DECATUR COUNTY

SUBDIVISION CONTROL ORDINANCE

Decatur County
Subdivision Control Ordinance

Adopted by:

Decatur County Plan Commission . . . . . April 2, 2007

Decatur County Commissioners ... . April 2, 2007

DECATUR COUNTY SUBDIVISION CONTROL ORDINANCE

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DECATUR COUNTY PLAN COMMISSION STAFF

David Neuman - Director of Planning & Zoning
Marian Miller – Planning & Zoning Administrative Assistant
Melissa Scholl - Plan Commission Attorney

BOARD OF COMMISSIONERS
OF
DECATUR COUNTY, INDIANA

AN ORDINANCE TO AMEND THE DECATUR COUNTY ORDINANCE 1976-8 WHICH SAID ORDINANCE ADOPTED THE DECATUR COUNTY SUBDIVISION REGULATIONS, SECTIONS 1 THROUGH 7, AND SUPPLEMENTS A & B

WHEREAS, the Area Plan Commission of Decatur County, Indiana, held a public hearing pursuant to Section 36-7-4-607 of the Indiana Code and certified the proposed amendments to the Decatur County Subdivision Regulations and the renaming of said Ordinance as the Decatur County Subdivision Control Ordinance pursuant to Section 36-7-4-607 of the Indiana Code; and

WHEREAS, the Board of Commissioners of Decatur County, Indiana, held a public hearing on April 2, 2007, to hear public comment regarding the proposed amendments to the Decatur County Subdivision Regulations, which pursuant to the amendments will hereinafter be referred to as the Decatur County Subdivision Control Ordinance, and said Board of Commissioners adopted the proposed Decatur County Subdivision Control Ordinance on April 2, 2007; and

NOW THEREFORE, the Board of Commissioners confirms the amended Decatur County Subdivision Regulations, hereinafter referred to as the Decatur County Subdivision Control Ordinance, which Decatur County Subdivision Control Ordinance is attached hereto, stands as passed as of April 2, 2007, which is the date of approval by the Decatur County Board of Commissioners, and the Decatur County Board of Commissioners confirms that the amended Decatur County Subdivision Control Ordinance, attached hereto, shall take effect on April 2, 2007.

Amendments

In accordance with the Decatur County Zoning Ordinance, text amendments can be made by the Legislative Unit, upon recommendation of the Plan Commission. This table is provided to indicate the specific amendments that have been approved after its adoption.

Date Approved by County Commissioners	***Article # and Section #***	***Description of Amendment***

SUBDIVISION CONTROL ORDINANCE

Article 1 Purpose and Authority

Section 100 Title
Section 105 Authority
Section 110 Purpose
Section 115 Jurisdiction
Section 120 Saving Provision
Section 125 Repealer
Section 130 Interpretation
Section 135 Conflict
Section 140 Separability
Section 145 Conditions
Section 150 Enforcement
Section 155 Compliance with Regulations
Section 160 Variances
Section 165 Appeals and Waivers

Article 2 Subdivision Types and Review Procedures

Section 200 Subdivision Types
Section 204 Summary of Major Subdivision Review Process
Section 208 Primary Plat Procedure
Section 212 Public Hearing Process
Section 216 Primary Plat Requirements
Section 220 Sectionalizing (Phasing) Major Subdivisions
Section 224 Expiration of Primary Plat
Section 228 Improvement Plan Review Procedure
Section 232 Improvement Plan Requirements
Section 236 Improvement Plan Approval
Section 240 Final Plat Review Procedure
Section 244 Final Plat Requirements
Section 248 Final Plat Approval
Section 252 Minor Subdivision Review Procedure
Section 256 Certified Survey Review Procedure
Section 260 Certified Survey Requirements
Section 264 Certified Survey Approval
Section 268 Grading Review Procedure
Section 272 Grading Review Requirements
Section 276 Grading Plan Approval
Section 280 Vacation Procedure
Section 284 Resubdivision of Plats
Section 288 Revisions to Approved Primary Plats and Improvement Plans
Section 292 Condominium Property Regime Plats
Section 294 Disposal of Excavated Material

Section 296 Borrow or Disposal

Article 3 Design Standards for Subdivision Review

Section 300 Introduction
Section 305 Street Design
Section 315 Lot Arrangement and Sizes
Section 320 Water and Sanitary Sewer, and Private On Site Waste Disposal
Section 325 Stormwater Management and Drainage
Section 326 Residential Lot Grading and Drainage
Section 327 Maintenance of Retention / Detention Areas
Section 330 Soil Erosion and Slope Control
Section 335 Rights-of-way Disturbance Requirements

Article 4 Assurances for Completion and Maintenance of Improvements

Section 400 Completion Requirements for Public Improvements
Section 405 Construction Bond Alternative to Completion Requirements
Section 410 Types of Financial Guaranty
Section 415 Governmental Units
Section 420 Temporary Public Improvements
Section 425 Cost of Public Improvements
Section 430 Release of Construction Financial Guaranty
Section 435 Maintenance Bond of Public Improvements
Section 440 Issuance of Permits
Section 445 Acceptance of Dedication Offers
Section 450 Acceptance of Maintenance for Public Improvements

Article 5 Procedures for Inspections and Fees

Section 500 Construction Inspections
Section 510 Final Clean-Up of Site
Section 520 Review Fees
Section 530 Inspection Fees

Article 6 Definitions

Article 7 Certificates Used on Final Plats and Certified Surveys

Certificate A Land Surveyor's Certificate
Certificate B-1 Dedication Certificate
Certificate C Decatur County Plan Commission Approval Certificate
Certificate D Owner's Certificate
Certificate E County Recorder's Certificate
Certificate F Acceptance of Dedications
Certificate G County Auditor's Certificate
Certificate H Subdivider's Contract Form
Certificate I Irrevocable Letter of Credit Form (Construction)
Certificate J Irrevocable Letter of Credit Form (Maintenance)

ARTICLE 1

PURPOSE AND AUTHORITY

SECTION 100 – Title

These regulations shall be known, and may be cited, as the Subdivision Control Ordinance of Decatur County, Indiana.

SECTION 105 – Authority

Indiana Code 36-7-4-700, et. seq., as amended, establishes the authority for the Decatur County Area Plan Commission to adopt regulations governing plats and subdivision of land within their jurisdiction.

SECTION 110 - Purpose

The purpose of this Ordinance is to ensure the following:

1. To assist the orderly and efficient development of the County;
2. To provide for the coordination of new thoroughfares with existing and planned thoroughfares;
3. To secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the County Comprehensive Plan;
4. To protect and provide for the public health, safety, and general welfare of the County;
5. To ensure the coordination with, and extension of, community facilities and utilities;
6. To ensure proper legal descriptions and monumenting of subdivided land;
7. To help safeguard against the pollution of air, and waterways; to help assure the adequacy of drainage facilities; to help safeguard the water table; and to encourage the wise use and management of natural resources throughout the County;
8. To secure equitable handling of all Subdivision plans by providing uniform procedures and standards;
9. To establish procedures for the division of land in accordance with the requirements of the Decatur County Zoning Ordinance.
10. To minimize the removal of tillable agricultural land in order to maintain the agricultural background of the County.

SECTION 115 - Jurisdiction

This Ordinance shall apply to all unincorporated land within Decatur County. Any land within an

incorporated town or city within the boundaries of Decatur County shall first comply with and obtain the necessary approval from the Town Council of the Incorporated Town. Upon approval by the Town Council of the Incorporated Town, all terms and requirements of the Decatur County Subdivision Control Ordinance shall be complied with in full as the final process for any subdivision of land that is located in an incorporated area of Decatur County, Indiana.

SECTION 120 - 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 County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County except as shall be expressly provided for in these regulations.

SECTION 125 - Repealer

Upon the adoption of these regulations according to law, the Subdivision Regulations of the Zoning Ordinance for Decatur County, adopted in 1996, are hereby repealed.

SECTION 130 – Interpretation

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.

SECTION 135 – Conflict

The 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 imposes restrictions different from those imposed by any other provision of these regulations or any other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

SECTION 140 – Separability

Should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 145 – Conditions

The attachment of reasonable conditions to the subdividing of land is an exercise of valid police power delegated by the State of Indiana to Decatur County. However, conditions imposed by the Decatur County Area Plan Commission must be supported and permitted by this Ordinance. Conditions that are not requirements of this Ordinance shall be reviewed by the Decatur County Area Plan Commission. The Subdivider has the duty of compliance with reasonable conditions as provided in this Ordinance and as set forth by the Decatur County Area Plan Commission for design, dedication, improvement, and restrictive use of the land. The failure to comply with such conditions may be cause for denial of the submitted application and shall, if such failure occurs after Secondary Approval, constitute a violation of the Ordinance.

SECTION 150 - Enforcement

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully, and accurately, state the causes and basis of the alleged violation, and be filed with the Planning Director or his designee. The Planning Director or his designee shall investigate the complaint in a timely manner (generally within one to two weeks) and, if warranted, take action thereon as provided by this Ordinance. Any person filing a written complaint shall be notified in writing by the Planning Director or his designee of the action taken and/or status of such complaint.

If the Planning Director determines that a violation exists, the Planning Director or his designee shall issue a written notice to the person(s) responsible for the alleged violation, by certified mail. The notice shall describe the details of the alleged violation and the basis for the violation. The notice shall also require an explanation, or correction, of the alleged violation to the satisfaction of the Planning Director or his designee, within a specified time limit, which is to be determined by the Planning Director or his designee. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Planning Director or his designee within the specified time limit constitutes admission of the violation of the terms of this Ordinance.

Any person who violates any provisions of this Ordinance shall upon conviction be fined not less than $100.00 and not more than $500.00 for each offense. Each day that the violation exists shall constitute a separate offense. Violations of this Ordinance resulting from failure to apply for or obtain a permit shall result in a doubling of the permit fee.

SECTION 155 – Compliance with Regulations

The regulations set forth by this Ordinance, shall be the minimum regulations and shall apply uniformly to all land under the jurisdiction of this Ordinance. It shall be the duty of the Commission's Attorney to prosecute such violations of this Ordinance as may be brought to his/her attention and which violation shall be considered worthy of prosecution in the opinion of such Attorney.

The Commission, Planning Director, or any concerned person of Decatur County, Indiana, may institute a suit for injunction in any court having jurisdiction to prevent the violation of the provisions of this Ordinance and may obtain such injunction. The Decatur County Area Plan Commission, the Planning Director, or any concerned person of Decatur County, Indiana, may also institute a suit for a mandatory injunction, and obtain such injunction, in any court having jurisdiction directing the removal of a structure erected in violation of the provisions of this Ordinance.

The Area Plan Commission, the Planning Director, or any concerned person of Decatur County, Indiana, not withstanding the above provisions, shall be permitted to otherwise enforce this Ordinance by invoking any legal, equitable, or special remedy provided by law.

SECTION 160 – Variances

The Decatur County Board of Zoning Appeals can grant a Variance upon request by the Subdivider, to any of the dimensional standards found within this Ordinance, for a specific Subdivision application.

