

ARTICLE 14 SUBDIVISIONS

SECTION 21-14 SUBDIVISIONS

Section 21-14.01 General Provisions

(a) Short title and purpose.

- (1) The ordinance codified in this article shall be known and cited as the "*City of South Bend Subdivision Regulations*."
- (2) The purpose of this title [article] shall be to provide rules, regulations, and *standards* in order to achieve orderly development in the *City* through land subdivision; to promote the utilization of land to assure to the residents of the *City* the best possible environment; to cause land subdivision to be made in accordance with the *Land Use and Transportation Plan* of the *City*; and to promote the health, safety and general welfare of the *City*. It shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land by adequate provision for circulation, utilities and services.

(b) Administrative authority.

- (1) The Area Plan *Commission*, by virtue of Acts of 1957, Chapter 138 of the Indiana General Assembly, as amended, is established as the administrative agency for this title [article].

(c) Jurisdiction; subdivision compliance required.

- (1) This article shall apply to all subdivision of land within the corporate limits of the *City*, as now or hereafter established.
- (2) No subdivision, resubdivision, or *replat* of any *lot*, tract or parcel of land shall be effected, nor shall any street, sanitary sewer, storm sewer, water main or other facility in connection therewith be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this title [article].
- (3) No *lot* in a subdivision shall be sold, nor shall a permit to erect, alter or repair any building upon land in a subdivision be issued, unless and until a subdivision has been approved and recorded, and until the improvements

required by the *City* in connection therewith have either been constructed or guaranteed as provided in this title [article]. However, if a *major subdivision* has received primary approval, permits for model homes may be issued, provided that no more than two (2) permits are in existence at any one time, and that such homes are not occupied until the subdivision has been given secondary approval and has been recorded, as provided in this title [article].

(d) Interim subdivision procedure

- (1) Any minor or final subdivision certified as complying with the subdivision control ordinance by the *Commission* after September 1, 1982, and prior to the effective date [November 8, 1982] of this ordinance [article], and recorded prior to the effective date [November 8, 1982] of this ordinance [article], shall be given secondary approval by the *Committee*, without any additional filing fee or application. The *Committee* shall affix the *Commission's seal* and certificate of approval upon the original drawing, rerecord the subdivision, at no cost to the *subdivider* or his *registered land surveyor*, per the requirements of section 21-14.04(c)(10) and provide the written notice, signed by the Secretary of the *Committee*, that the subdivision has received secondary approval and been rerecorded. (*Ord. No. 9513-04; June 2004*)
- (2) Any preliminary subdivision certified as complying with the subdivision control ordinance by the *Commission* after September 1, 1982, and prior to the effective date [November 8, 1982] of this ordinance [article], shall be given primary approval by the *Committee*, without any additional filing fee or application. The *Staff* shall affix the *Commission's seal* and certificate of approval upon two (2) copies of the subdivision, provide the *subdivider* with written notice, signed by the Secretary of the *Committee*, that the subdivision has received primary approval, provide the *subdivider's registered land surveyor* with a copy of the sealed and certified subdivision. The second copy of the sealed and certified subdivision shall be retained in the records of the *Commission*. The *Staff* shall also include a report in the *Commission's* records which shall include, but not be limited to, the date, time and place the subdivision has been given a public hearing; a list of individuals who received notice of the public hearing; a list of those who remonstrated at the public hearing, and their points of remonstrance; the *Commission's* disposition of the remonstrance and preliminary subdivision; that the individuals who received a notice of the *Commission's* public hearing are the same that would have received notice of a *Committee* public hearing as "*Interested parties*"; and, that the subdivision was approved by the *Commission* which, in fact, has the authority to approve the subdivision by virtue of this ordinance [article] and State law.

Section 21-14.02 Definitions

(a) Definitions as used in this article:

- (1) Appropriate agencies means those agencies designated by ordinance or the *Staff* to review subdivisions and may include, but is not limited to the following: *County Surveyor, County Engineer, City Engineer, State Department of Natural Resources, State Division of Aeronautics.*
- (2) Assessor's office means the Assessor's office of the *County*.
- (3) Block means a tract of land bounded by streets or by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad rights-of-way, rivers and lakes, and other lines of demarcation.
- (4) Board means the Board of Public Works, *City of South Bend, Indiana.*
- (5) Building setback line means the area in which no permanent structure shall be constructed or located.
- (6) City means the City of South Bend, Indiana.
- (7) City Engineer means the City Engineer of the City of South Bend, Indiana.
- (8) Commission means the Area Plan Commission of St. Joseph *County, Indiana.*
- (9) Commission's certificate of approval means the certificate block signed by the President of the *Commission* or the Chairman of the *Committee* and attested to by the Secretary of the *Commission* or *Committee*, as appropriate.
- (10) Commission's seal means the official seal of the *Commission*
- (11) Committee means the *Plat Committee* of the Area Plan Commission.
- (12) Council means the Common Council of the City of South Bend, Indiana.
- (13) County means St. Joseph County, Indiana.
- (14) County Surveyor means the County Surveyor of St. Joseph County, Indiana.
- (15) Crosswalk means a right-of-way dedicated to public use, which cuts across a *block* to facilitate pedestrian access to adjacent streets and properties.

- (16) Department of Natural Resources means the State Department of Natural Resources.
- (17) Easement means a grant by a property *owner* to the general public and/or *public utility* or utilities for the use of land for a specifically stated purpose or purposes.
- (18) Reserved. (*Ord. No. 10609-18; 9/24/18*)
- (19) Reserved. (*Ord. No. 10609-18; 9/24/18*)
- (20) Reserved. (*Ord. No. 10609-18; 9/24/18*)
- (21) Reserved. (*Ord. No. 10609-18; 9/24/18*)
- (22) Interested parties means:
- (A) For a *major subdivision*:
- i. Property *owners* within three hundred (300) feet of the proposed *major subdivision*;
 - ii. *Staff* of the Area Plan *Commission*;
 - iii. *Subdivider*.
- (B) For *minor subdivisions* and subdivision *replats*:
- i. *Staff* of the Area Plan *Commission*;
 - ii. *Subdivider*.
- (23) Land Use and Transportation Plan means a composite, or segment thereof, of the mapped and written proposals and recommendations of the *Commission* relative to the growth and development of the *County* including the City of South Bend.
- (23.1) Lot of record means:
- (A) Any *lot*, in its entirety, of a subdivision that was recorded in the *Recorder's Office* prior to the adoption of this ordinance.

- (B) A parcel described by a metes and bounds description, or as *lots* or any combination of parts of *lots* of an unrecorded subdivision provided that all of the following provisions are complied with:
- i. Recorded evidence of ownership describing the parcel as a single and separate ownership was recorded in the *Recorder's Office* prior to June 13, 1949; and
 - ii. The current legal description describes the parcel as recorded in the *Recorder's Office* on or before June 13, 1949; and
 - iii. The parcel has frontage along an improved, dedicated, and accepted public road.
- (C) A parcel described by a metes and bounds description, or as *lots* or any combination of parts of *lots* of an unrecorded subdivision provided that all of the following provisions are complied with:
- i. Recorded evidence of ownership describing the parcel as a single and separate ownership was recorded in the *Recorder's Office* after June 13, 1949, but on or before December 11, 1961; and
 - ii. The current legal description describes the parcel as recorded in the *Recorder's Office* after June 13, 1949, but on or before December 11, 1961; and
 - iii. The parcel consists of at least six thousand (6,000) square feet; and
 - iv. The parcel has frontage along an improved, dedicated, and accepted public road.
- (D) A parcel described by a metes and bounds description, or as *lots* or any combination of parts of *lots* of an unrecorded subdivision provided that all of the following provisions are complied with:
- i. Recorded evidence of ownership describing the parcel as a single and separate ownership was recorded in the *Recorder's Office* on or before July 27, 1966; and
 - ii. The current legal description describes the parcel as recorded in the *Recorder's Office* on or before July 27, 1966; and
 - iii. The parcel meets or exceeds the *lot* area and width requirements of the zoning district in which the parcel is located; and

