

SUBDIVISION CONTROL ORDINANCE

The Subdivision Control Ordinance of the City of Mount Vernon the Town of Cynthiana the Town of Poseyville and Unincorporated Posey County

**Posey County Area Plan Commission
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<u>Effective Date</u>	<u>Jurisdiction</u>	<u>Ordinance Number</u>	<u>Action Date</u>
July 1, 2013	Posey County Board of Commissioners	0507-201301	05/07/2013
July 1, 2013	City of Mount Vernon Common Council	2013-8	05/16/2013
July 1, 2013	Town of Cynthiana Town Council	2013-5-14-1	05/14/2013
July 1, 2013	Town of Poseyville Town Council	2013-05-08-02	05/08/2013

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CHAPTER 1: GENERAL PROVISIONS

SECTION 1.1 TITLE

These regulations shall hereafter be known and cited as the Subdivision Regulations of the City of Mount Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

SECTION 1.2 POLICY

1. It is hereby declared to be the policy of the participating communities to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the official comprehensive plan and related policies for the orderly and efficient development of the County and Participating City and Towns.
2. Land to be subdivided shall be of such a character that:
 - a. It can be developed without peril to health or peril from flood, fire or other menace, and land shall not be subdivided until having access to available existing public facilities and improvements and proper provision has been made for stormwater drainage, potable water, and sanitary sewage.
 - b. Other necessary new public improvements such as schools, parks, recreation facilities, and transportation facilities, are adequate for serving the subdivision.
 - c. Private wells and septic systems in lieu of public water and public sanitary sewer facilities are allowable if approved by the City/County Health Department without objection from the Participating City and Towns.
3. Both existing and proposed public facilities serving the subdivision shall be properly related and conform to the official City, Town and County Comprehensive Plans, related policies and implementation programs including the Capital Budget, Official Map, Zoning Ordinance, and Housing and Building Code.

SECTION 1.3 PURPOSES OF THESE REGULATIONS

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

SECTION 1.4 AUTHORITY AND JURISDICTION

1. This ordinance which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, titles §36-1-3-4 and the §36-7-4-700 series, as amended) authorized the Posey County Area Plan Commission to review and approve or disapprove plats for subdivision throughout the County, except the towns of New Harmony and Griffin, which show lots, blocks, or sites with or without new streets or highways. This authority extends to the development or resubdivision (replatting) of undeveloped portions of already recorded plats.

2. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards of the participating jurisdictions.

SECTION 1.5 ENACTMENT

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

SECTION 1.6 INTERPRETATION, CONFLICT AND SEPARABILITY

1. In their interpretation and application the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

2. Conflict with Public and Private Provisions:

a. Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

b. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Area Plan Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and determinations made there under.

3. Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such

judgment shall have been rendered, and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County and Participating City and Towns hereby declare that it would have enacted the remainder of these regulations even without any such part, provision or application.

SECTION 1.7 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of option of these regulations, or as vacating or annulling any rights obtained by any person, firm, corporation, by lawful action of the County and Participating City and Towns, except as shall be expressly provided for in these regulations.

SECTION 1.8 RESERVATIONS AND REPEALS

Upon the adoption of these regulations according to law, the Subdivision Regulations of Posey County, Mt. Vernon, Poseyville, and Cynthiana, Indiana, adopted August 30, 1974, or subsequently readopted on November 16, 1986, or as subsequently amended, are hereby repealed, except for such sections expressly retained herein.

SECTION 1.9 AMENDMENTS

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

SECTION 1.10 CONDITIONS

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

SECTION 1.11 RESUBDIVISION OF LAND

1. Procedure for Resubdivision (Replatting). For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plat legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Area Plan Commission by the same procedure, rules, and regulations as for a subdivision.

2. Procedure for Subdivisions Where Future Resubdivision (Replatting) is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided (replatted) into small building sites, the Area Plan Commission may require that such parcel of land allow for the provision of future street/road openings and extensions as requirement of the plat approval.

SECTION 1.12 VARIANCES

1. General. Where the Area Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of the regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and the purpose of these regulations; and further provided the Area Plan Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other nearby property;

b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

d. The variance will not in any manner contravene the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map as interpreted by the Area Plan Commission and the County or Participating City and Towns.

e. Variance modifications submitted in writing to the Area Plan Commission shall be referred immediately to the appropriate participating jurisdiction for their approval or rejection. If such participating jurisdiction approves of such modifications in writing, or fails to either approve or disapprove within thirty (30) days after the same has been referred to them, the Area Plan Commission may modify such requirement, standards and specifications so as to promote the public health, safety, and welfare, and prevent detriment to the use and value of said land, provided however, that nothing herein shall be construed as altering or conflicting with the powers and duties of the Board of Zoning Appeals of the Area Plan Commission pursuant to Title 36-7-4-900 series of the Indiana Statutes, as currently amended. No authority to modify shall exist in the Area Plan Commission if the appropriate participating jurisdiction by writing disapproves such modification.

2. Conditions. In approving variances, the Area Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of the regulations.

3. Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the primary plat is filed for the consideration of the Area Plan Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

SECTION 1.13 ENFORCEMENT, VIOLATION, AND PENALTIES

1. General:

- a. It shall be the duty of the Administrator to enforce these regulations and to bring any violations or lack of compliance to the attention of the Area Plan Commission Attorney.
- b. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such a parcel before a plat of such subdivision has been approved by the Area Plan Commission, in accordance with the provisions of these regulations and filed with the County Recorder.
- c. The division of any lot or parcel of land into a subdivision, as defined in this ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of one or more new building sites shall not be permitted. All such described divisions or the division of any lot or any parcel of land into a subdivision, as defined in this ordinance, by the use of metes and bounds description for such purposes, shall be subject to all of the appropriate requirements of this ordinance.
- d. No Improvement Location Permit or Building Permit required under the Uniform Building Code, the Zoning Ordinance or this ordinance shall be issued on any property subject to this ordinance until the provisions of this ordinance are met.

2. Violations and Penalties: Any person who violates a provision of this ordinance or any regulations herein contained, shall be fined not less than ten dollars (\$10.00) and not more than three hundred (\$300.00) for each day's violation.

3. Restraining Provisions:

- a. Any land within the participating jurisdictions subdivided in violation of the terms of this ordinance after the effective date hereof, is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.
- b. The Area Plan Commission may institute an injunction suit requesting an individual or governmental unit be directed to remove a structure erected in violation of this ordinance, or to make the same comply with its terms. If the Area Plan Commission is successful in its suit, the respondent shall bear the costs of the action.
- c. The Area Plan Commission may institute a suit for mandatory injunction requesting an individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this ordinance, to comply with the provisions of this ordinance.

SECTION 1.14 APPEALS FROM THE ENFORCEMENT OF THE ORDINANCE

1. An appeal may be made to the Board of Zoning Appeals when it is alleged there is an error in any order, requirement or determination made by an Administrative Official, Staff member, or Board (other than the Area Plan Commission) in the enforcement of this ordinance.

2. Notice of Appeal. An appeal shall be taken within ten (10) days from the determination which is the subject of the complaint. The appeal shall be initiated by filing with the Secretary of the Board of Zoning Appeals, a notice of appeal specifying the grounds for the appeal. The body from which the appeal is taken shall, upon receipt of notice, forthwith transmit to the Secretary of the Board, certified copies of all the papers constituting the record of said matter. Upon receipt of the record the Secretary shall set the matter for public hearing

3. Board of Zoning Appeals action. The Board shall hold a public hearing. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed. Additionally, the Board may make such order, requirement, decision or determination as needed. In doing so, the Board shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the entire membership of the Board shall be necessary to reverse any order, requirement, decision or determination.

4. Stay of proceedings. When an appeal from the decision of an administrative official, staff member or Board (except the Area Plan Commission) has been filed with the Board of Zoning Appeals, proceedings and work on the premises affected shall be stayed unless the official or board certifies to the Board of Zoning Appeals that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by a restraining order. After notice to the officer or board and to the owner of the premises affected and after due cause is shown, the applicable court having jurisdiction in the county in which the premises affected are located may grant the restraining order.

SECTION 1.15 REVIEW BY CERTIORARI OF DECISIONS

1. Each decision of the Area Plan Commission and the Area Board of Zoning Appeals are subject to review by certiorari. Each person aggrieved by a decision of the Area Plan Commission or the Board of Zoning Appeals may present to the Court of Record a verified petition, setting forth that the decision is illegal, in whole or in part and specifying the grounds of illegality. No change of venue from the county in which the premises affected are located may be had.

2. The person shall file the petition with the court within thirty (30) days after the date of the decision by the Area Plan Commission or the Area Board of Zoning Appeals.

CHAPTER 2: DEFINITIONS

SECTION 2.1 USAGE

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

SECTION 2.2 DEFINITIONS

1. Accessory Building. A subordinate structure, the use of which is incidental to that of the dominant use of the primary building or land.
2. Administrator. The officer appointed by and/or delegated the responsibility for the administration of these regulations by the Area Plan Commission, normally construed to mean the Executive Director/Secretary of the Area Plan Commission. This term shall be construed to include those planning staff members working under the direction of the Administrator in the exercise of his responsibilities in regard to the processing of these Subdivision Regulations.
3. Agency. See Public Agency
4. Alley. A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
5. Applicant. The owner of land proposed to be subdivided or his agent or his legal representative.
6. Area Plan Commission. A multiple jurisdictional plan commission established as defined under the Indiana Code, 36-7-4-102 (1983) as amended. In the context of this Ordinance, the Posey County Area Plan Commission.
7. Arterial. Either a Primary Arterial or a Secondary Arterial as defined in this section.
8. Average Density Procedures. Procedures for calculating overall density of development prescribed in the Zoning Ordinance as a flexible tool for maintaining overall densities while allowing individual lot sizes to vary from the minimum sizes allowed in a given zone.
9. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.
10. Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Area Plan Commission. All bonds (or equivalent financial instruments) shall be approved by the Area Plan Commission wherever a bond is required by these regulations.

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

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

13. Building Code. That County ordinance or group of ordinances establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the County. Also referred to herein as the County Building Code.

14. Building Permit. A certificate issued by the Building Permit Official of the jurisdiction permitting a person, firm or corporation to erect, construct, enlarge, alter repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done.

15. Building Permit Official. That official of local government authorized to issue building permits.

16. Capital Improvements Program. A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the more durable, longer lived physical assets of the community are included.

17. Central Sewerage System. A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision or an existing public sewer system.

18. Central Water System. A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision.

19. Certificate. The signed and attested document which indicates that a subdivision has been granted secondary approval by the Area Plan Commission subsequent to proper public notice of its hearing.

20. Checkpoint Agency. A public agency or organization called upon by the Area Plan Commission to provide expertise with regard to a specific aspect of community infrastructure development or required by law to give its assent before a subdivision may take place.

21. Collector Street. A street intended to move traffic from local streets to secondary arterials. (A collector street serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it and no direct residential driveway access to it is permitted unless the property is for multi-family use for four (4) or more dwelling units.)

22. Commission. The Posey County Area Plan Commission as referred to herein; not the Board of County Commissioners, or any other commission unless so specified.

23. Commission Attorney. The licensed attorney designated by the Area Plan Commission to furnish legal assistance for the administration of this ordinance or as provided by statute.

24. Comprehensive Plan. Inclusive physical, social, and economic plans and policies in graphic verbal statement forms for the development of the County (and the constituent communities within its planning jurisdiction), prepared and adopted by the Area Plan Commission and other legally participating jurisdictions pursuant to the State Acts, and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.
25. Condominium. The division of building(s) and the related land into horizontal property interests meeting the requirements of and controlled by the Indiana statutes for condominiums as prescribed by the Indiana Code, 32-1-6-1 thru 31.
26. Construction Plan(s). The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the plat.
27. County Attorney. The licensed attorney designated by the legally authorized body to furnish legal assistance for the administration of these regulations in lieu of the Area Plan Commission having its own attorney.
28. County Auditor. That County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by the statute.
29. County Building Code. See Building Code.
30. County Commission or County Board of Commissioners. Referred to here in as simply, the County so as not to be confused with the Area Plan Commission, referred to here in simply as the County Commission.
31. County Design Review Board. A board established by the County to provide technical services to the Area Plan Commission in the administration of these regulations.
32. County Engineer. The licensed engineer designated by the County to furnish engineering assistance in the administration of these regulations. (The person also referred to as the County Highway Engineer and Drainage Engineer or Designee.)
33. County Government. That governmental body of the County empowered to adopt planning and public policy ordinances: the County Commission, here in referred to only as the County.
34. County Health Officer. See Health Officer.
35. County Housing Code. See Housing Code.
36. County Recorder. That county official empowered to record and file land description plats.
37. Cul-De-Sac. A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.
38. Dead-End Street. A street or portion of a street with only one (1) vehicular traffic outlet.
39. Department. See Public Agency.

40. Designated Officials. Those officials of the Area Plan Commission designated in the subdivision ordinance as required signatories for the execution of secondary approval.
41. Developer. The owner of land proposed to be subdivided or his representative. Consent for making applications for development approval shall be required from the legal owner of the premises.
42. Drives, Private. Vehicular streets and driveways paved or unpaved which are wholly within private property except where they intersect with other streets within public rights-of-way.
43. Easement. An authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose(s).
44. Escrow. A deposit of cash with the Area Plan Commission in lieu of an amount required and still force on a performance or maintenance bond. Such escrow funds shall be held by the County Auditor.
45. Exempt Divisions. See definition of Subdivision.
46. Final Plat. The map, or plan described in this ordinance of a subdivision and any accompanying material submitted to the Area Plan Commission for secondary approval, and which, if approved and signed by the designated officials, may be submitted to the County Recorder for filing.
47. Flood Hazard Areas. Those flood plains which have not been adequately protected from flooding by the Regulatory Flood by means of dikes, levees, or reservoirs, and are shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Area Plan Commission from the State Natural Resources Commission.
48. Flood Plain. The area adjoining the river or stream which has been or may hereafter be covered by flood water from the Regulatory Flood.
49. Flood Protection Grade. The elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building. All plumbing, electrical, heating and cooling equipment must be located above this grade including all habitable floors.
50. Floodway. See Regulatory Floodway.
51. Floodway Fringe. Those portions of the Flood Hazard Areas lying outside the Floodway, shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.
52. Foundation. The supporting member of a wall or structure.
53. Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front lot line. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets. (In the case of single-family detached and attached dwelling units, no access for any one lot is permitted to more than one street and that street generally will be the one calculated to have lower traffic volumes and less frequent intersections. In the case of multi-family dwelling units and nonresidential development, more than one street access may be permitted depending on the lot frontage, density and intensity of the use.)
54. Frontage Street. Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

55. Front Yard. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has the least frontage.

56. Governing Body. The body of the relevant local government having the power to adopt ordinances.

57. Grade. The slope of a street or other public way, specified in percentage (%) terms.

58. Health Department and (County) Health Officer. The agency and person designated by the County to administer the health regulations within the County's jurisdiction.

59. High Density. Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet.

60. Highway, Limited Access. A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.

61. Housing Code. That county ordinance controlling the continuing safety and healthfulness of buildings for human occupation within the County's jurisdiction. Also referred to herein as the County or Mt. Vernon Housing Code.

62.Improvements. See Lot Improvements or Public Improvements.

63. Indiana Code. The Burns Indiana Statutes - Code Edition which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws now in force and applicable. The Indiana Code is usually abbreviated as I.C. or IC herein.

64. Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device (including a drip system or Wisconsin mound) approved by the Health Department. Where public sanitary sewers are available, individual sewage disposal systems are not an acceptable alternative. Where a public sanitary sewer system is not available the County Health Department may approve an alternative sewage treatment system serving multiple single-family detached dwellings.

65. Interested Parties. Those parties who are the owners of properties adjoining or adjacent to the proposed subdivision as shown on the sketch plan.

66. Joint Ownership. Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

67. Land Divider. The owner of a parcel of land to be further divided through making an exempt division.

68.Landscaping. See Buffer Landscaping, Screening and Shade Trees.

69. Local Street. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage. Unless a temporary dead end, a local street has an access point or outlet at either end. Accordingly, a "local street" for the purposes of

these subdivision regulations has two access points or an outlet at either end. A street with only one outlet or access point is considered to be a “cul-de-sac.” A permanent dead end street is considered a “cul-de-sac” for the purposes of these subdivision regulations.

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

71. Lot, corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty five (135) degrees.

72. Lot Improvement. Any building, or structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

73. Lot of Record. Any lot or parcel recorded before November 16, 1986.

74. Low Density. Those residential zoning districts in which the density is equal or less than one dwelling unit per forty thousand (40,000) square feet.

75. Major Street. A collector or arterial street.

76. Major Street Plan. See Official Map. This may also be the Thoroughfare Element of the Comprehensive Plan or an adopted Thoroughfare Plan (independent of the Comprehensive Plan).

77. Major Subdivision. Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

78. Map. A representation of a part or the whole of the earth’s surface, in signs and symbols on a plane surface, at an established scale, with a method of orientation indicated.

79. Marker. A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

80. Master Plan. See Comprehensive Plan.

81. Medium Density. Those residential zoning districts in which the density is between ten thousand (10,000) and forty thousand (40,000) square feet per dwelling unit.

82. Minor Subdivision. Any subdivision of not more than three (3) lots fronting on an existing street which is an improved right-of-way maintained by the State, County or other local government, not involving any new street or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, the Thoroughfare Plan, Official Map, Zoning Ordinance, or this Ordinance. Sanitary sewer, waterline, electric, gas, or telecommunication service connections on an individual lot are not considered public improvements, and drainage ditches to be installed at the option of the owner are also not considered public improvements.

83. Model Home. A dwelling unit used initially for display purposes which typifies the kind of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Area Plan Commission, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedures for minor subdivisions, as set out in these regulations.

84. Monument. A physical structure which marks the location of a corner or other survey point.

85. Non-residential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivisions shall comply with the applicable provisions of these regulations.

86. Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

87. Official Map. The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems, and set back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto, resulting from the approval of subdivision plats by the Area Plan Commission and the subsequent filing of such approved plats.

88. Official Master Plan. See Comprehensive Plan.

89. Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal or any ordinance.

90. Owner. Any person, group of persons, firm or firms, corporation or corporations, or any legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

91. Original Parcel. A parcel of land existing and duly recorded in the office of the Posey County Recorder as of November 16, 1986.

92. Participating Jurisdiction. A jurisdiction with the County having joined the Area Plan Commission and having it undertake both planning studies and the administration of zoning, subdivision, and other planning related ordinances for that jurisdiction.

93. Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one side.

94. Plan Commission. The County's "area" planning body as established in accordance with Indiana law, often referred to herein simply as the Commission or the Area Plan Commission. "Commission" standing alone does not refer to the County Commission.

95. Planned Unit Development. Planned Unit Development is a means of land regulation which permits large scale, unified land development in a configuration and possibly a mix of uses not otherwise permitted as of right under the Comprehensive Zoning Ordinance but requiring under that ordinance or a special ordinance a special review and approval process.

96. Plat. A map indicating the subdivision or re-subdivision of land filed or intended to be filed for record with the County Recorder.

97. Preliminary Plat. The preliminary drawing or drawings described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Area Plan Commission for approval.

98. Primary Approval. An approval, or approval with conditions imposed, granted to a subdivision by the Area Plan Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this Ordinance (per I.C. §36-7-4-700 series: Subdivision Control).

99. Primary Arterial. A street intended to move through-traffic to and from such major attractions as central business district, regional shopping centers, colleges and/ or universities, military installations, major industrial areas, and similar traffic generators within the County; and/or as a route for traffic between communities; a major thoroughfare.

100. Principal Use Building. A building in which the principal use of the lot or parcel is conducted. Standards recognized by the Indian Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

101. Public Agency. An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy making or advisory body of federal, state, or local government to whom it is responsible.

