4 ft.	4 ft.
MAXIMUM GRADE	8 %	10 %	12 %	12 %
DESIGN SPEED	50 mph	45 mph	40 mph	30 mph
SIGHT DISTANCE				_
STOPPING	350 ft.	310 ft.	265 ft.	200 ft.
INTERSECTION	500 ft.	450 ft.	400 ft.	300 ft.
MIN. BRIDGE WIDTH	30 ft.	30 ft.	28 ft.	28 ft.
MIN. R-O-W WIDTH	100 ft.	70 ft.	50 ft.	40 ft.
PAVEMENT MARKINGS	center line	center line	none	none
	w/no parking			
	zoning & edge line	es		

- (1) The pavement cross slope shall be between 1/4 inch per foot and 3/8 inch per foot.
- (2) The shoulder cross slope shall be between 1/2 inch per foot and one inch per foot.
- (3) The minimum grade shall be 0.10%.
- (4) For arterial and collector streets, at least two (2) feet of shoulders shall be stone or paved.
- (5) The right-of-way shall be adequate for construction and maintenance of pavement, shoulders, and ditches. The Commission may require such additional right-of-way as it deems necessary for these purposes, or may reduce the required right-of-way widths if the applicant provides justification deemed adequate by the Commission.
- (6) The pavement widths shown on Table 7-1 are for streets and roads having a typical shoulder section. For each parking lane, an additional eight (8) feet of pavement shall be provided, and for curb and gutter an additional two (2) feet shall be provided. At least one parking lane shall be provided on all roads with curb and gutter.
- (7) Residential subdivision streets shall be designed according to the traffic volumes shown on Table 7-1 assuming 8 trips per lot per day.
- (8) The minimum outside radius and approach radius of the pavement of a cul-de-sac shall be fifty (50) feet. Cul-de-sac streets shall not exceed 1000 feet in length, and in no case shall more than 15 lots have frontage on a single cul-de-sac. In all other respects, cul-de-sac streets shall meet all standards for subdivision streets.
- (9) The minimum outside radius of a temporary turnaround shall be fifty (50) feet. Any such turnaround shown on the construction plans shall be installed in conformance with the standards set forth in Section 8-80.
- (e) Intersection Design Standards. See **Table 7-2**.

TABLE 7-2
MINIMUM INTERSECTION DESIGN STANDARDS

<u>DESIGN CRITERION</u>	STANDARD
Maximum Approach Speed	25 mph
Vertical Alignment with Intersection	50% of approach grade
Angle of Intersection	90° (In no case <75°)
Minimum Curb Radius	
Subdivision-Subdivision	25 ft.
Local-Subdivision	25 ft.
Local-Local	25 ft.
Local-Collector	30 ft.
Collector-Collector	40 ft.
Minimum Centerline Offset of Adjacent Roads	
Subdivision-Subdivision	150 ft.
Local-Subdivision	200 ft.
Local-Local	200 ft.
Local-Collector	300 ft.
Collector-Collector	600 ft.
Collector-Arterial	1320 ft.
Maximum No. of Roads at Intersection	2 (4 approaches)

- (g) Vertical Alignment. All changes of grade shall be connected by vertical curves of a minimum length equivalent to eighty-five (85) times the algebraic difference in the rate of grade, expressed in feet per hundred, for arterial streets, fifty-five (55) times the algebraic difference for collector streets, and thirty-five (35) times the algebraic difference for local and other minor streets. The minimum length of the vertical curve shall be one hundred eighty (180) feet for arterial, one hundred twenty (120) feet for collectors and ninety (90) feet for local or minor streets.
- (h) Half Streets. Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street is adjacent to a tract being subdivided, the other half of said half-street shall be platted and constructed.
- (i) State Highways. If any subdivision or any lot therein abuts a state highway, evidence of compliance with all applicable regulations of the Indiana Department of Transportation shall be required.
- (j) Improvements. When subdividing property which involves the construction of new streets, the subdivider shall be required to install all improvements specified by the Commission in accordance with this Article. When a sub-divider owns and proposes to subdivide property on only one side of an existing street, the sub-divider shall be required to install improvements specified by the Commission in accordance with this Article for a minimum of one-half of the road and right-of-way width. The Commission may require such additional improvements as it deems necessary to make such existing street suitable for the safe movement of traffic to be generated by the proposed subdivision. When the Commission deems it in the best interest of the County, it may require improvements equivalent in cost to the required half right-of-way improvements to be made over the entire right-of-way or any portion thereof, or, it may accept an equivalent amount of money to be used for County street improvements.

#### **ZONING AND PLANNING**

- (k) Topography and Arrangement.
  - (1) Streets shall be related appropriately to the natural topography. Where appropriate to the topography, streets shall be arranged so as to provide building sites which are at or above the grades of the streets to the maximum practical extent. Grades of streets shall conform as closely as possible to the original topography.
  - (2) All streets shall be properly integrated with the existing and proposed system of thoroughfares.
  - (3) All arterial and collector streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.
  - (4) Local and subdivision streets shall be laid out to conform as nearly as possible to the topography, to discourage use by through traffic and to permit efficient drainage and utility systems.
  - (5) Proposed collector streets shall, where the Commission deems appropriate, be extended to the boundary lines of the tract to be subdivided. (Ord. No. 1986-7, §8-1-7-3, 10-21-86)

#### Sec. 8-58 Blocks.

- (a) Width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, and waterways.
- (b) Arrangement. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development permitted. Block lengths in residential areas shall not exceed 1,400 feet nor be less than 400 feet in length. Wherever practical, blocks along arterial and collector streets shall not be less than 1000 feet in length. Irregularly shaped blocks may be approved by the Commission if it finds that such a pattern is appropriate to the land to be subdivided and is properly designed.
- (c) Pedestrian Ways. Pedestrian ways not less than ten (10) feet in width may be required through the center of blocks more than 800 feet long or at other appropriate locations and at the ends of cul-desacs where the Commission deems such ways desirable to provide for circulation or access to neighboring uses. In determining whether pedestrian ways are required, the Commission shall consider methods of maintaining such ways and their usefulness in providing access to any common open space, water areas, recreation areas, schools, churches, and other surrounding uses.
- (d) Sidewalks. Sidewalks shall be required on each side of the street when the subdivision contains three or more lots per acre or is adjacent to subdivisions containing sidewalks, or where necessary to provide access to school sites. (Ord. No. 1986-7, §8-1-7-4 (A- D), 10-21-86)
- (e) Curb and Gutter. Curb and gutter shall be required on all new streets in subdivisions designed for three (3) or more lots per acre. (Ord. No. 1988-08, 51 (6), 4-25-88)

#### Sec. 8-59 Lots.

- (a) Arrangement. The lot arrangement shall be such that all lots will have satisfactory building sites, properly related to topography and surrounding land and uses. Each lot shall comply with the minimum requirements of the zoning ordinance and with all applicable health regulations. Each lot shall be capable of providing safe, usable driveway access.
- (b) Frontage. Each lot shall have its full frontage on a dedicated street or approved access easement. To the fullest extent practical, residential lots shall front on residential subdivision streets in such a manner as to provide neighborhood cohesiveness. Lots laid out in long lines along arterial, collector, or local streets shall be avoided.
- (c) Depth. The depth to width ratio of any single-family residential lot shall not be greater than three (3) to one (1) for any lot smaller than one (1) acre.
- (d) Side Lot lines. All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Commission determines that a variation to this rule would provide a better layout. (Ord. No. 1986-7, §8-1-7-5 (A-D), 10-21-86)
- (e) Double Frontage Lots. Double frontage residential lots shall be avoided except when the Commission determines that such lots are essential to provide separation of residential development from streets. Such lots shall be provided with a landscape buffer area at least ten (10) feet in depth which provides a visual screen and prevents vehicular access to one of the two frontages. Double frontage non-residential lots are acceptable, however, the Commission may require a landscape buffer area at least 10 feet in depth which provides a visual screen and prevents vehicular access to one of the two frontages. (Ord. No. 1989-07, §1, 8-1-7-5 E, 7-31-89)
- (f) Corner Lots. Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines on both streets.
- (g) Shape. Lots shall be designed to provide suitable building sites and related yard areas. Irregularly shaped lots may be permitted by the Commission where it deems such a pattern to be more appropriate to the site conditions than regular shapes. Financial advantage for the subdivider and/or the ability to create a larger number of lots is not in itself sufficient reason for allowing irregular shapes.
- (h) Access from Arterial Streets. In general, lots shall not derive direct access from an arterial street. Where driveway access from such street is the only possible access for several adjoining lots, the Commission may require that such lots be served by a combined marginal access street in order to limit the possible traffic hazards from multiple access to such streets. The Commission may require that driveways be designed and arranged so as to avoid the necessity for vehicles to back into traffic on arterial, collector, or local streets. (Ord. No. 19W7, §1, 8-1-7-5 (F-H), 10-21-86)
- (i) Driveway Separation. Driveway locations shall conform to the following requirements for separation:

#### **Minimum Distance Between Drives or to Nearest Intersection**

Street Type	Residential Drive	Commercial or Industrial Drive
Arterial	300 ft. *	600 ft.
Collector	200 ft., if allowed	200 ft.
Local	100 ft.	100 ft.
Subdivision	One per lot	100 ft.

<sup>\*</sup> It is the intent of Ordinance No. 1988-08 to avoid residential driveways directly onto arterial streets whenever possible. When such driveways are necessary, it is preferable to have a minimum number of access points. Therefore, in some cases, it may be preferable to locate two driveways immediately adjacent, rather than to use the 300 ft. separation. (Ord. No. 1988-08, §1 (7), 4-25-88)

#### Sec. 8-60 Easements.

- (a) Access Easements and/or reserved right-of-way corridors. Access easements and/or reserved right-of-way corridors may be used to provide legal access to residential lots under the conditions set forth in this section. These corridors are privately owned but must be available as access to serve future subdivisions. Access easement and/or reserved right-of-way corridors providing legal access to land shall, to the fullest extent possible, be so located as to be suitable for future public streets meeting the standards set forth in this ordinance. Reserved right-of-way will be required when the Plan Commission deems it necessary or desirable to provide proper access in the future. (Section 8-60(a) revised through Ord. 1998-11)
  - (1) The following standards shall apply to access easement and reserved right-of-way corridors: Type A Corridor: This type is allowed only under the following conditions:
    - (a) When lot size, topography, flood hazard areas, or other natural or existing features prevent further subdivision. This determination shall be made by the department pursuant to this section. The owner may appeal the department's decision.
    - (b) When an existing drive serves an existing house that is being divided from a parent tract. In this case, the note in Section 8-91(b) of this ordinance shall appear on the recorded subdivision plat or drawing.

Type B Corridor: This type of corridor is required when further subdivision and expansion of subject property and/or adjacent property is possible. Any Type B Corridor shall be labeled on the plat or drawing as "Access Easement" or "Reserved Right-of-Way". A reserved right-of-way corridor shall include the automatic dedication certificate specified in Section 8-91(b) of this ordinance.