- iv. The parcel has frontage as required by the *zoning ordinance* along an improved, dedicated, and accepted public road.
- (E) A parcel of land described by a metes and bounds description, or as a *lot* or *lots* or any combination of parts of *lots* of an unrecorded or recorded subdivision that does not meet any of the other sections of this definition and provided that prior to the adoption of this ordinance the following were met:
 - i. Recorded evidence of ownership describing the property as a single and separate ownership was recorded in the *Recorder's Office*; and
 - ii. A primary building existed on the property.
- (F) A *lot of record* as defined in items A. through E. above which is reduced in area as a result of action by a governmental unit or entity.
- (24) Lot means a parcel or portion of land separated from other parcels or portions by description as on a subdivision of record or survey map or by metes and bounds for purposes of sale, lease or separate use.
- (25) Lot, double frontage means a *lot*, other than a corner *lot*, which fronts on two (2) streets.
- (26) Major subdivision means a division of land either by metes and bounds description or by plat, into two (2) or more *lots* or parcels for the purpose, whether immediate or future, of conveyance, transfer, improvement or sale; provided, however, that a division of land for agricultural purposes in parcels of more than ten (10) acres, shall be exempted. The term "subdivision" shall also include redivision of land.
- (27) Minor subdivision means a division of land, over any period of time, into two (2) or more *lots* or parcels, not requiring any new streets, *alleys*, roads, or involving the extension of any municipal facilities, and not adversely affecting the development of the remainder of the parcel or any adjoining property.
- (28) Nonaccess easement means a public *easement* along a public right-of-way across which access to the property is not permitted.
- (29) Outlot means a nonbuildable *lot*.

- (30) Owner means any individual, firm, association, syndicate copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title [article].
- (31) Performance guarantee means any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the *Committee* gives secondary approval to the subdivision, including by way of illustration, but not limited to, tax performance bonds, escrow agreements, deposit agreements and other similar collateral or surety arrangements approved as valid and enforceable by the *Board*.
- (32) Plat Committee means a group of governmental officials appointed by the *Commission* to hold hearings on and approve subdivisions on behalf of the *Commission*.
- (33) Public sewer means a sewage disposal system which is operated or owned by the *City*, but does not include a *City* sewer installed for the purpose of carrying surface water runoff and subsoil drainage.
- (34) Public utility means a firm, corporation, municipal department or board duly authorized to furnish, or furnishing under regulation to the public, electricity, gas, steam, communication (including CATV), transportation, drainage, sewer and water.
- (35) Public water means a water supply system which is constructed, installed, maintained, operated and owned under the jurisdiction of the Public Services Commission of Indiana.
- (36) Recorder's office means the Recorder's office of the *County*.
- (37) Registered engineer means an engineer who is licensed in compliance with the laws of the State.
- (38) Registered land surveyor means a surveyor who is licensed in compliance with the laws of the State.
- (39) Reserved. (*Ord. No. 10609-18; 9/24/18*)
- (40) Replat means the process of allowing for an adjustment of a lot line or lines, and *easements*, as shown on a recorded subdivision, which:
- (A) Does not affect any street layout, whether existing or proposed; and

- (B) Does not increase the total number of *lots* within the area proposed to be replatted.
- (41) Rerecording means the process allowing for an adjustment of an *easement* or *easements*, or correction of a drafting or typographical error, as shown on an approved and recorded subdivision, which does not affect the size or configuration of the *lot* or *lots* in question.
- (42) Reserve strip means an area of land adjacent to a public right-of-way which is retained in ownership by an individual for the purpose of denying access to the adjacent land.
- (43) Staff means the Staff of the Area Plan *Commission* of St. Joseph *County*.
- (44) Standards means a specific and detailed listing of materials and construction methods for subdivision improvements and standards of construction and design, as adopted by the *Board*.
- (45) Streets and *alleys* means ways for vehicular traffic dedicated to the public use providing the principal means of access to abutting property.
- (A) Major streets are those which are used primarily for fast or heavy traffic.
- (B) Collector streets (or distributor streets) are those which are used to carry traffic from *minor streets* to *major streets* and highways, including the principal entrance streets to a residential development and circulation streets within such developments.
- (C) Minor streets are those used primarily for access to the abutting property.
- (D) Marginal access streets are *minor streets* which are parallel to and adjacent to *major streets* and highways, and which provide access to abutting property and protection from through traffic.
- (E) Alleys are minor ways which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
- (F) Loop streets are streets which begin at an intersection with another street, run thence to make a loop or "U" of various shapes or properties, and thence reintersect the street of origin at another point.
- (G) Culs-de-sac are short streets having one end opened to traffic, the other end being permanently terminated by a vehicle turnaround.

- (46) Subdivider means the *owner* or the authorized agent for the *owner* of a subdivision.
- (47) Zoning ordinance means the *zoning ordinance* of the City of South Bend, Indiana.

Section 21-14.03 Design Standards

(a) Minimum standards

- (1) The *subdivider* shall observe the following minimum requirements and *standards*. All subdivisions approved by the *Commission* shall comply with the following:
 - (A) The subdivision shall conform to the applicable provisions of the *zoning ordinance* and the *Land Use and Transportation Plan*.
 - (B) In all subdivisions every consideration shall be given to attempt to preserve the natural environment and historic monuments as designated by the State or National Registry of Historic Buildings and Monuments and as designated by local authority.
 - (C) The subdivision shall be coordinated with existing developments or neighborhoods.
 - (D) In the review of subdivisions, the *Commission* shall give consideration to the needs and requirements for the following open space uses and community facilities, including but not limited to:
 - i. Playlots and neighborhood parks based upon the *standards* recommended in the *Land Use and Transportation Plan*;
 - ii. School sites, other public and semipublic buildings and facilities and locations for water supply systems, sewage treatment facilities and drainage facilities in accordance with *Land Use and Transportation Plan*.
 - (E) Where a proposed park, playground, school or other public use shown in the *Land Use and Transportation Plan* is located in whole or in part in a subdivision, or where deemed essential by the *Commission* upon consideration of the particular type of development proposed in the subdivision. The *Commission* may require the reservation for a period of

time, not to exceed fifteen (15) months, of such areas within the subdivision of character, extent and location suitable to the needs required by such development and may further require the *subdivider* to sell to the proper *City* agency the land at the cost of unimproved land, plus the taxes accumulated from the date of recording, plus their share of street improvements. Such reservations shall be clearly shown on the plat of the subdivision.

(b) Street requirements

- (1) The arrangement, character, extent, width, grade, and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) Where a subdivision borders on or contains an existing or proposed street as shown in the *Land Use and Transportation Plan*, the *Commission* may require a marginal access street, double frontage with screen planting contained in a nonaccess reservation at least ten (10) feet wide, access via the side or rear of the *lot*, or such other treatment. (*Ord. No. 10609-18; 9/24/18*)
- (3) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the *Commission* may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall be determined with due regard for the requirements of approved grades and future grade separation. The *Commission* may require that control of the intervening land strips be placed in the *City* under conditions approved by the *Commission*.
- (4) Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall be prohibited.
- (5) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on major thoroughfares. All *minor streets* shall have a tangent of at least fifty (50) feet long on reverse curves.
- (6) When connecting street lines deflect from each other at any one point by more than ten (10) degrees in alignment, they shall be connected by a curve with a minimum radius of eight hundred (800) feet for *major streets* and two hundred (200) feet for *minor streets*.
- (7) On *major streets* the minimum sight distance for vertical curves shall be six hundred (600) feet measured from a point five (5) feet above the centerline

of the roadway. The minimum sight distance for other streets shall be three hundred (300) feet measured from five (5) feet above the centerline of the roadway.