A Variance may be appropriate by reason of exceptional narrowness, shallowness or unusual shape of a site on the effective date of these regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site. In addition, a Variance may be appropriate if the literal enforcement of the dimensional terms of the Subdivision regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners.

1. A request for a Variance pursuant to this Section shall demonstrate:
    a. That the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
    b. That the use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner;
    c. That the need for the Variance arises from some condition peculiar to the property involved which is not applicable to other lands, structures or buildings in the same district;
    d. That the strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the Variance is sought.

SECTION 165 - Appeals and Waivers

Appeals of this Ordinance may be made to the Area Plan Commission by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Planning Director or his designated staff. Such appeal shall be made within thirty (30) days of such person's written receipt of the Staff decision by filing with the Commission office an application for a notice of appeal specifying the grounds upon which the appeal is being sought. Public notice of such appeal shall be given to any and all parties of record at least ten (10) days prior to the public hearing. The Planning Director shall

transmit to the Commission all the papers constituting the record for the appeal.

Upon written request to the Area Plan Commission, an applicant can seek a waiver of any of the Subdivision regulations in this Ordinance. The individual request shall be reviewed and granted only under unusual or extreme circumstances or if an equal or better alternative can be provided that is not in agreement with this Ordinance. The Planning Director or his designee shall review the request and provide a recommendation to the Area Plan Commission regarding the merits of the request. The Area Plan Commission shall approve or deny the waiver request.

ARTICLE 2

SUBDIVISION TYPES AND REVIEW PROCEDURES

SECTION 200 - Subdivisions Types

The following applies to Subdivisions or the divisions of land which are used for commercial, industrial, office, residential, or other types of uses. The Subdivision of land can occur in the following three forms:

1. Major Division of Land - A Major Subdivision of land involves three (3) or more buildable lots in addition to the Parent Tract and can include public improvements such as streets, grading, utilities and stormwater detention. The review procedure for a major division of land involves a Primary Plat, Improvement Plan, and a Final Plat as outlined in this Article. If, however, a division of land containing three (3) or more buildable lots does not require any public street improvements or stormwater detention and only requires minimal grading, the developer will only be required to submit a Primary Plat and a Final Plat for review and approval;
2. Minor Division of Land - A Minor Subdivision of land involves the division of two (2) buildable lots or less in addition to the Parent Tract, and is located along an existing public street or a private drive as specified in this Ordinance and involves minimal grading. The review procedure for a minor division of land involves a Primary Plat and a Final Plat as outlined in this Article. The minor division of land involves no widening or extension of a public street or stormwater detention. The procedures and application requirements are outlined in this Article;
3. Administrative Division of Land – Administrative Subdivisions (hereafter called Certified Surveys) are exempt from most provisions of this Ordinance, may not result in or require the creation of a public easement or the installation of public improvements, and must be one of the following types of division:
    a. A division of land into two (2) or less tracts divided from the parent tract that are designated as non-buildable tracts;
    b. A division of land for the transfer of a tract, or tracts, to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
    c. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
    d. A division of land for federal, state or local government to acquire street right-of-way;
    e. A division of land for the transfer of a tract, or tracts, between adjoining lots provided that no additional principal use building sites are created by the division. Each lot created shall be clearly identified as a non-buildable parcel on the plat and

within the deed. The adjoined lots so created hereunder shall have only one principal use building site each;

f. A division of land into cemetery plots for the purpose of burial of corpses;

g. A retracement of an existing parcel of record in which a survey plat does not exist, a survey error is being corrected or a new deed and/or legal description being created.

SECTION 204 – Summary of Major Subdivision Review Process

Major Subdivisions involve three separate review steps before the proposed property can be developed and then recorded. The first step, the Primary Plat, involves a Public Hearing before the Commission as required in this Article 2. This step allows a conceptual review of the layout of the proposed development. The second step, the Improvement Plan, involves detailed construction plans of how the Subdivision will be developed as set forth in this Article 2. The Final Plat involves the recording of the Subdivision as set forth in this Article 2.

After the Commission has approved the Primary Plat and, if the development includes public improvements, an Improvement Plan approval is required before any construction on the site can begin. Improvement Plans are the construction plans for the Subdivision and any public improvements that are to be dedicated to the County. The Improvement Plan will be reviewed to determine compliance with the requirements of this Ordinance and the Decatur County Zoning Ordinance. After this approval, construction can begin on the property as indicated by the Improvement Plan. Before any property can be recorded through the Final Plat procedure, thus allowing the transfer of the property, all required public improvements must be completed and inspected and approved or a surety must be in place to guarantee the completion and approval of the improvements. (See Article 4)

After the improvements have been installed and a request is made for their acceptance to the legislative unit, a maintenance bond is required to cover any final improvements still to be completed, as well as to cover the performance of the improvements for a minimum of one (1) year. (See Article 4)

SECTION 208–Primary Plat Procedure

The purpose of Primary Plat approval is to determine whether a proposed plat complies with all relevant development requirements set forth, or incorporated, in this Ordinance, and to identify the relevant development standards with which the proposal does not comply, if any. The Primary Plat is intended to be a conceptual layout of the proposed Subdivision and not a construction level detailed review. The following is required for this process:

1. An informal pre-application meeting with the Planning Department Staff to review the proposed Subdivision development prior to submittal of an application. The purpose is to allow the Staff to explain the Subdivision process and to review the proposed development with the applicant;
2. File a completed application with the Staff which application will be prescribed by the

Staff;

3. Within thirty (30) days after receiving a complete application, the Planning Director or his designee shall schedule a Public Hearing as described in Section 212;
4. Prior to the Commission's Public Hearing on the application, the Staff and the Technical Review Committee shall review the submitted Primary Plat for compliance with these regulations and provide a written report that indicates compliance with the requirements of the Ordinance or a list of any deficiencies. The applicant shall then be given the opportunity to correct these deficiencies prior to the public hearing.

SECTION 212 – Public Hearing Process

After scheduling a Public Hearing as specified in Section 208 the Commission shall provide notification of the Public Hearing as follows:

1. Notice of the hearing shall be given by the Staff (postmarked and mailed) at least **ten (10) days** in advance of the Public Hearing by certified mail to the applicant and the owners of all property adjoining the property of the proposed Subdivision. The Applicant proposing the Subdivision shall furnish to the Staff the names and addresses of the owners of all adjoining property. The Decatur County Assessor's Office may be relied upon to determine the identity for all adjoining property owners. In the case where the Subdivision abuts or includes a county line, notice shall be given to properties at least 660 feet from the county line or property line into the neighboring county. The notice shall state, at a minimum, the time, place and purpose of the hearing.
    a. Notice of the Public Hearing shall be published in a newspaper of general circulation at least **ten (10) days** prior to the hearing. Said published notice shall state, at a minimum, the time, place and purpose of the hearing.
2. The Commission shall take the following action on the Applicant's request after the public hearing:
    a. If, after the Public Hearing, the Commission determines that the application and Primary Plat **comply** with the standards in this Ordinance, **the Commission shall make written findings and a decision granting primary approval to the Primary Plat**. Reasonable conditions may be imposed to the approval of the plat that are supported by the requirements of this Ordinance;
    b. If, after the Public Hearing, the Commission denies the Primary Plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy of such findings.
    c. The Commission meeting minutes shall serve as the written findings of fact in support of its decision on the Primary Plat. After the minutes are approved by the Commission, the minutes shall serve as the confirmation of the Commission's official action on the Applicant's request. If the Applicant requests written notification of the decision prior to the adoption of the official minutes, the Planning Director or his designee shall, upon request by the Applicant, provide this written notification;
    d. If approved by the Commission, the Planning Director or his designee shall stamp

and sign the Primary Plat according to the final action taken by the Commission and provide a copy to the applicant, as well as for the file.

3. **The Plan Commission's approval of a Primary Plat shall not constitute approval of Improvement Plan or Final Plat unless otherwise stated within this Ordinance.**

SECTION 216 - Primary Plat Requirements

The Primary Plat shall meet the minimum acceptable design standards set forth in Article III of this Ordinance and the general applicable regulations for the construction of public improvements as set forth in this Ordinance, and the Decatur County Zoning Ordinance. In addition to the requirements of the preceding sentence, the Primary Plat shall contain the following information:

1. The proposed Subdivision plat shall be drawn to a scale of not less than one inch equals one hundred feet (1"= 100') unless Staff approves another scale. The submitted drawing shall be on a 24" x 36" paper size. A graphic or written scale shall be noted on the plat along with the date of the plat and north arrow. *All multiple sheet plans shall be stapled together to form plan sets. (Eight (8) sets shall be provided by the Applicant to the Plan Commission Staff*;
2. The proposed Subdivision name, the names and addresses of the owner and developer, and the name, address, and seal of an Indiana Professional Engineer, or Registered Land Surveyor responsible for designing the plat. In no case shall the name of a proposed Subdivision duplicate or be similar to an existing Subdivision in Decatur County unless it is an extension or expansion of an existing Subdivision unless approved by the Planning Director or his designee;
3. A vicinity map showing the proposed location of the Subdivision by township and section and in relation to major or minor roads in the area;
4. All proposed uses including the type of housing (e.g. single-family attached or detached, townhouses, duplexes, etc.) or other uses in the Subdivision and any public dedication or reservation of land;
5. Label all open space and common areas;
6. Acreage of land to be subdivided; the individual acreage of all lots, right-of-ways, ponds, parks, and green areas; and if applicable, the approximate number of acres of open space or other public uses;
7. Existing contours with intervals of not more than one (1) foot to reflect the current topography of the proposed Subdivision with elevations based on mean sea level (U.S.G.S. Datum). Also, the current elevations on adjoining streets or roads shall be required to determine proper access management;
8. If any type of fence, wall, or earthen berm is being proposed to screen the proposed Subdivision from a street or adjoining land use, it shall be noted on the Primary Plat. Details such as height and type of screen shall be indicated on the Primary Plat. All landscaped areas within a public street right-of-way, along with maintenance of such features, shall be identified. If landscaped islands are proposed, drainage facilities shall be

required;