- (2) Type A and Type B Corridors may serve a maximum of ten (10) lots as specified in Table 8-1, provided that such corridors comply with the minimum design standards contained on Table 8-1. Higher standards than these minimum requirements may be applied if the Plan Commission finds that there are special conditions which necessitate such higher standards.
- (3) The following requirements shall apply to access easements and reserved right-of-way corridors:

- (a) Side lines shall be monumented in the same manner as is required for a public right of way.
- (b) The developer shall install topsoil, and shall rake, seed and mulch disturbed and barren areas after grading.
- (c) All access easement and reserved right-of-way corridors shall originate from public streets.
- (d) The plat of drawing shall indicate the type of corridor depicted thereon.
- (e) A sign assembly approved by the Bartholomew County highway department shall be placed at the intersection of the corridor with the public street. The sign shall state the access street name and indicate the addresses served. The sighs shall indicate that the street is private. Street names shall be shown on the plat or drawing.
- (f) A turnaround approved by the county highway engineer shall be constructed near the end of improved corridor. If a pull-in-type turnaround is used, the property owner shall install appropriate signs prohibiting vehicles from blocking the pull-in area.
- (g) Whenever an access corridor is platted on a lot which has an existing drive that is in an location which is unsuitable because of inadequate sight distance, inadequate driveway separation, or other similar condition, the property owner shall relocate the existing drive to provide access from the new corridor.
- (h) When more that one lot is served by an access easement or reserved right-of-way corridor, there shall be restrictive covenants adequate to ensure proper maintenance.
- (i) Whenever an access easement or served right-of-way corridor crosses a lot or agricultural remainder when future dedication of the corridor would create separate buildable lot(s), agricultural tract(s), or unbuildable remnant(s), the land so crossed shall be platted as separate lot(s), tract(s) or unbuildable parcel(s) at the corridor is created.
- (j) The plat committee may approve subdivisions with a maximum four lots served by an access easement or reserved right-of-way corridor. Plats containing more than four lots served by such corridor may be approved only by the Bartholomew County Plan Commission. No more than ten lots shall be served by the same access easement or served right-of-way. A public street meeting t he standards of this ordinance is required by any subdivision containing more than ten lots receiving access from the same corridor.
- (4) Secondary approval shall not be granted for a subdivision that requires certified construction plans and improvements, as described above, unless the owner does the following:
  - (a) Completes the required improvements shown on the approved construction drawings within one year after primary approval; or
  - (b) Posts a financial guarantee in an amount equal to 125% of the estimated cost of improvements shown on the approved construction drawings and enters into a written agreement stating that the improvements will be completed within a period of one year after the date of secondary approval.

#### Table 8-1 Minimum Design Standards Type A and Type B Corridors

#### CONDITION 1: Corridor Serves One Lot

#### TYPE A

Minimum Corridor Width: 30'

Driveway construction shall comply with the Bartholomew County Highway Department standards and requirements of current adoption.

#### TYPE B

Minimum Corridor Width: 50'

Driveway construction shall comply with the Bartholomew County Highway Department standards and requirements of current adoption. The location of the corridor shall be suitable for future development.

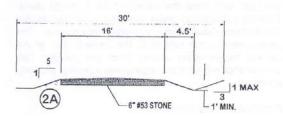
#### CONDITION 2: Corridor Serves Two Lots

#### TYPE A

Minimum Corridor Width: 30' Minimum Centerline Radius: 50'

Corridor profile grade horizontal alignment, length and drainage shall meet the standards for a public street. Certified construction plans shall be submitted to the Bartholomew County highway engineer for approval. Improvements shall extend for the entire length of common use.

Minimum required cross-section:

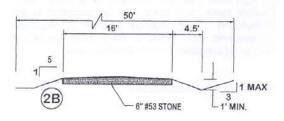


#### Type B

Minimum Corridor Width: 50' Minimum Centerline Radius: 100'

Corridor profile grade, horizontal alignment, length and drainage shall meet the standards for a public street. Certified construction plans shall be submitted to the Bartholomew County highway engineer for approval. Improvements shall extend to the property line of the farthest lot(s) which will receive access from this corridor. The corridor shall extend to any appropriate adjoining property boundary.

Minimum required cross-section:



#### ZONING AND PLANNING

#### CONDITION 3: Corridor Serves Three or Four Lots

TYPE A

Minimum Corridor Width: 50' Minimum Centerline Radius: 100'

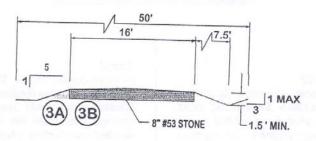
The corridor profile grade, horizontal alignment, length and drainage shall meet the standards for a public street. Certified construction plans shall be submitted for approval. Improvements shall extend to the property line of the farthest lot(s) receiving access from this corridor.

Minimum required cross-section:

Type B Minimum Corridor Width: 50' Minimum Centerline Radius: 100'

Corridor profile grade, horizontal alignment, length and drainage shall meet the standards for a public street. Certified, construction plans shall be submitted to the Bartholomew County highway engineer for approval. Improvements shall extend to the property line of the farthest lot(s) which will receive access from this corridor. The corridor shall extend to any appropriate adjoining property boundary.

Minimum required cross-section:



CONDITI ON 4: Corridor Serves Five to Ten Lots

TYPE A

Minimum Corridor Width: 50' Minimum Centerline Radius: 100'

Corridor profile grade, horizontal alignment, length and drainage shall meet the standards for a public street. Certified construction plans shall be submitted to the Bartholomew County highway engineer for approval. Improvements shall extend to the property line of the farthest lot(s) receiving access from this corridor.

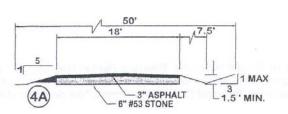
Minimum required cross-section:

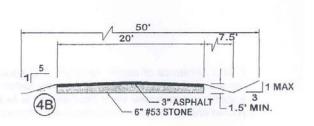
TYPE B

Minimum Corridor Width: 50' Minimum Centerline Radius: 100'

Corridor profile grade, horizontal alignment, length and drainage shall meet the standards for a public street. Certified construction plans shall be submitted to the Bartholomew County highway engineer for approval. The improvements shall extend to the property line of the farthest lot(s)receiving access from this corridor. The corridor shall extend to any appropriate adjoining property boundary.

Required cross-section:





- (b) Drainage and Utility Easements. There shall be easements at least 10 feet in width on each side of any street which has a right-of-way width of less than 50 feet.
- (c) Utility Easements. Adequate areas of suitable size and location shall be allocated for utility easements. Such easements shall provide reasonable continuity from block to block and shall be at least fifteen (15) feet in width. The Commission may require larger easements when it deems such additional width necessary for carrying out the purposes of this section.
- (d) Drainage Easements. Easements shall be provided where the Commission deems them necessary to provide proper drainage for the subdivision. Such easements shall be at least fifteen (15) feet in width and may be coincident with utility easements. Where a subdivision is traversed by a legal drain, the easement for the drain shall be in accordance with the Indiana Code requirements for legal drains.
- (e) Maintenance Easements. Where the Commission deems appropriate, easements for the maintenance of dams or adjoining property may be required.
- (f) Farm Tile Easements. Where there are farm tiles which are to remain on property proposed for subdivision, an easement at least twenty (20) feet in width shall be provided for protection and maintenance of such tiles. The Commission may require larger easements when it deems such additional width necessary for carrying out the purposes of this section.
- (g) Farm Access Easements. All parcels, including agricultural property shall have legal access meeting the minimum standards of this Article. In addition to the legal access, access easements at least twenty-five (25) feet in width for farm machinery and other agricultural purposes may be provided. Such easements shall not be permitted unless the remaining property has legal access, frontage, and width. (Ord. No. 1986-7, §1, 8-1-7-6, 10-21-86)

#### Sec. 8-61 Drainage.

The Commission shall not approve any subdivision which does not make adequate provision for installation and maintenance of an adequate storm water drainage system. A drainage plan shall be submitted with all computations and backup data describing the storm drainage system. This report shall be reviewed by the County engineer and County surveyor who shall make recommendations regarding it to the Commission.

- (a) Methodology. The storm water drainage system shall be separate and independent of any sanitary sewer system. The storm water drainage system shall be designed by the Rational Method or other method approved by the County engineer, and a copy of the design computations shall be submitted with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in a gutter, or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each lot and block.
  - (1) Runoff. Drainage systems shall be designed so that there is no increase in the rate of runoff leaving the property involved in the subdivision after development. The County engineer shall review the proposed drainage facilities and provide the Commission with an opinion as to whether such system is of sufficient size, based upon the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the zoning ordinance.

- (2) Downstream Areas. The applicant shall provide information for review by the Department and County engineer regarding the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission shall not approve the subdivision until provision has been made for the improvement of said potential condition.
- (3) Areas of Poor Drainage. Areas which are not in designated floodway or floodway fringe areas but contain soils which are subject to flooding may be approved for subdivision by the Commission provided that the applicant fills the affected areas of said subdivision to an elevation sufficient to place building sites (including septic system locations and streets two feet above ponding levels.
- (b) Drainage Patterns. Natural drainage patterns and natural stream channels shall be maintained wherever possible.
- (c) Blocks and Lots. Each block shall be adequately drained, either through the streets or by the use of a ditch, culvert, or other approved method. Each lot shall be graded in accordance with the standards set forth in the Erosion Control Handbook.
- (d) Streets. All roads abutting or included within property to be subdivided shall be provided with drainage systems in accordance with the standards contained in this Article.
- (e) Erosion Control. Any disturbed or graded area shall be protected from erosion in accordance with the Erosion Control Handbook.
- (f) Retention Ponds. The Commission may require retention ponds to regulate the flow at the outfall. Such ponds shall be protected from erosion in accordance with the Erosion Control Handbook. Such ponds shall be designed and constructed to enable adequate access for maintenance.
- (g) Off-Road Drainage. Off-road drainage systems shall be extended to a watercourse or ditch of adequate size to receive the storm water
- (h) Connections to Existing Systems. Connection to a state drainage system is allowed only with written approval from the Indiana Department of Transportation. Connection to a County legal drain is allowed only with written approval in accordance with the Indiana Code requirements for local drains. Connection to a County road ditch is allowed only with written approval from the County engineer.
- (i) Maintenance of Drainage Systems. The Commission shall not approve any subdivision for which adequate provision for maintenance of drainage systems has not been made. Such provision may include but is not limited to acceptance of the system by the County Drainage Board or establishment of a lot owners association with responsibility to set and collect fees for drainage system maintenance. Roadside ditches shall not be filled without written approval of the County engineer.

(j) Drainage Report. The drainage report shall identify the applicable areas of concern and problem areas as listed on the selection matrix contained in the Erosion Control Handbook and shall indicate the control strategies for these problem areas. The report shall indicate the existing and proposed drainage conditions and the individual practices to be used to accomplish the objectives of this Article. Methods selected to control drainage shall be consistent with the Handbook. The report shall evaluate the ability of the proposed water course, channels, drainage tiles, farm tiles, storm sewers, culverts and other improvements to handle the run-off. A registered professional engineer or land surveyor shall prepare this report.

#### The report shall include:

- (1) Estimates of the water entering the subdivision. Estimates shall assume that the upper watershed will be fully developed according to the current land use plan;
- (2) Conditions of the watershed that may affect run-off such as subsoil type, positive drainage channels, obstructions and so forth;
- (3) Quantities of flow at each pickup point or culvert;
- (4) Description of minor and major drainage systems. The minor system will usually consist of but not be limited to storm sewers, drainage ditches, drainage swales, storm inlets or infiltration structures. The minor system shall be designed to handle a ten-year storm. The major system will usually consist of but not be limited to roadways, culverts, bridges, or overflow drainage ways. The major system shall be designed to handle a fifty-year storm;
- (5) The location of all existing subsurface drainage tiles and a plan to preserve or relocate the tiles;
- (6) Proposals which include holding lagoons, storm water ponds or infiltration facilities shall be prepared by a registered professional engineer and shall include data coordinating field tests with design assumptions and estimates of expected annual maintenance costs.
- (k) Erosion Control Plan. This plan shall identify the applicable areas of concern and problem areas as listed on the selection matrix contained in the Erosion Control Handbook and shall indicate the control strategies for these problem areas. The plan shall indicate the proposed individual practices to be used to accomplish the objectives of this Article. Methods selected to control erosion shall be consistent with the Handbook. (Ord. No. 1986-7, § 8-1-7-7, 10-21-86).