- (8) The maximum grade on *major streets* shall not exceed six (6) percent. The maximum grade on other *streets and alleys* shall not exceed eight (8) percent, and the minimum grade of any street gutter shall not be less than three-tenths (0.3) of one (1) percent. Proposed streets shall be adjusted to the contour of the land to produce useable *lots* and streets of reasonable gradient.
 - (9) Half-streets and half-*alleys* shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half (1/2) of the street shall be platted within such tracts.
 - (10) *Culs-de-sac* and dead-end streets, designed to be so permanently, shall not be longer than two hundred (200) feet. All dead-end streets shall terminate per the latest *standards* adopted by the *Board*. (*Ord. No. 10609-18; 9/24/18*)
 - (11) The minimum right-of-way width of all streets shall be per the latest *standards* adopted the *Board*. (*Ord. No. 10609-18; 9/24/18*)
 - (12) All street intersections shall, where possible, be made at right angles but in no case shall the acute angle be less than eighty (80) degrees.
 - (13) No new street shall have a name which duplicates or so nearly duplicates so as to be confused with any existing street in the incorporated and unincorporated areas of the *County*, unless the new street is to be an extension of an existing street. *Loop streets* and *culs-de-sac* which are an extension of existing streets but will never be continued shall not duplicate the name of the existing street. Continuous streets which have major directional changes shall require a change in street name for each directional change.
- (c) ***Alleys; standards***
- (1) *Alleys* shall be provided in commercial and industrial districts, except that the *Commission* may waive this requirement if other definite and assured provision is made for service access such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed.
 - (2) *Alleys* shall be provided in residential areas at the discretion of the *Board*. (*Ord. No. 10609-18; 9/24/18*)

- (3) Alley intersections with sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- (4) Dead-end *alleys* shall be prohibited except when provided with forty-foot outside turning radius at the dead end.

(d) *Easements; standards*

- (1) *Easements* centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least five (5) feet wide on both sides of the property lines. *Easements* shall be continuous to the street at the end of the *block* to connect with adjoining *blocks* in the shortest direct line.
- (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided an adequate storm water *easement* or drainage right-of-way conforming substantially with the lines of such watercourse. Parallel streets or parkways may be required in connection therewith.

(e) *Blocks; standards*

- (1) The width of *blocks* shall be sufficient to avoid double frontage *lots*, except where reverse frontage on a major thoroughfare is required.
(*Ord. No. 10609-18; 9/24/18*)
- (2) Where effective use of land does not require otherwise, *blocks* in residential subdivisions shall not exceed one thousand (1,000) feet in length.
(*Ord. No. 10609-18; 9/24/18*)
- (3) The perimeter of any block shall not exceed two thousand eight hundred (2,800) feet in length. (*Ord. No. 10609-18; 9/24/18*)

(f) *Lots; standards*

- (1) Side lines of all *lots* shall be at right angles or radials to street lines, when possible.
- (2) Every *lot* shall abut on a public street or have dedicated access to a public street as permitted by the *Zoning Ordinance*. (*Ord. No. 10609-18; 9/24/18*)
- (3) Double frontage *lots* shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen *easement* of at least ten (10) feet in width, across which there shall be no

access, shall be provided along the line of *lots* abutting such traffic arteries or other disadvantageous use.

- (4) *Lots* shall be numbered consecutively throughout the entire subdivision.

(g) Subdivisions in *flood hazard areas*

- (1) Proposed subdivisions shall be reviewed to determine whether the subdivision lies in a *flood hazard area*. Appropriate changes and modifications may be required in order to assure that the development of the subdivision is consistent with the need to minimize *flood* damages; all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate *flood* damage; adequate drainage is provided so as to reduce exposure to *flood* hazards; and that on-site waste disposal systems, if provided, will be so located as to avoid impairment of them or contamination from them during the occurrence of the *regulatory flood*. (Ord. No. 10609-18; 9/24/18)
- (2) All subdivisions to be located in a *flood hazard area* shall have the elevation of the one hundred-year *flood* stated and the area delineated thereon.

Section 21-14.04 *Minor Subdivisions*

(a) Consultation encouraged

- (1) Prior to the submission of a *minor subdivision*, the *subdivider* is encouraged to consult informally with the *Staff*. This will create an understanding between the *Staff* and the *subdivider* which may help to alleviate future misunderstandings and extensive revisions.

(b) Application

- (1) The subdivision shall be submitted to the *Committee* at least twenty-one (21) days prior to the *Committee* meeting at which it may be considered. The submission shall contain the following:
- (A) Drawing. An original ink drawing on twenty-four-inch by thirty-six-inch vellum, linen or mylar film, at a scale of one (1) inch equals fifty (50) feet, with five (5) prints of the drawing showing:
- i. Name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision within the incorporated and unincorporated areas of the *County*.

- ii. Legal description of the subdivision which shall include section, township, range and governmental township.
- iii. Township, range or section line accurately tied to the subdivision by bearing and distances in feet and hundredths thereof.
- iv. Boundary of subdivision, based on accurate traverse survey with angular and lineal dimensions in feet and hundredths thereof. The traverse survey shall be closed to a minimum accuracy of 1:10,000. A boundary closure sheet shall be provided.
- v. *Lot* dimensions in feet and hundredths thereof, angles or bearings expressed in degrees, minutes and seconds.
- vi. *Lot* numbers.
- vii. Reserved. (*Ord. No. 10609-18; 9/24/18*)
- viii. All *easements* dimensioned and labeled as for their specific uses.
- ix. All right-of-way lines and widths of rights-of-way, existing and required for dedication.
- x. Name, address, seal and certification of the *registered land surveyor* preparing the subdivision, in a manner prescribed by the *Commission*.
- xi. Deed of dedication, in a manner prescribed by the *Commission*.
- xii. *Owner's* certification, in a manner prescribed by the *Commission*.
- xiii. Notarization and seal, in a manner prescribed by the *Commission*.
- xiv. Scale, graphic bar scale, north point and date.
- xv. Elevation of the one hundred-year *flood*, when applicable.
- xvi. All printed numbers, letters and typed information shall be a minimum size of a 120 Leroy template or equivalent so that the drawing is adaptable to photographic reduction and will maintain complete legibility.

- xvii. An area four (4) inches vertical by nine (9) inches horizontal within which the *Commission* may affix its certificate of approval without obscuring or obliterating any other items on the subdivision.
- (B) Support drawing. Five (5) prints of a support drawing on a sheet twenty-four (24) inches by thirty-six (36) inches, at a scale not less than one (1) inch equals one hundred (100) feet or greater than one (1) inch equals fifty (50) feet, showing, but not limited to:
- i. Legal description and tract boundary drawing of the entire property which is being subdivided.
 - ii. Natural features such as wooded areas, swamps, wetlands and marshes.
 - iii. Existing man-made structures and improvements within the proposed subdivision.
 - iv. Existing topographic contours at vertical intervals of five (5) feet or less from available data. United States Geological Survey data may be used.
 - v. If adjoining property within three hundred (300) feet of the subdivision is unsubdivided, the names of property *owners*, as shown in the *Assessor's office*, Auditor's office, or *Recorder's office* shall be included. If the property within three hundred (300) feet of the subdivision is subdivided, the subdivision layout, name, section, and instrument number shall be included.
 - vi. Future access plan of the entire property which is being subdivided.
 - vii. The adjacent roads and the nearest major intersection.
 - viii. Scale, graphic bar scale, north point and date.
 - ix. Name and address of the *subdivider*.
 - x. Name and address of the *registered land surveyor*.
 - xi. A vicinity key map at a scale of one (1) equals two thousand (2,000) or three thousand (3,000) feet showing the location of the subdivision, *major streets* and physical features, such as rivers and creeks, within a distance of two (2) miles.

- (C) Ownership. Proof of ownership of the subdivision.
- (D) Fee. The submission of the subdivision shall be accompanied by fees as prescribed by the *Commission*.
- (E) Application. A completed application shall be submitted upon forms provided and in a manner prescribed by the *Commission*.

(c) **Minor subdivision review, appeal and approval procedure**

- (1) Referral and review. The *Staff* shall, within one (1) working day after the filing date, refer prints of the subdivision to the *appropriate agencies*.
 - (A) The *Staff* may also refer the subdivision to any State agency or board which has regulations or rules which affect the use or design of the subdivision, or the location or height of structures to be placed within the subdivision.
 - (B) The agencies shall review the subdivision and submit a report to the *Staff*. The *Staff* shall review the subdivision for technical conformity with the *standards* fixed in the subdivision ordinance and the requirements, recommendations and comments of the reviewing agencies, and prepare a report with a recommendation for the *Committee's* consideration.
- (2) Submission to *Plat Committee*. Within thirty (30) days after the filing of the subdivision, the *Staff* shall announce the date, time and place of the meeting at which the *Committee* shall consider the subdivision, and shall give due notice in writing to all *interested parties* at least ten (10) days before the date set for the hearing.
 - (A) If the subdivision complies with the subdivision ordinance, or has minor deficiencies which, in the *Staff's* opinion, can be immediately corrected by the *subdivider's registered land surveyor*; and does not need review by the *Department of Natural Resources* or any other State agency or board, the *Staff* shall place the subdivision on the agenda of the first available meeting of the *Committee*.
 - (B) If the subdivision does not comply with the subdivision ordinance and has deficiencies which, in the *Staff's* opinion, cannot be immediately corrected by the *subdivider's registered land surveyor*, or needs review by the *Department of Natural Resources* or any other State agency or board, the *Staff* shall place the subdivision on the agenda of the second available meeting of the *Committee*.