9. Boundary lines of the land to be subdivided shall be shown in heavy solid lines, including lengths and bearings. The following existing features of land adjoining the Subdivision boundary shall be thirty (30) feet, as referenced from scaled aerial photography, orthophotography, or field observations: all existing buildings, cemeteries, historical landmarks or features, water courses, railroads, bridges, and all private/public utility facilities and easements. In addition, the present zoning classification, both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners and adjacent Subdivisions. If the proposed Subdivision is an additional section of an existing Subdivision, the plat shall show the numbering of all adjoining sections and lots of deed of record;
10. Information pertaining to proposed and existing public/private utility layouts (e.g. storm and sanitary sewer, water, gas, telephone, electric, cable, etc.) based upon existing service lines. If applicable, the location of all detention/retention structures. The primary utility layout for the Subdivision shall define the location and direction of flow of each stormwater and sanitary sewer, and the location of each water line. Telephone, electrical, and cable service should be noted as being connected to existing facilities;
11. A letter from all utility providers indicating the availability of service for the proposed Subdivision. Minor Subdivisions shall be permitted to have Individual Sewage Disposal Systems. All Subdivisions proposed with Individual Sewage Disposal Systems shall be required to provide a Preliminary Report from the Decatur County Health Department demonstrating approval for Individual Sewage Disposal Systems for each lot and indicate the location of the test site on each lot for a septic system. Lots indicated as unacceptable for an Individual Sewage Disposal System within this report shall be enlarged to meet the Health Department concerns or shall be removed as a buildable lot. Major Subdivision shall be required to connect to a Public Sewage Disposal System or a Private On-Site Sanitary Sewage Treatment Plant;
12. Names, locations, widths, lengths, grades and curves of proposed streets pursuant to the applicable design standards set forth in this Subdivision Control Ordinance and the Decatur County Zoning Ordinance. The Applicant shall state whether the proposed streets will be public or private. Also, any existing easements shall be shown along with other open spaces or reservations of land. Lots shall be numbered and the lot sizes (in acres) shall be noted on the plat. The minimum building lines shall be denoted on the plat. In no case shall the name of a proposed street duplicate or be similar to an existing street in the unincorporated areas of Decatur County unless it is an extension or expansion of an existing street;
13. Approximate boundaries of 100-year flood plain using the Flood Insurance Rate Maps and Floodway Maps for Decatur County. Properties located within the floodplain shall provide written documentation from the Indiana Department of Natural Resources regarding the Flood Protection Grade and the location of the floodway. The plat shall show all flood-prone areas and a sketch map using the current U.S. Geological Survey data to demonstrate the drainage basins upstream and downstream from the development;
14. Reference to the existing soil types of the site or proposed Subdivision. The location and identification of soil types can be found in the Soil Survey of Decatur County, Indiana produced by the USDA. This document is available at the Planning Department. If other

data is used it shall be certified by a professional engineer licensed in Indiana. The soil types shall be listed on the Primary P1at in order to determine any potential environmental impact as a result of building or public improvement construction on each soil type;

15. The phasing proposed and estimated time needed to reach build-out of the Subdivision;

SECTION 220 - Sectionalizing (Phasing) Major Subdivisions

Due to market conditions, it is an accepted practice that larger Subdivisions commonly are developed in phases or sections. Therefore, this Ordinance will allow Major Subdivisions to be developed in phases. The build-out of the Subdivision shall be identified as part of the Primary Plat application. The Commission can require as part of the Primary Plat approval that certain improvements be completed within or by a certain phase of the Subdivision's development. For example, certain road connections may be required within the early phases of the Subdivision.

Additional financial guaranty may be required for Subdivisions developed in phases to ensure that public improvements are connected as shown in the approved Primary Plat or financial guaranty may be required to remain in place until all sections of the Subdivision are completed. Subdivisions developed in sections must contain at least thirty (30) lots or ten percent (10%) of the total number of lots contained in the approved Primary Plat whichever is greater.

SECTION 224 – Expiration of Primary Plat

The approval of the Primary Plat shall be in effect for one (1) years from the date of the Commission's approval unless an Improvement Plan for at least one (1) section of the Subdivision is submitted for review and approval. As each section of a Subdivision is approved and developed, the approval of the Primary Plat will be extended for a one-year period beyond each approved section. A one (1) year extension of the approval of a Primary Plat is possible through an application to the Planning Director.

SECTION 228 - Improvement Plan Review Procedure

After the approval of the Primary Plat and after meeting informally with the Staff, the Subdivider or Applicant shall, prior to the construction and installation of any utilities, roads or grading of any parcel, prepare and submit an Improvement Plan for review and action by the Technical Review Committee and Staff. The Improvement Plan shall be consistent with the approved Primary Plat. Any changes to the approved Primary Plat shall be reviewed by the Planning Director or his designee to determine if the changes are major or minor in scope. Minor changes shall include slight movement of streets, reconfiguration of lots, renumbering of lots, increasing or reducing lot sizes, or similar changes. Major changes can include increases in the number of lots or removal of street connections. Any changes considered to be major in scope shall require a new Public Hearing by the Applicant as described in Section 212 of this Ordinance.

The Applicant may file an application and submit an Improvement Plan application to the Planning Department after Primary Plat approval has been received. Upon receipt of a complete

application, the Planning Department shall distribute the required copies of the Improvement Plan to the members of the Technical Review Committee for review. The Technical Review Committee and staff will meet informally on a scheduled, or as needed basis, to review each Improvement Plan for its compliance with the Subdivision Ordinance. The Planning Director or designee shall then forward a list of deficiencies, if any, to the applicant. If the Applicant corrects the deficiencies, and the Improvement Plan is in compliance with the Subdivision Control Ordinance and the Decatur County Zoning Ordinance, the Plan must be approved.

SECTION 232 - Improvement Plan Requirements

The Improvement Plan shall provide the minimum acceptable design and improvement standards which will be required by the Commission as a precondition to development or in conjunction with development for lots, streets, utilities, and other physical elements in the Subdivision. Based upon the information and design plans of the Subdivision, the Planning Director or his designee may request additional information on any of the following requirements in order to clarify design issues. The Improvement Plan shall be designed by a Indiana Registered Professional Engineer or Surveyor and installed in accord with these and other applicable regulations, and shall contain the following information:

1. The proposed name of the Subdivision or development as approved in the Primary Plat. In no case shall the name of a proposed Subdivision duplicate or be similar to an existing Subdivision in Decatur County unless it is an extension or expansion of an existing Subdivision;
2. Names and addresses of owner or developer of the Subdivision and the Indiana Registered Professional Engineer or Surveyor responsible for the design of all improvements. The Improvement Plan shall be certified with the seal of the engineer or surveyor;
3. The plan shall be to a scale of one inch equals one hundred feet (1”= 100’) unless Staff approves another scale and the submitted drawing shall be on a 24" x 36" paper size. On large lots, this scale may be used to show just the graded portion of the lots, and improvements. A graphic shall be on each sheet of the plan. *All multiple sheet plans shall be stapled together and numbered to form plan sets. Eight (8) sets shall be provided by the Applicant to the Plan Commission Staff;*
4. A vicinity map showing the proposed location of the Subdivision by township and section and in relation to major or minor roads in the area. The vicinity map shall have an approximate scale. In addition, if the Subdivision is done in sections, a reduction of the overall subdivision plan shall be provided on the cover sheet that graphically indicates the area under review;
5. The date shall be on the cover or first sheet of the Improvement Plan, and a north arrow shall be on all sheets of the Improvement Plan;
6. The boundary of the Subdivision or section of Subdivision under review shall be indicated by a heavy, solid line on one sheet of the Improvement Plan at a standard scale to show the location of the section under review with other sections of the Subdivision. All Subdivision boundary lines shall be labeled with the bearing and distance;
7. The location and name of all existing and recorded streets, right-of-way widths, roadway widths, railroads, public and private utility rights-of-way or easements (including drainage

easements); public parks and open spaces; buildings (labeled as "to remain" or "to be removed"); township, city, town, and county boundary lines; and cemeteries and other historical landmarks or features. Drainage easements not planned to be piped shall be labeled "surface drainage easement";

8. Sight distances in both directions for any proposed road that intersects with an existing street shall meet the minimum sight distance as required by the Decatur County Highway Department. The sight distances shall also be denoted on the plat along with the speed limits of the roads to be intersected.
9. Location and sizes of all existing utility facilities (public and private) within or adjacent to the Subdivision or development area. Location and width of all public or private sidewalks, including ownership and maintenance of private sidewalks and pathway systems;
10. Location and identification of all existing zoning districts within, or adjoining, the Subdivision or project area. If used for residential purposes, the type of housing shall be stated on the Improvement Plan;
11. Existing contours with intervals of not more than five (5) feet shall be clearly marked with elevations based on mean sea level (U.S.G.S. Datum) and the location and description of the benchmark used;
12. Proposed finished contours with intervals of not more than one (1) foot, shall be clearly labeled and be related to the existing contours. Maximum grades for any excavated (cut or fill) slopes shall be in compliance with the design standards of the Decatur County Subdivision Control Ordinance and the Decatur County Zoning Ordinance. The design slope shall be labeled on the plan;
13. Location, right-of-way, pavement width, name of all proposed streets, and other public utility rights-of-way or easements. Show striping of street lanes on roads with more than two lanes. Where divided entrances are proposed, detail plans may be required when appropriate. Proposed street names shall not duplicate or too closely resemble, the name of any other street in the unincorporated areas of Decatur County. Street stations and PVI's shall be labeled on the centerline of proposed streets and correspond to the profiles of said street;
14. Profile of each proposed street with finish grades (including adequate extensions, where necessary, beyond the proposed Subdivision, development or section) including all existing and proposed underground public utility crossings with catch basins, junction boxes, manholes and existing private utility crossings including gas, electricity, and telephone. Horizontal scale shall be the same as the plan scale and vertical scale not less than one inch equals ten feet (1"=10') unless approved by the Staff. Stationing shall be labeled and correspond to the plan view;
15. Location of proposed sanitary, storm water, and water resource systems, including all facilities relating thereto such as manholes, pump stations, sewage plants, catch basins, junction boxes, headwalls, water valves and fire hydrants. Detention/retention areas or ponds shall be clearly identified with the maximum volume capacities labeled. Detailed drawings of all overflow facilities shall be shown. All stormwater and sanitary sewer facilities (catch basins, junction boxes, headwalls and manholes) shall be numbered and correspond to those facilities on profiles as defined in the Decatur County Drainage

Ordinance. Connection to existing facilities shall be shown and labeled. Responsibility of maintenance of any detention/retention areas shall be noted on the Improvement Plan;

16. Location and identification of any drainage facility (i.e. man made dams) or natural feature (i.e. lake or pond) on the site or within one hundred (100) feet of the Subdivision or development boundary which has, or could have, a significant impact on drainage or siltation control;
17. All Subdivisions shall comply with the requirements of the Decatur County Drainage Ordinance;
18. A grading plan of the proposed Subdivision or section thereof, if applicable, shall be submitted with the proposed Improvement Plan and shall comply with the Decatur County Drainage Ordinance;
19. Names of adjacent property owners and recorded Subdivisions with section or phase number for any adjoining property for the site under review;
20. Reference to the type of street and a typical cross-section detail as noted in the current County Street Specifications;
21. The minimum building setback lines as stated in the current Decatur County Zoning Ordinance shall be noted either graphically or in written form;
22. Indicate lots in the proposed Subdivision or development that are intended to be dedicated or temporarily reserved for public use, or to be reserved by deed covenant for use of all property owners in the Subdivision, including the conditions, if any, of such dedication or reservation. The applicant shall provide information regarding any dedication of public lands, restrictive covenants on non-development areas, or conservation easements;
23. A draft copy of any Homeowner's Association Agreement document which deals with the future maintenance of sidewalks, streets, open areas, recreational lands, street lighting, private utilities, and other items. At a minimum, the Homeowner's Agreement document should include membership names, fee or dues structure, estimated cost for future maintenance items, a detailed list of maintenance items, a budget description, and a description of ownership boundaries;
24. Additional documentation or information, such as geotechnical studies, may be required by the Planning Department if an applicant is proposing to make improvements on property located on steep slopes or that have types of soils and geologic formations, which severely limit development;
25. For Minor Subdivisions planned with Individual Sewage Disposal Systems, it will be required to provide a plot plan for the entire subdivision locating the primary site location on each lot for a septic system;
26. A copy of written approval shall be provided for all public utility improvements to be provided. The letter should not only indicate that the service is available, but that the applicant has permission to extend or tap into the service. A copy of any required IDEM approval for any sanitary sewer service shall also be provided. Developments requiring access onto a state highway shall be required to provide a copy of any required INDOT permit; and
27. Any applicable Floodway or Flood Plain information as required by the Decatur County

Drainage Ordinance;

28. A Phase I Environmental Site Assessment prepared by a certified environmental consultant licensed in the State of Indiana, for any subdivision proposed for a commercial use. Any Subdivision may be subject to this requirement at the request of the Technical Review Committee, if the site contains a potential environmental risk.