## Sec. 8-62 Miscellaneous Requirements.

- (a) Subdivisions Crossing Municipal or County Boundaries. Lots which straddle municipal or county boundaries should be avoided wherever practical. If a subdivision is located in more than one jurisdiction, approvals from all plan commissions in affected jurisdictions shall be required. If access to a subdivision is required across land in another jurisdiction, the applicant shall provide evidence that such access is legally established, and such access shall be permitted only if the County engineer finds that the access road is adequately improved or a performance bond has been duly executed to assure the construction of the access road.
- (b) Maintenance of Improvements. Before approving any subdivision, the Commission shall review the improvement plans and shall ensure that there are adequate methods to maintain all such improvements. Such improvements include but are not limited to recreation facilities, common open space, private pedestrian ways, private sewer and water systems, and drainage facilities.

- (c) Off-Site Improvements. In reviewing an application for approval of a subdivision under this section, the Commission shall consider the adequacy of existing County roads and other facilities to serve the proposed subdivision and may require the sub-divider to make and pay for improvements deemed necessary by the Commission. In no case shall the County be obligated to make improvements for the purpose of making private land suitable for development.
- (d) Oversized Improvements. The Commission may require the installation of oversized improvements where it deems such improvements to be in the best interests of the County. In the event that such improvements are required, the County shall be responsible for the additional cost related to the over sizing of the required improvements. (Ord. No. 1986-7, §8-1-7-8, 10-21-86).

## Sec. 8-63 Commercial, Industrial and Multifamily Subdivisions.

- (a) General. Any proposed subdivision containing land that is zoned or otherwise intended to be used for commercial, industrial, or multifamily uses is subject to the design standards contained in this section, in addition to those standards applying to all subdivisions of land.
- (b) Arrangement of Lots and/or Blocks. Proposed commercial, industrial, or multifamily parcels shall be laid out in such a manner as to provide safe access; harmonious arrangements of land uses; separation of differing modes of transportation; areas for drainage runoff and, where applicable, retention areas; parking; landscape buffers; and utilities.
- (c) Frontage. Each lot or parcel shall have the full-required frontage on a public road meeting the minimum standards of this Article.
- (d) Streets. If access will be required for large trucks and/or heavy loads, the Commission may increase the construction and design requirements upon the recommendation of the County engineer. Roads serving primarily non-residential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent tracts used or zoned for residential purposes, nor shall primarily residential roads be used for access to industrial subdivisions. Multifamily dwelling complexes shall be designed to discourage traffic from using streets designed and constructed primarily for singlefamily residential use.
- (e) Alleys. Alleys may be permitted by the Commission to provide loading and service areas. Such alleys shall have a right-of-way width of at least twenty (20) feet and a pavement width of at least sixteen (16) feet. (Ord. No. 1986-7, §1, 8-1-7-9, 10-21-86)
- (f) The following items shall be addressed, either through the lot design or through notations placed upon the plat:
  - (1) Loading Docks and Parking. Loading docks, truck parking and/or truck turn-around areas shall be designated by the use of signs and pavement markings. These areas shall be separated from parking and access areas used by automobiles or pedestrian traffic. Public streets shall not be used for truck parking, standing, or backing.
  - (2) Fire Lanes. Fire lanes shall be required at all entrances and exits to structures and storage areas and at all locations of hydrants, siamese connections, sprinkler controls, or other locations deemed appropriate by the Commission. Fire lanes shall be marked by signs and pavement markings in accordance with current standards and specifications.

- (3) Parking Lots. Parking lots shall have a hard, dust-free surface and shall be designed to provide safe, well-defined points of ingress and egress. The Commission may require such physical barriers, pavement markings, signs, and landscaping as it deems necessary to properly channel traffic to designated parking entrances and exits.
- (4) Buffers. Subdivisions containing land zoned for commercial or multifamily use shall contain landscaped buffer areas at least fifteen (15) feet in depth along all lot lines abutting land zoned for single-family or two-family residential use. Subdivisions containing land zoned for industrial use shall contain landscaped buffer areas at least twenty-five (25) feet in depth along all lot lines abutting land used or zoned for residential use. The subdivision plans must show the planting details, including the type(s) and height of vegetation and the caliper of trees to be planted. Such landscaped buffer shall be at least 6 feet in height and shall consist of materials which will form a dense screen within two years, or an opaque fence shall be constructed to accomplish this purpose. The design and materials of such fence shall be shown on the plans.
- (5) Snow Storage. Developments which have parking, loading, and driveway areas in excess of 40,000 square feet shall contain snow storage areas. Drainage plans shall include plans for the disposal of melt water.
- (g) Drainage. A drainage plan meeting the specifications contained in **Section 8-61** shall be submitted. Such system shall be designed so as to minimize the disposal of storm water off-site. Such system shall make maximum use of on-site retention ponds or detention basins to minimize the downstream impact of the drainage from the site.
- (h) Water and Sewer Facilities. The Commission may impose such requirements as it deems necessary on the installation of water and sewer facilities. (Ord. No. 198M8, §1 (8), 4-25-88)

#### Sec. 8-64 and Sec. 8-65 Reserved for Future Use.

## **Division VIII Improvements and Installations.**

## Sect 8-66 General.

Improvements required by this Article shall be installed in accordance with the specifications of this Division. Improvement plans required by this Article shall show all details necessary to indicate compliance with these standards. (Ord. No. 1986-7, 10-26-86)

#### Sec. 8-67 Monuments and Markers.

Monuments and markers shall be installed in accordance with the requirements and specifications set forth in Section 8 -105 of this Article. (Ord. No. 1986-7, §8-1-8-2), 10-21-86)

#### Sec. 8-68 Street Improvements and Construction.

All streets required to be constructed or improved under the terms of this Article shall conform to the standards and specifications contained in **Section 8-57** of this Article.

- (a) Major Intersections. When subdivision streets intersect with collector or arterial streets, the subdivider may be required to install deceleration and passing lanes or other improvements along the major street.
- (b) Pavement Construction. All street construction undertaken under the terms of this Article shall conform to the standards set forth in **Division IX**.
- (c) Development on Existing Streets. Existing streets on which new lots will front or which intersect with new private streets or access easements and thus will receive the traffic flow generated by the subdivision shall be improved at the applicant's expense to standards adequate to safely and adequately handle the traffic the Commission estimates will be generated by the development of the lots in the subdivision. The Commission may, when it deems appropriate, require funds sufficient to cover the cost of required improvements to be placed in escrow with the County auditor for future improvements to existing streets. The County engineer shall recommend to the Commission the improvement standards appropriate to the subdivision.
- (d) Curb and Gutter. All curb and gutter required to be installed under the terms of this Article shall conform to the standards set forth in **Division IX**. (Ord. No. 1986-7, §8-1-8-3, 10- 21-86)

## Sec. 8-69 Sidewalks and Wheelchair Ramps.

When sidewalks are required (see **Section 8-58**), they shall be constructed of Portland cement concrete at least four (4) inches thick and four (4) feet wide. A grassed or landscaped strip at least two feet wide shall separate all sidewalks from adjacent curbs. Ramps for access by handicapped persons shall be provided at all comers, and at such other locations as the Commission deems appropriate for adequate access. (Ord. No. 1986-7, §8-1-8-4,10-21-86)

#### Sec. 8-70 Drainage System.

The applicant shall be required to install a drainage system as shown on the approved plans. All roadside drainage structures and all culverts installed pursuant to this Article shall conform to the standards set forth in **Division IX**. (Ord. No. 1986-7, §8-1-8-5, 10-21-86)

#### Sec. 8-71 Water.

- (a) Public Water Systems. If the subdivision can be served by a public or community water system, the applicant shall install a complete water distribution system to the specifications of the water utility which will serve such subdivision and/or with all applicable regulations, including *Recommended Standards for Water Works* published by the Health Education Service, Inc., Albany, New York. The water system shall include any required hydrants.
- (b) Future Water Service. If the subdivided area is planned or scheduled to be served by a public or community water system in the future, the Commission may require the applicant to provide facilities for future connection. (Ord. No. 1986-7, §8-1-8-6, 10-21-86)

#### Sec. 8-72 Sewage.

- (a) Public Sewer Service. If the subdivision can be served by a public or community sewer system, the applicant shall install sanitary sewer facilities to the specifications of the utility which will serve such subdivision and/or all applicable regulations, including *Recommended Standards for Sewage Works* published by the Health Education Service, Inc., Albany, New York.
- (b) Future Sewage Service. If the subdivided area is planned or scheduled to be served by a public or community sanitary sewer system in the future, the Commission may require the applicant to provide facilities for future connection, including but not limited to pumping stations, capped mains and laterals, for each lot in the subdivision. (Ord. No. 1986-7, §8-1-8-7, 10-21-86)

#### Sec. 8-73 Soil Preservation, Grading and Seeding.

- (a) Grading. All lots and other land included within a subdivision shall be graded in accordance with the approved construction plans. Except for land covered by buildings, included in streets, or where the grade has not been changed and natural vegetation not seriously disturbed, the land shall be covered with topsoil containing no particles more than two inches in diameter and having an average depth of at least four inches. Topsoil shall not be removed from residential lots or used as spoil but shall be redistributed so as to provide at least four inches of cover between sidewalks and curbs and between shoulders and right-of-way lines and shall be stabilized by seeding or planting.
- (b) Seeding. Seeding and planting shall be completed in accordance with the Erosion Control Handbook.
- (c) Debris and Waste. No cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste material shall be buried in any land, or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall any such material be left or deposited in any area of the subdivision at the time of expiration of the performance guarantee or dedication of public improvements.
- (d) Fencing. The Commission may require the applicant to provide and install fences wherever the Commission determines that a hazardous condition may exist. No certificate of occupancy shall be issued until said fences have been installed. (Ord. No. 1986-7, §8-1-8-8, 10-21-86)

#### Sec. 8-74 Other Installations.

The applicant shall be required to install County street name signs at the intersections of all streets and wherever streets change names and at any other locations deemed appropriate by the Commission. Other traffic control signs shall be installed by the applicant when the Commission deems such signs necessary or desirable. The applicant shall install any other improvements shown on the approved construction plans. (Ord. No. 1986-7, §8-1-8-9,10-21-86).

## Sec. 8-75 and Sec. 8-76 Reserved for Future Use.

## **Division IX, Minimum Standards for Roadway Improvement**

#### Sec. 8-77 General.

These standards apply to all roadway improvements made in the County under the terms of this Article. (Ord.. No. 1986-7, §8-1-9-1, 10-26-86)

## Sec. 8-78 Increased Requirements.

The standards contained herein are minimum design standards. The Commission may raise these requirements where existing or anticipated conditions indicate that more than ten (10%) percent of the traffic to be carried by a street will be truck traffic and/or consist of trucks requiring oversize load permits. After recommendation from the County engineer, the Commission shall require all streets to be designed for the estimated conditions. (Ord. No. 1986-7, §8-1-9-2,10-21-86)

#### Sec. 8-79 Standard Specifications.

Unless otherwise stated, all materials and construction procedures and design details shall be in accordance with the most recent editions of the Standard Specifications, the Indiana Department of Transportation Standards, Road Design Manual, Bridge Design Manual, and A Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials. Any other procedure or equipment which is found by the County engineer to produce an acceptable end product may be substituted. (Ord. No. 1986-7, §8-1-9-3, 10-21-86)

#### Sec. 8-80 Roadway Standards.

(a) Pavement Thickness. The minimum pavement thickness standards indicated on the tables below shall be used for construction of new roads or overlay of existing roads. Any modification of these standards shall be based on a determination of the California Bearing Ratio (CBR) by a qualified soils engineer. The Soil Survey of Bartholomew County shall be used to determine the CBR unless soil sampling and testing has been done by a qualified soil scientist.