- (3) *Committee* consideration. After receiving the *Staff* report and recommendation, the *Committee* shall consider the subdivision for primary approval without public notice and hearing.
- (4) *Committee* action:
 - (A) If, after consideration, the *Committee* finds that the subdivision complies with all *standards* regarding primary approval of subdivisions and is located within a zoning district permitting subdivisions, the *Committee* shall give primary approval to the subdivision, with or without modifications and conditions imposed, and make written findings of fact and a decision which shall include the modifications and conditions imposed. The *Staff* shall also affix the *Commission's seal* and certificate of approval upon two (2) copies of the subdivision, provide the *subdivider's registered land surveyor* with one copy and retain the second copy in the *Commission's* files.
 - (B) If, after consideration, the *Committee* finds that the subdivision does not comply with all *standards* regarding primary approval of subdivisions or is located within a zoning district not permitting subdivisions, the *Committee* shall deny primary approval to the subdivision and make written findings of fact and a decision which sets forth its reasons for disapproval.
- (5) Notice of *Committee's* action. Within five (5) days after the *Committee's* acting on the subdivision, the *Staff* shall provide all *interested parties* with a copy of the findings of fact and decision signed by the Secretary of the *Committee*, and notify them in writing of their right to appeal the *Committee's* decision to the *Commission*. Appeal shall be in writing, state the reason for the appeal and shall be filed within five (5) days of the date of the notice by the Secretary. (*Ord. No. 10109-11; August 2011*)
- (6) If no appeal has been filed:
 - (A) If the subdivision for which secondary approval has been requested, received primary approval by the *Committee*, no appeal has been filed within 5 (5) days of the date of the notice of *Committee's* action, and all modifications or conditions placed upon the subdivision by the *Committee*, if any, have been complied with or corrected, the *Staff* shall give secondary approval to the subdivision and affix the *Commission's seal* and certificate of approval on the original drawing and record the subdivision per section 21-14.04(c)(10). (*Ord. No. 9513-04; 10109-11*)

- (B) If the subdivision for which secondary approval has been requested, received primary approval by the *Committee*, no appeal has been filed within five (5) days of the date of the notice of the *Committee's* action, and all modifications or conditions placed upon the subdivision by the *Committee*, if any, have not been complied with or corrected within two years, the *Staff* shall deny secondary approval to the subdivision. The *Staff* shall provide written notice to the *subdivider* signed by the Secretary of the *Committee*, which sets forth its reasons for disapproval, and release the original drawing of the subdivision to the *registered land surveyor* who prepared it. (*Ord. No. 10109-11; August 2011*)
- (C) If the subdivision was denied primary approval by the *Committee* and no appeal has been filed within five (5) days of the notice of the *Committee's* action, the *Staff* shall release the original drawing of the subdivision to the *registered land surveyor* who prepared it. (*Ord. No. 10109-11; August 2011*)
- (7) If an appeal has been filed. If an appeal has been filed within five (5) days of the date of the notice of the *Committee's* action, the *Staff* shall announce the date, time and place of the meeting at which the *Commission* shall consider the subdivision, and shall give due notice in writing to all *interested parties* at least ten (10) days before the date set for the hearing. The *Staff* shall prepare a report with a recommendation for *Commission* consideration. (*Ord. No. 10109-11; August 2011*)
- (8) *Commission* consideration of appeal. After receiving the *Staff* report and recommendation, the *Commission* shall consider the subdivision without public notice and hearing.
- (9) *Commission* action:
- (A) If, after consideration, the *Commission* finds that the subdivision complies with all *standards* regarding primary approval of subdivisions and is located within a zoning district permitting subdivisions, the *Commission* shall give primary approval to the subdivision, with or without modifications and conditions imposed; make written findings of fact and a decision which shall include the modifications and conditions imposed. The *Staff* shall affix the *Commission's seal* and certificate of approval upon two (2) copies of the subdivision and provide the *subdivider's registered land surveyor* with one copy along with a copy of the findings of fact and decision, signed by the Secretary of the *Commission*. The second copy of the sealed and certified subdivision shall be retained in the records of the *Commission*. When all modifications or conditions placed upon the subdivision by the

Commission, if any, have been complied with or corrected, the *Staff* shall give secondary approval to the subdivision and affix the *Commission's seal* and certificate of approval upon the original drawing, and record the subdivision per section 21-14.04(c) (10).
(Ord. No. 9513-04; May 2004)

- (B) If, after consideration, the *Commission* finds that the subdivision does not comply with all *standards* regarding primary approval of subdivisions or is located within a zoning district not permitting subdivisions, the *Commission* shall deny the subdivision primary approval and make written findings of fact and a decision which sets forth its reasons for disapproval. The *Staff* shall provide the *subdivider* with a copy of the findings of fact and decision signed by the Secretary of the *Commission*, and release the original drawing to the *subdivider's registered land surveyor*.
- (10) Recording. Within seven (7) days of secondary approval, the *Staff* shall record the subdivision in the *Recorder's office* and so notify the *subdivider*. The *Staff* shall have the original drawing of the subdivision duplicated at a reduced scale and release the original drawing to the *registered land surveyor* who prepared it. The *Staff* shall distribute reduced copies of the subdivision to the *County Assessor*, *City Building Department*, *City Engineer*, *County Surveyor*, the appropriate *Township Assessor*, the *Commission*, *public utility* companies, the local organization for *registered land surveyors*, and the *subdivider*.

Section 21-14.05 Major Subdivision

(a) Consultation encouraged

- (1) Prior to the submission of a *major subdivision*, the *subdivider* is encouraged to consult informally with the *Staff*. This will create an understanding between the *Staff* and the *subdivider* which may help to alleviate future misunderstandings and extensive revisions.

(b) Name of subdivision

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

(c) Application; primary approval

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

(A) Drawing. An original ink drawing on twenty-four-inch by thirty-six-inch vellum, linen or mylar film, at a scale of one (1) inch equals two hundred (200) feet, with five (5) prints of the drawing showing:

- i. Name of the subdivision.
- ii. Location of the subdivision by section, township, range and governmental township.
- iii. Name and address of *subdivider*.
- iv. Name, address, seal and signature of the *registered land surveyor* preparing the subdivision.
- v. Scale, graphic bar scale, north point and date.
- vi. Boundary line of proposed subdivision, all existing *easements* and property lines in exact dimensions of feet and hundredths thereof.
- vii. Location, width and names of prior subdivided streets and *lots* in the proposed subdivision and within three hundred (300) feet of the proposed subdivision, showing all previously recorded streets and *lots* in dotted lines.
- viii. Layout and approximate dimensions of *lots*.
- ix. A vicinity key map at a scale of one (1) inch equals two thousand (2,000) or three thousand (3,000) feet showing the location of the subdivision, *major streets* and physical features, such as rivers and creeks, within a distance of two (2) miles.
- x. Layout of proposed streets, which shall include the classification of each street, their names and widths, walkways and *easements*.
- xi. Parcels of land to be dedicated or reserved for public uses shall be shown and labeled as to use, such as retention basins or open space.