102. Public Improvement. Any sanitary sewer, waterline, electric and gas service or telecommunication line, storm sewer, drainage ditch, stormwater retention or detention basin, street, highway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded. Sanitary sewer, waterline, electric, gas, or telecommunication service connections on an individual lot are exempt for this definition, and drainage ditches to be installed at the option of the owner may also be exempt from this definition.

103. Rear Yard. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the front yard.

104. Registered Land Surveyor. A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

105. Registered Professional Engineer. An engineer properly licensed and registered in the State of Indiana or permitted to practice in Indiana through reciprocity.

106. Regulatory Flood. That flood having a peak discharge which can be equaled or exceed on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the State Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of one (1) percent in any given year.

107. Regulatory Flood Elevation. The maximum elevation reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision under consideration.

108. Regulatory Floodway. The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

109. Restrictive Covenants. Limitations of various kinds on the usages of lots within a subdivision which are proposed by the subdivider, and, in the case of public health, safety, and welfare by the Area Plan Commission, that are recorded with the plat and run with the land.

110. Re-subdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

111. Right-of-way. A strip of land occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use. The usage of the terms “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

112. Road(s). See Street(s).

113. Sale or Lease. Any immediate or future transfer of ownership, or any possessor interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

114. Same Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

115. Screening. Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, or a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained at all times and may have no signs affixed to or hung in relation to the outside thereof except as permitted or required under the Zoning Ordinance. Where required by the Zoning Ordinance, a screen shall be installed along or within the lines of a plot as a protection for adjoining or nearby properties. Earth berms may be incorporated as part of such screening measures where appropriate.

116. Secondary Approval. The stage of application for formal Area Plan Commission approval of a final plat of a subdivision, the construction of which has been completed or guaranteed by a performance bond (or equivalent financial instrument) which, if approved and signed by the designated officials, may be submitted to the County Recorder for filing.

117. Secondary Arterial. A street intended to collect and distribute traffic in a manner similar to primary arterial, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

118. Setback. A line parallel to and equivalent from the relevant lot line (front, back, side) between which no buildings or structures may be erected as prescribed in the Zoning Ordinance.

119. Side Lot Lines. Any lines separating two lots other than front or rear lot lines.

120. Sketch Plan. An informal, informational drawing, as described in this ordinance, preparatory to the

drawing of the preliminary plot plan or final plat in the case of a minor subdivision to enable the subdivider to save time and expense in reaching general agreement with the Area Plan Commission as to the form of the plat and conformance to the objectives of this ordinance.

121. State Acts. Such legislative acts of the State of Indiana as they affect these regulations.

122. Street, Dead End. A street or portion of a street with only one (1) vehicular traffic outlet.

123. Street, Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

124. Streets, Classification. For the purpose of providing for the development of the streets, highways, and rights-of-way, in the governmental units, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map or Thoroughfare Plan of the County or Participating City or Towns and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the respective zoning districts of the County and Participating City and Towns and its present and estimated future traffic volume and its relative importance and function as specified in the County, City or Town Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map or Thoroughfare Plan.

125. Structure. Anything constructed or erected that requires location on or in the ground, or is attached to something having a location on or in the ground.

126. Subdivider. Any person who (a) having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (b) directly or indirectly sells, leases, or develops, or who offers to sell, lease, or develop, or advertise for sale, lease or development, any interest, lot, parcel site, unit, or plat in a subdivision; or who (c) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot, parcel site, unit, or plat in a subdivision; or who (d) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

127. Subdivision. The division of an original parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division of development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The following kinds of divisions of existing parcels of land are herein called "Exempt Divisions" and are classified into two (2) categories: Exempt I and Exempt II. These divisions are exempt from most provisions of this ordinance.

a. Exempt I divisions must be one of the following types of divisions:

- i. Type A. A division of land into two (2) or more tracts all of which are at least ten (10) acres in size and are outside an incorporated area.
- ii. Type B. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building site is created by the division.
- iii. Type C. A division of land pursuant to an allocation of land in the settlement of a descendant's estate or a court decree for the distribution of property.

iv. Type D. A division of land for the acquisition of street right-of-way by a public agency. The creation or addition of an easement by any public agency or private property owner to any existing recorded deed, plat or lot of record does not require subdivision approval.

v. Type E. A division of land for the sale or exchange of tracts between adjoining landowners, provided no additional building site is created by the division; and

vi. Type F. A division of land into cemetery plots for the purpose of burial of corpses.

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

c. Exempt II divisions are divisions of land of a lot of record into not more than four (4) new parcels (excluding the original parcel residual) all of which are at least two (2) acres but less than ten (10) acres in size and are outside an incorporated area. Such divisions shall conform to Sections 3.5 and 6.6 of this Ordinance but shall be exempt from other provisions of this Ordinance not specified or referred to in those sections. Once the four new parcels have been created from the lot of record, further division of such parcels is subject to subdivision regulations and no longer exempt, unless the original parcel residual is divided into two (2) lots of at least ten (10) acres meeting the Exempt I Type A criteria.

128. Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

129. Subdivision, Exempt. See Subdivision.

130. Subdivision, Major. See Major Subdivision.

131. Subdivision, Minor. See Minor Subdivision.

132. Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond (or equivalent financial instrument) or turn-around improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

133. Thoroughfare Plan. See Official Map.

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

135. Zoning Ordinance. The ordinance setting forth the regulations controlling the use of land in the unincorporated areas and in those jurisdictions within the County and the Participating City and Towns. Also referred to as the "Zoning Ordinance for the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and the Unincorporated Area of Posey County."

CHAPTER 3: SUBDIVISION APPROVAL PROCESS

SECTION 3.1 GENERAL PROCEDURE

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

2. Classification of Land Divisions. All land to be divided shall be categorized into one of the three (3) main classes of land division indicated in this ordinance's definition of subdivision. These classes are (see Section 2.2 for definitions):

- a. Major subdivisions,
- b. Minor subdivisions (no public improvements),
- c. Exempt divisions. Exempt divisions are not subject to the requirements of this ordinance beyond the determination by the Administrator that they meet all the requirements for exempt divisions set forth in Section 3.5 herein. Before any permit shall be granted for a structure to be erected on land to be subdivided into a major or minor subdivision, the subdividing owner or his subdivision agent shall apply for and secure approval of the proposed subdivision in accordance with Section 3.2 and either Section 3.3 or Section 3.4 of this ordinance as appropriate. Before any permit shall be granted for a structure to be erected on a parcel of land to be created or altered by an exempt division, the land divider or his agent shall certify to the satisfaction of the Administrator that all requirements for exemption have been met, as detailed in Section 3.5 of this Ordinance, in order to exempt the land division from all other requirements of this Ordinance.

SECTION 3.2 MAJOR AND MINOR SUBDIVISIONS:

Sketch Plan Application Procedure for Primary Approval

1. Application Requirements. In order to begin the subdivision process, the applicant shall file an application for review of sketch plan and certificate with the Administrator, and be entitled to a sign a receipt for same. This application shall:

- a. Be made on forms available at the Office of the Area Plan Commission and signed by the owner (or the designated individual with limited power of attorney).
- b. Include indications of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided, accompanied by affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's Office. The affidavit shall advise as to the legal owner of the property, the contract owner of the

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

- c. Be presented to the Administrator in duplicate.
 - d. Be accompanied by a minimum of three (3) copies of the sketch plan.
 - e. Be submitted with the appropriate filing fee:
 - i. Application and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the appropriate filing fee.
 - ii. Pursuant to statute, the plan commission shall establish a schedule of reasonable fees to defray the administrative costs connected with (1) processing and hearing administrative appeals and petitions for rezoning, special exceptions, special uses, contingent uses, and variances; (2) issuing permits and (3) other official action under the Indiana Code's planning and zoning laws.
 - iii. The fee schedule shall be established at the first meeting each year of the Area Plan Commission. In the event the fee schedule is not reviewed by the Area Plan Commission at the first meeting of the year, the existing fee schedule shall remain in full force and effect until modified by the Area Plan Commission.
 - iv. The fee schedule shall be posted in the Area Plan Commission office in an area of public access.
 - f. Include an address and telephone number of an agent located within the territory of the Area Plan Commission who shall be authorized to receive all notices required by this Ordinance.
 - g. Include a listing signed by the checkpoint agencies indicating that they have received a copy of the proposed sketch plan or a certification that it has been sent.
2. Checkpoint Submission. In order to fulfill this last application requirement, a copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so that their comment may be made to the Administrator. The checkpoint agencies appropriate to each participating jurisdiction in which a plat may be located are listed in Figure 3-1. The Administrator shall request that all officials and all agencies to which a request for review has been made submit a written report to him within fifteen (15) days after receipt of the request. No response from any agency shall be interpreted as meaning "no objection".
3. Classification of Subdivision. After an application for sketch plan approval has been submitted and at the time of sketch plan review the Administrator shall classify the proposed subdivision as either major or minor as defined in this Ordinance. The required procedures and approvals for major subdivisions are described in Section 3.3; corresponding information concerning the minor subdivision approval process is provided in Section 3.4.

SECTION 3.3 MAJOR SUBDIVISIONS

1. General Procedures for Primary and Secondary Approval. Should the Administrator, during sketch plan review, classify the proposed land division as a major subdivision, the subdivider shall follow the procedures and be subject to the processes outlined in Figure 3-2, and detailed in this Section. In addition to a sketch plan which is reviewed by the Administrator and checkpoint agencies, the applicant seeking approval of a major subdivision shall submit a preliminary subdivision plat to be approved, conditionally

approved, or rejected by the Area Plan Commission at a public meeting, and a final subdivision plat which must be found in compliance with the preliminary plat as approved by the Area Plan Commission or otherwise approved in order to be signed and recorded.

2. Official Submission Dates. The deadline for submittal of a sketch plan and application for certificate of approval shall be sixty one (61) calendar days prior to the date of the public meeting at which the subdivider intends to have his preliminary plat submission heard, and thirty one (31) calendar days prior to the deadline for the submission of the preliminary plat. Thus, as a minimum, sketch plan submission shall precede preliminary plat submission by no less than thirty one (31) calendar days, which in turn shall precede the public meeting at which it is intended to be heard by no less than thirty (30) calendar days.

3. Sketch Plan Review Process. Within twenty (20) calendar days of the subdivider's sketch plan application submittal, the Administrator shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be suggested or required by this ordinance. The Administrator shall request that a representative of each checkpoint agency wishing to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this Ordinance, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map and Comprehensive Plan as adopted by the participating jurisdictions. Subsequent to the meeting the Administrator shall provide the participants with a written record of the proceedings of that meeting.

4. Preliminary Plat Procedures for Primary Approval

a. Submission requirements. Following the submission, review, and report on the sketch plan application, the subdivider may file for primary approval of a preliminary plat. This submission shall:

- i. Be made on forms available at the office of the Area Plan Commission and be submitted with a fee established by the Area Plan Commission for each lot which was not included in the initial sketch plan application.
- ii. Include all of land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred (100) feet there from or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, with the names and addresses of the owners as shown in the Auditor's files. This information may be shown on a separate current Plat Map reproduction from the Auditor's Office showing the boundaries of the subdivision superimposed thereon.
- iii. Be presented in duplicate to the Administrator no later than thirty (30) calendar days prior to the regular meeting of the Area Plan Commission at which it is intended to be heard.
- iv. Be accompanied by ten (10) copies of the preliminary plat as described in this Ordinance.
- v. Generally comply with the sketch plan as reviewed.

b. Placement on the Area Plan Commission Agenda. Subsequent to the submission for primary approval, the Area Plan Commission shall place the matter on its next regular meeting agenda for formal action.

c. Administrative Review. Subsequent to the placement on the agenda and prior to the date of the public hearing, the Administrator and other appropriate members of the Area Plan Commission's staff including its Executive Director shall review the proposal and prepare a written report to the Area Plan Commission and applicant indicating a recommendation to the subdivision being proposed.

FIGURE 3-1: CHECKPOINT AGENCIES

Proposed subdivision in unincorporated area of Posey County

1. Drainage Board (county surveyor)
2. County Soil and Water Conservation District
3. County Health Sanitation office
4. Appropriate Fire Departments
5. Metropolitan School District
6. County Commissioners
7. Utility Companies
8. Country-Mark Co-op (underground lines)
9. County Engineer or Designee

Proposed subdivision within City of Mt. Vernon

1. City Engineer or Designee
2. County Soil and Water Conservation District
3. City Council
4. City Board of Parks and Recreation
5. City Fire Chief
6. City Police Chief (traffic)
7. Metropolitan School District

Proposed subdivision within incorporated Towns, including Poseyville or Cynthiana

1. City Engineer or Designee
2. County Health Board
3. School Board
4. Local Fire Department
5. Town Marshall
6. County Soil and Water Conservation District

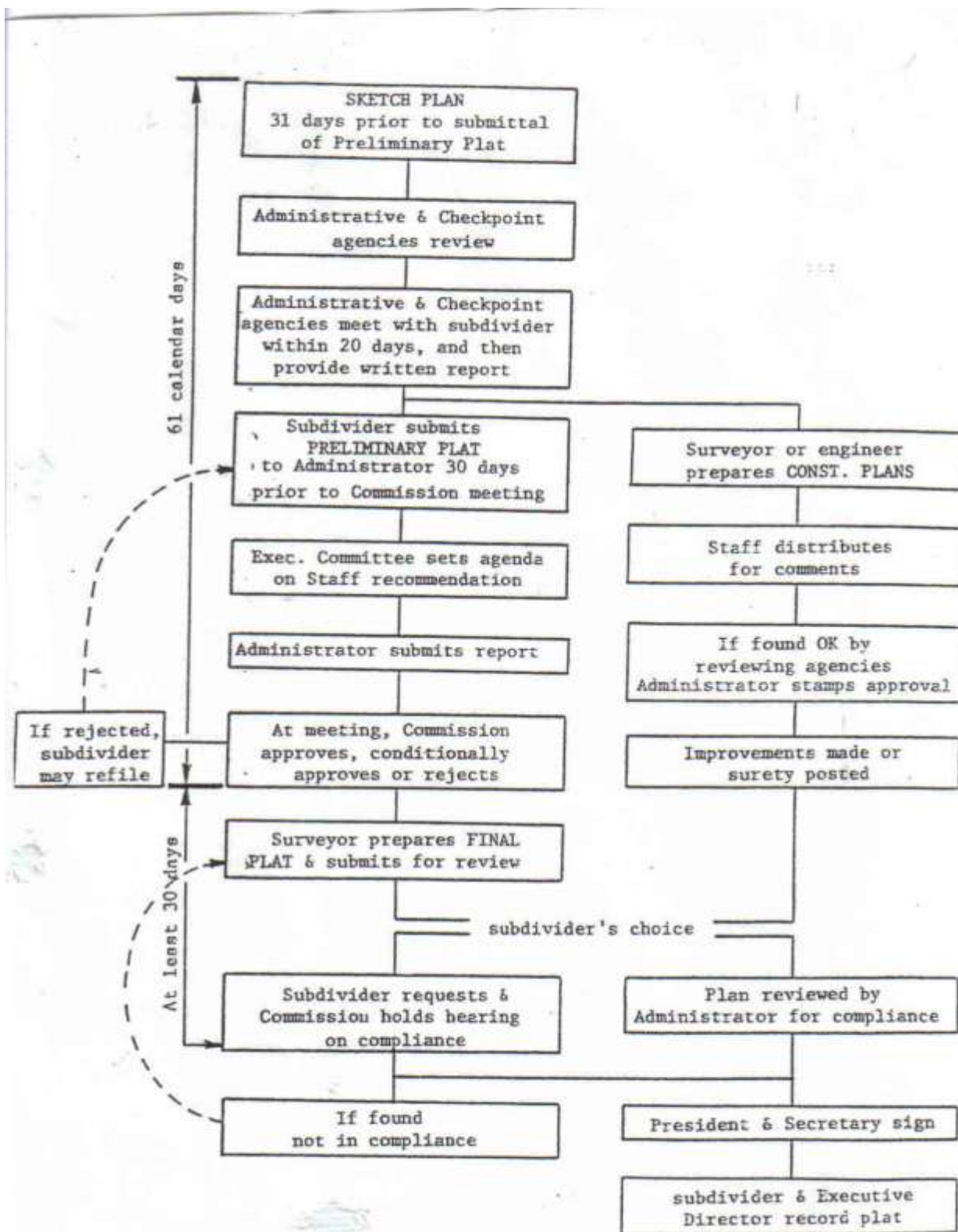


FIGURE 3-2: APPROVAL PROCESS FOR MAJOR SUBDIVISION

d.. Public Hearing Notification. The Area Plan Commission shall hold a public hearing on the preliminary plat and notice of such hearing shall be in two (2) local newspapers of general circulation ten (10) days prior to the hearing (per IC §5-3-1) at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the applicant has placed posters provided by the Administrator (advising interested parties of the hearing) at the locations designated by him on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested parties (see Section 2.2.65) shall be notified by the applicant of the date, time, place, and purpose of the public hearing on the subdivision at least ten (10) days prior to the hearing by certified mail. The applicant shall file with the Area Plan Commission at the time of the public hearing an affidavit so testifying.

e. Primary Approval of the Preliminary Plat. After the Area Plan Commission has held a hearing upon the preliminary plat, the Administrator's report, checkpoint recommendations, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Area Plan Commission shall at a public meeting, grant primary approval, conditional approval or disapprove the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval or disapproval and with the reasons therefore accompanying the plat within five (5) days of the public hearing. Before the Area Plan Commission approves a preliminary plat showing a park reservation or land for other local government unit, the Area Plan Commission shall obtain approval of the park or land reservation from the participating jurisdiction. Primary approval by the Area Plan Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of primary approval, per IC §36-7-4-708 (d).

f. Field Trip. The Area Plan Commission, at its discretion, upon hearing the request for primary approval, may elect to continue the matter until its next regularly scheduled public meeting, and may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative.

g. Effective Period of Primary Approval. Unless extended, the primary approval of a preliminary plat shall be effective for a period of two (2) years at the end of which time secondary approval of the subdivision for at least one section must have been obtained and certified by the Designated Officials. Secondary approval of any section of the preliminary plat shall extend primary approval of the preliminary plat for another two (2) years. Any preliminary plat not receiving secondary approval of a section of the preliminary plant within the period of time set forth herein shall be null and void, and the developer shall be required to submit new application for sketch plan review and certificate subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon request of the applicant, the Area Plan Commission may extend the primary approval of a preliminary plat in increments of two (2) years beyond the expiration date without further notice and public hearing, provided the request of extension is made at least thirty (30) days before the expiration of the primary approval. However, if secondary approval of any section the preliminary plat has not been approved after two years, the applicant must comply with the subdivision requirements in effect at the time of each two (2) extension of the preliminary plat.

5. Approval of Construction Plans.

a. Submission Procedure and Requirements. Following the review of the sketch plan and prior to submission of the final plat for secondary approval, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator before starting work on any improvements three (3) sets

of the detailed plans and specifications thereof for approval, prepared by a licensed Professional Engineer or Land Surveyor in the State of Indiana. (Four (4) or five (5) sets may be necessary if the Drainage Board is involved or the City Engineer or Designee where a subdivision is located in the County but city or town sewer and water is used.)

b. Review Process. The Administrator shall immediately refer these plans to the appropriate agencies of the affected participating jurisdictions for review. Once these agencies indicate their approval of the construction plans or fourteen (14) working days have elapsed since their distribution without a written response, the Administrator shall stamp the plans approved and return one (1) set to the applicant. In no event shall secondary approval of the final plat be given prior to approval of the construction plans.

c. Installation of Improvements. The installation of improvements shall be inspected by the appropriate participating jurisdiction. Such inspections are required in all instances regardless of whether the work is performed before or after secondary approval. Failure to request inspection of work performed after the date of this Ordinance and before secondary approval may be the cause for denial of secondary approval.