TABLE 9-1 PAVEMENT TYPE				
	$CRB \ge 6$	$6 > CRB \ge 3$	CRB < 3	
STREET CLASS		PAVEMENT TYPE		
Arterial Collector Local Subdivision	Type 1 Type 4 Type 4 Type 4	Type 2 Type 5 Type 5 Type 5	Type 3 Type 6 Type 7 Type 5	

TABLE 9-2 PAVEMENT TYPE				
PAVEMENT	FULL DEPTH	ASPHALT on	STONE	PLAIN CONCRETE
TYPE	ASPHALT (inches)	(inches)	(inches)	(inches)
Type 1	8	3	9	6
Type 2	9	3	12	6
Type 3	10	3	15	8
Type 4	6	3	6	6
Type 5	7	3	7	7
Type 6	8	3	11	7
Type 7	8	3	10	6
Type 8	7	3	8	5

TABLE 9-3 ESTIMATED CBR VALUES FOR INDIANA SOILS							
SOIL TYPE	SOIL TYPE   ESTIMATE CBR   SOIL TYPE   ESTIMATE CBR   SOIL TYPE   ESTIMATE CBR						
Avonburg Ayrshire Bartle Berks Bloomfield Bonnie Brookston Burnside Camden Celina Cincinnati Clermont Corydon Crosby Dubois Eel Fincastle Fox	5 6 5 4 10 4 3 8 5 4 5 4 2 3 4 6 5 6	Gilpin Haymond Hennepin Henshaw Hickory Landes Martinsville McGary Medway Miami Milton Nineveh Ockley Otwell Peoga Princeton Rarden Rensselaer	4 6 6 4 4 7 6 3 6 4 4 6 6 6 4 4 6 6 3 4	Rodman Ross Rossmoyne Russell Saranac Shoals Sleeth Steff Stendal Stonelick Wakeland Weikart Westland Whitaker Wilbur Xenia Zanesville Zipp	15 3 5 5 5 2 6 5 5 5 5 7 6 4 4 4 6 6 6 5 5		
Genessee	6	Rockcastle	3	r r			

(b) Asphalt. Asphalt shall consist of the following:

Surface: HAC No. 9 or 11 or HAE No. 11, Type III (1" minimum thickness)

Binder: HAC No. 8 or 9 or HAE No. 8 or 9. (2" minimum thickness)

Base: HAC No. 4 or 5 or HAE No. 4 or 5 or 5D

Prime Coat: AE-SP (applied at the rate of approximately 0.5 gal./yd2)

Tack Coat: AE-T (applied at the rate of approximately 0.05 gal./yd2)

- (c) Concrete. Concrete pavement shall be plain Portland cement concrete. Joint spacing shall be at a maximum of 15 feet.
- (d) Stone. Stone shall be Type O compacted aggregate No. 53.
- (f) Temporary Turn-Arounds. Temporary turn-arounds required by this Article shall be constructed of at least 6 inches of stone. (Ord. No. 1986-7, §8-1-94, 10-21-86)

#### Sec. 8-81 Ditches.

- a) Slope. The minimum slope on all roadside ditches shall be 0.25%. The maximum side slope for ditches along arterial, collector, and subdivision streets shall be 3:1 and the maximum back slope shall be 2:1. For local streets, the maximum side slope shall be 2:1.
- (b) Depth. The minimum depth of all roadside ditches shall be 18 inches below the edge of pavement.
- (c) Seeding or Paving. All roadside ditches with grades of less than 3 percent shall be seeded and mulched with straw or sodded. All ditches with grades of at least 3 percent but less than five (5) percent shall be sodded, and all ditches with grades of five (5%) percent or more shall be paved. Any method of stabilizing the ditches which is deemed equivalent by the foregoing by the County engineer is acceptable. Seeding and sodding shall be in conformance with the *Indiana Department of Transportation Standard Specifications*. The seed mixture to be used shall be indicated on the plans. (Ord. No. 1986-7, §8-1-9-5, 10-21-86)

#### Sec. 8-82 Curb and Cutter.

Curb and gutter shall conform with the Indiana Department of Transportation standards and shall be constructed of Portland cement concrete. (Ord. No. 1986-7, §8-1-9-6, 10-21-86)

#### Sec. 8-83 Traffic Control.

All traffic control devices, including regulatory, warning, and guide signs, and pavement markings (if necessary) shall conform to the most recent edition of the *Indiana Manual on Uniform Traffic Control Devices*. (Ord. No. 1986-7, §8-1-9-7, 10-21-86)

#### Sec. 8-84 Culverts.

- (a) Materials. All culverts shall be corrugated aluminum, galvanized corrugated steel, corrugated plastic, or concrete pipe.
- (b) Size. All culverts installed within street rights-of-way shall be a minimum of 12 inches in diameter. Pipe end sections shall be installed on all pipes thirty-six (36) or fewer inches in diameter. All culverts under the roadway shall extend at least the full roadway width, including the shoulders. (Ord. No. 1986-7, §8-1-9-8, 10-21-86)

#### Sec. 8-85 Guard Rails.

All guard rails shall be "blocked out" from posts a minimum of four (4) inches. All guard rail ends shall be terminated in buried ends or breakaway cable terminals unless they are wrapped around a driveway or field entrance in accordance with Indiana Department of Highway Standards. (Ord. No. 1986-7, §8-1-9-9, 10-21-86)

## Sec. 8-86 Construction Signs and Barricades.

Construction signs and barricades shall be adequate to protect the area under construction, workers, and the traveling public. The applicant shall be responsible for maintaining the signs and barricades to the satisfaction of the County engineer. (Ord. No. 1986-7, §8-1-9-10, 10-21-86)

#### Sec. 8-87 and Sec. 8-88 Reserved for Future Use.

## Division X. Certificates and Notations.

# Sec. 8-89 General

All plats or drawings must contain all applicable certificates and notations included in this Article in substantially the same form indicated herein. Deviations in form or wording may be permitted by the Department, provided that the certificate or notation fulfills its intended purpose. Additional certificates and/or notations may be required by the official designated to sign the final plat where special circumstances warrant such additions. For references to administrative and agricultural subdivisions, the word "drawing" shall be substituted for the word "plat." (Ord. No. 1987-01, §1 (7), 1-26-87)

## Sec. 8-90 Surveyor's Certificate.

All plats containing material prepared by a land surveyor shall contain a surveyor's certificate.

(a) Major and Minor Subdivisions. All major and minor subdivisions shall contain the following certificate:

#### SURVEYOR'S CERTIFICATE

I, (name) hereby, certify that I am a professional land surveyor, licensed in compliance with the laws of the State of Indiana; that, to the best of my knowledge, this plat correctly represents a survey completed under my supervision on (date); that any changes from the description appearing on the last record of transfer of the land shown on the plat are so indicated; that all monuments shown thereon actually exist or will be installed.

			SEAL
(Signature)	RLS (#)	(Date)	

- (b) Administrative and Agricultural Subdivisions.
  - (1) The following basic certificate shall appear on all administrative and agricultural subdivision drawings:

#### SURVEYOR'S CERTICATE.

I, <u>(name)</u> hereby, certify that I am a professional land surveyor, licensed in compliance with the laws of the State of Indiana; [add applicable statements here]

			SEAL
(Signature)	RLS (#)	(Date)	

- (2) The applicable statements below must be included in the basic surveyor's certificate.
  - (a) that, except as otherwise indicated, this administrative [agricultural] subdivision has been prepared in accordance with property descriptions contained in existing deeds, without the benefit of a field survey.
  - (b) that, this drawing represents a survey conducted under my supervision on.
  - (c) that, all monuments shown hereon actually exist or will be installed.
  - (d) that, the land shown on this drawing has not previously been platted, and no additional monuments have been or will be set under my supervision. (Ord. No. 1986- 7, §8-1-10-2,10-21-86)

#### Sec. 8-91 Owner's Certificate.

All plats or drawings to be recorded shall contain the certificate in **Section 8-91 A**; any applicable paragraphs as shown in **Section 8-91 B** (additions to basic certificate); and the notarized signature of the owner(s) as set forth in **Section 8-91 C**.

(a) Basic Certificate. The basic Owner's Certificate required on all major and minor plats and on all administrative and agricultural subdivision drawings is as follows:

#### **OWNER'S CERTIFICATE**

We, the undersigned, (names) owners of the real estate shown and described herein, do hereby certify that we lay off, plat (delete the word plat for administrative and agricultural subdivisions) and subdivide, said real estate in accordance with this plat [drawing].

This subdivision shall be k	known and designat					consi	sting of
Clear title to the land assessments are explained		subdivision is	guaranteed.	Any	encumbrances	and	special

[Any additional paragraphs from **Section 8-91 B** which apply should be inserted here.]

[Any additional restrictive covenants running with the land and enforcement provisions therein should be inserted here.]

- (b) Additions to Basic Certificate. Any of the following paragraphs which are applicable shall be included in the Owner's Certificate.
  - (1) All public streets and alleys shown and designated as such and not heretofore dedicated are hereby dedicated to the public. Other public lands shown and not heretofore dedicated are hereby dedicated for the purposes designated hereon.
  - (2) The setback lines shall be determined by the regulations of the governing entity having zoning jurisdiction over the property shown herein.
  - (3) There are strips of ground shown on this plat and marked <u>easement</u> reserved for the use of public utilities and subject to the paramount right of the utility or County to install, repair, maintain or replace its installation. Drainage use of easements is hereby authorized unless otherwise stated. Those easements noted as surface drainage easements shall not be disturbed in such a manner as to interfere with the flow of storm water. No plantings, structures, or fill shall be placed in such easements nor shall they be regraded in such a manner as to impede the flow of storm water.

(4)	There are private access easements and/or private streets shown on this plat and marked
	accordingly. These are intended to be private in perpetuity, and there is no obligation for any
	government entity to assume any responsibility for these easements and/or streets now or at
	any future time. The responsibility for maintenance and snow removal on the access
	easements and/or streets shown on this plat is assumed by the property owners of lots and not
	by the County.

(5)	Improvements dedicated to the public by this plat shall not be maintained by the County until
	the Board of County Commissioners has accepted completed improvements for maintenance.
	The release by the Commissioners of a financial guarantee of performance and/or
	maintenance shall constitute acceptance for maintenance by the County.

(6)	Flood Certificate. This subdiv	vision contains property included in the mapped floodplain on
	the National Flood Insurance	ee Rate Map - Panel Number, dated
		action, filling, grading or alteration of the mapped floodplain
	shall be done in accordance v	with the provisions of the Columbus & Bartholomew County,
		eriodically amended. (Revised per Ord. 5, 2010 (7.19.10))
(7)		own on the plat is to provide access or farm equipment only to and of the property contained in this subdivision.
(8)	The	maintenance easement shown on this plat is to provide
` ′	with access to the	
	maintenance of the	is to be provided by the owners of
	lots.	
(9)	The lots in this subdivision are	e subject to restrictions and covenants as set forth in Plat Book
	# , Page	and any amendments thereto.