- xii. Reserved. (*Ord. No. 10609-18; 9/24/18*)
 - xiii. Existing topographic contours at vertical intervals of two (2) feet or less. Vertical control data shall be based on Coastal and Geodetic Survey Sea Level Datum of 1929. United States Geodetic Survey contours shall not be acceptable.
 - xiv. The frontage street(s) and the nearest major intersection(s).
 - xv. The drawing shall be accompanied by such other information as the *Commission* may require under the provisions of this article.
 - xvi. An area four (4) inches vertical by nine (9) inches horizontal, within which the *Commission* may affix its certificate of approval without obscuring or obliterating any other items on the subdivision.
- (B) Site analysis. Five (5) prints of a map or a series of maps at a scale of one (1) inch equals two hundred (200) feet showing the information for the proposed subdivision and the adjacent area within three hundred (300) feet. The *Commission's* section maps may be used as base maps for the following:
- i. Name of subdivision.
 - ii. Location of the subdivision by section, township, range and governmental township.
 - iii. Scale, graphic bar scale, north point and date.
 - iv. Name and address of the *registered land surveyor* preparing the subdivision.
 - v. Boundary of subdivision, with approximate dimensions in feet.
 - vi. Existing topographic contours at vertical intervals of five (5) feet or less from available data. United States Geological Survey data may be used.
 - vii. Natural features such as wooded areas, swamps, wetlands, marshes, streams and drainage courses.
 - viii. Existing and proposed sewers, water mains, culverts, or other underground facilities within and adjacent to the tract, indicating pipe sizes, grades and exact locations as obtained from public

records. If water mains and sewers are not adjacent to the tract, the direction to and distance to the nearest ones, and their size shall be shown.

- ix. Subsurface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water, unless test pits are dry to a depth of seven (7) feet.
- x. *Floodplains* and floodways as shown on maps published by the *Federal Insurance Administration*.
- xi. Existing man-made structures and improvements within the proposed subdivision.
- xii. Existing street patterns within a three-hundred-foot area adjacent to the proposed subdivision.

(C) *Ownership*. Letter from *subdivider* showing his interest in the property to be subdivided, or that he is the agent for the *owner* of the land, or proof of ownership, or a copy of a purchase agreement.

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

(E) *Fee*. The submission of the subdivision shall be accompanied by fees as prescribed by the *Commission*.

(F) *Application*. A completed application upon forms provided and in a manner prescribed by the *Commission*.

(d) Major subdivision; primary review, appeal and approval procedure

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

(A) If the subdivision lies within five hundred (500) feet of any park, parkway or boulevard, it shall be reviewed by the Board of Park Commissioners.

- (B) The *Staff* may also refer the subdivision to any State agency or board which has regulations or rules which affect the use or design of the subdivision, or the location or height of structures to be placed within the subdivision.
 - (C) The agencies shall review the subdivision and submit a report to the *Staff*. The *Staff* shall review the subdivision for technical conformity with the *standards* fixed in the subdivision ordinance and the requirements, recommendations and comments of the reviewing agencies, and prepare a report with a recommendation for the *Committee's* consideration.
- (2) Submission to *Plat Committee*. Within thirty (30) days after the filing of the subdivision, the *Staff* shall announce the date, time and place of the meeting at which the *Committee* shall consider the subdivision; mail due notice to all *interested parties* at least ten (10) days before the date set for hearing and give notice of the hearing by publication in accordance with IC 5-3-1.
- (A) If the subdivision complies with the subdivision ordinance or has minor deficiencies which, in the *Staff's* opinion, can be immediately corrected by the *subdivider's registered land surveyor* and does not need review by the Board of Park Commissioners, the *Department of Natural Resources* or any other State agency or board, the *Staff* shall place the subdivision on the agenda of the first available meeting of the *Committee*.
 - (B) If the subdivision does not comply with the subdivision ordinance and has deficiencies which, in the *Staff's* opinion, cannot be immediately corrected by the *subdivider's registered land surveyor* or needs review by the Board of Park Commissioners, the *Department of Natural Resources* or any other State agency or board, the *Staff* shall place the subdivision on the agenda of the second available meeting of the *Committee*.
- (3) *Committee* consideration. After receiving the *Staff* report and recommendation, the *Committee* shall consider the subdivision at a public hearing.
- (4) *Committee* action:
- (A) If, after consideration, the *Committee* finds that the subdivision complies with all *standards* regarding primary approval of subdivisions and is located within a zoning district permitting subdivisions, the *Committee* shall give primary approval to the subdivision, with or

without modifications and conditions imposed; make written findings of fact and a decision which shall include the modifications and conditions imposed.

- (B) If, after consideration, the *Committee* finds that the subdivision does not comply with all *standards* regarding primary approval of subdivisions or is located within a zoning district not permitting subdivisions, the *Committee* shall deny primary approval of the subdivision plat, make written findings of fact and a decision which sets forth its reasons for disapproval, and provide the *subdivider* with a copy signed by the Secretary of the *Committee*.
- (5) Notice of *Committee's* action. Within five (5) days after the *Committee's* acting on the subdivision, the *Staff* shall provide the *subdivider* with a copy of the findings of fact and decision, signed by the Secretary of the *Committee*, and notify all *interested parties* of the *Committee's* decision and their right to appeal the *Committee's* decision to the *Commission*. Appeals shall be in writing, state the reason for the appeal and shall be filed within five (5) of the date of the *Committee's* action on the subdivision.
(*Ord. No. 10109-11; August 2011*)
- (6) If no appeal has been filed:
- (A) If the subdivision received primary approval by the *Committee*, and no appeal has been filed within five (5) days of the date of the *Committee's* action, the *Staff* shall affix the *Commission's seal* and certificate of approval on the original drawing and one copy of the original drawing. The original drawing shall then be released to the *subdivider's registered land surveyor* and the copy of the original drawing shall be retained in the files of the *Commission*. (*Ord. No. 10109-11; August 2011*)
- (B) If the subdivision was denied primary approval by the *Committee* and no appeal has been filed within five (5) days of the *Committee's* action, the *Staff* shall release the original drawing of the subdivision to the *registered land surveyor* who prepared it. (*Ord. No. 10109-11; August 2011*)
- (7) If an appeal has been filed. If an appeal has been filed within five (5) days of the date of the *Committee's* action, the *Staff* shall place the subdivision on the agenda of the *Commission's* first available meeting, mail due notice in writing to all *interested parties* at least ten (10) days before the date set for hearing and give notice of the hearing by publication in accordance with IC 5-3-1. The *Staff* shall prepare a report with a recommendation for *Commission* consideration.
(*Ord. No. 10109-11; August 2011*)

- (8) *Commission* consideration of appeal. After receiving the *Staff* report and recommendation, the *Commission* shall consider the subdivision at a public hearing.
- (9) *Commission* action:
- (A) If, after consideration, the *Commission* finds that the subdivision complies with all *standards* regarding primary approval of subdivisions and is located within a zoning district permitting subdivisions, the *Commission* shall give primary approval to the subdivision, with or without modifications and conditions imposed; make written findings of fact and a decision which shall include the modifications and conditions imposed. The *Staff* shall then provide the *subdivider* with a copy of the findings of fact and decision, signed by the Secretary of the *Commission*; affix the *Commission's seal* and certificate of approval on the original drawing and one copy of the original drawing; and release the original drawing to the *subdivider's registered land surveyor*. The copy of the original drawing shall be retained in the records of the *Commission*.
- (B) If, after consideration, the *Commission* finds that the subdivision does not comply with all *standards* regarding primary approval of subdivisions or is located within a zoning district not permitting subdivisions, the *Commission* shall deny primary approval of the subdivision and make written findings of fact and a decision which sets forth its reasons for disapproval. The *Staff* shall then provide the *subdivider* with a copy of the findings of fact and decision signed by the Secretary of the *Commission*, and release the original drawing to the *subdivider's registered land surveyor*.
- (10) Effective approval. Primary approval of the subdivision shall be effective indefinitely; however, all subdivisions receiving secondary approval shall be developed to the latest *standards* adopted by the *Board*, and applicable codes and ordinances.
- (e) **Application; secondary approval** (*Ord. No. 9794-07; October 2007*)
- (1) An application for secondary approval of a major subdivision may be submitted at the convenience of the *subdivider*. The submission shall include the following:
- (A) Drawing. An original ink drawing, and six (6) prints, on twenty-four-inch by thirty-six-inch (24" X 36") vellum, linen or mylar film, at a scale

of not less than one (1) inch equals one hundred (100) feet or greater than one (1) inch equals fifty (50) feet. All printed numbers, letters and typed information shall be the size of an eleven-point (11 pt.) type font so that the drawing is adaptable to photographic reduction and will maintain complete legibility. The subdivision may include all or part of the subdivision which received primary approval, and shall retain the *lot* numbers and overall characteristics of the subdivision which received primary approval and shall include the following:

- i. Name of the subdivision. If the subdivision is only a portion of the subdivision which received primary approval, each section or addition shall be separately designated,
- ii. Legal description of the subdivision which shall include section, township, range and governmental township.
- iii. Name, address, seal and certification of the *registered land surveyor* preparing or certifying the subdivision as prescribed by the *Commission*.
- iv. Numeric scale, graphic bar scale, date and north point.
- v. Exact location, width and name of all streets within the subdivision and the exact location and width of all *alleys, crosswalks* and other *easements*.
- vi. Township, range or section line accurately tied to the subdivision or a corner of a recorded subdivision by bearing and distances in feet and hundredths thereof.
- vii. Boundary of subdivision, based on accurate traverse survey with angular and lineal dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds. The traverse survey shall be closed to a minimum requirements of the State Standards for the practice of land surveying as required by 865 I.A.C. 1-12-7, et seq. A separate boundary closure sheet need not be submitted.
- viii. All radii, central angles, points of curvature and tangency, length of tangents, lengths of arcs, widths of rights-of-way and similar data shall be shown for all streets. All street lines shall be tied to other *streets and alleys* with accurate dimensions in feet and hundredths thereof and angles or bearings.

- ix. Accurate location and type of all existing and required monuments conforming to the State Standards 865 IAC 1- 12-18 et seq.
- x. All *easements* dimensioned and identified as to their specific uses.
- xi. All *lot* numbers and lines with accurate dimensions in feet and hundredths thereof, and bearings expressed in degrees, minutes and seconds. *Lots* in sections or additions to a subdivision with the same name shall be numbered consecutively throughout the several sections or additions.
- xii. All recorded subdivisions bounding the subdivision shall be shown in dotted lines with name, section or addition and recorder's instrument number.
- xiii. Any areas other than public rights-of-way to be dedicated or reserved for public use or semipublic use, or areas to be reserved for the use of all property *owners*, shall be shown on the drawing and labeled as to their use and shall have a separate legal description on the drawing with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds.
- xiv. A note shall be placed on the plat indicating that building setbacks shall conform to the applicable provisions of the zoning ordinance.
- xv. Elevation and delineation of the 100-year regulatory flood and certification of compliance with the National Flood Insurance Program, when applicable.
- xvi. Deed of dedication in a manner prescribed by the *Commission*.
- xvii. *Owner's* certification in a manner prescribed by the *Commission*.
- xviii. Notarization and seal in a manner prescribed by the *Commission*.
- xix. A blank area four (4) inches vertical by nine (9) inches horizontal, within which the *Commission* may affix its certificate of approval without obscuring or obliterating any other items on the subdivision.
- xx. A note shall be placed on the plat, when applicable, to indicate the presence of any condition on any lot which would not be conducive to the development of basements (e.g., seasonal high water table, etc.).

- xxi. The location of all public wells and the delineation of any wellhead protection area, when applicable.
- xxii. Delineation of wetlands identified by the National Wetlands Inventory, when applicable.
- xxiii. Delineation of Airport Noise Restrictive Use Sensitive Zone, when applicable.
- xxiv. Statement that all easements that are indicated on documentation provided by the property owner are shown on the drawing.
- xxv. Statement concerning any encroachments upon building setback lines and/or easements.
- xxvi. Coordinate data which ties the subdivision to the North American Datum 1983 State Plane Coordinates System, to the standards adopted by the County Surveyor, or provide a letter from the County Surveyor which indicates that ties to such State Plane Coordinates System is not required.
- xxvii. The drawing shall be accompanied by such other information as the Commission may require under the provisions of this Ordinance.

(B) *City Engineer's* report. A report from the *City Engineer* shall be submitted to the *Staff* prior to secondary approval of the subdivision. The report shall indicate that the requirements of Section 21-14.08 Improvements have been satisfactorily completed or that plans and specifications for improvements have been approved and *performance guarantees* for the improvements have been filed and approved. These guarantees shall:

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

- (C) Ownership. Proof of ownership of the subdivision.
 - (D) Fee. The submission of the subdivision shall be accompanied by fees as prescribed by the *Commission*.
 - (E) Application. A completed application upon forms provided and in a manner prescribed by the *Commission*.
 - (F) Digital Data Submission. All major plats submitted for Secondary Review shall include a digital copy of the proposed subdivision prepared in accordance with the requirements set forth in the "Digital Data Submission Standards" as set forth by the Commission.
 - (G) Proposed Covenants. A copy of any proposed subdivision Covenants, Conditions and Restrictions.
 - (H) Rule 5. Any subdivision subject to Rule 5 shall provide proof of application for a Notice of Sufficiency.
 - (I) Other Approval. The applicant shall provide a summary of any other local, state or federal governmental approvals required for the development of the subdivision and a statement of the status of each such approval. (*Ord. 9794-07; October 2007*)
- (f) **Major subdivision; secondary submission, review and approval procedure**
(*Ord. 9794-07; October 2007*)
- (1) Referral and review. The *Staff* shall refer prints of the subdivision to the *appropriate agencies*. The *appropriate agencies* shall review the subdivision and submit a report to the *Staff*. The *Staff* shall review the subdivision for technical conformity with the *standards* fixed in the subdivision ordinance and the requirements, recommendations and comments of the *appropriate agencies*.
 - (2) Request for Hearing by Plat *Committee*. Upon review of prints for a subdivision, the County Surveyor, the City Engineer, or the developer may request that the secondary review of the plat be referred to the Plat *Committee* for review and determination and the subdivision shall be placed on the agenda of the first available meeting of the *Committee*.
 - (3) Approval. Within the time frame as established by Resolution of the Area Plan Commission and up on receipt of the reports from the appropriate agencies, and after the ten (10) day appeal period for primary approval of the subdivision has expired and an appeal, if any, has been acted upon by

the Commission, the staff shall grant secondary approval to the subdivision and the Chairman and the Secretary of the *Committee* shall seal and certify the original drawing.

- (4) Determination of major change. A subdivision being considered for secondary approval shall be considered to be a major change from the subdivision having received primary approval if:
 - (A) Any interior minor collector street or local street has been relocated in such a way as to adversely impact abutting property owners; or
 - (B) Any entrance street has been relocated in such a way as to adversely impact abutting property owners; or
 - (C) The drainage plan has been altered in such a way as to adversely impact abutting property owners; or
 - (D) Any stub streets have been relocated in such a way as to adversely impact abutting property owners; or
 - (E) An increase in the number of lots shown on the approved Primary plat; or
 - (F) The *Executive Director*, in his sole discretion, believes it advisable, because of the collective effect of numerous small changes.
- (5) *Committee / Staff* action:
 - (A) If, after consideration the *Committee / Staff* finds that the subdivision complies with all *standards* regarding secondary approval of subdivisions; all required improvements meet the requirements of Section 21-14.08 Improvements; does not constitute a major change from the subdivision which received primary approval; and complies with all the conditions and modifications imposed upon the subdivision by either the *Committee* or the *Commission* as a condition of primary approval, the *Committee / Staff* shall give secondary approval to the subdivision and the *Staff* shall record the subdivision per section 21-14.05(f)(5). The Chairman and Secretary of the *Committee* shall certify and seal the original drawing. The Secretary of *Committee* shall provide written notification to the subdivider that the subdivision was approved by the *Committee / Staff*, and that the subdivision will be recorded within seven (7) days of secondary approval.

- (B) If the *Committee* / Staff finds that the subdivision does not comply with all *standards* regarding secondary approval of subdivisions; any required improvement does not meet the requirements of Section 12-14.08; that the subdivision constitutes a major change from the subdivision which received primary approval, or does not comply with all the conditions and modifications imposed upon the subdivision by the *Commission* or *Committee* as a condition of primary approval, the *Committee* / Staff shall deny the subdivision secondary approval. The *Staff* shall then provide written notice to the *subdivider*, signed by the Secretary of the *Committee*, which sets forth the *Committee's* / Staff reasons for disapproval. The *Staff* shall then release the original drawing to the *subdivider's registered land surveyor*.
- (6) Recording. Within seven (7) days of the secondary approval, the *Staff* shall record the subdivision in the *Recorder's office* and so notify the *subdivider*. The *Staff* shall have the original drawing of the subdivision duplicated at a reduced scale and release the original drawing to the *registered land surveyor* who prepared it. The *Staff* shall distribute reduced copies of the subdivision as proscribed by the *Commission*. (*Ord. 9794-07; October 2007*)

Section 21-14.06 Subdivision Replats

(a) Consultation encouraged

- (1) Prior to the submission of a subdivision *replat*, the *subdivider* is encouraged to consult informally with the *Staff*. This will create an understanding between the *Staff* and the *subdivider* which may help to alleviate future misunderstandings and extensive revisions.