6. Final Plat Procedures for Secondary Approval

a. Submission Requirements. Following primary approval of the preliminary plat and construction plans, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator a request for secondary approval of a final plat. The application shall:

- i. Be submitted on forms available at the Office of the Area Plan Commission.
- ii. Include the entire subdivision, or section thereof which derives access from an existing state, county, or municipal roadway.
- iii. Be accompanied by ten (10) copies of the final plat as described in this Ordinance.
- iv. Totally comply with the Ordinance and the terms and conditions of primary approval.
- v. Be accompanied by the performance bond (or equivalent financial instrument) per Section 5.1, if required, in a form satisfactory to the Area Plan Commission Attorney and in an amount established by the Area Plan Commission upon recommendation of the participating jurisdiction, and shall guarantee the completion of all required subdivision and offsite improvements.
- vi. Be accompanied by any restrictive covenants in a form proved by the Area Plan Commission, whether they have been proposed by the subdivider or required by the Area Plan Commission.

b. Determination of Conformance. (Secondary Approval) In order to be recorded, a final plat shall either be found to be in conformance with the primary approval by the Administrator, or by the Area Plan Commission at a public meeting. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Area Plan Commission at a public meeting for a new primary approval. If all improvements have been satisfactorily completed, the subdivider submitting a final plat conforming to the primary approval shall choose whether this review is to be performed by the Administrator or by the Area Plan Commission at a public meeting. If all improvements have not been completed and a performance bond (or equivalent financial instrument) is required, the subdivider shall submit the final plat for approval by the Area Plan Commission at a public meeting.

i. Should the subdivider not choose Area Plan Commission review, the Administrator shall within ten (10) working days, review the items submitted as per Section 3.3.6.a in order to ascertain the sufficiency as to conformance with the primary approval. If the submission is found to be in conformance and complete, the Administrator shall recommend the signing of the certificate granting secondary approval.

ii. Should the subdivision require a performance bond (or equivalent financial instrument) or the subdivider chooses Area Plan Commission review, the Area Plan Commission shall perform the same function by a public meeting. The subdivider shall request Area Plan Commission review in writing no less than thirty (30) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Area Plan Commission shall place the matter on its next regular meeting agenda. The Administrator shall review the proposal and submit a written report and recommendation to the Area Plan Commission and the applicant; and the Area Plan Commission at the public meeting shall approve or disapprove (with reasons) the final plat. If granted secondary approval and the performance bond (or equivalent financial instrument) has been posted, it shall be signed by the Designated Officials. If not granted secondary approval, the subdivider shall be informed as to the insufficiency of his submittal.

c. Sectioning Plats. Prior to granting secondary approval of a major subdivision plat, the Area Plan Commission may permit the plat to be divided into two (2) or more sections, and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. If all improvements have not been completed, the Area Plan Commission shall require that the performance bond (or equivalent financial instrument) be in such amount as is commensurate with the section or sections of the plat to be filed for secondary (final) plat approval, but may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for secondary (final) plat approval. Such sections must contain at least twenty (20) lots or ten (10) percent of the total number of lots contained in the approved plat, whichever is less. The approval of all remaining sections not filed with the Administrator shall automatically expire after two (2) from the date of primary approval of the preliminary plat, unless the approval of the preliminary plat has been automatically extended by two (2) years through the secondary approval of a section of the preliminary plat or unless the expiration date has been extended.

d. Bond Forfeiture. If a bond (or equivalent financial instrument) has been posted for the completion of improvements and the improvements have not been completed within two (2) years, the Area Plan Commission shall review the adequacy of the bond (or equivalent financial instrument), determine if the amount of the bond (or equivalent financial instrument) should be increased or decreased based on the improvements to be completed or declare the bond (or equivalent financial instrument) forfeit.

7. Signing and Recording a Plat

a. Signing of Plat.

i. When all improvements have not been completed and a bond (or equivalent financial instrument) is required, the Designated Officials of the Area Plan Commission shall endorse approval on the plat by signing the certificate after the bond (or equivalent financial instrument) has been approved, and all conditions of the primary approval have been satisfied.

ii. When installation of improvements is required in lieu of posting a bond (or equivalent financial instrument), the designated Officials of the Area Plan Commission shall endorse secondary approval of the plat by signing the certificate after all conditions of the primary approval have been satisfied and all improvements satisfactorily completed. There shall be

written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the appropriate Board of Works, County Commissioners, Town Board or the County Drainage Board that the necessary improvements have been accomplished.

b. Assurance to Subdivider. If the subdivider elects to install all improvements before he applies for secondary approval and it is shown that the conditions of the ordinance have been met, and if the final plat completely conforms to the primary approval and all improvements have been satisfactorily installed, the Area Plan Commission shall have no other recourse than to grant secondary approval.

c. Recording of Final Plat.

i. The Designated Officials shall sign the certificate which shall be part of the tracing cloth or reproducible mylar of the subdivision plat, plus two (2) mylar prints of the subdivision plat. The mylar prints shall be returned to the subdivider and his engineer or surveyor.

ii. It shall be the responsibility of the subdivider in the presence of the Executive Director or his designee to file the final plat with the County Recorder within thirty (30) days of the date of signature. After thirty (30) days of the date of signature of the final plat, the final plat shall be resubmitted for approval by the Area Plan Commission.

SECTION 3.4 MINOR SUBDIVISIONS

1. General Procedures for Primary Approval. Should the Administrator, upon examination of the sketch plan application, classify the proposed land division as a minor subdivision, the subdivider shall follow the procedures and be subject to the process outlined in Figure 3-3 and detailed in this Section. In addition to a sketch plan which is reviewed by the Administrator and checkpoint agencies for primary approval, by the Area Plan Commission, or its Executive Committee, where applicable, the applicant seeking approval of a minor subdivision shall submit for secondary approval a final subdivision plat which must be found in compliance with the sketch plan or otherwise approved in order to be signed and recorded.

2. Official Submission Date and Placement on the Agenda. An application for sketch plan approval shall be submitted no less than thirty (30) calendar days prior to either a regularly scheduled public meeting of the Area Plan Commission, or a regularly scheduled meeting of the Area Plan Commission's Executive Committee, where applicable, at which the proposal is intended to be acted upon. The Administrator shall place such application on the agenda of the first regularly scheduled meeting of the Area Plan Commission, or its Executive Committee, where applicable, to occur thirty (30) days after the date the application is submitted.

3. Sketch Plan Review Process. Within twenty (20) calendar days of the subdividers sketch plan application submittal, the Administrator shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be suggested or required by this Ordinance. The Executive Director shall request that a representative of each checkpoint agency that wishes to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this Ordinance, particular attention shall be given to sewage disposal, drainage, lot size, and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map and Comprehensive Plan as adopted by the participating jurisdictions. Subsequent to the meeting, the Administrator shall provide the participants with a written record of the proceedings of that meeting.

4. Administrative Review. Subsequent to placement on the agenda, and prior to the date of public hearing, the Administrator and other appropriate members of the Area Plan Commission's staff including its Executive Director shall review the proposal and prepare a written report to the Area Plan Commission and applicant indicating a recommendation with regard to the subdivision being proposed.

5. Public Hearing Notification. The Area Plan Commission shall hold a public hearing on the sketch plan and notice of such hearing shall be in two (2) local newspapers of general circulation ten (10) days prior to the hearing (per IC 5-3-1) at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the applicant has placed posters provided by the Administrator advising interested parties of the hearing at the locations designated by him on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested parties (see Section 2.2.65) shall be notified by the applicant of the date, time, place, and purpose of the public hearing by certified mail. The applicant shall file with the Area Plan Commission at the time of the public hearing an affidavit so testifying.

6. Primary Approval of the Sketch Plan. After the Area Plan Commission, or its Executive Committee, where applicable, has, at a regularly scheduled meeting, examined the sketch plan, Administrator's report, checkpoint recommendations, testimony, and exhibits submitted, the Area Plan Commission or its Executive Committee, where applicable, shall, at a regularly scheduled meeting, approve, conditionally approve, or disapprove the sketch plan. One (1) copy of the sketch plan shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the sketch plan within five (5) days after the public meeting. Primary approval by the Area Plan Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until the minimum of thirty (30) days has elapsed since the granting of primary approval per secondary approval IC 36-7-4-708 (d).

7. Final Subdivision Plat Procedure for Secondary Approval.

a. Application Requirements. Following approval of the sketch plan, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator an application for secondary approval of a subdivision plat. The application shall:

- i. Be submitted on forms available at the Office of the Area Plan Commission.
- ii. Include the entire subdivision.
- iii. Be accompanied by fifteen (15) copies of the subdivision plat as described in this Ordinance.
- iv. Totally comply with the Ordinance and the terms and conditions of approval.

b. Determination of Conformance (Secondary Approval). In order to be recorded, a final subdivision plat shall either be found to be in conformance with the approved sketch plan by the Administrator, or by the Area Plan Commission at a public meeting. If the final subdivision plat deviates from the sketch plan that received primary approval, the subdivision shall be resubmitted to the Area Plan Commission at a public meeting for a new primary approval. The subdivider submitting a final plat conforming to the primary approval shall choose as to whether this review is performed by the Administrator, Executive Committee of the Area Plan Commission or by the Area Plan Commission at a public meeting.

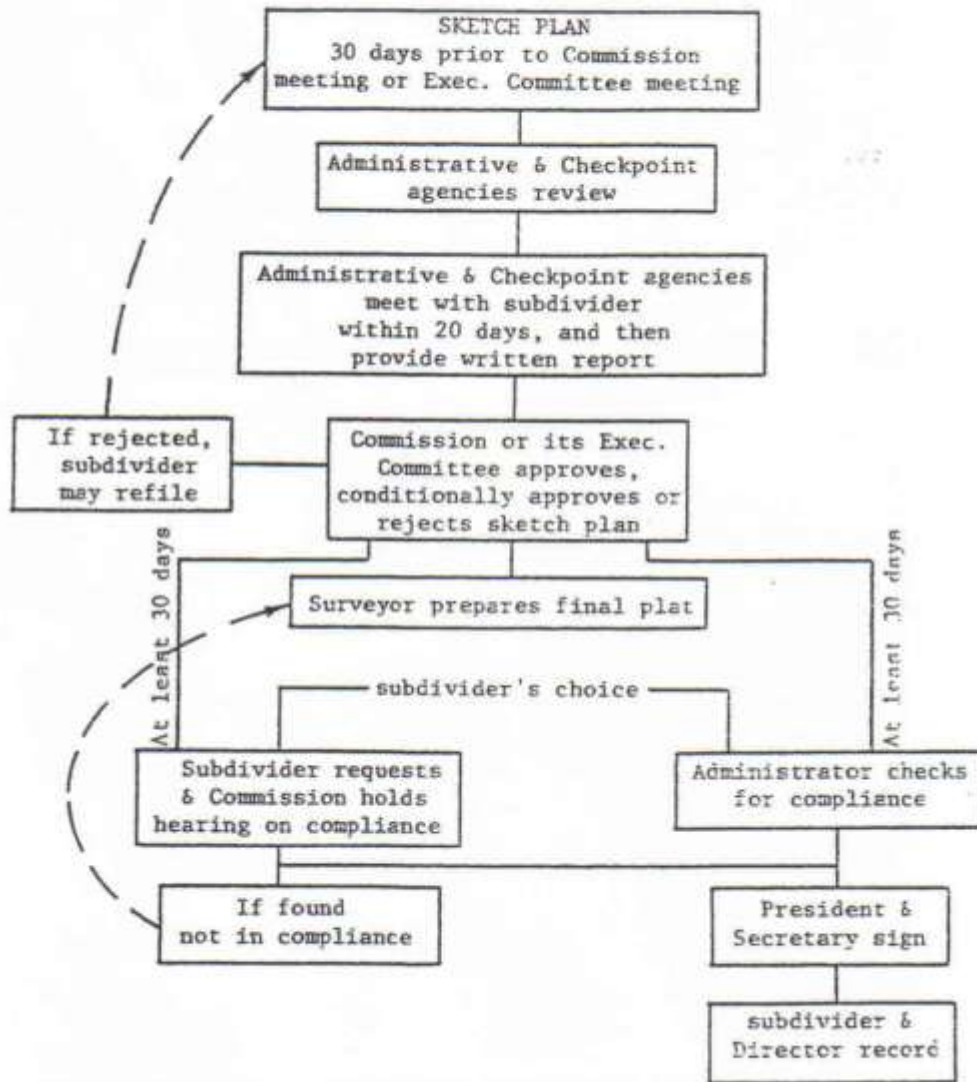


FIGURE 3-3: APPROVAL PROCESS FOR MINOR SUBDIVISIONS

i. Should the subdivider not choose Area Plan Commission review, the Administrator shall within ten (10) working days review the items to be submitted as per Chapter 7 in order to ascertain conformance with the primary approval. If the submission is found to be in conformance and complete, the Administrator shall recommend the signing of the certificate granting secondary approval.

ii. Should the subdivider choose Area Plan Commission review, the Area Plan Commission shall perform the same function by at a public meeting. The subdivider shall request in writing Area Plan Commission review no less than thirty (30) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Area Plan Commission shall place the matter on its next regular meeting agenda; Administrator shall review the proposal and submit a written report and recommendation to the Area Plan Commission and the applicant; and the Area Plan Commission at public meeting shall give secondary approval or disapproval of the final plat. If approved it shall be signed by the Designated Officers of the Area Plan Commission. If not approved, the subdivider shall be informed as to the insufficiency of his submittal.

8. Signing and Recording a Plat.

a. Signing of Plat.

i. The Designated Officials of the Area Plan Commission shall endorse secondary approval on the plat after all of the conditions of primary approval have been satisfied.

b. Assurance to Subdivider. If it is shown that the conditions of the ordinance have been met and if the final plat completely conforms to the primary approval, the Area Plan Commission shall have no recourse than to grant secondary approval.

c. Recording of Plat.

i. The Designated Officials shall sign the certificate granting secondary approval which shall be part of the tracing cloth or reproducible mylar of the subdivision plat, plus two (2) mylar prints of the subdivision plat. The mylar prints shall be returned to the applicant and his engineer or surveyor.

ii. It shall be the responsibility of the subdivider in the presence of the Area Plan Commission's Executive Director or his designee to file the plat with the County Recorder within thirty (30) days of the date of signature. After thirty (30) days of the date of signature of the final plat, the final plat shall be resubmitted for approval by the Area Plan Commission.

SECTION 3.5 EXEMPT DIVISIONS

1. General Procedure for Exempt "I" Divisions. In order for a land division to be considered an Exempt "I" Division, the information prescribed for the applicable type of division under Section 6.5 shall be submitted to the Administrator so he can determine whether the division meets the provisions of the definition for this classification (Section 2.2.127.a) and therefore can issue to the subdivider a Statement of Compliance to the applicable provisions of this Ordinance. Both the subdivider and the Administrator shall hold copies of the Statement of Compliance. When the parcel so exempted by this Statement is conveyed to another party the copy of the instrument of such conveyance shall be recorded with the County Recorder bearing a stamp of approval signed by the Administrator indicating that such Statement of Compliance has been obtained as ascertained by the copy(s) of the Statement which have been held for this purpose.

2. General Procedure for Exempt “II” Divisions. In order for a land division to be considered an Exempt “II” Division and thus be exempted from all other provisions of this Ordinance (except the definitional requirements in Section 2.2.127.c under the “Subdivision” definition and the informational requirements of Section 6.6, certain conditions shall be met and verified by the Administrator after his determination of qualification for this status has been made. See Discussion of Requirements, Section 3.1 1.

3. Necessary Conditions for Exempt “II” Divisions. In addition to definitional requirements, a land division qualifying as an Exempt “II” Division shall be shown as meeting the following conditions:

a. The lot of record shall NOT be located in the service area of a municipal sanitary sewer system or water system, and there shall be NO extension of public sanitary sewers or water lines to provide liquid waste disposal for the parcels being created.

b. The dedication of public right-of-way is NOT required for any abutting roadway to the lot of record or for a specific public road as indicated on the County Thoroughfare Plan portion of the Official Map or Comprehensive Plan.

c. The provision of access from the parcels created by the lot of record to a public roadway is the sole responsibility of the land owner(s) who may create and record a private access easement to be maintained by private land owners. Unless such private access easement subsequently fulfills all requirements of the subdivision regulations, it shall NOT be accepted for maintenance by any public agency.

d. Certification of Exempt “II” Divisions. As the conditions in Section 3.5 (2) apply, the land divider shall provide a plot plan and a metes and bound description of all parcels being created per Section 6.6 to the Administrator, and shall add the following notes to the plot plan:

i. The signature of the Administrator of the Posey County Area Plan Commission certifies that this is a division of land exempt from the Subdivision Regulations of the Posey County Area Plan Commission.

ii. The Posey County Area Plan Commission provides no warranty nor guarantee that the parcels are buildable sites, that the parcels have access to a public roadway, that public sanitary service is available to the parcels created, that on-site sewage disposal systems may be constructed without extra-ordinary costs, that public potable water is available to the parcels created, that fire insurance is available without extra-ordinary costs, that the parcels have adequate stormwater drainage, that the parcels are free from wet soils or geological impediments, that the parcels are outside known flood hazard areas including the 100-year floodplain, and that the parcels do NOT require fill and compaction to create a suitable building site.

iii. Before any building permit is issued, the Posey County Area Plan Commission hereby provides notice that access to a public road is at the discretion of the property owners for any parcels created, that a permit from the Posey County Health Department will necessary for an on-site septic system, that a permit from the Posey County Health Department will be necessary for any on-site potable water well, and that a location improvement permit under the zoning ordinance will be necessary from the Area Plan Commission to verify compliance with all zoning requirements, including any applicable floodplain regulations.

iv. These lots may NOT be further divided under Exempt Divisions, but may go through the non-exempt subdivision process requiring approval of the Area Plan Commission in accordance with these Subdivision Regulations.

e. Any conveyance by the owner or developer of an Exempt I or II Division shall be required to add a deed restriction stating that: "This is an Exempt I or II Division.

f. Exempt Division Review Process. Within three (3) working days of the land divider's complete submission of the required information in the case of Exempt "I" Divisions (Section 6.5) or the required information and certification (Section 3.5 (4) above) in the case of Exempt "II" Divisions, the Administrator shall review the submission and notify the land divider that his proposed land division either qualifies as an exempt division and is thus exempt from all other provisions of this Ordinance, or does not qualify as an exempt division and is thus subject to the relevant subdivision processes described in this Ordinance.

CHAPTER 4: IMPROVEMENT STANDARDS

SECTION 4.1 GENERAL IMPROVEMENTS

1. Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- a. All applicable federal, state and local statutory provisions (such those of the U.S. Army Corps of Engineers concerning the alteration of floodplains, stream channels and wetlands, and the Indiana Department of Environmental Management concerning best management practices for construction including Rule 5) as well as other Federal and State permit requirements that may be triggered;
- b. The County and Participating Jurisdictions Zoning Ordinance, Building and Housing Codes, and all other applicable laws of the appropriate jurisdictions;
- c. The Comprehensive Plan, Official Map, Public Utilities Plan, and Capital Improvements Program of the County, City or Town including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted.
- d. The special requirements of these regulations and any rules of the Health Department and/or appropriate state agencies.
- e. The rules and regulations of the Indiana Department of Highways if the subdivision or any lot contained therein abuts a state-maintained roadway or connecting street.
- f. The highway and drainage standards and regulations adopted by the County, City or Town and its boards, commissions, and agencies.
- g. All pertinent standards contained within still valid planning guides published by the Area Plan Commission.
- h. Plat approval may be withheld if a subdivision is not in conformity with the above guides and requirements or with the policies and purposes of these regulations established in Section 1.3 of this Ordinance.

2. Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Area Plan Commission may require that restrictive covenants be recorded with the County Recorder in the form to be approved by the Area Plan Commission Attorney.

3. Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another jurisdiction the Area Plan Commission may request assurance from the County Attorney that such access is legally established, and from the County Highway Department, City Street Department or Town Public Works Board or their Engineer or Designee that the access road is adequately improved, or that a performance bond (or equivalent financial instrument) has been duly executed and is sufficient in the amount to insure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

4. Boundary Improvements.

a. The subdivider shall have placed, under the supervision of a Registered Land Surveyor, concrete monuments four (4) inches square or four (4) inches in diameter and forty (40) inches long with an iron pipe cast in the center, at each corner or angle of the ultimate outside boundary. They shall be set following the grading of each phase or section of the subdivision.

b. The subdivider shall have placed, under the supervision of a Registered Land Surveyor, pipes or steel rods, three fourths (3/4) of an inch in diameter by thirty (30) inches in length at the corners of each lot. They shall be set prior to the issuance of any Building Permit.

5. Character of the Land: Land which the Area Plan Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which might reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Area Plan Commission, upon recommendation of the City, Town or County Highway Department, City Street Department or Town Public Works Board or their Engineer or Designee, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses permitted by the Zoning Ordinance that shall not involve any such danger.

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

SECTION 4.2 LOT IMPROVEMENTS

1. Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing building permits to build on each of the created lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on such lots from the appropriate approved street.

2. Lot Dimensions. Lot dimensions shall comply with the minimum standards in the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Area Plan Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve all such potential lots in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to the street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard set back from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for all of the off-street parking and loading facilities, building setbacks, landscaping/buffering, and other features requirements for the type of use and development contemplated, as established in the Zoning Ordinance.

3. Double Frontage Lots and Access to Lots.

a. Double Frontage Lots. Double frontage lots and reversed frontage lots shall be avoided except where necessary to provide the separation of residential development from the traffic on bordering

arterials, to control access to arterials through the prevention of direct access by individual lots, or to overcome specific disadvantages of topography and orientation affecting the subdivided lots.

b. Access from Primary and Secondary Arterials. Lots shall not, in general, derive direct access from a primary or secondary arterial street. Where driveway access from a primary or secondary arterial street may be the only possible access for several adjoining lots, the Area Plan Commission may require that such lots be served by a combined access drive or frontage road in order to limit possible traffic hazards from multiple accesses to such streets. Where possible, driveways should be designed with a turn-around and arranged so as to avoid requiring vehicles to back into traffic on primary or secondary arterials.

4. Soil Preservation, Grading, and Seeding.

a. Soil Preservation and Final Grading. Before grading of the tract or lot begins, all necessary permits shall be obtained from the U.S. Corps of Engineers and the Indiana Department of Environmental Management (IDEM) relative to the alternation of any floodplain, stream or wetland. During grading, construction shall be in accordance with all best management practices for erosion and sedimentation control including, but limited to, IDEM Rule 5 and any locally adopted stormwater management and best management practices for erosion and sedimentation control. No certificates of occupancy shall be issued until final grading has been completed in accordance with the approved construction plans and the lot pre-covered with top soil having an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover between the sidewalk and curbs, and shall be stabilized by seeding or planting.

b. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area. Drainage shall be designed so as to avoid the accumulation of storm water on any one or more lots from adjacent lots. Further, the subdivision shall provide for adequate storm water retention and detention to hold the first inch of rainfall for release after filtering of pollutants from impervious surfaces from the first flush of rainfall and to detain stormwater so that the rate and volume of stormwater runoff is not increased onto or through adjacent properties.

c. Lawn-Grass Seed and Sod. Grass seed shall be sown at not less than four (4) pounds to each one thousand (1000) square feet of land area. The seed shall be sown between March 15 and September 30. The seed shall consist of a minimum of ten (10) percent rye grass by weight and a minimum of ninety (90) percent of permanent bluegrass and/or fescue grass by weight. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of twenty five (25) feet behind the proposed location of the principal structure on the lot. No certificate of occupancy shall be issued until re-spreading of soil and seeding of lawn has been completed; except that between October 15 and March 15 and between May 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and the property owner, with a copy to the Building Permit Official, that respreading of soil and seeding of the lawn will be done during the immediately following planting season as set forth in this Section, and leave a cash escrow for performance in such amount as shall be determined by the Building Permit Official. Sod may be used to comply with any requirement of seeding set forth herein.

5. Debris and Waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of any kind shall be buried in any land, or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond (or equivalent financial instrument) or dedication of public improvements, whichever is sooner.

6. Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever the Area Plan Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the Engineer or Designee for the County, City or Town; and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

7. Water bodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the fees of adjacent lots. The Area Plan Commission may approve an alternative allocation of interests whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than twenty five (25) percent of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street from which it has access, provisions shall be made for installation of a culvert or other construction, of a design approved by the Engineer or Designee of the County, City or Town.

8. Performance Bond to Include Lot Improvement. The performance bond (or equivalent financial instrument) shall include an amount to guarantee completion of all requirements contained in Section 4.2 of these regulations including, but not limited to, soil conservation, final grading, lot drainage, lawn-grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the Area Plan Commission. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond (or equivalent financial instrument), the County, City or Town may enforce the provisions of the conditions where the provisions of this Section or any other applicable law, ordinance, or regulation have not been met.

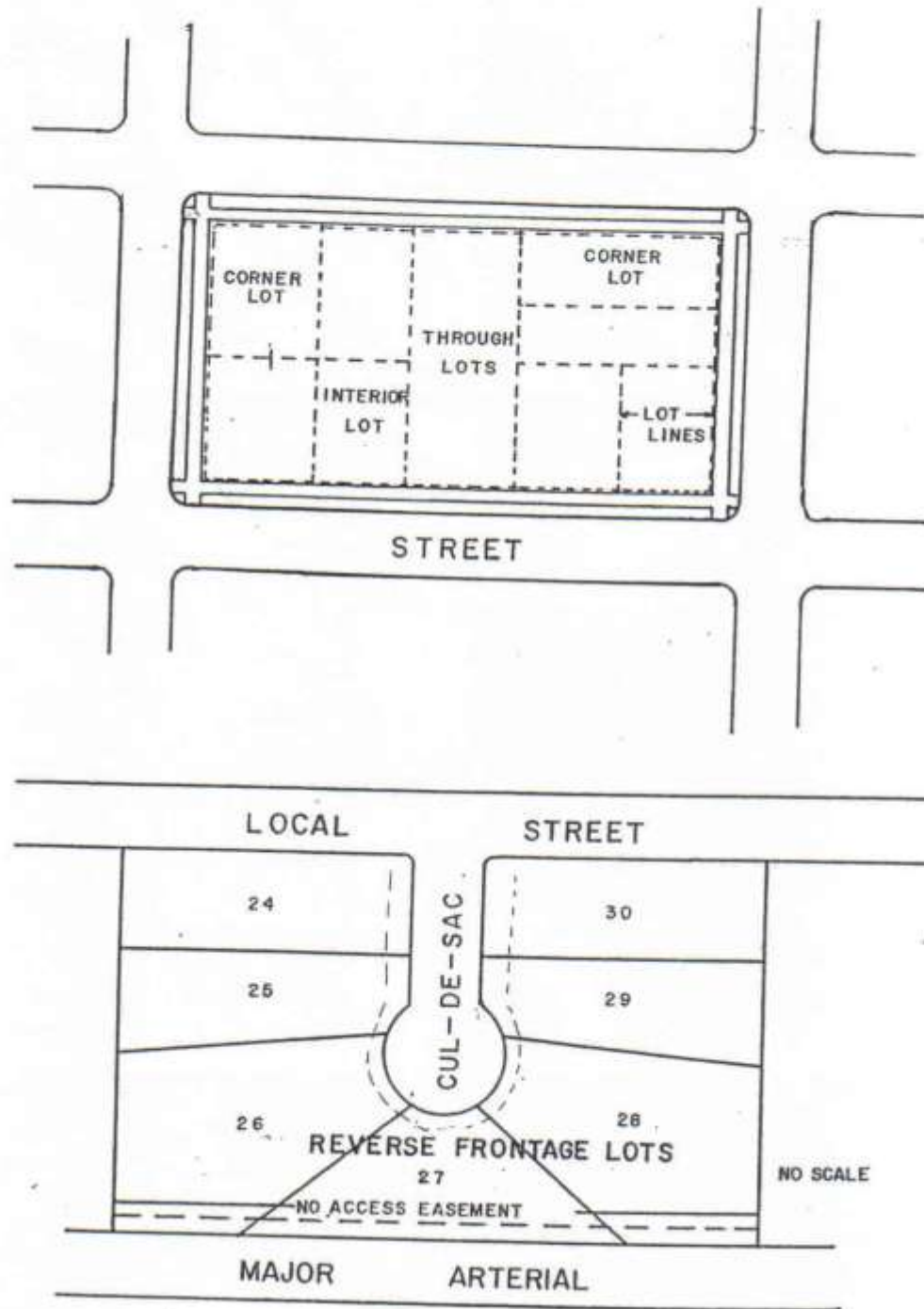


FIGURE 4-1: LOT & FRONTAGE EXAMPLES

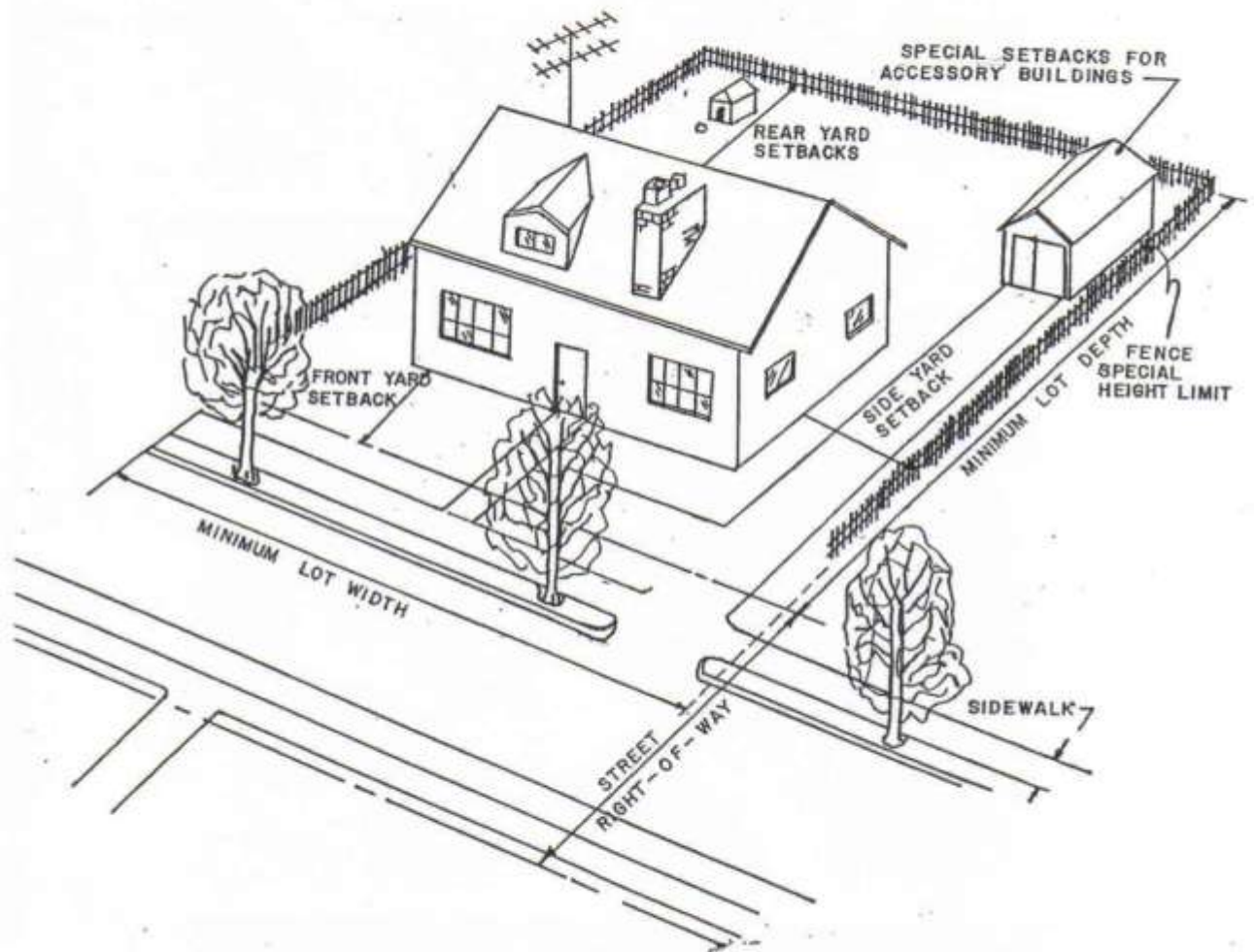


FIGURE 4-2: YARD AREAS AND STREET IMPROVEMENTS

SECTION 4.3 STREETS

1. General Requirements.

a. **Frontage on Improved Streets.** No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, unless such as street is:

i. An existing state, country, or municipal street; or,

ii. A street shown upon a plat approved by the Area Plan Commission and recorded in the office of the County Recorder of Deeds. Such streets or highways must be suitable and improved as required by the highway rules, regulation specifications, or orders; or be secured by a performance bond (or equivalent financial instrument) per Section 5.1 . Further, such streets and highways must have the width and right-of-way required by these regulations or as indicated on the Official Map or Thoroughfare Plan. Whenever the area to be subdivided and uses an existing street frontage, such street shall be suitably improved as provided herein.

2. Minimum Street Standards. All subdivision streets shall meet the minimum specifications as set forth in Tables 4-1 and 4-2, and shall further be approved as to design and specifications by the County Highway Department, City Street Department or Town Public Works Board.

a. It shall be the policy of the Area Plan Commission to discourage the installation of private roads. Private roads that are installed shall conform to the standards set forth in this section that are the same as roads to be dedicated.

b. The subdivider shall notify the County Highway Department, City Street Department or Town Public Works Board when streets are to be constructed and the Superintendent or his designee shall have the opportunity to inspect the construction. Before accepting the streets for maintenance, the County, City or Town may inspect and perform tests (at the subdivider's expense) to determine compliance with said specifications. Streets not meeting the specification will not be accepted for maintenance. Further, prior to acceptance for maintenance and release of any performance bond (or equivalent financial instrument), the agency maintaining the street or road may request a maintenance bond per Subsection 5.3.2.

3. Topography and Arrangement.

a. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of the streets shall conform as closely as possible to the original topography. However, a combination of steep grades and sharp curves shall be avoided in the street layout. Specific street standards are contained in the design standards of these regulations.

b. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map, Thoroughfare Plan and/or Comprehensive Plan.

c. 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.

d. Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the proposed subdivision and surrounding property which is presently or may be developed in the future. The intent is to create a system of streets and easements to provide for the adequate and efficient delivery of infrastructure to supporting the development of the community.

e. Rigid, rectangular “gridiron” street patterns are generally to be avoided, and the use of casual curvilinear streets, cul-de-sacs, or loop streets shall be encouraged where such use will result in a more desirable layout and relate better to the existing topography. On flat land, innovative and varied geometrical street patterns shall be encouraged where they are likely to enhance visual interest and a sense of order for those using them (e.g., non-grid rectilinear, trapezoidal, polygonal, or other geometric patterns). However, connectivity with the surrounding street system at present and in the future through streets stubs is of paramount importance to distribute traffic to the surrounding arterial and collector systems and to provide adequate and multiple access points for emergency vehicles.

f. Proposed collector streets shall, where appropriate, be extended to the boundary lines of the tract to be subdivided unless this is prevented by topography or other physical conditions, or unless in the opinion of the Area Plan Commission such extension(s) is/are not necessary or desirable for the coordination of the layout of the subdivision under consideration with the existing street layout for the most advantageous future development of adjacent tracts (see paragraph 11.a, below).

g. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, bikeways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.

4. Blocks.

a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets (i.e., interstates, expressways and arterials), railroads, and waterways.

b. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the types of development contemplated. In the case of residential subdivisions, no lot should be more than one thousand eight hundred (1800) feet from an arterial or collector street. Block lengths in residential area shall not exceed one thousand eight hundred (1800) feet nor less than four hundred (400) feet in length. Wherever practicable, blocks along arterials and collector streets shall not be less than one thousand (1000) feet in length. This applies to the length of any block face as measured between the centerlines of the intersecting streets. When streets have access from both ends, longer blocks (not exceeding the maximum length) are permissible. However when streets have access only from one end (such as a cul-de-sac or temporary dead end), shorter blocks are desirable and such streets are subject to shorter maximum block lengths (i.e., 500 feet for a cul-de-sac or 300 feet for a dead end street unless a greater length (not to exceed 1200 feet) is approved through the granting of a variance by the Area Plan Commission.

c. In long blocks the Area Plan Commission may require the reservation of easements through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks not less than ten (10) feet wide, may be required by the Area Plan Commission through the center of blocks more than eight hundred (800) feet long or at other appropriate locations and at the ends of cul-de-sacs where deemed essential to provide for circulation or access to schools,

playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined to be suitable by the Area Plan Commission for prospective uses.

5. Access to Collector Streets. Where possible, lots in single family residential subdivisions fronting on collector streets shall be avoided and lots at the corners of intersections between local and collector streets shall front on the local street and have driveway access to it only and not to the collector street. In multiple family residential areas, entrances to group parking lots shall have access only to collector streets where possible and such entrances shall be widely spaced.

6. Access to Primary Arterial. Where a subdivision borders on or contains an existing or proposed primarily arterial, the Area Plan Commission may require that access to it be limited by one of the following means:

a. The subdivision of the lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial and screening shall be provided within a strip of land along the rear property line of such lots.

b. A series of cul-de-sacs, or loop streets entered from, and designed generally to be at right angles to an access street at some distance from and parallel to the arterial street, with the rear lines of their terminal lots backing onto the major arterial. Intersections onto the arterial street shall not be less than one thousand (1,000) feet.

c. A marginal access, frontage road or service road separated from the primary arterial by a landscaped and/or decoratively fenced grass strip and having access there to at widely spaced suitable points.

7. Street Names. The sketch plan, as submitted, shall indicate names of proposed streets. As part of his review, the Administrator shall refer proposed street names to the local postmaster for his comments regarding duplication of names and possible confusion. After reviewing them the Administrator shall inform the subdivider of his recommendations for their possible revision during the sketch plan review. Names shall be sufficiently different in sound and in spelling from other street names in the County, City, Towns or other nearby areas so as to avoid confusion. A street, which is, or is planned as a continuation of an existing street, shall bear the same name.

8. Street Regulatory Signs. The applicant shall be responsible for installation of all street and regulatory signs. Signage design shall conform to the most current edition of the Manual on Uniform Control Devices. The applicant shall install all street signs before issuance of certificates of occupancy for any residence on the approved streets.

9. Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to it from adjacent property if such street is a local service street rather than a collector or arterial street. See paragraphs 5 and 6 above.

10. Construction of Streets.

a. Construction of Streets other than Cul-de-sacs. The arrangement of streets shall provide for the continuation of principal streets between adjacent subdivisions or other properties when such continuation is necessary for the convenient movement of traffic, effective fire protection, for efficient provisions of the utilities, and where such continuation is in accordance with the Comprehensive Plan or Thoroughfare Plan. If the adjacent property is undeveloped and the street

must be a dead-end street temporarily, the right-of-way shall be provided for all such temporary dead-end streets and turnarounds, with the notation on the subdivision plat that the land outside the normal street right-of-way shall revert to abutting properties whenever the street is continued. Temporary turnarounds must be provided at the ends of such stub streets. The Area Plan Commission may limit the length of temporary dead end streets in accordance with the design standards in these regulations. In general, temporary dead end streets or street stubs should not exceed two (200) feet. Any temporary dead end street in excess of three (300) feet shall have a temporary turnaround. Dead end streets shall not exceed five (500) feet.

b. Cul-de-sacs (Permanent Dead-End Streets). Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the Area Plan Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Area Plan Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with Table 4-1. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards in these regulations. Cul-de-sacs of greater than 150 feet may require greater pavement width and shall not exceed five (500) feet in length unless a variance is granted by the Area Plan Commission due to topography. If a variance is granted, in no circumstances shall the cul-de-sac exceed 1000 feet due to emergency access issues.