SECTION 236 - Improvement Plan Approval

The Technical Review Committee and Planning Department Staff shall have thirty (30) days from date of receipt of the completed application to review the Plan and take action unless the applicant waives the time limitation, in writing. If the Improvement Plan is in agreement with requirements within this Ordinance and the Decatur County Zoning Ordinance, then the Plan shall be approved by the Technical Review Committee and the Planning Department Staff. If the Plan is not in compliance with the requirements of this order and the zoning ordinance, the Plan cannot be approved until it is made to be compliant. If the Plan is approved with or without conditions, then the applicant may proceed with construction. If the submitted Improvement Plan is not approved, then the property owner, developer, or applicant may resubmit a new application or may appeal the decision before the full Plan Commission at its next available meeting.

Approval of the Improvement Plan by the Technical Review Committee **shall not constitute acceptance of the Final Plat**. Approval of the Improvement Plan also **shall not be construed as acceptance or agreement to accept** any proposed improvement intended to be dedicated for public use.

The Improvement Plan shall become null and void after one (1) year from the date of approval, unless a substantial amount of construction of significant improvements in the Subdivision are made (as determined by the Planning Director) and include the following: utility installation, road construction, or extensive excavation. In addition, acceptance of a financial guaranty will extend the approval period for the length of the guaranty. A one (1) year extension of approval for an Improvement Plan can be issued by the Planning Director. Any deviation from or changes made to the approved Improvement Plan shall be submitted to the Planning Department for review and approval by the Staff and/or by the Technical Review Committee of the Plan Commission. The Planning Department shall stamp and distribute the approved copies of the Improvement Plan to the appropriate organizations.

SECTION 240 - Final Plat Review Procedure

The Final Plat shall conform to the approved Improvement Plan, and if desired by the Applicant, it may constitute only that portion of the approved Improvement Plan which the Applicant proposes to record and develop at the time. However, any section, phase, or part shall conform to all requirements of these regulations.

SECTION 244 –Final Plat Requirements

The Final Plat shall conform to the requirements listed below:

1. The name of the Subdivision or development, as established by the Improvement Plan. Also, names of adjacent property owners and recorded Subdivisions with section or phase number. All Final Plats shall be drawn on a 24" x 36"inch fixed line mylar, with six (6) sets on paper to be submitted to the Area Plan Commission Staff;
2. A vicinity map showing the location of the Subdivision by township and section and in relation to major or minor roads in the area. The vicinity map shall have an approximate scale. In addition, if the Subdivision is done in sections, a reduction of the overall Subdivision plan shall be provided on the cover sheet that graphically indicates the area of the Subdivision to be recorded;
3. Any information required by the Decatur County Recorder's Office;
4. Name(s) and address(es) of the Owner or developer of the Subdivision, and the Indiana Registered Land Surveyor or surveying firm responsible for survey and lot design of the Subdivision;
5. Date, north arrow, and graphic or written scale. The scale shall not be less than one inch equals one hundred feet (1"=100');
6. Boundary of the Subdivision or section thereof, with bearings and distances;
7. Area of the Subdivision or section of the Subdivision and area of each lot in acres;
8. Location and right-of-way width and length of all streets and easements which are to be dedicated or reserved for public or private use;
9. Names of streets, including private streets, within or adjacent to the Subdivision shall be labeled;
10. Centerline curve data for the right-of-way of the streets and easements, with the data to include: central angle and radius, arc, length, long chord and chord bearing;
11. Description of all monumentation, including notation as whether found or set, and the type of monument used;
12. Location of areas to be dedicated for public use, with the planned use clearly indicated. Areas intended to be reserved for common use, but not dedicated to public use shall be identified by a lot number and treated as a private lot. A statement shall appear on the Final Plat that clearly describes the ownership and maintenance responsibilities for any public or non-public common areas;
13. Comply with all requirements of the Decatur County Ordinance 2005-7, An Ordinance to Amend Survey Recordation Requirement adopted by the Decatur County Commissioners on July 5, 2005;
14. Certificate of Dedication for public streets and storm sewer line(s), if applicable (Article 7, Certificate F);
15. A final copy of any Homeowner's Agreement document which deals with the future maintenance of sidewalks, streets, open areas, recreational lands, street lighting, private utilities, and other items. At a minimum, the Homeowner's Agreement document should include membership names, fee or dues structure, estimated cost for future maintenance

items, a detailed list of maintenance items, a budget description, and a description of ownership boundaries;

16. For Minor Subdivisions that involve Individual Sewage Disposal Systems, the primary septic site location shall be indicated on the Final Plat. The following statement shall also appear on the plat:
    a. "The recording of this plat provides no guarantee that the designated septic site location will receive a permit for an Individual Sewage Disposal System from the Decatur County Health Department. A permit for an Individual Sewage Disposal System will be required for each lot prior to construction."

    If the Subdivision is a Minor Division of Land as defined by Article 2 of this Ordinance, the Individual Sewage Disposal System requirements for Certified Surveys may be used, which are defined in Section 260, #22.

17. For Subdivisions, which involve private on-site sanitary sewage treatment plants, the following statement shall be placed on the Final Plat.
    a. The sanitary sewer lines and the sewage treated at the _____ plant will be owned and operated by _____. The sanitary sewer lines will be maintained by _____ and the sewage treatment plant will be maintained by _____. If at any time in the future, a public sewer district is created or extended that can take over ownership and maintenance of the treatment plant, _____ owners of said plant, will relinquish control at the public sewer utility's discretion.

18. Show the location and dimensions of a cemetery if it exists on the site;

19. Any applicable Floodway or Flood Plain information as determined in Section 216, Item 13.

SECTION 248 - Final Plat Approval

Approval, approval with conditions or modifications, or disapproval shall occur within ten (10) working days from the date of submittal of the application by the Planning Director or his designee. Any public improvements as required by this Ordinance shall be addressed according to Article 4 before the Final Plat can be approved. If the Plat is in agreement with requirements within this Ordinance and the Decatur County Zoning Ordinance, then the Plat shall be approved. If the Plat is not in compliance with the requirements of this order and the Zoning Ordinance the Plat cannot be approved until it is made to be compliant.

Upon approval by the Planning Department, four copies of the Final Plat will be filed in the Planning Department, one copy shall be forwarded to the Decatur County Assessor and the original mylar will be hand carried to the Decatur County Auditor's Office. The Auditor's Office will duly enter each parcel for taxation then the Plat will be delivered to the Decatur County Recorder for recording.

Approval of the Final Plat by the Plan Commission shall not constitute the acceptance by the appropriate legislative body of the public dedication or maintenance of any street or other facility

nor shall it imply acceptance by the Decatur County Recorder for recording purposes.

SECTION 252 - Minor Subdivision Review Procedure

The purpose of this Minor Subdivision review procedure is to potentially allow for a more expedient review process. A Minor Subdivision as defined in Section 200 shall be required to follow the Primary Plat requirements in Section 216 and Final Plat review procedures outlined within this Article. Within ten (10) days of receipt of a complete application, the Planning Director or his designee shall:

1. Review the Applicant's application for technical conformity with these regulations;
2. Prepare a report and recommendation;
3. Schedule a Plat Committee (hereafter called Technical Committee) review of the application within fifteen (15) days of the receipt of the complete application;

The Technical Committee shall review the Applicant's application for compliance with these regulations. The Technical Committee may approve the application, approve the application with conditions or deny the application. However, if the Technical Committee determines that the application and Plat comply with these regulations, it shall grant primary approval. The Planning Department shall stamp the Plan approved after expiration of the appeal period and distribute the copies accordingly.

Within ten (10) days after the Technical Committee's denial of the Applicant's application, the interested parties shall be notified by certified mail, of their right to appeal the Technical Committee's decision. In order to appeal a decision of the Technical Committee, the Applicant or Appellant must file a notice of appeal with the Planning Department within ten (10) days of receipt of the notice. The appeal of a decision of the Technical Committee may be taken only to the Commission.

Upon the filing of a notice of appeal, the Applicant's application for primary approval shall be subject to the procedures of Section 208 as if it were a new application. If no appeal is filed the Applicant shall proceed with the Final Plat procedures as outlined in this Ordinance.

SECTION 256 – Certified Survey Review Procedure

The provisions for Certified Survey Review and approval are intended to provide a convenient and expeditious process for the conveyance or transfer of land from the parent tract as described in definition section of this Ordinance. Property can be divided through this procedure if it falls into the categories identified within Section 200, Administrative Subdivision of Land. Each lot intended for building or development purposes must still meet the minimum standards in each zoning district as stated on the Decatur County Zoning Map and in the Decatur County Zoning Ordinance. Certified Surveys may be submitted at any time to the Planning Department for Staff review and approval.

SECTION 260 – Certified Survey Requirements

Certified Surveys are intended to graphically represent the information of a boundary survey of property that is to be subdivided.

1. Date, north arrow, and standard engineering scale not less than one inch equals one hundred feet (1"= 200' maximum), unless approved by the Planning Department Staff. Plats shall be at a size of 18" x 24" or 24" x 36" on mylar drawn in ink;
2. Name, address, telephone number and seal of the Indiana Registered Land Surveyor responsible for the survey Plat and the Land Surveyor's Certificate (Article 7, Certificate A);
3. Boundary of the parcel and Subdivision of that parcel, including bearings and distances of each tangent course, and all necessary data for curve courses. The traverse that the boundary is depended on shall meet the Indiana minimum standards, and if requested by the Planning Department, closure documentation shall be submitted in addition to the plat;
4. Area in acres of the parent parcel and each Subdivision of the parcel. If a parcel falls in two different townships, sections, or quarter sections, separate acreage's shall be listed;
5. Location and names of public or private rights-of-way that adjoin the boundary, and whether the road is maintained or abandoned;
6. Encroachments discovered in the course of the survey;
7. Names of adjacent property owners, deed record and page #, and recorded Subdivisions with section or phase number;
8. Vicinity Map;
9. Statement by the applicant as to whether the transfer will be used, or is being used, for building or non-building purposes, and **label this with bold letters on the parcel**;
10. Description of all monumentation, including notation as whether found or set, and the type of monument used;
11. Current zoning of the subject property;
12. The number of the eighteen digit key number that the new lot is being divided from;
13. Existing structures and distances to the newly established property lines;
14. Bearing and distance to a reference tie which may be the recorded Subdivision corner, primary control network monument (i.e. state plane coordinates), or a quarter section or section corner that the parcel is a division from;
15. Show the location and dimensions of a cemetery if it exists on the site;
16. Label and show the boundaries of the designated flood zone, if they exist on the site;
17. Show utility easements and road frontage;
18. Variances and/or covenants if applicable;
19. Reference to source of title;
20. Reference to Section, Township, Range and Political Township;

21. Owner's Certificate (Article 7, Certificate D) and Certificate for Plan Commission approval (Article 7, Certificate C), Certificate of the Decatur County Recorder and Auditor (Article 7, Certificate E & G);
22. For Subdivisions that involve an Individual Sewage Disposal System, one (1) test site for the primary septic site location shall be indicated on the plat. The following statement shall also appear on the plat:
    a. "The recording of this plat provides no guarantee that the designated location for the test site will receive a permit for an Individual Sewage Disposal System from the Decatur County Health Department. A permit for an Individual Sewage Disposal System will be required prior to construction."