- (10) The owner, heirs or assigns of Lot () agree that the private access easement as shown may be converted to a public street or removed entirely at the discretion of the Bartholomew County Plan Commission or its successor, provided that Lot () has reasonable access. The cost to convert the private access easement to a public street or to extinguish the access easement shall not be at the expense of the owner, heirs of assigns of Lot (). (Ord. 1998-11)
- (11) If any of the lots shown on this plat or property adjoining the "Reserved Right-of-Way Corridor" is further subdivided, the "Reserved Right-of-Way Corridor" is further subdivided, the "Reserved Right-of-Way Corridor" shall become dedicated Right-of-Way with costs of the improvements to be borne by the developer. Those improvements shall meet the street design standards contained in the Subdivision Control Ordinance or current adoption. The signatures on this plat permit the "Reserved Right-of-Way Corridor" to become dedicated right-of-way without any further signatures of current or future property owners, heirs or assigns. Before commencing any street improvements to be located in the "Reserved Right-of-Way Corridor", the developer shall post an appropriate financial guarantee of performance. (Ord. 1998-11)

	WITNESS OUR HANDS AND SEAL	LS THIS	day of	, 19
	STATE OF INDIANA	)	SS:	
	COUNTY OF BARTHOLOMEW	)		
	BEFORE ME, THE UNDERSIGNE AND STATE, PERSONALLY APPE ACKNOWLEDGED THE EXECU HIS/HER VOLUNTARY ACT AND	ARED TION OF TI	HE FOREGOING INS	WHO STRUMENT AS
	WITNESS MY HAND AND NOTAR	IAL SEAL TH	ISday of	,
	NOTARY PUBLIC (SEAL)			
	COUNTY OF RESIDENCE (Ord. No. 1986-7, §8-1-10-3, 10-21-86)			
	MY COMMISSION EXPIRES (Ord. No. 1987-01, §8-1-10-3, 1-6-87)			
ec. 8-92	Primary Approval Certificate.			
	ne following Commission certificate of I pear on all plats of major and minor sub			
	PRIMARY APPROVAL Under authority provided by I.C., of thereto, this plat was given PRIMARY follows:			
	Approval by County Plan Commission19	•	eld	
	President			
	Secretary			
	Void unless secondary approval is reco (Ord. No. 1994-02, §8-1-10-4, A, 1-24			, 19

(b) The following Commission certificate of Primary Approval for Minor Subdivisions shall appear on

all plats of minor subdivisions to be heard by the Plat	Committee.
PRIMARY APPROVAL Under authority provided by <b>I.C., 36-7-4-700</b> , thereto, this plat was given PRIMARY APP Committee at a meeting held	ROVAL by the Bartholomew County Plat
Chairperson	
Secretary	_
Void unless secondary approval is received by (Ord. No. 1994-02, §8-1-10-4, B, 1-24-94)	, 19
Sec. 8-93 Secondary Approval Certificate.	
The following Certificate of Secondary Approval For Major at plats of major and minor subdivisions:	nd Minor Subdivisions shall appear on all final
SECONDARY APPROVAL	
All conditions of primary approval have been APPROVAL.	met and this plat is granted SECONDARY
Approved by the Planning Department	, 19
Planning Director	
Void unless Recorded by	, 19
(Ord. No. 1986-7, §8-1-10-5, 10-21-86)	

# Sec. 8-94 Administrative Subdivision Approval Certificate.

The Following certificate shall appear on all administrative subdivision drawings:

ADMINISTRATIVE SUBDIVISION APPROVAL

	This subdivision has been determined to be an administrative subdivision and is eligible for recording as such.
	Approved by the Planning Director
	, 19
	Planning Director
	Void unless Recorded by, 19 (Ord. No. 1986-7, §8-1-10-6, 10-21-86)
Sec 8-95	Agriculture Subdivision Approval Certificate.
(a) Th	ne following certificate shall appear on all agriculture subdivisions:
	AGRICULTURE SUBDIVISION APPROVAL
	This subdivision has been determined to meet the criteria of an agricultural subdivision and is eligible for recording as such. No building permits is to be issued for property contained in this subdivision.
	Approved by the Planning Director, 19
	Planning Director
	Void unless Recorded by, 19
	griculture Subdivision in Combination with Another Subdivision. Major and minor subdivisions thich have an agricultural subdivision as a remainder parcel shall contain the following certificate:
	This subdivision plat shows land which is marked as an agricultural subdivision. The land was not included in the survey and is shown based upon a description as shown in Book, Page An agriculture remainder is subject to platting requirements before a building permit will be issued. (Ord. No. 1986-7, §8-1-10-7, 10-21-86; Ord No. 1993-03. § I, 4-26-93)

# Sec. 8-96 Improvement Plans Certificate

The	following	g certificate	shall appear	r on each shee	et of the fina	l improvement	plans for a m	ajor subdivision

	IMPROVEMENT PLANS
	This document contains or is part of the approved improvement location plans for The improvements to be installed in this subdivision will not be accepted for maintenance by the County Commissioners unless and until all improvements shown hereon have been installed and are in substantial compliance with these plans.
	Planning Director
	Date (Ord. No. 1986-7, §8-1-10-8, 10-21-86
Sec. 8-97 I	Board of County Commissioners Certificate
The follow the public.	ving certificate shall appear on all plats containing land and/or improvements to be dedicated to
	The dedication(s) shown on this plat is (are) hereby accepted by the Board of County Commissioners of Bartholomew County, Indiana, at a meeting held on the day of, 19
	[The following paragraph shall appear on all plats involving improvements for which financial guarantees of performance are posted.]
	This acceptance does not constitute acceptance for maintenance by the County. Maintenance by the County shall commence only after the release of the financial guarantee.
	BOARD OF COUNTY COMMISSIONERS
	<del></del>
	ATTEST
	County Auditor (Ord. No. 1986-7, §8-1-10-9, 10-21-86).

**Sec. 8-98 Reserved for Future Use** (Ord. No. 1993-03, § I, 4-26-93)

# Sec. 8-99 Recording Certificate.

(a) The following certificate shall appear on all so	ubdivision plats or dra	wings:					
TAX CERTIFICATE							
	The real property has been duly entered for taxation and transferred on the records of Auditor of Bartholomew County. This day of, 19						
Bartholomew County Auditor (Ord. No. 19	993-03, § I, 4-26-93)						
(b.1) The following certificate shall appear on all subdivision plats or drawings:							
Recorded in Plat Book	. page number	. this					
day of, 19							
Instrument No							
Fee Paid							
Recorder, Bartholomew County  (b.2) Administrative subdivisions as ADMINISTRATIVE (7)) shall conta Section 8-99 (B) (1) of the Recording  Deed Recorded this the	nin the following not Certificate: day of	ation to be include	d as part of				
Recorder of Bartholomew County (Ord. No. 1989-07, § I, 4-26-93)  (c) Subdivisions Containing Previously Platted previously recorded subdivision shall concertificate:	•						
A notation has been made on the original Page	l plat [drawing] of	, Plat Boo	k				
(d) Reserved. (Ord. No. 1993-03, § I, 4-26-93)							

Sec. 8-100 and Sec. 8-101 Reserved for Future Use

## Division XI. Standards for Surveys and Preparation of Plats.

#### Sec. 8-102 General

All surveys shall be conducted and plats prepared in accordance with the Indiana Survey Standards adopted by the Indiana Society of Professional Land Surveyors and any amendments thereto. In the event of any difference between the Indiana Survey Standards and this Article, the stricter requirement shall apply. (Ord. No. 1986-7, §8-1-11-1, 10-21-86)

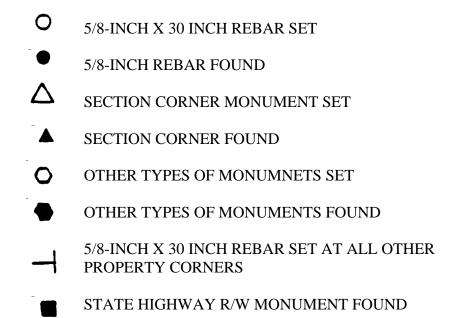
#### Sec. 8-103 Drafting

All plats submitted for approval shall be prepared by or under the supervision of a professional land surveyor licensed in compliance with the laws of the State of Indiana. All drawings shall be neat, legible, reproducible, reducible and drawn on a permanent material.

- (a) Material. All plats of major and minor subdivisions shall be drawn on Mylar or equivalent material at, least 2 mils in thickness, Agricultural and administrative subdivisions may be drawn on white paper. (Ord. No. 1987-01, § I (8), 7-27-87)
- (b) Letter, Symbols, & Drafting. Lettering identifying surveying points or labeling items displayed graphically shall be done using a Leroy or equivalent lettering system, or freehand using plastic lead (E1 to E3). Lettering shall be no smaller that 14 point or 1/8" in height and shall be legible when the drawing is reduced 65 percent. Symbols shall be drawn using appropriate templates. Certificates and notations shall be typewritten or drawn using a Leroy or equivalent lettering system. Drafting may be done with pen and ink or plastic lead as specified above. (Ord. No. 1988-08, § I (9), 4-25-88)

Lettering for agricultural and administrative subdivisions which are not intended for reduction may contain smaller lettering which is neat, black, and legible. (Ord. No. 1987-01, § I (8)m 7-27-87)

(c) Legends. All plats shall contain a legend, using the following standard symbols:



Note: All monuments shall be described in a legend or on the plat near the monument. Additional symbols may be required.

- (d) Size. Plats shall be drawn on sheets no larger than 24 inches by 36 inches and no smaller that 12 inches by 18 inches. Plats may consist of more than one sheet, but each sheet shall be labeled with the name of the subdivision and numbered. Administrative and agricultural subdivisions may be drawn on sheets no smaller than 8 1/2 inches by 11 inches. (Ord. No. 1987-01, § I (8), 7-27-87)
- (e) Copies. Copies of drawings required to be submitted under the terms of this Article shall be blueline or blackline prints and shall be legible.
- (f) Layout. Layout of the sheet should be similar to the example shown in figure 11-1, except when the configuration of the property prohibits such layout.
- (g) Contents. Each plat shall contain as a minimum the following:
  - (1) Name of subdivision.
  - (2) North Arrow.
  - (3) Bar scale.
  - (4) Title Block containing the name and address of the land surveyor or surveying firm which prepared the plat.
  - (5) Names of roads and adjoining subdivisions with lot designations and title of the plat including plat book and page number.
  - (6) Location Map.
  - (7) If the boundary of the plat is represented by a US Public Land Survey Line, two section corners shall be shown for each section line with bearings and distances to each section corner.
  - (8) If the property involved in the subdivision is located on an existing County road and right-ofway is to be dedicated to the County by the plat, an area summary in acres or square feet of each lot and right-of-way area. (See examples below.)

Lot 1	14,780 sq. ft.	Lot 1	1.56 ac
Lot 2	10,020 sq. ft.	Lot 2	6.234 ac
Lot 3	7,635 sq. ft.	Lot 3	1.00 ac
R/W	240 sq. ft.	<u>R/W</u>	<u>.17 ac</u>
	33,675 sq. ft.		8.964 ac

- (9) Accurate direction and length in feet and hundredths of feet of each line. Geometrically curved lines shall be identified with sufficient curve data to define the curve (Curve data include delta angle, radius, chord distance, arc length, tangent length). Lines required to be shown include but are not limited to the following:
  - (a) Plat boundary (heavy solid line).
  - (b) Right-of-way lines of streets and alleys (solid line).
  - (c) Easements (dashed line).
  - (d) Lot lines (solid line).