11. Design Standards.

a. General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access for police, firefighting, snow removal, sanitation, and street-maintenance equipment, and to coordinate street location in order to achieve a convenient system and avoid undue hardships to adjoining properties, the design standards for streets are hereby required as set forth in Tables 4-1 and 4-2 and Figures 4-3 and 4-4. Street classifications may be indicated in the Comprehensive Plan, Thoroughfare Plan or the Official Map; otherwise, they shall be determined by the Area Plan Commission. The urban cross section standards of Tables 4-1 and 4-2 and Figures 4-3 and 4-4 shall apply to any proposed subdivision within two (2) miles of an incorporated area unless waived through a variance by the Area Plan Commission, unless adjoining subdivision streets use a rural cross section. Referring to Table 4-1, the jurisdiction may request additional pavement and right-of-way width if turn lanes are needed now or reasonably anticipated in the future. Relative to the minimum pavement and right-of-way width in Table 4-1, the jurisdiction may request the pavement and right-of-way widths to match existing street pavement widths when the proposed street is a continuation of an existing street of at least 24 feet or greater in pavement width in the urban area and 20 feet or greater in pavement width in the rural area. Further, in the case of a Residential Collector, the Area Plan Commission may, with the concurrence of the jurisdiction, approve a variance of the pavement width to 28 feet in the urban area and to 24 feet in the rural area.

b. Street Surfacing and Improvements. After sanitary sewer and water utilities and stormwater drainage systems have been installed by the developer, the applicant shall construct curbs and gutters, and shall surface or cause the roadways to be surfaced to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as approved by the County Highway Department, City Street Department or Town Public Works Board. Referring to Figure 4-4, the 30-inch curb-and-gutter section normally required for State-maintained facilities may be substituted with a different curb-and-gutter type, but not less than an 18-inch roll curb-and-gutter section, as directed by the County Highway Department, City Street Department or Town Public Works Board. Adequate provision shall be made for culverts, drains, and bridges. All street

pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Area Plan Commission and the County Highway Department, City Street Department or Town Public Works Board; and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. Referring to Figure 4-4, there shall be a planting strip of a minimum of two (2) feet between the outside edge of curb and the edge of the walkway to accommodate regulatory and information signs and mail boxes. While sidewalks are a minimum of four (4) feet in width, sidewalks of five (5) feet are the minimum for apartments, community facilities (such as schools and libraries), and sidewalks of greater width may be required by the jurisdiction.

c. Excess Right-of-way. Right-of-way widths in excess of the standards designed in these regulations shall be required whenever, due to topography, additional width is necessary to provide for adequate and stable earth slopes and side ditches. Such slopes shall not be in excess of three to one. Further, additional right-of-way may be requested where turn lanes are reasonably anticipated either at present or in the future.

d. Railroads and Limited Access Highways. Railroad right-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

i. In residential districts, a buffer strip at least twenty five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots, and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon other than earth berms, walls, fences, and other landscape screening devices approved by the Area Plan Commission is prohibited."

ii. In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to a railroad shall, where practicable, be at sufficient distance there from to ensure a suitable depth for commercial or industrial sites.

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

e. Intersections.

i. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy five (75) degrees shall not be acceptable. An oblique street should be approximately at right angles for at least one hundred (100) feet from the intersection. Not more than two (2) streets shall intersect at any one point that creates more than four (4) intersection legs.

ii. Proposed new intersections along one side of an existing street shall, where practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted except where the intersected street has a separated, dual-drive, without median breaks at either such intersection. Where local streets intersect with major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart and preferably one thousand (1000) feet apart.

iii. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty five (25) feet. Alley intersections and abrupt changes in alignment within a block shall

have the corners cut off in accordance with standard engineering practices to permit safe vehicular movement.

iv. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersection street.

v. Where any street intersection will involve earth banks, hills, or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trimming trees) in connection with the grading of the public right-of-way to the extent deemed necessary by the County Highway Department, City Street Department or Town Public Works Board to provide an adequate sight distance. Site distance issues shall be verified by the developer in accordance with the most current edition of A Policy on Geometric Design of Highways and Streets as published by AASHTO. Without traffic control devices, the clear sight distance triangle intersecting the center of the approaching lanes is 90 feet for 20 mph, 115 feet for 25 mph and 150 feet for 30 mph. With yield and stop controlled intersections, the clear sight distance is established by the AASHTO design standards.

vi. The cross-slopes on all streets, including intersections shall be two (2) percent or less. However, the least slope shall be that necessary to ensure adequate pavement surface drainage.

f. Bridges of primary benefit to the applicant, as determined by the Area Plan Commission, shall be constructed at the full expense of the applicant without reimbursement from the County, City or Town. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Area Plan Commission, will be fixed by special agreement between the County, City or Town and the applicant. Said cost shall be charged to the applicant prorated as the percentage of his land developed and so served.

12. Street Dedications and Reservations.

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

b. Widening and Realignment of Existing Streets. Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Thoroughfare Plan, Official Map, or Zoning Setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate such streets at his own expense to the full width required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying the minimum yard or area requirements of the Zoning Ordinance.

TABLE 4-1 – GEOMETRIC DESIGN STANDARDS FOR PUBLIC STREETS												
		Street Type	Min. Width R-O-W	Min. Pavement Width (1)	Min. Side Ditch Width	Min. Shoulder Width	Max. Grade	Min. Radius of Curve	Min. Length of Tangent (3)	Min. Sight Distance	Min. Corner Radius (4)	Min. Turn-Around (5)
Urban Cross Section	Residential (6)	1. Cul-De-Sac	50 ft	24 ft	N/A	N/A	7.5%	100 ft	100 ft	200 ft	20 ft	80/60 ft
		2. Local Street	50 ft	24 ft	N/A	N/A	7.5%	100 ft	100 ft	200 ft	20 ft	100/80 ft
		3. Collector	60 ft	40 ft	N/A	N/A	7.0%	150 ft	240 ft	240 ft	25 ft	N/A
	Arterial	1. Secondary	70 ft	44 ft	N/A	N/A	(2)	(2)	(2)	(2)	(2)	N/A
		2. Primary	80 ft	54 ft	N/A	N/A	(2)	(2)	(2)	(2)	(2)	N/A
		3. Divided Primary	100 ft	2-24 ft	N/A	N/A	(2)	(2)	(2)	(2)	(2)	N/A
Rural Cross Section	Residential (6)	1. Cul-De-Sac	50 ft	20 ft	10 ft	4 ft	7.5%	100 ft	100 ft	200 ft	20 ft	100/76 ft
		2. Local Street	50 ft	20 ft	10 ft	4 ft	7.5%	100 ft	100 ft	200 ft	20 ft	100/76 ft
		3. Collector	80 ft	48 ft	10 ft	6 ft	7.0%	100 ft	150 ft	240 ft	25 ft	N/A
	Arterial	1. Secondary	80 ft	24 ft	22 ft	6 ft	(2)	(2)	(2)	(2)	(2)	N/A
		2. Primary	120 ft	48 ft	28 ft	8 ft	(2)	(2)	(2)	(2)	(2)	N/A *
		3. Divided Primary	150 ft	2-24 ft	31 ft	10 ft	(2)	(2)	(2)	(2)	(2)	N/A

TABLE 4-1: GEOMETRIC DESIGN STANDARDS FOR PUBLIC STREETS

TABLE 4-1 – GEOMETRIC DESIGN STANDARDS FOR PUBLIC STREETS (CONT'D)

<u>GEOMETRIC STANDARDS APPLIED TO ALL PUBLIC STREETS</u>	
MINIMUM GRADE (UNCURBED WITH SIDE DITCHES):	0.0%.
MINIMUM GRADE (CURBED).....	0.50%.
(NOTE: A GRADE OF 0.30% MAY BE ALLOWED PROVIDED PROPER STORM DRAINAGE AND APPROVAL BY THE AREA PLAN COMMISSION)	
MINIMUM BLOCK LENGTH:	400 FT.
(1000 FT. BETWEEN COLLECTORS ALONG ARTERIALS)	
MAXIMUM BLOCK LENGTH:	1800
MAXIMUM CUL-DE-SAC LENGTH:	500 (7)
MAXIMUM LENGTH OF TEMPORARY DEAD END ROAD:	500 (8)
MINIMUM LENGTH OF VERTICAL CURVES:	100 FT.
(NOT LESS THAN 20 FT. FOR EACH PERCENT OF ALGEBRAIC DIFFERENCE IN GRADE)	

FOOTNOTES:

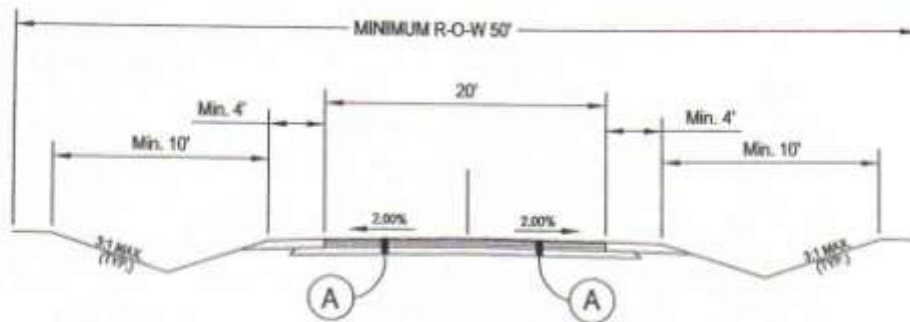
- (1): The curb and gutter section may range from 18" to 30" depending of the type preferred by the jurisdiction.
- (2): As required by the City, Town or County Engineer and/or Indiana Department of Transportation.
- (3) Between reverse curves.
- (4) Measured at curb on Urban Cross Sections, at edge on Rural Cross Sections. Transitional curve into the turnaround within cul-de-sacs: Residential – 50 ft. Non-Residential – 100 ft.
- (5) Diameter, measured at edge of right-of-way/edge of pavement, or back to back of curb on Urban Cross Sections.
- Footnote (6): Includes subdivisions of uses permitted in residential districts as a matter of right or through Special Exception. The jurisdiction may request the pavement and right-of-way width of any street to be continued as long as the pavement width is 24 feet or greater in urban areas and 20 feet or greater in rural areas. The jurisdiction may request additional pavement and right-of-way width were turn lanes are needed now or anticipated in the future. The Area Plan Commission ma, with the concurrence of the jurisdiction, may grant a variance of the pavement width for Residential Collectors down to 28 feet in urban areas and 24 feet in rural areas.
- (7): Up to 1000 feet with variance.
- (8): Dead-end street of 300 feet or more requires a turnaround.

TABLE 4-1: GEOMETRIC DESIGN STANDARDS FOR PUBLIC STREETS (Continued)

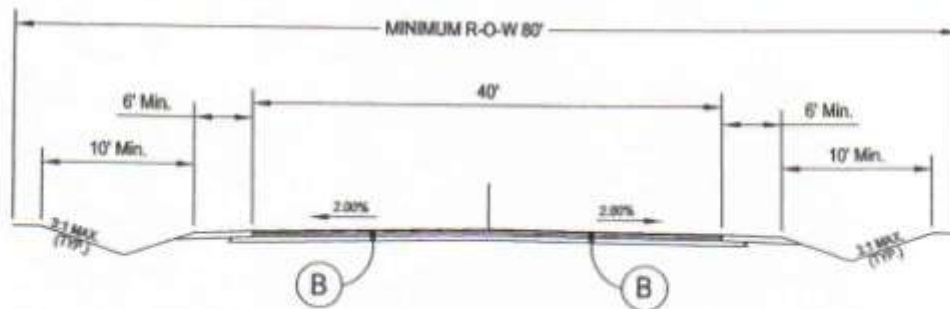
TABLE 4-2 MINIMUM PAVEMENT DESIGN STANDARDS FOR PUBLIC STREETS										
	Street Type	Flexible Pavement					Rigid Pavement (3)			
		Subgrade Treatment Type IIA (2)	Compacted Aggregate Base #53	HMA Base	HMA Intermediate	HMA Surface	Total Thickness	Subgrade Treatment Type IIA (2)	Compacted Aggregate Base #53	Uniform Concrete Design Thickness
Urban Cross Section	Residential	1. Cul-De-Sac	6"	4"	3"	--	1 1/2"	6"	4"	7"
		2. Local Street	6"	4"	3"	--	1 1/2"	6"	4"	7"
		3. Collector	6"	6"	3"	2"	1 1/2"	6"	6"	8"
	Arterial	1. Secondary	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
		2. Primary	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
		3. Divided Primary	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
	Residential	1. Cul-De-Sac	6"	4"	3"	--	1 1/2"	6"	4"	7"
		2. Local Street	6"	4"	3"	--	1 1/2"	6"	4"	7"
		3. Collector	6"	6"	3"	2"	1 1/2"	6"	6"	8"
Rural Cross Section	Arterial	1. Secondary	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
		2. Primary	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
		3. Divided Primary	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)

(1)	As required by the County Engineer and/or Indiana Department of Transportation but not less than the standard required for Residential Collector.
(2)	Type IIA – 8 in. chemical soil modification or 6 in. of the subgrade excavated and replaced with compacted coarse aggregate No. 53.
(3)	Polypropylene fiber reinforced Portland cement concrete with a 28 day compressive strength of 4000 psi. Fiber length shall be 0.75" in length and mixed at a rate of 1.5 pounds per cubic yard of concrete. No steel welded wire fabric shall be used. Two (2) inch deep saw cut joints shall be placed not more than 20 feet apart and 1/4 inch expansion joints shall be placed not more than 200 feet apart. Lugs shall be constructed in areas where the grade exceeds 7% or as directed by the County Highway Department.

TABLE 4-2: MINIMUM PAVEMENT DESIGN STANDARDS FOR PUBLIC STREETS



TYPICAL RURAL RESIDENTIAL CUL-DE-SAC/LOCAL STREET SECTION
NOT TO SCALE



TYPICAL RURAL RESIDENTIAL COLLECTOR STREET SECTION
NOT TO SCALE

MINIMUM PAVEMENT DESIGN STANDARDS

FLEXIBLE PAVEMENT SECTION

- | | |
|--|--|
| <p>(A)</p> <p>1½" HMA, SURFACE
3" HMA BASE
4" COMPACTED AGGREGATE BASE, No. 53 STONE
6" SUBGRADE TREATMENT, TYPE IIA</p> | <p>(B)</p> <p>1½" HMA, SURFACE
2" HMA INTERMEDIATE
3" HMA BASE
6" COMPACTED AGGREGATE BASE, No. 53 STONE
6" SUBGRADE TREATMENT, TYPE IIA</p> |
|--|--|

RIGID PAVEMENT SECTION

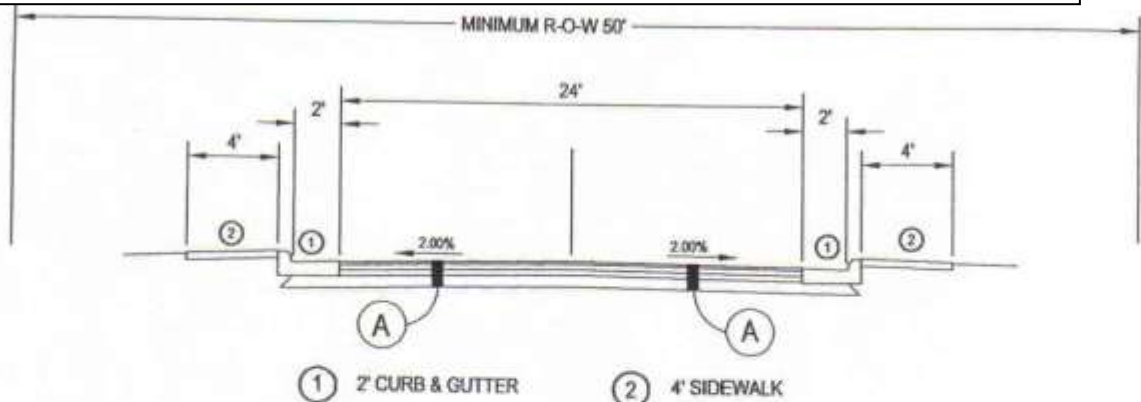
- | | |
|--|--|
| <p>(A)</p> <p>7" FIBER REINFORCED CONCRETE
4" COMPACTED AGGREGATE BASE, No. 53 STONE
4" SUBGRADE TREATMENT, TYPE IIA</p> | <p>(B)</p> <p>8" FIBER REINFORCED CONCRETE
6" COMPACTED AGGREGATE BASE, No. 53 STONE
4" SUBGRADE TREATMENT, TYPE IIA</p> |
|--|--|

NOTE: EARTH CHANNELS SHALL BE CONSTRUCTED AS FOLLOWS:

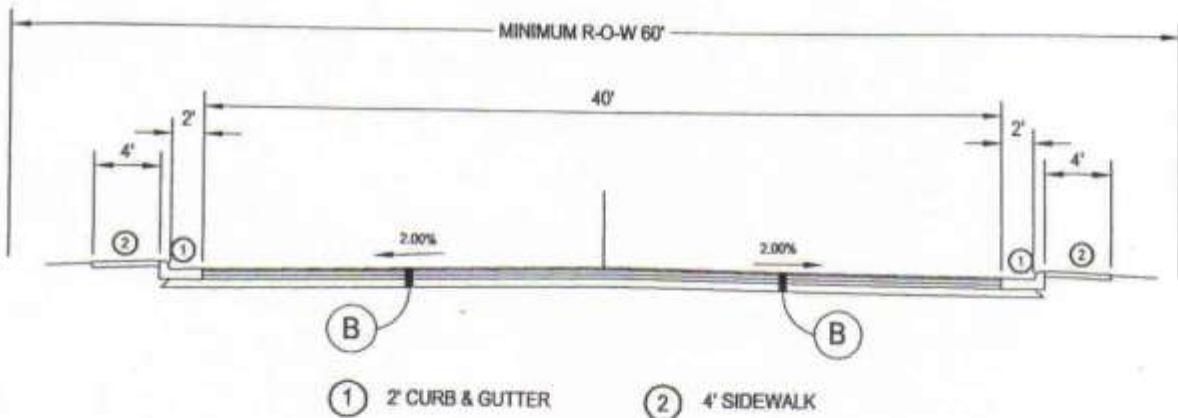
1. SLOPES LESS THAN 2% SHALL BE SEEDDED WITH A MIXTURE AS DETERMINED BY THE SOIL CONSERVATION SERVICE.
2. SLOPES BETWEEN 2% AND 8% SHALL BE SODDED OR HAVE SUFFICIENT PERMANENT EROSION CONTROL FABRIC & SEED MIXTURE FOR THE DESIGN VELOCITIES.
3. SLOPES GREATER THAN 8% SHALL BE PAVED OR LINED WITH A NON-WOVEN GEOTEXTILE AND RIP RAP.

FIGURE 4-3: TYPICAL RURAL RESIDENTIAL CROSS SECTIONS

Please note that the jurisdiction determines the type of curb-and-gutter section ranging from 18" to 30", that a minimum planting strip of 2' is required between the outside edge of curb and the sidewalk, and that the jurisdiction may dictate greater sidewalk widths.