(b) Application; primary approval

- (1) The subdivision *replat* shall be submitted to the *Committee* at least twenty-one (21) days prior to the *Committee* meeting at which it may be considered. The name of the subdivision *replat* shall not be identical to that of the original subdivision, but the name of the original subdivision shall be contained within that of the subdivision *replat*. The submission shall include the following:
- (A) Drawing. An original ink drawing on twenty-four-inch by thirty-six-inch vellum, linen or mylar film, at a scale of one (1) inch equals fifty (50) feet, with five (5) prints of the drawing. The drawing shall include the following:

- i. Original *lots* in dotted lines.
- ii. New *lots* designated by letters.
- iii. All required information as listed under section 21-14.05(e)(1)(A).
(*Ord. No. 9513-04; June 2004*)

(B) Application. A completed application shall be submitted upon forms provided and in a manner prescribed by the *Commission*.

(C) Ownership. Proof of ownership of the subdivision *replat*.

(D) Fee. The submission of a subdivision *replat* shall be accompanied by fees as prescribed by the *Commission*.

(c) **Subdivision *replat*; review, appeal and approval procedure**

(1) Referral and review. The *Staff* shall, within one (1) working day after the filing date, refer prints of the subdivision *replat* to the *appropriate agencies*.

(A) The *Staff* may also refer the subdivision *replat* to any State agency or board which has regulations or rules which affect the use or design of the subdivision *replat*, or the location or height of structures to be placed within the subdivision.

(B) The agencies shall review the subdivision *replat* and submit a report to the *Staff*. The *Staff* shall review the subdivision *replat* for technical conformity with the *standards* fixed in the subdivision ordinance and the requirements, recommendations and comments of the reviewing agencies, and prepare a report with a recommendation for the *committee's* consideration.

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

(A) If the subdivision *replat* complies with the subdivision ordinance; or has minor deficiencies which, in the *Staff's* opinion, can be immediately corrected by the *subdivider's registered land surveyor*; and does not need review by the *Department of Natural Resources*, or any other State agency or board, the *Staff* shall place the subdivision *replat* on the agenda of the first available meeting of the *Committee*.

- (B) If the subdivision *replat* does not comply with the subdivision ordinance and has deficiencies which, in the *Staff's* opinion, cannot be immediately corrected by the *subdivider's registered land surveyor*, or needs review by the *Department of Natural Resources*, or any other State agency or board, the *Staff* shall place the subdivision *replat* on the agenda of the second available meeting of the *Committee*.
- (3) *Committee* consideration. After receiving the *Staff* report and recommendation, the *Committee* shall consider the subdivision *replat* for primary approval without public notice and hearing.
- (4) *Committee* action:
- (A) If, after consideration, the *Commission* finds that the subdivision *replat* complies with all *standards* regarding primary approval of subdivision *replats* and is located within a zoning district permitting subdivisions, the *Committee* shall give primary approval to the subdivision *replat*, with or without modifications and conditions imposed, and make written findings of fact and a decision which shall include the modifications and conditions imposed. The *Staff* shall also affix the *Commission's seal* and certificate of approval upon two (2) copies of the subdivision *replat*, provide the *subdivider's registered land surveyor* with one copy and retain the second copy in the *commission's files*.
- (B) If, after consideration, the *Committee* finds that the subdivision *replat* does not comply with all *standards* regarding primary approval of subdivision *replats* or is located within a zoning district not permitting subdivisions, the *Committee* shall deny primary approval to the subdivision *replat* and make written findings of fact and a decision which sets forth its reasons for disapproval.
- (5) Notice of *Committee's* action. Within five (5) days after the *Committee's* action on the subdivision *replat*, the *Staff* shall provide all *interested parties* with a copy of the findings of fact and decision signed by the Secretary of the *Committee*, and notify them in writing of their right to appeal the *Committee's* decision to the *Commission*. Appeals shall be in writing, state the reason for the appeal and shall be filed within five (5) days of the date of the notice by the Secretary. (*Ord. No. 10109-11; August 2011*)
- (6) If no appeal has been filed:
- (A) If the subdivision *replat* for which secondary approval has been requested, received primary approval by the *Committee*, no appeal has

been filed within five (5) days of the date of the notice of the *committee's* action, and all modifications or conditions placed upon the subdivision *replat* by the *Committee*, if any, have been complied with or corrected, the *Staff* shall give secondary approval to the subdivision *replat* and affix the *Commission's seal* and certificate of approval on the original drawing, and record the subdivision *replat* per section 21-14.06(c)(10). (*Ord. No. 9513-04; 10109-11*)

(B) If the subdivision *replat*, for which secondary approval has been requested, received primary approval by the *Committee*, no appeal has been filed within five (5) days of the date of the notice of the *Committee's* action, and all modifications or conditions placed upon the subdivision *replat* by the *Committee*, if any, have not been complied with or corrected, the *Staff* shall deny secondary approval to the subdivision *replat*. The *Staff* shall provide written notice to the *subdivider* signed by the Secretary of the *Committee*, which sets forth its reasons for disapproval, and release the original drawing of the subdivision *replat* to the *registered land surveyor* who prepared it. (*Ord. No. 10109-11; August 2011*)

(C) If the subdivision *replat* was denied primary approval by the *Committee* and no appeal has been filed within five (5) days of the notice of the *Committee's* action, the *Staff* shall release the original drawing of the subdivision *replat* to the *registered land surveyor* who prepared it. (*Ord. 9794-07; October 2007*)

(7) If an appeal has been filed. If an appeal has been filed within five (5) days of the date of the notice of the *Committee's* action, the *Staff* shall announce the date, time, and place of the meeting at which the *Commission* shall consider the subdivision, and shall give due notice in writing to all *interested parties* at least ten (10) days before the date set for the hearing. The *Staff* shall prepare a report with a recommendation for *Commission* consideration. (*Ord. No. 10109-11; August 2011*)

(8) *Commission* consideration of appeal. After receiving the *Staff* report and recommendation, the *Commission* shall consider the subdivision *replat* without public hearing.

(9) *Commission* action:

(A) If, after consideration, the *Commission* finds that the subdivision *replat* complies with all *standards* regarding primary approval of subdivision *replats* and is located within a zoning district permitting subdivisions, the *Commission* shall give primary approval to the subdivision *replat*,

with or without modifications and conditions imposed and make written findings of fact and a decision, which shall include the modifications and conditions imposed. The *Staff* shall affix the *Commission's seal* and certificate of approval upon two (2) copies of the subdivision *replat* and provide the *subdivider's registered land surveyor* with one copy along with a copy of the findings of fact and decision, signed by the Secretary of the *Commission*. The second copy of the sealed and certified subdivision *replat* shall be retained in the records of the *commission*. When all modifications or conditions placed upon the subdivision *replat* by the *Commission*, if any, have been complied with or corrected, the *Staff* shall give secondary approval to the subdivision *replat* and affix the *Commission's seal* and certificate of approval upon the original drawing, and record the subdivision *replat* per section 21-14.06 (c) (10). (Ord. No. 9513-04; June 2004)

(B) If, after consideration, the *Commission* finds that the subdivision *replat* does not comply with all *standards* regarding primary approval of subdivision *replats* or is located within a zoning district not permitting subdivisions, the *Commission* shall deny the subdivision *replat* primary approval and make written findings of fact and a decision which sets forth its reasons for disapproval. The *Staff* shall provide the *subdivider* with a copy of the findings of fact and decision signed by the Secretary of the *Commission*, and release the original drawing to the *subdivider's registered land surveyor*.