    If the Subdivision is not intended to be developed immediately, or a test site for the primary septic site has not been selected, the following statement shall appear on the plat:

    b. "At the time of this plat, a test site for an Individual Sewage Disposal System has not been located. A permit for an Individual Sewage Disposal System will be required from the Decatur County Health Department prior to construction, at which time it will be required to locate a primary septic site. THE APPROVAL OF THIS PLAT PROVIDES NO GUARANTEE THAT A PERMIT FOR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM WILL BE ISSUED BY THE DECATUR COUNTY HEALTH DEPARTMENT."
23. A Surveyor's Report and Legal Description of the property;
24. When a parcel adjoins an existing public street, a minimum width of one-half the right-of-way shall be required in the form of an easement and shown on the plat along the entire lot frontage(s).
25. Any other provisions contained the in the Decatur County Ordinance 2005-7, An Ordinance to Amend Survey Recordation Requirements, approved by the Decatur County Commissioners on July 5, 2005.

SECTION 264 – Certified Survey Approval

Approval, approval with conditions or modifications, or disapproval shall occur within ten (10) working days from the date of submittal of the application. Once reviewed and approved by Planning Director or his designee the Plat will be signed and stamped "Approved" by the Planning Department Official. Approval of the Certified Survey by the Planning Department does not record the parcel of land. A parcel is not recorded until the Plat and deed has been duly entered for taxation by the Decatur County Auditor and then accepted for recording by the Decatur County Recorder. All Certified Surveys shall require a newly created deed unless the survey is a retracement of a currently recorded parcel. However, if a new deed and/or legal description is created the retracement plat must follow the same procedure as a Certified Survey.

Upon approval by the Planning Department, the original mylar will be hand carried by the property owner/applicant to the Decatur County Auditor's Office. The Auditor Office's will match the deed to the plat and duly enter the parcel for taxation and then the plat and deed will be delivered to the Decatur County Recorder for recording. A copy of the Certified Survey shall also

be forwarded to the Decatur County Assessor.

Approval of the Certified Survey by the Plan Commission shall not constitute the acceptance by the appropriate legislative body of the public dedication or maintenance of any street or other facility nor shall it imply acceptance by the Decatur County Recorder for recording purposes.

SECTION 268 - Grading Review Procedure

Due to construction time limitations, unique soil conditions or weather conditions, a Subdivider or Applicant may find it necessary to submit a Grading Plan after approval of a Primary Plat and before a submittal of an Improvement Plan. The Grading Plan will not include final engineered drawings for streets, water lines, and sanitary sewer lines. A Subdivider or Applicant may submit a Grading Plan for review by the Staff.

If the Grading Plan has been approved by the Staff, the Subdivider or Applicant has one (1) year from the date of the approved Grading Plan to begin and to complete the work as stated in the Grading Plan or the Plan shall become null and void.

SECTION 272 - Grading Plan Requirements

Upon the approval of the Primary Plat the developer of a proposed Subdivision or property owner may submit a Grading Plan of the proposed Subdivision or section thereof for review by the Staff. The grading plan shall be designed by an Indiana Registered Professional Engineer or Surveyor and installed in accordance with these and other applicable regulations, and shall contain the following information:

1. The name of the proposed Subdivision or development;
2. Name(s) and address(es) of owner or developer of the Subdivision and the Indiana Registered Professional Engineer or Surveyor, responsible for all of the improvements. The plan shall be certified with the seal of the Engineer or Surveyor;
3. The plan shall be to a scale of not less than one inch equals one hundred feet (1”=100’). On large lots, this scale may be used to show just the graded portion of the lots and improvements. A graphic or written scale shall be placed on each sheet of the plan;
4. The date shall be on the cover or first sheet of the plan, and a north arrow shall be on all sheets of the plan;
5. The boundary of the Subdivision or section of Subdivision under review shall be indicated by a heavy, solid line on one sheet of the plan at a standard scale to show the location of section under review with other sections of the Subdivision. All Subdivision boundary lines shall be labeled with the bearing and distance;
6. Location, right-of-way width, and name of all existing or recorded streets, railroads, and public and private utility easements (including drainage easements), public parks and open spaces; buildings (labeled “to remain” or “to be removed”); incorporation, county lines; cemeteries and other historical landmarks or natural features;

7. Location of all existing utilities (public and private) within or adjacent to the Subdivision or project area;
8. Existing contours with intervals of not more than five (5) feet shall be clearly marked with elevations based on mean sea level (U.S.G.S. Datum) and location and description of benchmark used;
9. Proposed finished contours with intervals of not more than one (1) foot shall be clearly labeled, and related to existing contours;
10. Comply with all requirements of the Decatur County Soil and Water Conservation District, with Indiana 327 IAC 15-5, Rule "5", and all provisions of the Decatur County Drainage Ordinance;
11. Additional documentation or information such as geotechnical studies may be required by the Commission Staff if an applicant is proposing to make improvements on property located near or in areas with slopes, of twenty percent (20%) or greater, and types of soils and geologic formations, which severely limit development.

SECTION 276 - Grading Plan Approval

Approval, approval with conditions, or disapproval shall occur within ten (10) business days from the date of submittal of the completed application. Once reviewed by the Staff, the Planning Director or his designee shall sign and stamp the approved copies.

Upon approval, a copy of the Grading Plan will be forwarded by the Planning Department to the Subdivider or Applicant. The Grading Plan will not serve as a replacement or substitute for the Improvement Plan.

SECTION 280 - Vacation Procedure

As identified in IC 36-7-3 et. seq., any person who owns or is interested in a parcel of real estate located totally or partially within the unincorporated areas of Decatur County, Indiana, and who wants to vacate all or part of a public way (street, road, alley, etc.) or public place in or contiguous to his or her real estate, may file a written petition with the Commission requesting the vacation.

The application must:

1. State the circumstances of the case;
2. Specifically describe the property proposed to be vacated;
3. Give the names and addresses of all owners of land that abuts the property proposed to be vacated;
4. Contain a map or line drawing showing the public way to be vacated and its relationship to abutting parcels prepared by a registered Indiana Land Surveyor. This map shall also indicate the names of the adjoining property owners located along the public way.

The Commission shall hold a public hearing and forward a recommendation pursuant to I. C. 36-

7-3 et. seq., to the Decatur County Board of Commissioners. The legislative body shall hold a hearing on the petition within thirty (30) days after the recommendation is received from the Commission. Notice of the hearing and of the time and place of the hearing shall be given as required by Indiana Law. After the hearing on the petition, the legislative body may, by ordinance, vacate the public way or public place. The attorney of the legislative body shall furnish a copy of each vacation ordinance to the County Recorder for recording and to the County Auditor.

At such public hearing, any person aggrieved by the proposed vacation may object but only on the following grounds:

1. The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
2. The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient;
3. The vacation would hinder the public's access to a church, school, or other public building or place;
4. The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

After the denial of a vacation proceeding under this chapter, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for 2 years as indicated in I.C. 36-7-3-15.

Platted easements may be vacated in the same manner as public ways and public places. Notwithstanding this section, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings.

SECTION 284 - Resubdivision of Plats

The Planning Director or his designee shall determine the appropriate Subdivision procedure for modifying an existing, recorded Subdivision plat based on the following criteria: Any replat of a Subdivision that creates the same or less of an impact to any platted public rights-of-way or that does not increase the density of buildable lots, shall be permitted through the Final Plat or Certified Survey procedure. However, any replat that significantly alters the public right-of-way or increases the number of buildable lots shall be required to follow the Minor or Major Division review procedure. An Improvement Plan will be required if the replat results in construction changes to the Subdivision and/or the public right-of-way.

SECTION 288 - Revisions to Approved Primary Plats and/or Improvement Plans

In certain cases, a Developer or Applicant may find it necessary to make changes to the arrangement, size, number, or location of individual lots, streets, or utilities. These changes are

recognized as a typical part of the development process. In general, the Improvement Plan, and Final Plat should be the same in design and layout as the approved Primary Plat. Any changes that are made to the approved Primary Plat shall be submitted to and reviewed by the Planning Director or his designee to determine if these changes are major or minor in scope. Major changes will require a new public hearing as identified in Section 208.

Any changes made to the Improvement Plan shall be submitted to and reviewed by the staff to determine if the changes are major or minor. Major changes will require the developer to resubmit under the Improvement Plan procedure identified in Section 228. Minor changes shall be submitted as an as-built plan.

Major changes shall consist of any substantial increase in density, elimination of roadway connections, major realignment of roadways, major reconfiguration of lots and similar type changes.

SECTION 292 - Condominium Property Regime Plats

Condominiums are not regulated by this Ordinance but rather by I.C. 32-1 et seq. Horizontal Property Law. This law describes the procedure and process for creating and recording a condominium.

SECTION 294 – Disposal of Excavated Material

All surplus or unsuitable excavated material in the subdivision, including rock or large boulders, shall be disposed of by one of the following methods:

1. Incorporation in the regular construction area.

2. Disposed of by the Subdivider, at his own responsibility and expense, outside the limits of the right-of-way.

Prior to the disposal of the waste materials, the Subdivider shall submit an executed copy of its contract or permission statement from the property owner to the Plan Commission. The contract or permission statement must recite that waste materials are not the property of the County. Further, it must expressly state that the County is not a party to that contract or permission statement and that the Subdivider and property owner will hold the County harmless from any claim that may arise from their contract or permission statement.

SECTION 296 - Borrow or Disposal

Borrow shall consist of approved material required for the construction of enbankments or for other portions of the work and shall be obtained from approved locations and sources outside the right-of-way. Borrow material shall be free of substance that will form deleterious deposits, or produce toxic concentrations or combinations that may be harmful to human, animal, plant or aquatic life, or otherwise impair the designated uses of the stream or area.

The proposed disposal site(s) for excavated material shall be identified before such material is disposed of within or outside the right-of-way. An inspection shall be in accordance with the applicable State and Federal regulations.

If the Subdivider elects to use the site, all required permits shall be obtained. The Subdivider shall develop and construct all mitigation measures and fulfill all requirements detailed by such permits.