TYPICAL URBAN RESIDENTIAL CUL-DE-SAC/LOCAL STREET SECTION
NOT TO SCALE



TYPICAL URBAN RESIDENTIAL COLLECTOR STREET SECTION
NOT TO SCALE

MINIMUM PAVEMENT DESIGN STANDARDS

FLEXIBLE PAVEMENT SECTION

- ① 1½" HMA, SURFACE
3" HMA BASE
4" COMPACTED AGGREGATE BASE, No. 53 STONE
6" SUBGRADE TREATMENT, TYPE IIA
- ② 1½" HMA, SURFACE
2" HMA INTERMEDIATE
3" HMA BASE
6" COMPACTED AGGREGATE BASE, No. 53 STONE
6" SUBGRADE TREATMENT, TYPE IIA

RIGID PAVEMENT SECTION

- ① 7" FIBER REINFORCED CONCRETE
4" COMPACTED AGGREGATE BASE, No. 53 STONE
4" SUBGRADE TREATMENT, TYPE IIA
- ② 8" FIBER REINFORCED CONCRETE
6" COMPACTED AGGREGATE BASE, No. 53 STONE
4" SUBGRADE TREATMENT, TYPE IIA

FIGURE 4-4: TYPICAL URBAN RESIDENTIAL CROSS SECTIONS

SECTION 4.4 DRAINAGE AND STORM SEWERS

1. General Requirements. The Area Plan Commission shall not recommend for approval any subdivision plat which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Area Plan Commission and the County Drainage Board (City or Town Public Works Board), and a copy of the design computations shall be submitted along with the plans. The "Rational Method" is described in chapter three of the County Storm Drainage Manual by Chris B. Burke, Project for Indiana Counties and Cities, School of Civil Engineering, Purdue University, West Lafayette, May 1981, hereinafter referred to as "Drainage Manual". Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than six hundred (600) feet in the gutter or when the encroachment of storm water into the street disrupts traffic. See Drainage Manual p. 5-27. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. If an existing stormwater sewer is available and has adequate capacity, it may be used as an alternative in the affected jurisdiction. In general, the rate and volume of stormwater runoff onto adjacent properties shall not be increased as a result of the increase in impervious surface of the proposed subdivision; thus, stormwater detention is required on the proposed subdivision site unless an off-site detention facility is demonstrated to be adequate or made adequate by the subdivider. Further, the stormwater generated by the first 10 minutes of the 1-year (100%) storm shall be retained on-site or at an adequate off-site retention facility where water pollutants resulting from the first flush of impervious surfaces due to the storm are appropriately filtered.

2. Nature of Storm Water Facilities.

a. Location. The applicant may be required by the Area Plan Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the County's, City's or Town's construction standards and specifications.

b. Accessibility to Public Storm Sewers.

i. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities; or, if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm water, subject to the specifications of the County (City or Town) Engineer or Drainage Engineer or Designee of the applicable jurisdiction. However, in subdivisions containing lots of less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of facilities shall be conducted by the County (City or Town) Engineer or Drainage Engineer or Designee.

ii. If a connection to a public storm sewer will be approved eventually, as determined by the County (City or Town) Engineer or Drainage Engineer or Designee and the Area Plan Commission, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision(s) for such connection(s) shall be incorporated by inclusion in the amount of performance bond (or equivalent financial instrument) required for the subdivision plat.

iii. If the public storm sewer has limited capacity, the subdivider shall provide adequate detention and retention facilities on site or make off-site improvements so as not to increase the rate and volume of stormwater runoff and retain the first 10 minutes of the one-year storm for adequate filtering of water pollutants.

c. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County (City or Town) Engineer or Drainage Engineer or Designee shall determine the necessary size of the facility, based on the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

d. Effect on Downstream Drainage Areas. The proposed subdivision shall not increase the rate or volume of stormwater flow onto downstream properties, and shall retain the first 10 minutes of runoff from the one-year storm for the adequate filtering of water pollutants. The County (City or Town) Engineer or Drainage Engineer or Designee shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County (City or Town) drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Area Plan Commission may withhold secondary approval of the subdivision until provision such as storage facility has been made for the improvement of said potential condition in such sum as the Area Plan Commission shall determine. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate drainage water course or facility.

e. Areas of Poor Drainage. Areas which are not in the Flood Plain but contain soils which are subject to flooding may be approved for subdivision by the Area Plan Commission, provided that the subdivider fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two (2) feet above ponding levels. The volume of any filling in the floodplain shall be offset by an equal volume of cutting so as not to increase the Base Flood Elevation (one-percent annual chance flood or 100-year flood). Further, all necessary local, state and federal permits are necessary for excavation and filling in the FEMA 100-year flood plain.

f. Areas of High Seasonal Water Tables. In areas characterized by soils having a high seasonal water table as determined by the Posey County Soil and Water Conservation District, lots shall be limited to slab type construction unless the Area Plan Commission determines that appropriate engineering techniques shall be applied to alleviate the subsurface problem.

g. Floodway Areas. If a subdivision of land is proposed within the Flood Plain, floodways shall be preserved and not diminished in capacity by filling or obstruction, except as approved by the Indiana Department of Natural Resources and Corps of Engineers in writing. No residential or commercial building site may be located within the Floodway

h. Floodway Fringe Areas. Where a subdivision is proposed in an area of the Flood Plain designated as a Floodway Fringe, the Area Plan Commission may approve such subdivision provided that: all lots for residential usage have a Flood Protection Grade two (2) feet above the Regulatory Flood elevation; where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by, flood water; and approval to fill the area from the Indiana Department of Natural Resources has been obtained in writing. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.

i. Flood Plain Areas. Where a subdivision is proposed within an area of the Flood Plain for which Floodway and Floodway Fringe designations have not been made, the Area Plan Commission shall not approve such subdivision unless all streets are raised sufficiently to be above the Regulatory Flood Elevation; all lots for residential usage have a Flood Protection Grade of two (2) feet above the Regulatory Flood Elevation; where provided, public water and sanitary sewer facilities are constructed to eliminate contamination of or by flood water; and filling to achieve the above will not raise the level of the Regulatory Flood Elevation more than one tenth (1/10) of one (1) foot for that reach of the stream. All filling in the Flood Plain must be approved in writing by the Indiana Department of Natural Resources. Lands below the Regulatory Flood Elevation shall not be used for computing the area requirement for any lot.

j. Recording of Plats in the Flood Plain and Floodway Fringe. All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation, shall be show and labeled the Regulatory Flood Boundary and Elevation, as of the date the final plat is drawn, on the final plat for recording.

3. Dedication of Drainage Easements.

a. General Requirements. Where a subdivision is traversed by a drainage course, drainage way, channel, or stream, a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction or both as will be adequate for the purpose provided. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for the maximum potential volume of flow.

b. Drainage Easements.

i. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements of at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other facilities.

ii. The applicant shall dedicate, either in fee or by drainage or conservation easement land on both sides of existing watercourses of a width to be determined by the Area Plan Commission and the County Drainage Board (City or Town Public Works Board) in the case of legal drains (or stormsewers). The easement width shall be a minimum of twenty-five (25) feet from the observed high-water mark or the watercourse embankment, which ever is greater, on each side of the watercourse.

iii. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage easement rights must be secured and indicated on the plat.

iv. Low lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures nor for computing the area requirement for any individual lot. Further, such low lying lands shall be placed in drainage or conservation easements.

SECTION 4.5 WATER FACILITIES

1. General Requirements.

- a. Necessary action shall be taken by the applicant to extend or create a water supply district for the purpose of providing a water supply system capable of providing for domestic water use and fire protection.
- b. Where a public water main is accessible, the subdivider shall install adequate water facilities including fire hydrants subject to the specifications of the State and local authorities. All water mains shall be at least six (6) inches in diameter.
- c. Water main extensions shall be approved by the officially designated agency of the State, County, or municipality concerned.
- d. To facilitate the above, the location of all fire hydrants, water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing the same shall be included in the performance bond (or equivalent financial instrument) to be furnished by the subdivider.
- e. The design of all water facilities shall conform to or exceed the standards described in the latest edition of *Recommended Standards for Water Works* as published by Health Education, Inc., Albany, New York.
- f. Water mains should be located in easements where possible adjacent to the street right-of-way and should be separated at least ten (10) feet from any storm or sanitary sewer. If water mains must be located in street rights-of-way, they should be located between the outside edge of curb and sidewalk if a planting area of adequate width occurs, otherwise located beyond the outside edge of sidewalk or drainage swale.

2. Individual Wells and Central Water System.

- a. In low density zoning districts, if a public water system is not available, at the discretion of the Area Plan Commission, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water sample test results shall be submitted to the Health Department for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the Area Plan Commission.
- b. If the Area Plan Commission requires that a connection to a public water main eventually be provided as a condition for approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives secondary approval. Performance or cash bond (or equivalent financial instrument)s may be required to insure compliance.

3. Fire Hydrants. Hydrants should be provided at each street intersection and at intermediate points between intersections as recommended by the state Insurance Services Office and the local Fire Department. Generally, hydrant spacing may range from 350 to 600 feet depending on the land uses served and on the street configuration. Fire hydrants may be required to be closer due to topography, configuration of buildings and the layout of streets.

FIGURE 4-5: FLOODWAY AND BUILDABLE LOT AREA

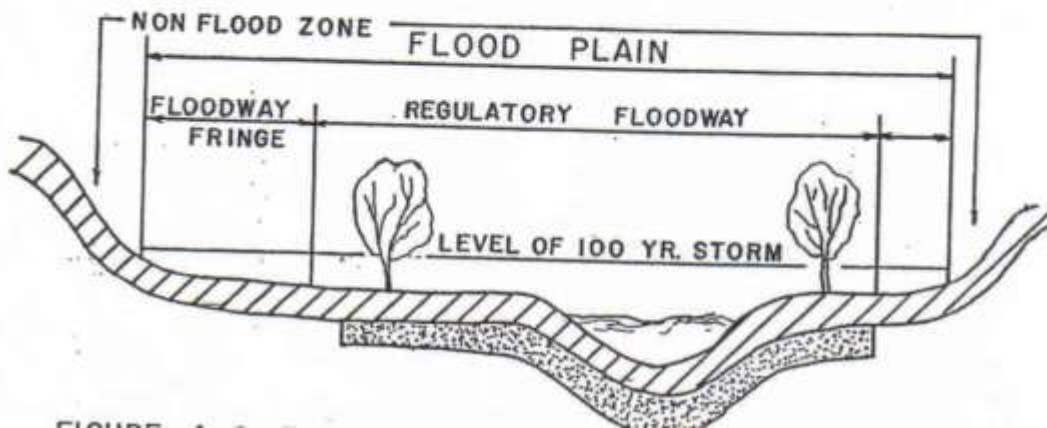
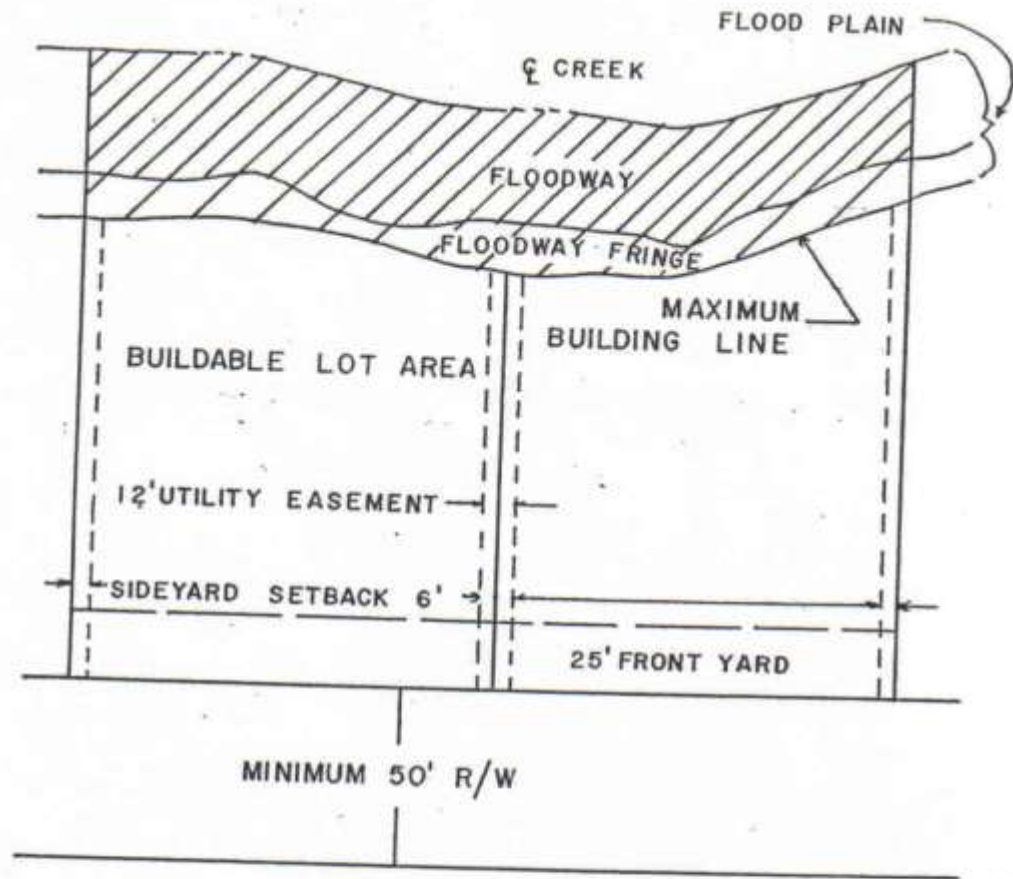


FIGURE 4-6: FLOOD PLAIN DELINEATION

SECTION 4.6 SEWERAGE FACILITIES

1. General Requirements. The subdivider shall install sanitary sewer facilities in a manner prescribed by the County (City or Town) construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the County, City or Town Engineer or Designee, Health Department, and other appropriate State and Federal agencies. In the case of a city or town system being extended into the county, the city's (town's) engineering standards, etc., would prevail. In any case, the design shall meet or exceed the minimum standards described in the latest edition of *Recommended Standards for Sewage Works* as published by the Health Education Service, Albany, New York, and plans shall be approved by the above agencies where required by those agencies. The cost of installing any sanitary sewer facilities (including, but not limited to, sewerage, manholes, lift stations, force mains, etc.) shall be included in the performance bond (or equivalent financial instrument) to be provided by the subdivider.
2. Sanitary Sewer System Requirements. Where provided, sanitary sewerage facilities shall connect with public sanitary sewerage systems, and shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. Sanitary sewerage facilities including the installation of laterals in the right-of-way shall be subject to the specifications, rules, regulations, and guidelines of the Health Officer, participating jurisdiction, and appropriate State agency.
3. Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and any Ordinance of any participating jurisdiction establishing lot areas for individual sewerage disposal systems.
4. Selected Design Criteria.
 - a. Alignment. All sewers shall be laid with a straight alignment between manholes, unless otherwise directed or approved by the County, City or Town Engineer or Designee.
 - b. Manhole Location. Manholes shall be installed at the end of each line; and at distances not greater than 400 feet for sewers 18 inches in diameter and larger
 - c. Manholes. The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve (12) inches where required to match crowns. The use of drop manholes will require approval by the County, City or Town Engineer or Designee. See Section 4.4.1 above. The minimum inside diameter of the manholes shall conform to those specified by the County, City or Town Engineer or Designee. Inside drop manholes will require special consideration; however, in no case shall the minimum clear distance be less than that indicated above. The relationships between intersecting sewer lines shall meet the standards required by the County, City or Town Engineer or Designee.
 - d. Sewerage Locations. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. Then located in easements on private property, access shall be provided for all manholes. Where sewer lines in private easements cross public streets or alley rights-of-way, a manhole shall be provided in such rights-of-way where possible. Imposed loading shall be considered at all manhole locations. Not less than six (6) feet of cover shall be provided over the top of pipe in street and alley rights-of-way, or three (3) feet in all other areas.
 - e. Clean-outs will not be permitted.

f. Water Supply Interconnections Prohibited. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable water system. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

g. Relation of Sanitary Sewers to Water Mains. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sanitary sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water lines are at least two (2) feet above the sewer line.

SECTION 4.7 SIDEWALKS

1. Required Improvements.

a. Sidewalks are required for residential and commercial development inside and within two miles of incorporated areas; may be waived by a variance approved by the Area Plan Commission outside the two-mile fringe upon request and approval of a variance; and may be waived by a variance anywhere approved by the Area Plan Commission upon request and approval of a variance when dwelling unit densities are at or less than two (2) dwelling units per net acre unless schools, community centers or other public facilities are nearby.

b. Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way of all streets as shown in Table 4-3. Sidewalks should be located a minimum of two (2) feet from the outside edge of curb unless directed otherwise by the applicable jurisdictions. Sidewalks should generally be located one (1) foot inside the right-of-way line except where there are no building setbacks from the right-of-way line and where topography and the roadway push the sidewalk into the utility easement adjacent to the right-of-way.

c. Concrete curbs are required for all streets where sidewalks are required by these regulations or required at the discretion of the Area Plan Commission; however, the Area Plan Commission may waive by a variance the requirement for curbs beyond the two-mile fringe of incorporated areas.

d. Sidewalks shall be improved as required in Section 4.3.3 (b) of these regulations. A grassed or landscaped median strip of at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

2. Pedestrian Accesses. In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Area Plan Commission may require perpetual unobstructed easements at least ten (10) feet in width. Such easements shall be indicated on both preliminary and final plats. The party responsible for maintaining the easement shall be identified on the subdivision plat.

TABLE 4-3: REQUIRED SIDEWALKS IN URBAN CROSS SECTIONS

Street Type	Standard Width
All residential (place, local street, collector, arterial)	4 ft.
Non-residential (local, collector, arterial)	5 ft.

SECTION 4.8 UTILITIES AND EASEMENTS

1. Location All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or sketch plan in the case of a minor subdivision. Underground service connections to the street property line of each platted plot shall be installed at the subdivider's expense. At the discretion of the Area Plan Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained under single ownership intended to be developed for the same primary use.

2. Easements.

a. A public utility and drainage easement (PUDE) of at least twenty (20) feet wide shall be provided adjacent to street right-of-way for waterlines, sanitary sewers, stormsewers or side-ditch swales and other utilities (private and municipal).

b. Where necessary, easements on side and rear lot lines shall be provided for utilities (private and municipal), such easements shall be established at least twenty (20) feet in width to be equally split between adjacent lots interior to the subdivision or perimeter lots of recorded subdivisions, but fully included on perimeter lots not adjacent to recorded subdivisions. Proper coordination shall be established between the subdivider and the applicable utility companies for the coordination of utility easements with those established in adjoining properties.

c. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines.

d. Where rural cross sections are used for roadways and where low density residential development is proposed, an easement of at least five (5) feet in width on the side property lines and at least ten (10) feet in width on the rear property lines shall be provided for a drainage ditch of one (1) foot in depth at the property line. Such drainage ditch shall be installed at the discretion of the adjoining property owners. Such drainage ditch (if any) shall be maintained by the property owner, and shall become a permanent drainage easement to be maintained by the municipality when the property becomes part of a municipality.

e. All easements shall be indicated on preliminary and final plats.

SECTION 4.9 PARKS, PLAYGROUNDS, AND RECREATION AREAS

1. Parks, Playgrounds, and Recreation Areas.

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

i. Recreation Requirements:

TABLE 4-4: RECREATIONAL REQUIREMENTS

Single family lots (Size of Lot)	Percentage of Total Land in Subdivision to be Reserved for Recreational Purposes
80,000 & greater SF.....	1.5 percent
50,000 SF.....	2.5 percent
40,000 SF.....	3.0 percent
35,000 SF.....	3.5 percent
25,000 SF.....	5.0 percent
15,000 SF.....	8.0 percent

ii. Minimum Size of Park and Playground Reservations. In general land reserved for recreation purposes shall have an area of at least four (4) acres. When the percentages from Table 4-4 above would create less than four (4) acres, the Area Plan Commission may require that the recreation area be located in a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two (2) acres be reserved for recreational purposes where it is impractical or impossible to secure additional lands in order to increase its area. When recreational land in any subdivision is not reserved, or the land reserved is less than the percentage indicated in Section 4.9.1.a the provisions of Section 4.9.1.c shall be applicable.

b. Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as playground, play field, or other active recreational purposes and shall be relatively level and dry. It shall be improved by the developer to the standards required by the Area Plan Commission and the cost of the improvements shall be included in the amount of the performance bond (or equivalent financial instrument). Passive recreation areas along stream valleys may be acceptable to the Area Plan Commission as part of the required area if adequate flat land is also provided for space consuming recreation activities. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no part of the site shall be narrower or shallower than two hundred (200) feet except in stream valley and other linear passive recreation areas which shall at no point be narrower than fifty (50) feet. The Area Plan Commission may refer any subdivision intended to contain a dedicated park to the local government official, department, or agency in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the County, City or Town for park purposes shall have prior approval of the County, City or Town; and shall be shown on the plat as “Reserved for Park and/or Recreation Purposes”.

c. Other Recreation Reservations. The provisions of this Section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreational purposes in addition to the requirements of this Section.

d. Private Open Space and Recreation Facilities. The subdivider may dedicate open space and recreation facilities (club houses, swimming pools, walkways, trails, and other recreation facilities) to a homeowners association to be maintained in perpetuity by the association. The legal instrument creating the homeowners association shall be recorded with the plat. The local government shall have the right to intervene and reinstitute the homeowners association and fees in the event of the failure of the homeowners association to carryout its responsibilities.