(10) Recording. Within seven (7) days of secondary approval, the *Staff* shall record the subdivision *replat* in the *Recorder's office* and so notify the *subdivider*. The *Staff* shall have the original drawing of the subdivision *replat* duplicated to a reduced scale and release the original drawing to the *registered land surveyor* who prepared it. The *Staff* shall distribute reduced copies of the subdivision *replat* to the *County Assessor*, *City Building Department*, *City Engineer*, *County Surveyor*, the appropriate *Township Assessor*, the *Commission*, *public utility companies*, the local organization for *registered land surveyors*, and the *subdivider*.

Section 21-14.07 Subdivision Rerecordings

(a) Rerecording application

(1) The subdivision *rerecording* may be submitted at the convenience of the *subdivider*. The name of the subdivision to be rerecorded shall not be altered in any way. The submission shall include the following:

- (A) Drawing. The original and three (3) prints of the recorded subdivision which received secondary approval, with the following provisions:
- i. A revision date.
 - ii. A "certificate of *rerecording*" as defined below in section 21-14.07. (*Ord. No. 9513-04; June 2004*)
 - iii. Sufficient space beside, below or above the "certificate of *rerecording*" for the *Commission* seal.
- (B) Certificate of *rerecording*. The certificate shall be a written comment, in detailed form, of the technical changes performed. The certificate shall include the following:
- i. The instrument number of the approved and recorded subdivision.
 - ii. Seal and certification of the *registered land surveyor* preparing or certifying the subdivision, as prescribed by the *Commission*.
 - iii. Signatures of all *owners*, if different from those on the approved and recorded subdivision.
- (C) Ownership. Proof of ownership shall be provided if the signator or signators on the certificate of *rerecording* are different from those on the approved and recorded subdivision.
- (D) Fee. The submission of a subdivision recording shall be accompanied by fees as prescribed by the *Commission*.

(b) Referral, review and approval

- (1) Referral and review. After the filing date, the *Staff* may, if necessary, refer prints of the subdivision to the *appropriate agencies* for their review and recommendation. The agencies shall review the subdivision and submit a report to the *Staff*. The *Staff* shall review the subdivision for technical conformity with the *standards* fixed in the subdivision ordinance and the requirements, recommendations, and comments of the *appropriate agencies*.
- (2) Consideration. Upon receipt of the reports, if any, from the agencies and completion of its own review, the *Staff* shall consider the subdivision without public notice or hearing and determine whether the subdivision meets the requirements of Section 21-14.07. (*Ord. No. 9513-04; June 2004*)

- (3) *Staff* action:
- (A) If, after consideration, the *Staff* finds that the subdivision complies with all *standards* regarding secondary approval of subdivisions for *rerecording*, the *Staff* shall give secondary approval to the subdivision, affix the *Commission's seal* and certificate of approval on the subdivision and record the subdivision per section 21-14.07(b)(4).
(*Ord. No. 9513-04; June 2004*)
- (B) If, after consideration, the *Staff* finds that the subdivision does not comply with all *standards* regarding secondary approval of subdivisions to be rerecorded, the *Staff* shall deny secondary approval to the subdivision, provide written notice to the *subdivider*, signed by the Secretary of the *Committee*, which sets forth its reasons for disapproval, and release the original drawing to the *registered land surveyor* who prepared it.
- (4) *Rerecording*. Within seven (7) days of secondary approval, the *Staff* shall rerecord the subdivision in the *Recorder's office* and so notify the *subdivider*. The *Staff* shall have the original drawing of the subdivision, which was rerecorded, duplicated at a reduced scale and release the original drawing to the *registered land surveyor* who prepared it. The *Staff* shall distribute reduced copies of the subdivision to the *County Assessor*, *City Building Department*, *City Engineer*, *County Surveyor*, the appropriate *Township Assessor*, the *Commission*, *public utility* companies, the local organization for *registered land surveyors*, and the *subdivider*.

Section 21-14.08 Improvements

(a) Design, construction and inspection

- (1) All required improvements shall be designed and constructed in accordance with the latest *standards* adopted by the *Board*.
- (2) Inspection of construction of all required improvements shall be provided by the *Board*.

(b) Required improvements

- (1) Monuments shall be of concrete with minimum dimensions of four (4) inches by four (4) inches at top, six (6) inches by six (6) inches at bottom and thirty-six (36) inches long with a copper dowel three-eighths (3/8) inches

in diameter, at least two and one-half (2 1/2) inches in length, imbedded so that the top of the dowel shall be flush with the surface and at the center of the monument.

- (2) All *lot* corners not marked by concrete monuments shall be marked by galvanized or wrought-iron pipe or iron or steel bars at least eighteen (18) inches in length and not less than three-fourths (3/4) inches in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.
- (3) Proper and adequate provision shall be made by the *subdivider* for drainage to provide for the disposal of storm water. The developer shall sod all drainage swales that exceed two (2) percent gradient. Existing watercourses shall be maintained and dedicated for drainage purposes. The *City Engineer* shall determine the extent, location, and capacity of such facilities.
- (4) The subdivision shall be provided with a complete *public sewer* and water system. The work shall be done in accordance with plans, profiles, and specifications prepared by a professional engineer, registered in the State, and shall be approved in the case of sewer by the *Board of Public Works*, and in the case of water by the Board of Water Works. Temporary sewage disposal shall meet the requirements of the State Board of Health.
- (5) All watercourses crossed by streets or *alleys* shall be provided with adequate and permanent culverts of a size, type, and material approved by the *City Engineer*. Culverts on existing streets shall be enlarged wherever necessary by reason of diverted or increased concentration of drainage. Adequate fences and barriers shall be provided in connection therewith.
- (6) Sidewalk specifications shall be as follows:
 - (A) Installation by the *subdivider* of sidewalks on both sides of streets shall be required. The *Commission* may waive the requirements of sidewalks along strictly rural streets or where a park, railroad, or other use on the side of a street makes a sidewalk nonessential.
 - (B) Sidewalks shall be installed per the latest *standards* adopted by the *Board*. (*Ord. No. 10609-18; 9/24/18*)
- (7) The subdivision shall be provided with a complete street lighting system per the latest *standards* adopted by the *Board*.

- (8) The subdivision shall be provided with street trees. Trees planted along streets shall be installed per the regulations found at Chapter 19, Article 1 and the latest *standards* adopted by the *Board*. (*Ord. No. 10609-18; 9/24/18*)

(c) *Streets and alleys; specifications*

- (1) *Streets and alleys* shall be completed to grades shown on plans and profiles prepared on standard profile paper by the *subdivider* and approved by the *Board*.
- (2) All streets shall be surfaced and improved in the manner determined by the *Board* and shall conform to the latest *standards* adopted by the *Board*. (*Ord. No. 10609-18; 9/24/18*)
- (3) Installation of utilities after subgrading is completed and approved and before any base is applied; all of the underground services, including water mains, sewers, and so on; and all service connections shall be installed completely and approved throughout the length of the road and across the flat section.
- (4) The *subdivider* shall provide permanent concrete curbs and gutters according to specifications required by the *Board*.

(d) *Acceptance of improvements and dedication*

- (1) In any subdivision containing streets or thoroughfares which are therein reserved for dedication to public use, secondary approval of the subdivision by the *Committee* shall constitute the acceptance of such dedication.
- (2) Upon the completion of the required improvements in conformance with the terms of this division and the latest *standards* adopted by the *Board*, such improvements shall be accepted with a three-year warranty.

Section 21-14.09 Administration

(a) *Recommendations for modifications or amendments*

- (1) The *Commission*, in accordance with statutes adopted by the Indiana General Assembly, may from time to time recommend to the *Council* revisions, modifications or amendments to this article.

(b) Variances (*Ord. No. 10109-11; August 2011*)

(1) Should the *subdivider* clearly demonstrate that because of peculiar physical conditions pertaining to his land or particular design considerations to enhance the development of his land, the literal enforcement of one or more of the regulations of this Chapter is impracticable or will exact undue hardship, the *Committee* or *Commission* may permit such waiver or waivers that may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this Chapter.

(Ord. No. 10109-11; August 2011)

(2) Unusual and imaginative developments are welcomed and may be approved if they measure up to the spirit and intent of this article even though they deviate from some of the particulars.

(c) Approval required

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

(d) Reserved

(e) Reserved