- (e) Lines indicating easements or lot lines to be vacated by the plat (dashed or dotted line).
- (10) A description of all monuments including a notation as to whether found or set.
- (11) Accurate distances and bearings from established monument or property corner to the subdivision benchmark.
- (12) Distances and bearings for easements shown on the plat which are sufficient to locate said easements. (Ord. No. 1987-01, § I (10), 1-26-87)

#### Sec. 8-104 Surveys.

All Surveys conducted and graphically represented under the terms of this Article shall comply with the minimum standards contained herein.

- (a) Positional Tolerance. The relative precision of the survey shall meet or exceed the following: The true horizontal distance between ant two points whose positions are stated relative to each other, whether directly or indirectly boy calculation, shall not differ from the reported distance by more than one (1) part in five thousand (5,000) plus two tenths (.20) feet.
- (b) Point of Beginning. The point of beginning shall be called out in the description and on the drawing.
- (c) Source of Bearing System. The source of the bearing systems shall be stated (i.e., assumed, magnetic, astronomic) in the description by the bearing on the face of the plat. (Ord. No. 1986-7, § I (11), 1-26-87)
- (d) Area of Tract. The calculated area of the tract in square feet or acres shall be included in the description.
- (e) Ties. All surveys of un-platted ground shall be tied to at least two section corners. Surveys of platted ground shall be tied to previously platted and monumented points. (Ord. No. 1986-7, §8-1-11-3, 10-21-86)

#### Sec. 8-105 Monuments and Markers

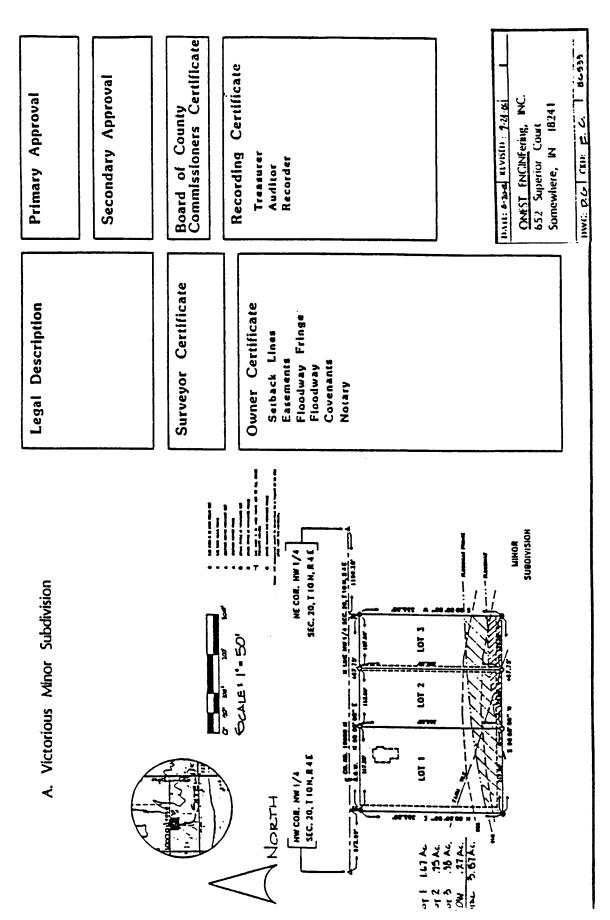
Monuments and markers shall be placed so that their center shall coincide exactly with the intersection of the lines to be marked.

- (a) Monuments. Monuments shall be set at the following locations:
  - (1) At the intersections of all lines forming angles in the boundary of a major subdivision.
  - (2) At the beginning and ending of all curves along street right-of-way lines and at the intersection of street right-of-way lines in major subdivisions.
  - (3) Those points falling in paved roadway may be represented by road nails or railroad spikes provided a witness monument is set.
- (b) Markers. Markers or monuments shall be set at the following locations:

- (1) At the intersection of street right-of-way lines.
- (2) At all section corners.
- (3) At all points where lot lines intersect curved property lines, either front or rear.
- (4) At all angles in property lines of lots.
- (5) At all lot corners not otherwise described herein.
- (6) At the beginning and ending of all curves along street right-of-way lines.
- (7) At all points described in this Section in minor subdivisions.
- (8) Those points falling in paved roadway may be represented by road nails or railroad spikes provided a witness marker is set.
- (c) Subdivision Benchmarks. One benchmark shall be set in each major subdivision containing one hundred (100) lots or fewer. An additional benchmark shall be set for each additional one hundred lots or fraction thereof. The locations of benchmarks shall be approved by the County surveyor.
  - (1) The applicant's land surveyor shall establish subdivision benchmark elevations by a closed level circuit from the nearest U.S.G.S. Benchmark.
  - (2) Each subdivision benchmark shall be installed behind the curb line at an intersection so that the top of the benchmark is level with the top of the curb, unless otherwise permitted by the County surveyor.
- (d) Subdivision Benchmark Specifications. Each benchmark shall be precast or poured-in-place with a twenty-eight (28) day compressive strength of 4000 psi and six (6%) percent air entrainment. Benchmarks shall be at least 12 inches square by 36 inches deep and shall be marked on top with a 3-inch-diameter curved-head brass marker set flush with the top of concrete.
- (e) Monument and Witness Monument Specifications. Monuments shall be of precast concrete or concrete poured in place with a minimum dimensions of four inches by thirty inches containing an iron or steel dowel at least twenty inches (20") long and 5/8 inch in diameter set flush with the top of the monument (eg. 5/8" rebar set in 4" x 30" concrete).
- (f) Marker and Witness Marker Specifications. Markers and witness markers shall consist of iron or steel dowels at least thirty (30) inches long and 5/8 inch in diameter (e.g., 5/8" x 30" rebar). (Ord. No. 1988-08, § I (10) 4-25-88)
- (g) All monuments and markers shall be identified by a cap or permanent label carrying the surveyor's registration number.

Sec. 8-106 through Sec. 8-109 Reserved for Future Use.

FIGURE 11-1 TYPICAL SHEET LAYOUT



## **Division XII. Review Procedure.**

#### Sec. 8-110 General

Applicants for subdivision approval shall follow the procedure contained in this division for the type of subdivision for which approval is sought. (Ord. No. 1986-7, §8-1-12-1, 10-21-86)

#### Sec. 8-111 Discussion with Staff

Prior to submitting any of the materials required by this Article, the applicant or his representative is encouraged to discuss with the Department the nature of the land division being proposed. Based upon the information provided at this conference, the Department will provide the applicant a preliminary opinion as to the classification of the subdivision and which application and review procedure applies to that type of subdivision. Failure to hold this conference and/or to provide complete and accurate information to the Department at this stage may cause delays in formal consideration of the subdivision.

- (a) Classification of Land Divisions. All land to de divided shall be categorized into one of four classes in accordance with this Article. These classes are as follows:
  - (1) Administrative Subdivision
  - (2) Agricultural Subdivision
  - (3) Minor Subdivision
  - (4) Major Subdivision (Ord. No. 1986-7, §8-1-12-2, 10-21-86)

#### Sec. 8-112 Agricultural and Administrative Subdivisions.

- (a) Application. An application for approval of an administrative or agricultural subdivision shall be filed at the Department on forms specified by the Department together with all required materials (see Division III).
- (b) Administrative Review. The Department will review the application for compliance with this Article.
- (c) Field Trip. The Department and its representatives, at its discretion, may visit the site any time during the review process.
- (d) Consultation. The Department shall consult with any other persons and agencies necessary to make an accurate determination of the compliance of the application with the terms of this Article. In the event of any uncertainly by the staff as to compliance or proper classification of any subdivision, the staff shall place such subdivision on the agenda of the Commission for consideration.
- (e) Written Notice. After the Department has made a determination on the application's compliance with the criteria for an agricultural or administrative subdivision, written notice will be sent to the applicant. Notice will be sent within 10 working days.

- (f) Signature. After the Department has determined that the agricultural or administrative subdivision complies with the criteria for such subdivision, the official designated in Section 8-127 shall sign the drawing.
- (g) Recording of an Agricultural or Administrative Subdivision. The approved drawing must be recorded in the County Recorder's office prior to the expiration date or the approval will be null and void. (Ord. No. 1986-7, §8-1-12-3, 10-21-86)

#### Sec. 8-113 Minor Subdivision

(a) Primary Approval Procedure for minor subdivisions before the plat committee.

The Plan Commission hereby establishes a plat committee to review and decide petitions for minor subdivisions.

- (1) Application and Fees. The application and supporting materials shall be filed with the planning department. The fee as set by the commission shall be paid at the time of the filing.
- (2) Review. The committee shall review the plat for compliance with the subdivision control ordinance.
- (3) Action. Action by the committee shall be by a majority vote.
- (4) Public Notification. Approval may be granted by the Plat Committee without public notice and hearing. Within ten (10) days after approval staff shall provide due notification by mail to adjacent property owners and the petitioners. Such notice shall include a notification of the right to appeal the committee's decision.
- (5) Comment Period. A notice of appeal must be filed with the Plan Department within ten (10) days after a copy of notice is mailed.
- (6) Appeals. Appeals shall be governed in accordance with **Section 8-137**.
- (7) Approval Certificate. The Chairman and Secretary of the Plat Committee are authorized to sign the approval plat. (Ord. No. 1994-02, §8-1-12-4, A, 1-24-94)
- (b) Primary Approval Procedure for Minor Subdivisions before the Plan Commission.
  - (1) Application. An application for primary approval of a minor subdivision shall be filed at the Department on forms specified by the Department together with all required materials (see **Division IV**) in accordance with the filing schedule.
  - (2) Placement on the Commission Agenda. Complete applications will be docketed for a public hearing before the Commission. The applicant will be notified of the time and place of the hearing.
  - (3) Administrative Review. Prior to the meeting, the Department and the Subdivision Review Committee will review the application for compliance with this Article. The Department will send a copy of its written analysis of the proposal to the Commission and the applicant prior to the public hearing.

- (4) Field Trip. The Commission and its representatives, at its discretion, may visit the site any time during the review process.
- (5) Public Hearing Notification. The Commission shall hold a public hearing on the primary approval of the minor subdivision. At least 10 days before the hearing, notice of the hearing shall be in the local newspaper of general circulation and sent certified mail to interested property owners as defined by this Article.
- (6) Public Hearing. At the public hearing, the request will be presented, and all those present will be given an opportunity to be heard regarding the proposal. The hearing may, at the discretion of the Commission, be continued to another date. Additional notice of a continued hearing is not required, but may be requested by the Commission.
- (7) Decision by Commission. After the public hearing has been concluded, the Commission will make a decision regarding the application. The Commission shall make findings of fact as to the compliance of the subdivision request with the terms of this Article. The Commission may approve, approve with conditions, or deny the request. If the Commission denies the request, it shall male written findings that set forth its reasons. The decision shall be signed by the Director of the Department, and the Department shall provide the applicant with a copy.
- (8) If the Commission grants primary approval, two officers of the Commission shall sign the primary approval certificate.
- (9) Written Record. The Department will provide the applicant a written record of the findings of the Commission. (Ord. No. 1994-02, § 8-1-12-4, B, 1-24-94)
- (c) Secondary Approval Procedure.
  - (1) Application. After all conditions of primary approval have been met, the applicant may request secondary approval. An application for secondary approval shall be filed at the Department on forms specified by the Department together with any supporting documents required by the Department to provide evidence that all conditions of primary approval have been met.
  - (2) Determination of Conformance. The Department will review the request for secondary approval and make a timely determination on its compliance with the primary approval and conditions.
  - (3) Changes After Primary Approval. If a subdivision plat deviates in any way except for corrective details from the one receiving primary approval with the approved conditions, the subdivision will not receive secondary approval. Any changes in the approved plans must be submitted to the Commission or Plat Committee, unless such changes qualify for administrative approval under the definition of Administrative Subdivision. (Ord. No. 1994-02, § 8-1-12-4, C, 1-24-94)
  - (4) County Commissioners' Approval. Subdivisions involving public improvements or dedication of land to the public require action by the Board. The improvements must be installed in accordance with the approved plans or guarantees of performance specified in **Division XIII** must be provided before the Board signs the final plat. The Department will place the subdivision on the Board agenda when such improvements are completed or performance guarantees provided.