2. Other Public Uses.

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

SECTION 4.10 PRESERVATION OF NATURAL FEATURES AND AMENITIES

1. **General.** Existing features which would add value to the type of intended development or to the County, City or Town as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land be affected until primary approval of the preliminary plat has been granted. All trees on the plat which are required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. The sketch plan shall show the number and location of existing trees, as required by these regulations and shall further indicate all those marked for retention and the location of all proposed shade trees required along the street side(s) of each lot as required by these regulations. The subdivider may dedicate such natural features and amenities to a homeowners association to be maintained by the homeowners association in perpetuity.

SECTION 4.11 NON-RESIDENTIAL SUBDIVISIONS

1. General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land uses shall meet such special provisions as the Area Plan Commission finds appropriate and may require. A non-residential subdivision shall also be subject to all the requirements set forth in the Zoning Ordinance. Site plan approval and non-residential subdivision plat approval may proceed simultaneously at the discretion of the Commission. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Area Plan Commission, and shall conform to the proposed land uses and standards established in the Comprehensive Plan, Thoroughfare Plan, Official Map, and Zoning Ordinance except that where lot lines are to be established incrementally they need not be shown on the sketch plan or the preliminary plat for primary approval. All shopping centers and other non-residential subdivisions of buildings for leasehold shall be subject to the relevant provisions of this Ordinance.

2. Standards. In addition to the principals and standards in these regulations which are appropriate to the planning of all subdivision, the applicant shall demonstrate to the satisfaction of the Area Plan Commission that the street, parcel, and block pattern proposed are appropriate for the uses anticipated and adequately take into account other uses in the vicinity. The following principals and standards shall be observed:

- a. Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of industrial development anticipated. Proposals for incremental lot by lot subdivision must be made clear in a statement on the plat which is satisfactory to the Area Plan Commission.
- b. Street rights-of-way and pavement construction shall be adequate to accommodate to the type and volume of traffic anticipated to be generated thereupon.
- c. Special requirements may be imposed by the Area Plan Commission with respect to the installation of public utilities, including water, sewer, and storm water drainage and preprocessing of sewage. Special requirements may also be imposed regarding the storage and disposal of toxic materials.
- d. Special requirements may be imposed by the Area Plan Commission upon recommendation of the County, City or Town with respect to street, curb, gutter, and sidewalk design and construction.
- e. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing onto existing or potential residential development and provision of a permanently landscaped buffer strip where necessary.
- f. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potentially residential area.
- g. Any subsequent subdivision of property shall be subject to the approval of the Area Plan Commission in accordance with these subdivision regulations.

SECTION 4.12 OFF-SITE PUBLIC FACILITIES

1. General. If off-site public facilities necessary to meet the standards embodied in Sections 4.3 through 4.9 above are not already in place or programmed in the County, City or Town Capital Improvement Program to be in place by the time the subdivision receives final plat approval, the developer may, appropriately, have to provide such off-site facilities or supply funds to enable the County, City or Town to do so, in order to secure Secondary Approval.

CHAPTER 5: COMPLETION AND MAINTENANCE OF IMPROVEMENTS

SECTION 5.1 IMPROVEMENTS COMPLETION AND PERFORMANCE BOND

1. Completion of Improvements.

a. Before a final plat is signed by the Designated Officials for recording, all applicants shall be required:

i. To complete, in accordance with the Area Plan Commission's decision and to the satisfaction of the Town, City or County Engineer or Designee, all the streets, sanitary sewers, waterlines, stormwater drainage and other public improvements, including lot improvements on the individual lots of the subdivision as required in this Ordinance, specified in the approved construction plans and on the final subdivision plat, and as approved by the Area Plan Commission and

ii. to dedicate the public improvements to the Town, City or County, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

2. Performance Bond (or equivalent financial instrument).

a. The Area Plan Commission at its discretion may waive the requirement that the applicant complete all public improvements prior to the approval of the final subdivision plat, and that, in lieu thereof, the applicant shall post a bond securable to appropriate local community or their agency, hereinafter referred to as performance bond, in an amount equivalent to one hundred twenty (120) percent of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Sections 3.3.7.a.i and Section 3.4.8.a.i of this Ordinance if based on an estimate of a professional engineer based on recent unit prices of similar improvements; or in an amount equivalent to one hundred ten (110) percent of the estimated cost of completion of the uncompleted portion of public improvements if based on actual bids to construct the improvements.

b. That in lieu of such a bond, the subdivider may submit irrevocable letters of credit securable by the appropriate local community or their agency in an amount equivalent to one hundred twenty (120) percent of the estimated cost of completion of the uncompleted portion of required public improvements as provided in Sections 3.3 (7) (a) (i) and 3.4 (8) (a) (i) of this Ordinance if based on an estimate of a professional engineer based on recent unit prices of similar improvements; or in an amount equivalent to one hundred ten (110) percent of the estimated cost of completion of the uncompleted portion of public improvements if based on actual bids to construct the improvements.

c. That in lieu of such a bond, the subdivider may submit a certificate of deposit made out to either Posey County other units of government having jurisdiction and/or the subdivider, to be held by the County Auditor or other units of government having jurisdiction over them; and in an amount equivalent to one hundred twenty (120) percent of the cost of completion of the uncompleted portion of required public improvements as required in Sections 3.3 (7) (a) (i) and 3.4 (8) (a) (i) of this Ordinance if based on an estimate of a professional engineer based on recent unit prices of similar improvements; or in an amount equivalent to one hundred ten (110) percent of the estimated cost of completion of the uncompleted portion of public improvements if based on actual bids to construct

the improvements . If the subdivider is named singly or jointly on such certificate, then the subdivider must endorse it before submitting it to the Area Plan Commission so that the County or other units of government having jurisdiction may secure the funds.

d. Such performance bond (or equivalent financial instrument) shall comply with all statutory requirements, and shall be satisfactory to the Area Plan Commission Attorney as to form, sufficiency, and manner of execution as set forth in this Ordinance. See Appendix A for forms. The period within which required public improvements must be completed shall be specified by the Area Plan Commission in the primary approval of the preliminary plat, and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of secondary approval. Such bond (or equivalent financial instrument) shall be approved by the participating jurisdiction as to amount. The Area Plan Commission may upon proof of difficulty, grant an extension of the completion date set forth in such bond (or equivalent financial instrument) for a maximum period of one (1) additional year, provided that the bond (or equivalent financial instrument) submitted for this extension period meets all other requirements herein. The Area Plan Commission may at any time during the period of such bond (or equivalent financial instrument) accept a substitution of principal or sureties on the bond (or equivalent financial instrument).

3. Temporary Public Improvements.

a. The applicant shall build and pay for all costs of temporary public improvements required by the Area Plan Commission or as requested by the participating jurisdiction, and shall maintain same for the period specified by the Area Plan Commission. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the Area Plan Commission as separate suitable bond (or equivalent financial instrument) for temporary facilities, which bond (or equivalent financial instrument) shall insure that the temporary facilities will be properly constructed, maintained, and removed, except for turn-around at ends of the peripheral streets intended for connection into adjacent future subdivisions.

4. Cost of Public Improvements.

a. All required public improvements shall be made by the applicant at his expense without reimbursement by the participating jurisdictions or any public improvement district therein, unless sharing of expenses is agreed upon by the County or other participating jurisdictions, where applicable.

5. Government Units.

a. Government units to which these bond (or equivalent financial instrument) provisions apply may file in lieu of said bond (or equivalent financial instrument) a certified resolution or Ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Section.

6. Failure to Complete Public Improvements.

a. For subdivisions for which no performance bond (or equivalent financial instrument) has been posted, if the public improvements are not completed within the period specified by the Area Plan Commission in the primary approval of the preliminary plat, the approval shall be deemed to have expired. In those cases where a performance bond (or equivalent financial instrument) has been

posted and the required public improvements have not been installed within the terms of such performance bond (or equivalent financial instrument), the participating jurisdiction may thereupon request the County, City or Town to declare the bond (or equivalent financial instrument) to be in default and cause all public improvements to be installed according to secondary approval regardless of the extent of the building development at the time the bond (or equivalent financial instrument) is declared to be in default.

7. Acceptance of Dedication Offers.

a. The approval by the Area Plan Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the County or other participating jurisdiction of any street, easement, or park shown on said plat. The Area Plan Commission may require said plat to be endorsed with appropriate notes to this effect. The acceptance is that of only the real property itself.

SECTION 5.2 INSPECTION OF PUBLIC IMPROVEMENTS

1. General Procedure.

a. If the participating jurisdiction finds upon inspection per Section 3.3.7.a.i and 3.4.8.a.i that any of the improvements have not been constructed in accordance with the approved construction plans, the applicant shall be responsible for completing the public improvements according to such plans. Where the cost of the public improvements is covered by a performance bond (or equivalent financial instrument), the applicant and the bonding or financial company shall be severally and jointly liable for completing the public improvements according to specifications.

2. Release or Reduction of Performance Bond (or equivalent financial instrument).

a. Certificate of Satisfactory Completion. The County or other participating jurisdictions shall not accept required public improvements, nor the Area Plan Commission release nor reduce a performance bond (or equivalent financial instrument), until the County or other participating jurisdictions has submitted a certificate stating that all required public improvements or a *pro rata* part in the case of a reduction have been satisfactorily completed. The applicant's engineer or surveyor shall provide the participating jurisdiction with detailed "as built" construction plans of the public improvements, indicating location, dimensions, materials, and other information required by the Area Plan Commission or participating jurisdictions. The Area Plan Commission, in consultation with the applicable local jurisdiction, may retain a licensed Professional Engineer in Indiana to inspect the construction of the improvements to verify compliance with the "as built" plans and to recommend reduction or release of the performance bond (or equivalent financial instrument), and may include the cost of engineering services in the final plat fees. If the "as built" construction plans of public improvements meet the requirements of the Subdivision regulations, the County, City or Town shall thereafter accept the public improvements for maintenance in accordance with the established procedures.

b. Reduction of Performance Bond (or equivalent financial instrument). A performance bond (or equivalent financial instrument) shall be reduced upon actual acceptance of public improvements and then only by the amount originally estimated for the completion of said public improvements.

SECTION 5.3 MAINTENANCE OF PUBLIC IMPROVEMENTS

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

SECTION 5.4 WAIVER OF REQUIRED PUBLIC IMPROVEMENTS

The Area Plan Commission may defer or waive at the time of primary approval, subject to appropriate conditions, the provisions of any or all such public improvements as in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facility.

SECTION 5.5 ISSUANCE OF BUILDING PERMITS

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

CHAPTER 6: SPECIFICATIONS FOR DOCUMENTS

SECTION 6.1 SKETCH PLAN

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

1. Name.
 - a. Name of subdivision if property is within existing subdivision.
 - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded.
 - c. Name of property if no subdivision name has been chosen. This is commonly the name by which the property is locally known.
2. Ownership.
 - a. Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - b. Citation of any existing legal rights-of-way or easements affecting the property.
 - c. Existing covenants on the property, if any.
 - d. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.
3. Description. Location of property, name of local jurisdiction, lot, section, township, range, county, graphic scale, north arrow, and date.
4. Features.
 - a. Location of property lines, existing easements, burial grounds, railroad rights-of-ways, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract, names of adjoining property owners from the latest assessment rolls, within five hundred (500) feet of any perimeter boundary of the subdivision. If the property of the proposed subdivision is an adjoining property owner, the next abutting property owner shall be identified.
 - b. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.

- c. Approximate topography, at the same scale as the sketch plan. Normally showing two (2) foot contour intervals, but the Administrator may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes.
- d. The approximate location and widths of proposed streets.
- e. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
- f. The approximate location, dimensions, and areas of all proposed or existing lots.
- g. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- h. The location of temporary stakes to enable the Area Plan Commission to find and appraise features of the sketch plan in the field.
- i. Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to one (1) square inch, a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
- j. A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.
- k. The location of existing and proposed rights-of-way and easements.

SECTION 6.2 PRELIMINARY PLAT

1. General. The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one hundred (100) feet to an inch, may be prepared in pen or pencil; and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty four by thirty six (24x36) inches. See figure 6-2. It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and therefore should be drawn on reproducible mylar.
2. Features. The preliminary plat shall show the following:
 - a. The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; and the names of adjoining streets.
 - b. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

- c. The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks cemeteries, drainage ditches, and bridges.
- d. The location and width of all existing and proposed streets, alleys, and other public ways and their rights-of-ways, and of easements and building setback lines.
- e. The locations, dimensions, and areas of all proposed or existing lots.
- f. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- g. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than owner, and the name of the land surveyor.
- h. The date of the map, approximate true north point, scale, and title of the subdivision.
- i. Sufficient data acceptable to the Town, City or County Engineer or Designee to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the round; also the location of all proposed monuments.
- j. Names of the subdivision and all new streets to be approved by the Area Plan Commission.
- k. Indication of the use of any lot (single family, two-family, multifamily, townhouse) and all uses other than residential proposed by the subdivider.
- l. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be lettered or numbered consecutively throughout the several additions.
- m. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
- n. The location of existing and proposed rights-of-way and easements.
- o. All information required on the sketch plan should also be shown on the preliminary plat, and the following notation shall also be shown:
 - i. Explanation of drainage easements, if any.
 - ii. Explanation of site easements, if any
 - iii. Explanation of site reservations, if any
 - iv. Endorsement of owner, as follows:

Owner _____ Date _____

SECTION 6.3 CONSTRUCTION PLANS

1. General construction plans shall be prepared for all required improvements, prepared by a licensed Professional Engineer or Land Surveyor in the State of Indiana. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

a. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

b. The Area Plan Commission may require, where steep slopes exist, that cross sections of all proposed streets at one hundred foot stations shall be shown at five (5) points as follows: on a line at right angles to the center line of the street, and at elevation points shall be at the center line of the street, each property line, and points twenty five (25) feet inside each property line.

c. Plans and profiles showing the locations and typical cross section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights-of-way, manholes, and catch basins; the location of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

d. Location, size, elevation, and other appropriate description of any existing facilities or utilities including, but not limited to, existing streets, sewers drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map, Thoroughfare Plan or Comprehensive Plan, at the point of connection to the proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the USGS datum plans. If the subdivision borders a lake, river, or stream the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high water mark of such waterways.

e. Topography at the same scale as the sketch plan with a contour interval of two (2) feet, referred to sea level datum. All datum provided shall be latest applicable US Coast and Geodetic Survey datum and should be so noted on the plat.

f. All specifications and references required by the Town's, City's or County's construction standards and specifications, including a site grading plan for the entire subdivision.

g. Notation of approval as follows:

Owner _____ Date _____

Area Plan Commission President _____ Date _____

h. Title, name, address, and signature of the professional engineer and/or surveyor, and date, including revision dates.

SECTION 6.4 FINAL SUBDIVISION PLAT

1. General. The final subdivision plat shall be presented in ink on reproducible mylar at an appropriate scale and contain the same information, except for any changes or additions required by the conditions of primary approval. See figure 6-3. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Area Plan Commission's approval. All revision dates must be shown as well as the following:

- a. Notation of any self imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Area Plan Commission in accordance with these regulations.
- b. Endorsement of the County Health Department.
- c. All monuments erected, corners, and other points are made shall be noted at the representation thereof or by legend, for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

2. Preparation. The final subdivision plat shall be prepared by a land surveyor licensed by the state.

SECTION 6.5 EXEMPT "I" DIVISIONS

The information that must be provided in order for the decision to be made that a division is an Exempt "I" division varies as follows according to the definition for each type of Exempt "I" Division listed under Subdivision in Section 2.2.127.a of this Ordinance. With all submission signed by the owner (or party with limited power of attorney), thus:

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

SECTION 6.6 EXEMPT "II" DIVISIONS

A metes and bounds legal description and plot plan are required to verify that the division of property meets the definition of Exempt II division under Section 2.2.127.c. Further, the requirements and addition of notes to the plot plan must be satisfied as set forth in Section 3.5.3. All submission shall be signed by the owner (or party with limited power of attorney).

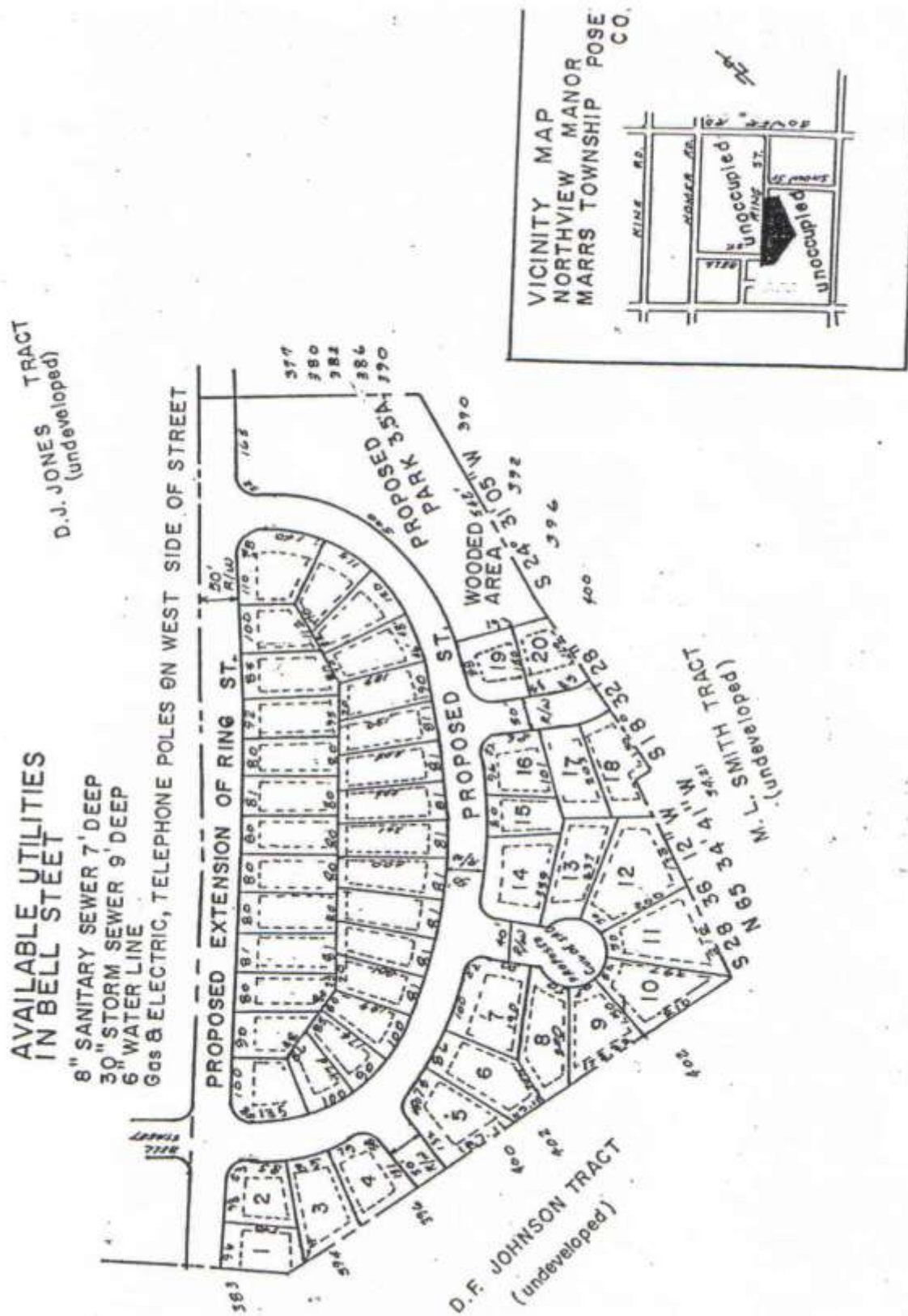


FIGURE 6-2: PRELIMINARY SUBDIVISION PLAT

CHAPTER 7: CERTIFICATIONS

SECTION 7.1 REQUIRED FORMS AND CERTIFICATES

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

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

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

**SECTION 7.2 FORM ONE: APPLICATION FOR MINOR SKETCH PLAN REVIEW,
PRIMARY APPROVAL AND CERTIFICATE**

App. No. S- _____
Date Rec'd _____
Rec'd By _____

Name(s) of Subdivision(s) _____
Address(es) _____
Phone(s) _____

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

Name _____
Address _____
Phone _____

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

Name of Subdivision _____ generally described as follows:
Civil Township _____ Section _____ Quarter Section _____ Township _____
Range _____
(LEGAL DESCRIPTION OF SUBDIVISION ATTACHED HERETO)

Area in acres _____; Number of lots _____

Will there be public improvements other than sidewalks? _____ Yes _____ No _____

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

Signature(s) of Subdivider(s) _____

State of Indiana)
County of Posey) SS:

Subscribed and sworn before me this _____ day of _____, 20 _____

Notary Public
Residing in _____ County
My Commission Expires _____

FOR STAFF USE: Date of Sketch Plan Review _____
Date of Commission/Executive Committee hearing _____
Fee of \$ _____ received from subdivider Date _____

SECTION 7.3 FORM TWO: APPLICATION FOR MAJOR SKETCH PLAN REVIEW AND CERTIFICATE

App. No. S- _____
Date Rec'd _____
Rec'd By _____

Name(s) of Subdivider(s) _____
Address(es) _____
Phone Number(s) _____

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

Name _____
Address _____
Phone Number _____

I do hereby apply for sketch plan review and certificate of approval of the following described subdivision in accordance with the provisions of the subdivision ordinance. I am the owner of the real estate included in said subdivision.