Before borrow or disposal operations are begun, the Subdivider shall submit operation plans for approval by the County Engineer. Such plans shall include the following:

a. a detailed sketch showing the limits relative to property and right-of-way lines;

b. the grade of all slopes;

c. an erosion control plan in accordance with the requirements of the Indiana Administrative Code;

d. the encasement, finished grading, and seeding procedures; and

Notice shall be given in advance of opening borrow areas so that cross section elevations and measurements of the ground surface after stripping may be taken and the borrow material may be tested before being used.

Except when a commercial source is utilized, a qualified archaeologist shall perform a record check and field survey of borrow or disposal limits to determine if any significant archaeological sites are within the limits. Results of the record check and survey shall be furnished in writing prior to the excavation of any material. If any archaeological sites are identified, the archaeologist shall establish the limits of the site along with a reasonable border. The site shall not be disturbed unless the archaeological site is cleared by established procedures and written authorization to enter the site has been issued. Under no circumstances shall an employee of the Contractor or the State of Indiana share in the ownership or profit from the sale of any archaeological artifacts that may be salvaged. No extension of completion time will be granted due to any delays in securing approval of a borrow or disposal area.

Unless written permission is granted, there shall be no excavation in a borrow area below the elevation of the adjacent properties within one hundred fifty (150) feet of the nearest right-of-way line of an existing highway, county road, or city street; the nearest right-of-way line of a proposed highway, county road, or city street; or adjacent property lines. If the properties adjacent to the borrow area are privately owned, the setback limit of one hundred fifty (150) feet may be lessened if written approval or permission is granted by the owner of the adjacent property, the excavation is in accordance with local zoning laws and requirements, and if lessening the limit is in the best interest of the State. Such minimum distance shall not be closer than fifty (50) feet to an adjacent property line. All excavated slopes of a borrow area shall not be steeper than 3:1 down to 2 feet

below the ground water elevation. All excavated slopes two (2) feet below the ground water elevation shall not be steeper than 2:1.

Top soil from the borrow or disposal area shall be stockpiled for use in restoring the disturbed area. A minimum encasement of six (6) inches shall be placed on the 3:1 or flatter slopes. Final restoration of borrow or waste disposal areas shall include grading, seeding, or other necessary treatments that will blend the area into the surrounding landscape. Restored areas within one hundred fifty (150) feet of the nearest right-of-way line shall be well drained. Areas beyond one hundred fifty (150) feet shall be drained unless the landowner desires other treatment of the borrow area. Construction of borrow or disposal areas shall be in accordance with existing laws, regulations, and ordinances. Under no conditions shall borrow sites detract from the appearance of the natural topographical features nor increase the potential hazard to a vehicle that has inadvertently left the highway.

If granulated slag, dunes sand, or other granular material which is not suitable for the growth of vegetation is used, such material shall not be placed within one (1) foot of the required finished surfaces of shoulders and fill slopes. Additional material required to complete the embankment, such as sandy loam, sandy clay loam, clay loam, clay, or other materials suitable for the growth of vegetation and free from clods, debris, and stones, shall be furnished at the contract price for borrow.

Additional fill material may be secured from within the permanent or temporary right-of-way in lieu of borrow, or borrow either from vertical or horizontal extensions, or both, beyond the lines and elevations of roadway and drainage excavation as shown on the contract plans when authorized in writing. If additional material has been obtained without written approval, the material will be classified, either as to source or use, to the best advantage of the Department.

ARTICLE 3

DESIGN STANDARDS FOR SUBDIVISION REVIEW

SECTION 300 - Introduction

The following design standards are intended to assist a developer or property owner in creating a Subdivision and meeting the purposes of this Subdivision Control Ordinance. These standards are to be used in preparing a Primary Plat, Improvement Plan, Grading Plan, Final Plat and Certified Surveys.

The purpose of these standards is to establish minimum design and improvement standards for lots, streets, utilities, and other physical elements of a Subdivision or development. The developer's engineer or surveyor (Indiana Registered) shall design these aspects of the Subdivision or development and the Decatur County Plan Commission Staff shall review them.

SECTION 305 - Street Design

A. Street Names

Proposed streets, which are in alignment with other existing streets, shall bear the names of existing streets unless separated by an intersecting collector or arterial street, or a legislative or fire district boundary. In no case shall the name of a proposed street duplicate an existing street name, irrespective of the use of the suffix street, road, lane, avenue, boulevard, way, place, or court, nor shall a proposed street name phonetically approximate the name of any existing or approved street name in Decatur County. Proposed street names are added to a master list or index (maintained by the Decatur County Plan Commission) in order to reserve these names when the Primary Plat is approved. Street names on Improvement Plans and Final Plats shall follow the approved names listed on the Primary Plat unless approved through a subsequent review by the Planning Department. If street names are changed in comparison with the approved Primary Plat, then a revised Plat shall be submitted within thirty (30) days of the name changes reflecting the approved changes for the Decatur County Plan Commission's and the appropriate legislative unit's files.

Street names on previously recorded Final Plats can be changed but the applicant must verify the proposed street name with the Planning Department and then make a formal request to the appropriate legislative body for any public street name to be changed. Private road name changes shall be changed through the Planning Department by application. The Final Plat shall also be amended and submitted to the Planning Department to reflect the new street name.

B. Building/House Addresses

The Planning Department shall assign Building/House addresses, once a Final Plat has been approved by the Planning Department and upon an application for a Zoning Permit to the Planning Department.

C. Access to Arterial or Collector Streets

Where a Major or Minor Subdivision borders on or contains an existing or proposed

arterial or collector roadway **individual lots shall not be permitted direct access** to such streets without approval of the Decatur County Plan Commission. Direct access to an arterial or collector roadway shall only be permitted if the other access scenarios such as local street access, frontage roads, shared driveways and other forms of access control are unacceptable, unsafe or inappropriate as determined by the Decatur County Plan Commission. All shared driveways shall be identified on the Subdivision's Final Plat along with the appropriate covenants and restrictions that shall also be placed on each affected lot's deed.

D. Street Lighting

Streetlights may be required at intersections if the Decatur County Plan Commission feels they are necessary for pedestrian and vehicle safety reasons. If the Subdivider intends, or is required, to install streetlights within the County Street right-of-way, the location and installation of such light shall not in anyway interfere with the County's use of the right-of-way as determined by the Planning Director or his designee. The Subdivider shall be responsible for the design, expense, installment, location, maintenance and operation of such street lights unless such responsibility is assigned to and accepted by a homeowner's association or other entity to include the County.

E. Street or Road Classification

The Developer or Subdivider shall use **Table 3.1** to determine the design requirements and road classification type for existing or proposed streets. The Planning Director or designee shall determine the classification of streets where there is a discrepancy or the classification cannot be determined from the table. The classification shall be based on the Decatur County Zoning Ordinance and the definition of this Subdivision Control Ordinance. In addition, the standards established by this table may be amended by the Decatur County Plan Commission if it determines that it is necessary for reasons of safety, efficiency, maintenance, anticipated problems or future growth as advised by the Planning Department.

Arterial System

Arterials are categorized by their linkages to cities or larger towns and they generally provide interstate or intercounty service. They are capable of attracting travel over long distances and have a spacing that is consistent with the population density in the county. See Decatur County Highway Department for a listing of the Federal Aid Secondary Roads which are Arterial Roadways in Decatur County.

The roadways in this category are classified by four (4) sub-categories developed based on the ADT volumes on the facilities. As each sub-category serves a separate level of traffic, design criteria has been developed separately to accommodate these differences. For example, a high-volume arterial's design standards will be greater than that of a low-volume arterial. Example typical section and criteria for each are illustrated in Decatur County Construction Standards and in Table 3.1 of this Ordinance.

Collector System

The collector system generally serves intracounty travel as opposed to statewide

movements. The trips associated with a collector are predominantly shorter than those associated with arterial routes. Consequently, lesser design speeds are used and the design standards are generally less than that of arterial routes. Collector routes provide service to smaller communities and provide connections to the arterial system. They are categorized as serving the more important intracounty routes. In order to further define the collector system five (5) sub-categories have been developed based on the ADT volumes on the roadway.

Local Roadways

The local roadway system in contrast to the arterial and collector system primarily provides access to adjacent land and to the winder network. It serves principally shorter trips and constitutes all roadways not classified as arterials or collector roads. To further designate this category and the design parameters required a set of five (5) sub-categories are defined based on the roadway traffic volumes. In some cases, as that of a subdivision for example, right-of-way is limited and numerous driveway cuts are needed. In these instances, a curb and gutter section may be required. An example curb and gutter section is illustrated in Figure PS-4 of Decatur County Construction Standards.

Table 3.1 - Street Classification and Requirements

Type of Street Category	Average Daily Traffic (ADT)	Minimum Pavement Width	Minimum Shoulder Width	Rights-of-Way Width	Maximum Street Grade	Design Speed (mph)
Arterial - I	Less than 400	24 ft.	6 ft.	80 ft.	6%	35
Arterial - II	400 - 3000	24 ft.	8 ft.	80 ft.	6%	45
Arterial - III	3000 - 5000	28 ft.	8 ft.	80 ft.	5.5%	55
Arterial - IV	More than 5000	28 ft.	11 ft.	80 ft.	5.5%	55
Collector - I	Less than 400	24 ft.	4 ft.	60 ft.	11%	30
Collector - II	400 - 1000	26 ft.	6 ft.	60 ft.	10%	35
Collector - III	1000 - 3000	28 ft.	6 ft.	60 ft.	9 %	40
Collector - IV	3000 - 5000	28 ft.	8 ft.	60 ft.	9 %	45
Collector - V	More than 5000	28 ft.	10 ft.	60 ft.	8%	50
Local - I	Less than 400	20 ft.	2 ft.	50 ft.	12%	25
Local - II	400 - 1000	22 ft.	4 ft.	50 ft.	11%	30
Local - III	1000 - 3000	24 ft.	6 ft.	50 ft.	10.5%	30
Local - IV	3000 - 5000	24 ft.	6 ft.	50 ft.	10%	30
Local - V	More than 5000	24 ft.	8 ft.	50 ft.	9%	35

NOTES: *Additional right-of-way may be required for streets if turning lanes are needed and utility lines are present or are proposed to be expanded.

See Decatur County Construction Standards for Street Section and Geometric Design Criteria

The standards established by this table can be amended by the Decatur County Plan Commission if determined necessary for safety, efficiency, maintenance, anticipated problems or future growth as advised by the Planning Department.

F. Public Right-of-Way Width

The minimum width of right-of-way for a public street shall be as listed in **Table 3.1.** (see Definitions Article 6 for Type of Street). Additional right-of-way width shall be required whenever, due to topography or turn lanes, additional width is necessary to provide adequate earth slopes, accommodate additional pavement width and afford maintenance. Easement may be provided in lieu of additional right-of-way dedication for maintenance or construction in locations where additional right-of-way dedication would be problematic to lot development.

NOTE: Generally, signs, (other than street signs and traffic control signs) walls, fences, sprinkler systems and other obstructions shall not be located in public street right-of-way unless approved within the Subdivision plans.