- (5) Signature and Seal. After the Department has determined that the final plat complies with the conditions of approval of the Commission and the Board has accepted any public dedications, improvements, and/or guarantees of performance, secondary approval shall be given by the official designated in **Section 8-126** and the Commission seal affixed to the final plat.
- (6) Recording. The final plat must be recorded in the County recorder's office prior to the expiration date or it will be null and void. (Ord. No. 1986-7, § 8-1-12-4, 10-21-86)

#### Sec. 8-114 Major Subdivisions.

This section applies to any subdivision which is deemed to be a major subdivision under the terms of this Article.

- (a) Concept Plan Procedure.
  - (1) Application. An application for concept plan consideration shall be filed on forms specified by the Department together with all required materials (see **Division V**) in accordance with the filing schedule.
  - (2) Placement on the Commission Agenda. Complete applications will be docketed for consideration by the Commission. The applicant will be notified of the time and place of the meeting at which the concept plan will be discussed.
  - (3) Administrative Review. Prior to the Commission meeting, the Department will review the concept plan. Comments on the plan may be requested by the Department from the Subdivision Review Committee and by such other persons as the Department deems appropriate.
  - (4) Public Meeting. The Commission shall review the proposed concept plan at a public meeting. Comments on the plan will be presented to the Commission by the Department. The Commission will discuss the plan and provide guidance to the applicant as to the suitability of the land for subdivision and the design and layout of lots and improvements.
  - (5) Written Record. The Commission will provide a written record to the applicant on the discussion within 45 days after the meeting(s) at which the concept plan is discussed. (Ord. No. 1986-7, § 8-1-12-5, A (1-5), 10-26-86)
  - (6) Commission Action. The Commission shall by a motion duly made and seconded approve, deny, or continue the concept plan. Approvals may be conditioned upon design changes. Any Motion to continue must include guidance to the applicant as to the type(s) of information and/or changes the Commission requires in order to arrive at a decision. Any motion to deny must include reasons for the denial. The approved concept plan shall contain the signature of the presiding officer of the Commission and shall be kept on file at the Department. (Ord. No. 1988-08, § I, (11), 4-25-88)
- (b) Primary Approval Procedure.
  - (1) Application. After receiving the written record of the discussion of the concept plan, the applicant may request primary approval. An application for primary approval shall be filed at the Department on forms specified by the Department together with all required materials (see Section 8-43) in accordance with filing schedule.

- (2) Placement on Commission Agenda. Complete applications for the primary approval will be docketed for a public hearing before the Commission. The applicant will be notified of the time and place of the hearing.
- (3) Administrative Review. Prior to meeting, the Department and the Subdivision Review Committee will review the application for compliance with this Article. The department will send a copy of its written analysis of the proposal to the Commission and applicant prior to the public hearing.
- (4) Field Trip. The Commission and its representatives, at its discretion, may visit the site any time during the review process.
- (5) Public Hearing Notification. Within 30 days after receiving the application, the Department shall announce the date of a public hearing before the Commission. At least 10 days before the hearing, notice of the hearing shall be published in accordance with **I.C. 5-3-1** and sent in the manner specified by the Commission's Rules of Procedure to interested property owners as defined in this Article.
- (6) Public Hearing. At the public hearing, the request will be presented, and all those present will make a decision regarding the application. The hearing may, at the discretion of the Commission, be continued to another date. Additional notice of a continued hearing is not required, but may be requested by the Commission.
- (7) Decision by Commission. After the public hearing has been concluded, the Commission will make a decision regarding the application. The Commission shall make findings of fact as to the compliance of the subdivision request with the terms of this Articled. The Commission may approve, approve with conditions, or deny the request. If the Commission disapproves the subdivision, it shall make written findings that set forth its reason, The decision shall be signed by the director if the Department, and the Department shall provide the applicant with a copy.
- (8) Signature. If the Commission grants primary approval, two officers of the Commission shall sign the primary certificate.

#### (c) Secondary Approval Procedure.

- (1) Application. After all conditions of primary approval have been met, the applicant may request secondary approval. An application for secondary approval shall be filed at the Department on forms specified by the Department together with any supporting documents required by the Department to provide sufficient evidence that all conditions of primary approval have been met.
- (2) Determination of Conformance. The Department will review the request for secondary approval and make a timely determination on its compliance with the primary approval and conditions.
- (3) Changes After Primary Approval. If a major subdivision plat deviates from the one receiving primary approval with the approved conditions, the subdivision will not receive secondary approval. Any Changes in the approved plans must be submitted to the Commission, unless such changes qualify for administrative approval under the definition of Administrative Subdivision.

- (4) County Commissioners' Approval. Subdivisions involving public improvements or dedication of land to the public require action by the Board. The improvements must be installed in accordance with the approval plans or guarantees of performance as specified in **Division** XIII must be provided before the Board signs the final plat. The Department will place the subdivision on the Board agenda when such improvements are completed or performance guarantees provided.
- (5) Signature and Seal. After the Department has determined that the final plat complies with the conditions of approval of the Commission and the Board has accepted any public dedications, improvements, and/or guarantees of performance, secondary approval shall be given by the official designated in **Section 8-126**, the Commission seal affixed to the final plat, and the director shall sign the improvement plans.
- (6) Recording. The final plat must be recorded in the County Recorder's office prior to the expiration date or it will be null and void. (Ord. No. 1986-7, § 8-1012-5, A-C, 10-21-86)

## Sec. 8-115 though 8-117 Reserved for Future Use.

## **Division XIII. Administration and Enforcement.**

#### Sec. 8-118 General.

The Department is hereby designed as the agency responsible for administration, interpretation, and enforcement of this Article. (Ord, No, 1986-7, § 8-1-13-1, 10-21-86)

#### Sec. 8-119 Modifications.

The Commission may grant such modifications to the requirements and standards of this Article as will not be contrary to the public interest, where owing to the extraordinary conditions, fully demonstrated by the applicant on the basis of facts presented, strict compliance with the provisions of this Article will result in practical difficulties or misuse of property.

- (a) Criteria for Modifications. In the exercise of its authority under this section, the Commission shall grant modifications only upon finding all of the following:
  - (1) The modification will not be detrimental to the public health, safety, or general welfare.
  - (2) The modification will not adversely affect adjacent property.
  - (3) The modification is justified because of exceptional topographic or other physical conditions unique to the property involved and is not to correct mere inconvenience or financial disadvantage.
  - (4) The modification is consistent with the intent of this and other applicable ordinances or the Comprehensive Plan.
  - (5) The condition necessitating the modification was not created by the owner or applicant.

- (6) The modification will not conflict with the powers and duties of the Board of Zoning Appeals as defined by the zoning ordinance.
- (b) Modification Requests. Any request for modification(s) from the standards of this Article shall be submitted in writing as part of the application for approval of a subdivision. Such request shall make specific reference to the section of the Article from which such modification is requested and shall state the reasons for the request, addressing the criteria in this section.
- (c) Decision by Commission. In approving or denying a modification request, the Commission shall make specific findings on each of the criteria in this section. If the Commission approves a modification request, it may impose such conditions as it deems necessary and proper to carry out the intent and purposes of this Article. (Ord. No. 1986-7, § 8-1-13-2, 10-21-86)

## Sec. 8-120 Preparation and Certification of Plats and Surveys.

- (a) All plats and surveys shall be prepared by or under the direct supervision of a professional land surveyor licensed in accordance with the laws of the State of Indiana, who shall be responsible for the monumentation thereof.
- (b) Improvements shall be constructed in accordance with plans and specifications prepared by a licensed engineer or land surveyor and approved by the Commission. Unless otherwise specified in the subdivision agreement, the licensed person who prepared the improvement drawings shall be responsible for the stakeout, inspection, and certification of completion in accordance therewith. If the person specified in the subdivision improvement agreement is not able to perform this duty, he shall give notice by registered mail to the Department and like notice to any person, firm, or corporation guaranteeing the installation of the improvements. No work on such improvements shall commence until a subdivision improvement agreement has been duly executed. (Ord. No. 1990-01, § I,8-1-13-3, 1-8-90)

#### Sec. 8-121 Subdivision Improvement Agreement and Financial Guarantee.

To insure that all public improvements are constructed on accordance with plans approved by the Commission, no work may be commenced in any subdivision until a subdivision improvement agreement has duly been executed between the developer and the County. Such agreement shall set forth the improvements to be completed, which shall be consistent with the plans approved by the Commission. It also shall set forth the terms and conditions under which the work is to be performed. A subdivision plat may be recorded only after secondary approval has been given as specified in this Article. Secondary approval shall not be given until one of the following has been accomplished:

(a) The acceptance for perpetual maintenance of all required improvements in accordance with the approved plans and the subdivision improvement agreement.

- (b) The posting of financial guarantees in an amount equal to one hundred twenty-five (125%) percent of the cost of the improvements as specified by the subdivision improvement agreement. The form and length of guarantees shall be specified in the subdivision improvement agreement, but in no case shall the guarantee be for a period of more than two years. Extensions of time may be negotiated through a mutually acceptable modification or extension of the subdivision improvement agreement. In the event that the guarantees are extended for more than two years, the Commission shall review the amount of the guarantees before the subdivision improvement agreement is modified.
  - (1) As a condition of the acceptance of improvements and/or release of financial guarantees posted under the terms of this section, the sub-divider shall post with the Board and/or other agencies financial guarantees ensuring maintenance of the improvements in good repair. These guarantees shall be in an amount equal to twenty-five (25%) percent of the estimated cost of all improvements as specified in the subdivision improvement agreement. The form and length of the guarantee shall be specified in the subdivision improvement agreement, but the length shall be for three years or until seventy-five (75%) percent of the lots in the subdivision are developed, whichever is longer.
  - (2) The agency to which the guarantee runs may grant a partial release from a financial guarantee for portions of the improvements which are complete and accepted by such agency, provided that the maintenance guarantee as specified in Subsection One (1) is posted for such portion of the improvements. The conditions under which partial release of the guarantees will be permitted shall be specified in the subdivision improvement agreement. (Ord. No. 1990-01, § 8-1-13-4, 1-8-90)

## Sec. 8-122 Preconstruction and Construction Inspections.

- (a) Pre-construction: Prior to beginning any work within the subdivision, the person or persons designated in the subdivision improvement agreement to be responsible for the installation of improvements shall meet on the site with representatives of the County as specified in said agreement.
- (b) Construction: The County representative designated in the subdivision improvement agreement shall inspect and require that the installation of all improvements take place in accordance with plans approved by the Commission. The County representatives shall have authority as specified in the subdivision improvement agreement over the schedule of construction, materials used, methods of construction, and workmanship to ensure compliance with the approved plans and the terms of the agreement. (Ord. No. 1990-0,1\s 8-1-13-5, 1-8-90)

### Sec. 8-123 Maintenance Guarantees.

- (a) Maintenance Bond. As a condition of acceptance of the public improvements or release of the financial guarantee, the Board shall require the sub-divider to post a maintenance bond or other financial guarantee as specified in **Section 8-121**, in an amount equal to twenty-five (25%) percent of the cost of all improvements.
- (b) Length of Maintenance Bond. The maintenance guarantee shall be for a period of three years or until seventy-five (75%) percent of the lots in the subdivision are developed, whichever is longer. (Ord. N. 1986-7, § 8-1-13-6, 10-21-86)

#### Sec. 8-124 As-Built Plans.

After completion of all public improvements and prior to their acceptance by the Board, the applicant shall provide the Department one mylar copy of drawings showing the actual locations and specifications of all improvements installed in the subdivision. The as-built drawings shall be certified by a land surveyor or engineer licensed in Indiana. (Ord. No. 1986-7, § 8-1-13-7, 10-21-86)

#### Sec. 8-125 Acceptance of Improvements.

Upon completion of construction, the applicant may file a written request to the Board for acceptance of all public improvements.