Name of Subdivision _____ generally described as follows:
Civil Township _____ Section _____ Quarter Section _____
Township _____ Range _____
(COMPLETE LEGAL DESCRIPTION OF SUBDIVISION ATTACHED HERETO)

Area in acres: _____; Number of lots: _____

Will there be public improvements other than sidewalks? Yes _____ No _____

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

Signature of Subdivider(s): _____

State of Indiana
County of Posey

Subscribed and sworn before me this _____ day of _____, 20____

SECTION 7.4 FORM THREE: REQUEST FOR PRIMARY APPROVAL OF A MAJOR SUBDIVISION PLAT

File No. _____

Date Rec'd _____

Rec'd By _____

Name of Subdivider(s) _____

Address _____

Phone Number _____

Subdivider's Representative and Registered Land Surveyor

Name _____

Address _____

Phone Number _____

I do hereby request a primary approval of the following described subdivision in accordance with the provisions of the subdivision ordinance. I am the owner of the real estate included in said subdivision.

Name of Subdivision _____ generally described as follows:

Civil Township _____ Section _____ 1/4 Section _____

Township _____ Range _____ Area in Acres _____ No. of Lots _____

Name of new Streets _____

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

Signature of Subdivider _____

SECTION 7.5 FORM FOUR: NOTICE OF PUBLIC HEARING ON SUBDIVISION PLAT

NOTICE IS HEREBY GIVEN THAT THE POSEY COUNTY AREA PLAN COMMISSION,
ON THE _____ DAY OF _____, 20____, AT _____
(Time)

AT THE _____, MT. VERNON, INDIANA, WILL
HOLD A PUBLIC HEARING ON A REQUEST BY _____
(Subdivider)

FOR PRELIMINARY APPROVAL OF _____ SUBDIVISION.
(Name of Subdivision)

SAID SUBDIVISION INVOLVES THE FOLLOWING DESCRIBED REAL ESTATE IN

_____ TOWNSHIP, LOCATED AT _____,
(Name of Civil Township) (Common Address or Road Location)

TO WIT:

DESCRIPTION

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

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

AREA PLAN COMMISSION OF POSEY COUNTY, INDIANA

BY: _____
(President)

**SECTION 7.6 FORM FIVE: NOTICE TO INTERESTED PARTIES POSEY COUNTY
AREA PLAN COMMISSION**

Notice is hereby given that the Posey County Area Plan Commission, on the _____ day
of _____, 20_____, at _____ at the Mt. Vernon, Indiana will hold a public
(Time)

hearing on _____ Subdivision. The proposed subdivision
(Name of Subdivision)

involves _____ lots on _____ acres located on _____
(Street or Road)

between _____ and _____ in _____ Township,
(Street or Road) (Street or Road)

SECTION _____, TOWNSHIP _____, RANGE _____.

(Petitioner)

**SECTION 7.7 FORM SIX: AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
FOR PRIMARY SUBDIVISION APPROVAL**

Posey County Area Plan Commission

(Name of Subdivision)

I, _____, do hereby certify that notice to interested parties of the
(Name of Subdivider/Surveyor)
date, time and place of the public hearing on the above referenced subdivision: _____
being the application of _____ was certified and mailed to the
last known address of each of the following persons owning property adjoining or adjacent to the
property contained in this petition:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

and that said notices were sent by certified mail on or before the _____ day of _____, 20____,
being at least ten (10) days prior to the date of the public hearing.

(Petitioner/Agent)

SECTION 7.8 FORM SEVEN: SECONDARY APPROVAL OF SUBDIVISION

Request for secondary approval of _____

FOR STAFF USE:

Plat requires:

_____ additional approval - preliminary
_____ restrictive covenants received - date _____

Name of Subdivider _____

Address _____

Phone Number _____

I hereby request determination of conformance with the preliminary plat for the following described subdivision in accordance with the provisions of the subdivision ordinance. I am the owner of the real estate included in said subdivision.

Name of Subdivision _____

generally described as follows: Civil Township _____

Section _____ 1/4 Section _____ Township _____

Range _____ Area in acres _____, Number of Lots _____

(Signature of Subdivider/Surveyor)

SECTION 7.9 FORM EIGHT: CERTIFICATE OF APPROVAL

After having given public notice of the time, place and nature of hearing on the application for primary approval of this subdivision by publication in _____ newspaper, more than ten (10) days before the date set for hearing thereon, under authority provided by Chapter 138, Acts 1957, enacted by the General Assembly of the State of Indiana, and all acts supplemental and amendatory thereof, this plat was given primary approval by a majority of the members of the Posey County Area Plan Commission or its Executive Committee at a meeting held on _____ day of _____, 20_____.

Posey County Area Plan Commission

By _____
President

ATTEST: _____
Executive Director

SECTION 7.10 FORM NINE: LAND SURVEYOR'S CERTIFICATE

A-10

FORM NINE

LAND SURVEYOR'S CERTIFICATE

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

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

(SEAL) _____

Signature

SECTION 7.11 FORM TEN: DEDICATION CERTIFICATE

A-11

FORM TEN

DEDICATION CERTIFICATE

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

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

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

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

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

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

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

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

(TEN) continued

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

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 19____

State of Indiana
County of Posey

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

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 19____.

Notary Public

Residing in _____ County

My Commission expires _____

SECTION 7.12 FORM ELEVEN: SUBDIVISION PERFORMANCE BOND

A-13

FORM ELEVEN

TO BE ISSUED ON BONDING COMPANY
STATIONERY

SUBDIVISION PERFORMANCE BOND

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

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

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

(NAME OF PRINCIPAL)

ATTEST: _____ BY: _____ (SIGNATURE OF PRINCIPAL)

(TYPED NAME OF INDIVIDUAL SIGNING)

(NAME OF SURETY)

APPROVED BY: _____ BY: _____ (SIGNATURE OF REPRESENTATIVE)
POSEY COUNTY AREA _____
PLAN COMMISSION _____ (TYPED NAME OF INDIVIDUAL SIGNING)

Executive Director

SECTION 7.13 FORM TWELVE: DEDICATION CERTIFICATE

A-14

FORM TWELVE

PERFORMANCE BOND - SECURED BY DEPOSIT

KNOW ALL MEN BY THESE PRESENTS:

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

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

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

SECTION 7.14 FORM THIRTEEN: IRREVOCABLE LETTER OF CREDIT

A-15

FORM THIRTEEN

POSEY COUNTY, INDIANA
IRREVOCABLE LETTER OF CREDIT

(Name of Bank)

POSEY COUNTY
INDIANA

Date: _____

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$_____ for the account of _____ (PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before _____:
(Insert date twenty-four (24) months from date of this letter)

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

in _____, a subdivision of Posey County, Indiana.
Acting through the Board of County Commissioners, you will notify us when either:

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

All drafts drawn hereunder must be marked: "Drawn under _____
(Name of Bank)

_____, Credit No. _____, dated _____

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

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

(THIRTEEN) continued

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

Very truly yours,

(Name of Bank)

BY: _____
(Authorized Signature)

SECTION 7.15 FORM FOURTEEN: MAINTENANCE BOND

A-17

FORM FOURTEEN

TO BE ISSUED ON BONDING COMPANY STATIONERY

MAINTENANCE BOND

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

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

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

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

SIGNED AND SEALED this _____ day of _____, 19____.

(Name of Principal)

Witness: _____

BY: (Signature of Principle)

(Name of Surety)

Witness: _____

BY: (Signature of Surety)

(Type name of Attorney-in-fact)

**SECTION 7.16 FORM FIFTEEN: STATEMENT OF COMPLIANCE FOR EXEMPT
DIVISIONS OF LAND**

A-18

FORM FIFTEEN

STATEMENT OF COMPLIANCE (EXEMPT DIVISIONS)

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

ATTEST:

Executive Director

TRANSMITTAL OF REPLACEMENT SUBDIVISION CONTROL ORDINANCE TO LOCAL LEGISLATIVE BODIES

RESOLUTION OF THE POSEY COUNTY AREA PLAN COMMISSION

Resolution Number: _____

Passed: April 11, 2013

A RESOLUTION RECOMMENDING THAT THE CITY OF MOUNT VERNON COMMON COUNCIL, THE CYNTHIANA TOWN COUNCIL, THE POSEYVILLE TOWN COUNCIL AND THE POSEY COUNTY BOARD OF COMMISSIONERS, INDIANA, APPROVE THE PROPOSAL INITIATED BY THE POSEY COUNTY AREA PLAN COMMISSION TO REPLACE THE SUBDIVISION CONTROL ORDINANCE OF MOUNT VERNON, CYNTHIANA, POSEYVILLE AND THE UNINCORPORATED AREA OF POSEY COUNTY.

WHEREAS, the Posey County Area Plan Commission did on April 11, 2013, hold a legally advertised public hearing to replace the subdivision control ordinance of Mount Vernon, Cynthiana, Poseyville and the Unincorporated Area of Posey County, Indiana, until all objections and remonstrances were heard; and

WHEREAS, the replacement of the subdivision control ordinance was initiated by the Posey County Area Plan Commission; and

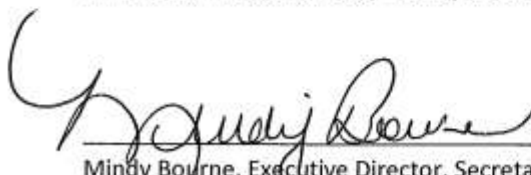
WHEREAS, the replacement subdivision control ordinance is consistent with adopted comprehensive plans for Mount Vernon, Cynthiana, Poseyville and Unincorporated Posey County; and

WHEREAS, said request did propose that the existing subdivision control ordinance of Mount Vernon, Cynthiana, Poseyville and the Unincorporated Area of Posey County be repealed and be replaced in entirety by a single subdivision control ordinance for all four jurisdictions.

NOW, THEREFORE, BE IT RESOLVED, that the Posey County (Indiana) Area Plan Commission certifies that said commission makes a favorable recommendation to the Mount Vernon Common Council, the Cynthiana Town Council, the Poseyville Town Council, and the Posey County Board of Commissioners, Indiana, that the attached subdivision control ordinance (known as the "Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, Town of Poseyville and Unincorporated Posey County) be adopted.



Mark Seib, President, Posey County Area Plan Commission



Mindy Bourne, Executive Director, Secretary, Posey County Area Plan Commission

ORDINANCE NUMBER: 0507 201301

AN ORDINANCE REPLACING THE SUBDIVISION CONTROL ORDINANCE
OF POSEY COUNTY, INDIANA

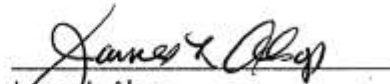
SECTION 1. Be it ordained by the Board of Commissioners of Posey County, Indiana, that the "Subdivision Control Ordinance" adopted through Posey County Ordinance No. 11-16-86, is hereby repealed and replaced in entirety as stated herein.

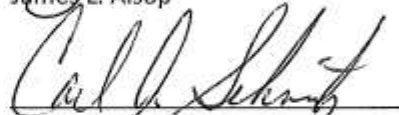
SECTION 2. This ordinance was initiated by the Area Plan Commission of Posey County, Indiana, which did on April 11, 2013, hold a legally advertised public hearing to replace the Subdivision Control Ordinance of Mount Vernon, Cynthiana, Poseyville and the Unincorporated Area of Posey County, Indiana, and by resolution recommend adoption of this replacement Subdivision Control Ordinance.


SECTION 3. The "Subdivision Control Ordinance" adopted through Posey County Ordinance No. 11-16-86, is replaced by the attached "Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville, and Unincorporated Posey County."

SECTION 4. This ordinance shall be in full force and effect on July 1, 2013, after its passage as provided by law for the Unincorporated Area of Posey County, Indiana.

DULY ADOPTED BY THE BOARD OF COMMISSIONERS OF POSEY COUNTY, INDIANA, ON THIS 7 DAY OF May, 2013.


James L. Alsop


Carl A. Schmitz


Jerry Walden

ATTEST:


Nicholas J. Wildeman, Auditor

ORDINANCE NUMBER: 13-8

CITY OF MT. VERNON, IND.,

AN ORDINANCE REPLACING CHAPTER 152 OF THE CODE OF LAWS OF THE CITY OF MOUNT VERNON, INDIANA, THE SUBDIVISION CONTROL CODE

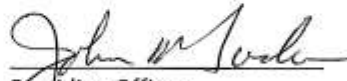
SECTION 1. Be it ordained by the Common Council of the City of Mount Vernon, Indiana, that Chapter 152 (Ordinance 86-27, passed September 28, 1986) of the Code of Laws of the City of Mount Vernon, Indiana, the Subdivision Control Code, is hereby repealed and replaced in entirety as stated herein.

SECTION 2. This ordinance was initiated by the Area Plan Commission of Posey County, Indiana, which did on April 11, 2013, hold a legally advertised public hearing to replace Subdivision Control Ordinance of Mount Vernon, Cynthiana, Poseyville and the Unincorporated Area of Posey County, Indiana, and by resolution recommend adoption of this replacement Subdivision Control Ordinance.

SECTION 3. Chapter 152 of the Code of Laws of the City of Mount Vernon, Indiana, is replaced by the attached "Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville, and Unincorporated Posey County."

SECTION 4. This ordinance shall be in full force and effect on July 1, 2013, after its passage as provided by law.

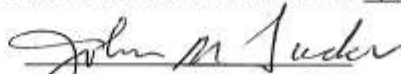
ORDAINED AND PASSED by the Common Council of the City of Mount Vernon, Indiana this 16 day of May, 2013.


Presiding Officer

Presented to me by the Mayor of the City of Mount Vernon, IN at 7:12 o'clock P.M. on the 16 day of May, 2013 for his consideration and action thereon.


Cristi Sitzman, Clerk-Treasurer

Having examined the foregoing Ordinance and I do now, as Mayor of the City of Mount Vernon, Indiana, approve said Ordinance and return the same to the Clerk-Treasurer this 16 day of May, 2013.


John M. Tucker, Mayor

ATTEST:


Cristi Sitzman, Clerk-Treasurer

ORDINANCE NUMBER: 2013-5-14-1

AN ORDINANCE REPLACING THE SUBDIVISION CONTROL ORDINANCE THE TOWN OF
CYNTHIANA, INDIANA

SECTION 1. Be it ordained by the Town Council of the Town of Cynthiana, Indiana, that the "Subdivision Control Ordinance" adopted May 14, 2013, is hereby repealed and replaced in entirety as stated herein.

SECTION 2. This ordinance was initiated by the Area Plan Commission of Posey County, Indiana, which did on April 11, 2013, hold a legally advertised public hearing to replace the Subdivision Control Ordinance of Mount Vernon, Cynthiana, Poseyville and the Unincorporated Area of Posey County, Indiana, and by resolution recommend adoption of this replacement Subdivision Control Ordinance.

SECTION 3. The "Subdivision Control Ordinance" adopted May 14, 2013, is replaced by the attached "Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville, and Unincorporated Posey County."

SECTION 4. This ordinance shall be in full force and effect on July 1, 2013, after its passage as provided by law.

DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CYNTHIANA, INDIANA, ON THIS 14 DAY OF MAY, 2013.

<u>Aye</u>	<u>Nay</u>		<u>Abstain</u>	<u>Absent</u>
<u>/</u>	—	Scott Cox	—	—
<u>/</u>	—	James Sheets	—	—
<u>/</u>	—	Gary Smith	—	—
			<u>[Signature]</u>	
				, President

ATTEST:

[Signature]

Greta Mounts, Clerk-Treasurer

ORDINANCE NUMBER: 2013-05-08-02

**AN ORDINANCE REPLACING THE SUBDIVISION CONTROL ORDINANCE THE TOWN OF
POSEYVILLE, INDIANA**

SECTION 1. Be it ordained by the Town Council of the Town of Poseyville, Indiana, that the "Subdivision Control Ordinance" adopted through Poseyville Ordinance 11-586-1, is hereby repealed and replaced in entirety as stated herein.

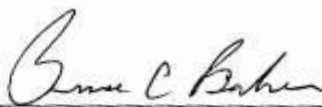
SECTION 2. This ordinance was initiated by the Area Plan Commission of Posey County, Indiana, which did on April 11, 2013, hold a legally advertised public hearing to replace the Subdivision Control Ordinance of Mount Vernon, Cynthiana, Poseyville and the Unincorporated Area of Posey County, Indiana, and by resolution recommend adoption of this replacement Subdivision Control Ordinance.

SECTION 3. The "Subdivision Control Ordinance" adopted through Poseyville Ordinance _____, is replaced by the attached "Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville, and Unincorporated Posey County."


SECTION 4. This ordinance shall be in full force and effect on July 1, 2013, after its passage as provided by law.

DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF POSEYVILLE, INDIANA, ON THIS
8 DAY OF May, 2013.

<u>Aye</u>	<u>Nay</u>		<u>Abstain</u>	<u>Absent</u>
<u>✓</u>	<u>—</u>	Steve J. Ahrens	<u>—</u>	<u>—</u>
<u>✓</u>	<u>—</u>	Bruce C. Baker	<u>—</u>	<u>—</u>
<u>✓</u>	<u>—</u>	Ronald G. Fallowfield	<u>—</u>	<u>—</u>


Bruce C. Baker, President

ATTEST:


Stanley Forzley, Clerk-Treasurer