G. Additional Right-of-Way

Subdivision that adjoin existing public street rights-of-way shall dedicate additional right-of-way according to the **Table 3.1** if the minimum right-of-way does not exist along the property road frontage. The entire right-of-way shall be provided where any part of the Subdivision is on both sides of the existing street; and one half of the right-of-way shall be provided, as measured from the centerline, for Subdivisions that are located only on one side of the existing street.

H. Adjacent Roadway Improvement

Developers shall be responsible for improvements to the existing roadway(s) that front their property. These improvements shall included, but are not limited to the following items:

1. Construction of acceleration lanes, deceleration lanes, and passing blisters for entrance or street intersection. Reference Decatur County Construction Standards Drawing PS-3.

2. Additional rights-of-way will be required for passing blisters, acceleration and deceleration lanes when existing rights-of-way are insufficient. A minimum specified right-of-way width will be required for a distance of 250 feet each direction from centerline of entrance or intersecting street. The developer is responsible for the purchase of the right-of-way, at fair market value. The County will offer assistance in obtaining right-of-way if the initial purchase offer is unsuccessful. A written offer, based on an appraisal, to the property owner is required.

3. The existing two lane roadway(s) that front the property shall be widened and overlaid to conform with the minimum standards for the road classification.

I. Pavement Width

No public street shall be constructed except in conformance with the minimum pavement widths as listed above in **Table 3.1** (See Definitions Section for Type of Street).

J. Street Grades

Grades of both public and private streets in proposed Subdivisions or developments shall not be greater than as listed in **Table 3.1**. (See Definitions Section for Type of Street). The

maximum grade may be waived however, upon request of the Applicant to the County Planning Director, if, due to topographic conditions, access is prohibited or required excessive grading. The Planning Director or his designee shall determine whether a waiver will be granted. To determine the waiver the Planning Director or his designee shall review the slope percent proposed, length of slope, lot access, vertical curve at landing and drainage to determine if the waiver request can be permitted safely.

K. Horizontal Curves

Central angles of horizontal curves shall be kept to a minimum unless there is sufficient radius length to minimize the severity of the curve. At no time shall the radius of the centerline of a proposed street be less than three hundred (300) feet for arterial or collector streets, and one hundred fifty (150) feet for local streets, except at intersections or divided roadways.

The tangent distance between horizontal curves of proposed street centerlines shall not be less than one hundred (100) feet for all streets.

L. Vertical Curves

Any change in grade of proposed streets shall be transitioned by a vertical curve. The minimum length for a vertical curve shall be fifteen (15) times the absolute value of the algebraic difference of the grades (in percent) of the two tangents for collector streets. The minimum length for a vertical curve shall be ten (10) times the absolute value of the algebraic difference of the grades (in percent) of the two tangents for sub-collector, local, cul-de-sac, and court streets.

M. Intersections

The two centerlines of proposes streets at their intersection shall be as nearly to a right angle as possible and that angle at not time shall be less than eighty (80) degrees. For Residential Subdivisions, the radius of the curve at the intersection of the two right-of-way lines shall not be less than twenty five (25) feet, and for the intersection of the two pavement edges, the radius curve shall not be less than twenty-five (25) feet.

For industrial and Commercial Subdivisions, the radius of the curve at the intersection of the two right-of-way lines shall not be less than fifty (50) feet, and for the intersection of two pavement edges, the radius curve shall not be less than fifty (50) feet. The Decatur County Plan Commission may, in certain situations, increase the minimum radii based upon existing road conditions and traffic patterns.

There shall be no greater than four basic street legs at any proposed intersection unless the intersection is divided. Merging lanes, deceleration lanes, "Y" intersections, etc. are considered as being parts of one street leg or approach.

Proposed new intersections along one side of an existing-street shall, wherever 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. Where a local street is proposed to intersect with an arterial street, the alignment of the streets shall be mandatory. Proposed street intersection with arterial

street, the alignment of the streets shall be mandatory. Proposed street intersections with arterials shall be at least eight hundred (800) feet apart and at least eight hundred (800) feet from any existing street intersection(s) along the arterial. Proposed intersections with existing streets shall not be closer than one hundred and seventy five (175) feet to an intersection of two existing streets as measure from edge of pavement.

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 percent (2%) grade at a distance of sixty (60) feet for collector or arterial streets and three percent (3%) for local streets as measured from the nearest right-of-way line of the intersecting street.

Where any street intersection will involve earth banks 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 Decatur County Highway Department to provide an adequate sight distance.

N. Cul-de-sac Streets

Proposed cul-de-sac streets designed to have a permanently closed end shall not be more than twelve hundred (1200) feet long for industrial, commercial or residential Subdivisions, as measured from the intersection of the centerlines of the cul-de-sac and the intersecting street (from station 0+00 of the cul-de-sac street). The radius of the cul-de-sac streets shall be a minimum of sixty (60) feet of right-of-way and fifty (50) feet of pavement for residential used and seventy (70) feet of right-of-way and sixty (60) feet of pavement for commercial and industrial uses. No interior island permitted in a cul-de-sac.

O. Street Connections to Adjoining Tracts or Areas

Street connections with adjoining developed or underdeveloped tracts shall be required by the Decatur County Plan Commission as outlined below. The purpose of this requirement includes the layout of the Subdivision, the staging of development, the opportunity for reasonable access alternatives to adjoining tracts, the necessity of providing through connections between collector or arterial streets, to distribute traffic patterns by providing alternative routes, and to provide convenient and efficient access for emergency vehicles, street maintenance, school buses, postal delivery, and other essential services. The street connection with adjoining property shall be constructed upon Final Plat recording of seventy five percent (75%) of the Subdivision lots as approved on the Primary Plat, or if the designated street in the Subdivision is within five hundred (500) feet of the required connection point.

The Decatur County Plan Commission shall consider the following criteria for requiring street connections to adjoining property:

1. The adjoining land should be compatible with the subject development as determined by the current zoning and/or the Future Land Use Map as specified in the current Comprehensive Plan;
2. Street connections to adjoining properties will not be required if significant grading (slopes over twenty percent (20%) for several hundred feet) and/or

the construction of a bridge would be necessary to make such connections;

3. Future desired transportation patterns as described by the current Comprehensive Plan and special funding projects recommended in the Transportation Plan shall be considered;
4. Subdivisions required to provide subcollector or collector streets (as described by the Streets definition in Article 6 and/or Table 3.1) shall be required to provide for connection of such streets to other collector or arterial streets or connection to adjoining lands;
5. The Decatur County Plan Commission may required the connection of local streets to adjoining tracts or areas in order to prevent the local street from becoming a cul-de-sac street which exceeds the maximum length permitted for a cul-de-sac street;
6. Proposed connections to the existing street system will be consistent with the existing conditions and the design of adjoining streets;
7. All temporary dead-end streets that will continue onto adjoining property or connect with another roadway in the future will have a **sign posted at the temporary dead-end that informs the public of the planned street connection or extension.**
8. All temporary dead-end streets will be terminated with a temporary turn-around in the form of a gravel cul-de-sac. Storm water flow at temporary dead-end shall be managed in accordance with the requirements stated in this Ordinance.

P. Private Street

Private streets can be permitted in Agriculture, Residential and Planned Unit Development zoning districts. The intent of the private street standard is to allow limited lot splits without requiring small public streets that are costly and inefficient to maintain. Private streets are not intended to be a method for reducing development costs, but rather a method of reducing maintenance costs to the public. Private streets shall only be granted if the public street which the private street has access to is at least 16 feet in width or allows two way travel and the **private street will not have a detrimental affect to the public street's level of service and safety.** The approval of a private street shall be through the Subdivision review process as outlined in this Section 200 of this Ordinance. The use of private streets are allowed in all Planned Unit Development (PUD) zones, but must be approved by the Decatur County Plan Commission as part of the Concept Development Plan. Private streets within a PUD shall be developed to public streets must be centered with in the easement and the easement must be a minimum of fifty (50) feet in width. A reduction of the easement width can be granted by the Planning Director for Certified Surveys and Minor subdivisions for lots of record created prior to the adoption of this Ordinance that have limited road frontage along a public road or have other limiting width restrictions. The Decatur County Plan Commission can reduce the easement width for Major Subdivisions for the reasons described above.

The private street shall consist of a deeded access easement and maintenance agreement tied to each lot that is accessed by or uses the private street as road frontage. **The statement "Private Street not Publicly Maintained" shall be made on the Subdivision Plat and within the legal description of the deed for each lot served by**

the private street. In addition, a street sign with the statement above shall be located conspicuously at the entrance. This sign and the street sign shall be installed according to the Decatur County Department of Transportation standards, at the subdividers expense.

A private street shall not serve more than six (6) additional buildable lots (excluding PUD's). A private street cannot access another private street unless both individually connect with a public street. For Major Subdivisions in which multiple private streets are proposed the Decatur County Plan Commission shall have discretion in granting approval of the private streets. The private street(s) shall not be granted if the Decatur County Plan Commission believes that the property can be more efficiently, effectively and safely divided with a public street(s). Private streets cannot be used during a re-platting or a recorded Subdivision unless approved by the Decatur County Plan Commission. **A private street shall be constructed to the same standard as a local public street with regards to design, aggregate, compaction and inspection.** A private street will require a permit from the entity with jurisdiction over the public street with which it connects. Street names for private streets shall be proposed and approved as outlined in Section 305 A. See Figure 3.1 and Figure 3.2.

Figure 3.1 Proper use of a Private Street

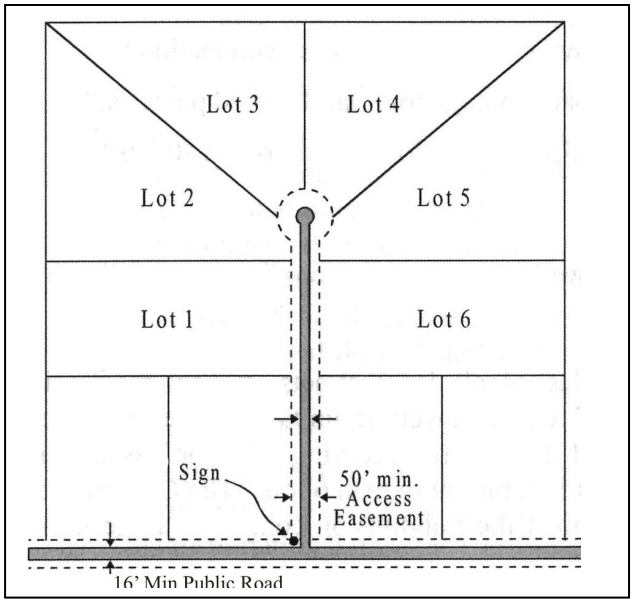
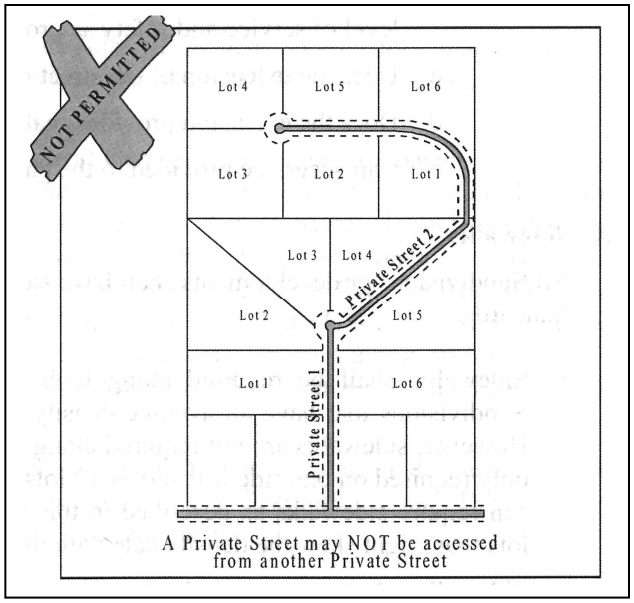