- (a) Request Contents. A request for acceptance of public improvements shall contain the certification required by **Section 8-121** and the as-built plans required by **Section 8-124**.
- (b) Final Inspection. The Board shall refer a request for acceptance of public improvements to the County engineer who shall make a final inspection and shall make a recommendation to the Board based on all required inspections of the project.
- (c) Board Action. After receiving the recommendation of the County engineer, the Board shall decide whether to accept the improvements. Any refusal to accept the improvements shall be accompanied by findings as to the reasons. The Board shall not accept the improvements until it has received the maintenance bond requirement in **Section 8-123**. (Ord. No. 1986-7, § 8-1-13-8, 10-21-86)

## Sec. 8-126 Secondary Approval.

The Plan Director or his/her designee is authorized to sign the secondary approval certificate only after the subdivision improvement agreement has been executed and all conditions of approval imposed by the Commission have been met. (Ord. No. 1986-7, § 8-1-13-9, 10-21-86)

## Sec. 8-127 Administrative Approval

The Plan Director or his/her designee is hereby designated as the official authorized to approve administrative and agricultural subdivisions. At least every six months, the staff shall provide to the Commission a report of all administrative and agricultural subdivisions approved. This report shall contain the names of the subdivisions, the names of owners, the area of the property involved, the type of subdivision, and the dates of approval. (Ord. No. 1986-7, § 8-1-13-10, 10-21-86)

# Sec. 8-128 Amendment.

Amendment to this ordinance may be initiated by the Commission, Board, or by a citizen petition. Such amendment shall be considered and acted upon in accordance with the procedures established by Indiana law. (Ord. No. 1986-7, § 8-1-13-11, 10-21-86)

## Sec. 8-129 Plat Validity.

No plat of any subdivision of land, as defined by this ordinance, shall be entitled to record in the County recorder's office or have validity until approval is granted under the terms of this ordinance. Any such plat not properly approved shall not be entitled to an improvement location permit or a building permit. (Ord. No. 1986-7, § 8-1-13-12, 10-21-86)

## Sec. 8-130 Revision of Plat After Approval.

No Changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Commission and endorsed in writing on the plat, unless said plat is first resubmitted to the Commission and such change(s) approved, unless such changes meet the requirements of an administrative subdivision, in which case the staff may approve the changes. (Ord. No. 1986-7, § 8-1-13-13, 10-21-86)

#### Sec. 8-131 Records of Plats.

All plats of subdivision upon approval according to this ordinance shall be recorded in the County recorder's office within the time limit established by this ordinance unless an extension is granted by the appropriate official or board. Copies of the recorded plat or drawing shall be provided to the following offices within three days after recording: Code Enforcement, Assessor, Planning. (Ord. No. 1986-01, § I (12), 1-26-87)

The County Auditor's office shall not accept a deed for property to be entered for taxation unless the property complies with the requirements of the Article. Within 14 days after the plat is recorded, the applicant shall provide the County Recorder a black line on white paper photographic reproduction of said plat which is 18 inches by twelve (12) inches in size for inclusion in the official books. (Ord. No. 1986-7, § 8-1-13-14, 10-21-86)

The foregoing sentence notwithstanding, agricultural and administrative subdivisions may be drawn on any standards paper size up to 18 inches by twelve (12) inches, and blackline copies shall be recorded in the appropriate book in the recorder's office. (Ord. No. 1986-01, § I (9), 7-27-87)

#### Sec. 8-132 Sale of Land within Subdivisions.

No owner or agent may sell or advertise for sale any land within a subdivision before such plat has been approved and recorded in the manner prescribe in this Ordinance. (Ord. No. 1986-7, § 8-1-13-15, 10-21-86)

#### Sec. 8-133 Severability.

If any article, section, subsection, sentence, clause or phrase of this Article is judge to be void, such decision shall not affect the validity of the remaining portions of this ordinance. (Ord. No. 1986-7, § 8-1-13-16, 10-21-86)

## Sec. 8-134 Violation, Remedies, and Enforcement.

- (a) Subdivision Violation. Any land within the County which is subdivided in violation of this ordinance is hereby declared to be a common nuisance. Failure, by any person, to abide by any provision of this ordinance shall be deemed a violation of this ordinance and shall be guilty of a Class C Infraction which, upon conviction, shall carry a fine of not less than \$100.00 and not more than \$300.00 per violation, and for each day that the violation continues unabated, a separate offense shall be deemed to have been committed.
- (b) Recording Violation. Failure to deliver to the County recorder a copy of the plat which complies with **Section 8-131** shall be declared a violation of this ordinance. Applicants who fail to provided this copy within specified time shall be guilty of an infraction, and upon conviction, shall be fined in the sum not less than \$25.00 nor more than \$100.00 per day for each violation. Each day of violation shall constitute a separate offense.
- (c) Court Action. For and on behalf of the Commission, Department, or the County as their interests may appear, the director may institute, in a court of appropriate jurisdiction, causes of action against any person who violates any of the terms of this ordinance. Said causes of action shall include, but not be limited to, the filing of a charge of a Class C Infraction; filing suit for Temporary or Permanent Restraining Order; or, filing suit against the Maintenance of a Common Nuisance. In addition, the Department may pursue and other action, or remedy, authorized by the laws of Indiana. All of the forgoing actions shall be cumulative.
- (d) Enforcement. The Department shall be responsible for the enforcement of the terms of this ordinance and said Department is authorized to do all things and to take all action necessary and prudent, under the circumstances, to enforce the provisions hereof.
- (e) Settlement. The Department is authorized, as deemed prudent or necessary under the circumstances, to enter into any compromise or settlement involving a violation of this Article, providing such compromise or settlement is in the best interests of the enforcement of this Article. (Ord. No. 1986-7, § 8-1-13-17, 10-21-86)

#### Sec. 8-135 Fees.

The Commission shall establish a uniform schedule of fees for filing applications. These fees shall be proportioned to the costs of checking, verifying and advertising all proposed subdivisions. The fee schedule shall be on display at the Department office. (Ord. No. 1986-7, § 8-1-13-17, 10-21-86)

## Sec. 8-136 Interpretation.

It is the intent of this Article that any interpretation of the Article shall be accomplished by the Department. Any interpretation made by the Department may be appealed to the Commission. (Ord. No. 1986-7, § 8-1-13-20, 10-21-86)

## Sec. 8-137 Appeal

- (a) Department Decision. Any final decision of the Plat Committee or the Department may be appealed to the Commission. The notice of final decision shall contain the date of mailing thereon. Said appeal may be initiated by the applicant or any property owner affected by such final decision. The appeal shall be directed to the Commission and shall be filed with the Department. Such appeal must be made within ten (10) days of the mailing of such final decision to the applicant or property owner, as the case may be. If the expiration of said ten (10) days occurs on a Saturday, Sunday or legal holiday, then such expiration date shall be extended to include the next business day thereafter following.
- (b) Public Hearing. An appeal of a Plat Committee or Department final decision shall be heard by the Commission at a regularly scheduled session or special session of the Commission within forty-five (45) days after the filing of an Appeal Petition with the Department, and the Commission shall render its written final decision within fifteen (15) days after such hearing. With the consent of the applicant and Commission, said hearing day may be extended.
- (c) Commission Decision. A final decision of the Commission may be appeal to the Circuit Court or Superior Court of Bartholomew County, Indiana. Said appeal shall be through a Petition For Writ of *Certiorari* filed with the clerk of the appropriate court within thirty (30) days after the date of such final decision. Said petition shall, in all respects, conform with Indiana law. (Ord. No. 1994-02, § 8-1-13-21, 1-24-94)

Sec. 8-138 through Sec. 8-149 Reserved for Future Use.

April 8, 1932

# To Minom It Hay Concern:

property owners wishing to obtain building permits on lots which were not legally created under the Subdivision Control Ordinance. The Building and Zoning Office will not issue permits for these lots, and our office must initiate action to correct any violations of the subdivision regulations.

purposes you may want to make a determination as to whether the lot is eligible for a permit prior to final sale. In order to do so, you must find the recording date of the first deed on the parcel with the same legal description you have new. To be a buildable tract, the property must be subdivided with the approval of the Plan Commission or meet the exemptions listed below, for the date the dated was recorded.

7 to Aug. 4, 1958

- No restrictions on the size, or minimum acreage were in effect. However, these lots must have an established access.

Ma. 4, 1958 - Oct. 5, 1959

- Both the new tract of land and the remaining parent tract must be a minimum of 5 acres in size.

04. 5, 1959- Oct. 31, 1977

- Both the lot created and the parent tract remainder must be a minimum of 3 acres in size and have a minimum of 100 ft. road frontage.

Oct. 31, 1977 - Jan. 1, 1982

- Both the lot created and the parent tract remainder must be a minimum of three acres and have a minimum of 300 ft. road frontage.

J**. 1**, 1982

In S-1 150 ft. minimum read frontage.

- All lots created on or after Jan. 1, 1982, must be platted prior to sale. Only tracts of land in agricultural production do not have to be platted. Lots divided as agricultural land will not receive a building permit.

If you have any further questions on a specific parcel of ground, please call the Building and Zoning Office. If you have any question on the subdivision regulations

## BARTHOLOMEW COUNTY PLAN COMMISSION

Resolution No: BRR-86-9

Passed: November 19, 1986

A RESOLUTION ADOPTING AN EROSION CONTROL HANDBOOK FOR USE IN THE REVIEW OF SUBDIVISION PROPOSALS

WHEREAS, The Board of County Commissioners recently adopted a new Subdivision Control Ordinance (effective date: November 6, 1986) for use in Bartholomew County; and

WHEREAS, said ordinance makes reference to an "Erosion Control Handbook" for use in the review of subdivision proposals; and

WHEREAS, the Hoosier Heartland Resource Conservation and Development Council, Inc. has prepared an <u>Urban Development Planning Guide</u> for erosion and sediment control, flood prevention and drainage,

NOW, THEREFORE, BE IT RESOLVED, that the Bartholomew County Plan Commission hereby adopts the <u>Urban Development Planning Guide</u> to serve as the "Erosion Control Handbook" referred to in the Subdivision Control Ordinance.

Ken Bense, President

Barth. County Plan Commission

Woodrow Beauregard, Secretary Barth, County Plan Commission

Reference: BRR-86-9