Figure 3.2 Improper Use of a Private Street



Q. Extension of Non-Platted Existing Public Street

There exists within Decatur County many publicly maintained roads which are not platted and are maintained at a standard which is less than the required standard for newly constructed county roads. In some situations the road inventory maintained by the County may contradict with the physical or perceived termination of a public road. In these situations the county road can be extended by the Applicant if the following standards are met:

1. The extended road must have a minimum platted right-of-way of fifty (50)

feet or a minimum twenty five (25) feet half right-of-way;

2. Application must be made to the County Planning Commission to have the maintenance of the road extended;
3. The road must be installed at a standard that is consistent with the existing road at the applicant's expense and must provide an adequate public turnaround. This standard shall be determined by the County Planning Director;
4. Property owners who adjoin the portion of the road to be extended shall be notified by certified mail at the applicant's expense ten (10) days prior to the hearing of the proposed extension if different than the applicant/owner;
5. The Decatur County Commissioners shall determine if the road extension shall be granted at a public meeting. The Decatur County Commissioners and Decatur County Plan Commission can use the following standards to assist in their determination of the road extension;
    a. Would the extension of the road create a safety, maintenance or cost issue to the County?
    b. Would the extension have a detrimental effect to the existing public street's level of service and safety as proposed or if additional lot splits were created?
    c. Does the extension of the street provide for a needed street connection?
    d. Does the extension provide legal road frontage for a land locked parcel(s)?
    e. Can access be provided to the parcel(s) in question with a private street(s)?

R. Sidewalks

All Subdivisions or development shall have sidewalks constructed according to the following standards;

a. Sidewalks shall be required along both sides of all local streets in new residential Subdivision that have an average density of two (2) dwelling units per acre or greater. However, sidewalks are not required along cul-de-sac streets serving 6 lots or less and are only required on one side if it serves 12 lots or less but more than 6 lots. The Decatur County Plan Commission can require sidewalks as described in this item if the Subdivision contains a large lot or lots that might skew the density calculations;
b. Sidewalks shall be required along one side of all local streets in new Residential Subdivision that have an average density of one (1) dwelling unit per acre of greater but less than two dwelling unites per acres. The Decatur County Plan Commission can require sidewalks as described in Item a or b above if the Subdivision contains a large lot or lots that might skew the density calculations. Sidewalks are not required along cul-de-sac streets serving 6 lots or less;
c. Sidewalks are not required for new Residential Subdivisions if the average density is less than one (1) dwelling unit per acre. The Decatur County Plan Commission can require sidewalks as described in Item a or b above if the Subdivision contains a large lot or lots that might skew the density calculations.
d. Sidewalks may be required between blocks when determined by the Decatur

County Plan Commission to be appropriate;

e. A subdivider can propose paths or trails as substitutes for conventional sidewalks if the alternative system provides the same or better level of pedestrian access, upon approval by the Decatur County Plan Commission;

f. Commercial and office Subdivisions shall provide sidewalks on both sides of all streets;

g. The Decatur County Plan Commission in Industrial Subdivisions may required sidewalks if the Subdivision contains a mixture of office and commercial uses that will likely generate pedestrian traffic;

h. The Decatur County Plan Commission, upon request of the subdivider can grant waivers of the sidewalk requirements, if extreme grading or construction techniques would be necessary to accommodate the sidewalks. In addition, the Decatur County Plan Commission can grant a waiver upon request, if the Average Daily Traffic (ADT) for the Subdivision is less than 250 trips per day;

i. The Decatur County Plan Commission can require sidewalks to be placed along existing public streets where the Subdivision fronts if the Subdivision adjoins or is near other community services such as a school, library or existing sidewalks;

j. Sidewalks shall be required along both sides of all new Subdivisions that require sub-collector, collector or arterial streets. Sidewalks shall only be required on one side if these streets do not have direct lot access.

k. Sidewalks shall be constructed of Portland cement concrete on compacted subgrade and have a minimum depth of four (4) inches, except at driveways, the minimum depth shall be the same thickness as the driveway where the sidewalk passes through the driveway. In commercial or industrial zones, driveways shall have the same depth as the road leading to the parking area. Sidewalks shall be located a minimum of five feet from the curb or the edge of the pavement and sidewalks shall be at least four (4) feet in width along local streets and cul-de-sacs and five (5) feet in width when located along any other type of street. At intersections and pedestrian crosswalks, wheelchair ramps shall be installed. (See Decatur County Construction Standards)

l. Sidewalks shall be installed by the developer of the Subdivision, or the builder of each structure, and shall be subject to inspection by the Decatur County Planning Director or designee before the Certificate of Occupancy is issued.

S. Combination Bicycle/Pedestrian Paths

A path for joint use by bicycles and pedestrians may be provided within a public street right-of-way in accordance with the following standards;

a. Combination bicycle/pedestrian paths shall be provided only on collector, or arterial streets that have no vehicular access points for individual lots that connect between other collector, and/or arterial streets, or a public facility such as a school, park, library, etc.

b. A combination bicycle/pedestrian path shall be provided on one side of the street as per Section 305, Item R.

c. Combination bicycle/pedestrian paths must be at least eight (8) feet wide and shall be paved in accordance with the requirements of the appropriate legislative body. At intersections and pedestrian crosswalks, wheelchair ramps shall be installed. (See Decatur County Construction Standards). Traffic control signage or signage

for safety purposes shall be installed along the path in accordance with the requirements of the appropriate legislative body.

T. Street Paving and Street Signage

Street paving for Subdivision or development shall be carried out in conformance with the current Decatur County Street Specifications and Decatur County Construction Standards as maintained by the Director of Decatur County Area Planning and the provisions stated in this document. Street signage installation, maintenance, and replacement shall be the responsibility of the developer until the appropriate legislative body has accepted the streets. New roadways shall be signed in accordance with the Indiana Manual of Uniform Traffic Control Devices for regulatory and warning signs.

U. Street Trees

Street trees, when provided, shall be installed in accordance with the current Decatur County Street Specifications, and shall not be located in a manner that would conflict with either underground or overhead utility lines or easements. The minimum width of street rights-of-way which are planned to include street trees shall be increased a minimum of ten (10) feet above the minimum requirements stated in Section 305, Item F, "Public Right-of-Way Width". The spacing and arrangement of street trees shall be subject to approval by the Decatur County Plan Commission Staff. Street tree species shall be subject to approval by the Decatur County Plan Commission Staff.

V. Existing Public Streets

No Major Subdivision shall be permitted that is accessed from an existing public street which does not enable two-way travel, unless said public street is upgraded to the Decatur County Street Specification. In situations where the existing rights-of-way prohibit or restrict the street from complying with new road specifications in Table 3 in this Ordinance, the Planning Director or designee shall determine an acceptable street standard and width that affords safe two-way travel. All improvements shall be made at the Subdivider's expense from the entrance of the Subdivision to the nearest two-way public street. The subdivider can be required to improve the ditch and drainage along an existing public street where the Major Subdivision adjoins if the Planning Director or designee determines the Subdivision will negatively impact the drainage of the public street.

The Decatur County Plan Commission can require road improvement to existing public streets when the level of service is increased due to the development of large Subdivisions that significantly add to the Average Daily Traffic (ADT) of the public street(s) they access. These improvements can include deceleration and turn lanes, road widening or intersection improvements if determined necessary the Planning Director or designee. The intent of this requirement is to have improvements if determined necessary by the Planning Director or designee. The intent of this requirement is to have improvements made to public street that are needed, due directly to the impact of the new development and not fix problems that are in existence before the proposed development. If the Decatur County Plan Commission or the Planning Director or designee believes it is necessary, a traffic study can be required to determine the impacts and remedies of the proposed Subdivision. If the required street improvements cannot be accomplished within the existing public right-of-way the applicant/owner shall work with the Decatur County

Commissioners and the Planning Director or designee to secure additional right-of-way necessary to facilitate the improvements.

Subdivisions that connect with existing public street that do not comply with the sight distance requirements can be required by the Decatur County Plan Commission, as part of Subdivision approval, to make necessary sight distance improvements to the existing public street at the Subdivider's expense.

W. Curb and Gutter Requirements

All residential streets that have an average lot frontage of one hundred (100) feet or less shall be required to install curb and gutter according to Decatur County Construction Standards. All commercial, office and industrial Subdivisions that have an average lot frontage of two hundred fifty (250) feet or less shall be required to provide curb and gutter according to Decatur County Construction Standards. Residential collector streets shall not be required to provide curb and gutter unless determined to be necessary by the Planning Director or designee because of drainage, maintenance or safety concerns.

SECTION 315 - Lot Arrangement and Sizes

The size, shape, and arrangement of lots in proposed Subdivisions shall be such as set forward in the current Decatur County Zoning Regulations and these Subdivision regulations. Rectangular shaped lots shall be encourage in all zoning districts. Extremely irregularly shaped lots shall be avoided. Consideration of additional lot depth should be made when lots adjoin railroads, major utility easements, commercial or industrial areas or other conflicting land uses.

Side lots lines shall be as close to right angles with the street centerline as possible, or radial to curve street centerlines. Lot lines not at right angles with the street centerline, and lot lines intersecting with curved right-of-way shall have a reference tie to the tangent line of that centerline curve. Lot lines of a Subdivision should display an organized and uniform development pattern.

a. Lot Size - The minimum size, width and area of a lot in a proposed Subdivision or development depends on the current zoning district that said Subdivision or section thereof lies in. The minimum size for the respective zone is contained in the current ***Decatur county Zoning Ordinance***;
b. Irregular Lots - Corner lots should be sufficiently large enough to allow building frontage on either street. Double frontage lots shall be avoided except where essential to provide separation of a residential development from arterial streets or to overcome specific disadvantages of topography and orientation. Double frontage lots can be restricted to one driveway in Residential Subdivisions;
c. Flag Lots - Flag lots can be used in those locations where because of limited road frontage or geometric, topographic, or other natural features, it would be impractical to extend a public street. Flag lots shall have a panhandle extending to a publicly dedicated street for the purpose of access, and shall have two conforming lots adjoining the flag lot.

Single flag lots in Agricultural and Residential Subdivisions shall have twenty (20) feet of frontage on a publicly dedicated street. In the case of two contiguous flag lots, there shall be a total of thirty (30) feet or frontage on a publicly dedicated street

with a common driveway. With two contiguous flag lots, a deeded fifteen (15) foot strip of land for each lot is required with a common unobstructed access easement for a shared driveway to the public street.

Flag lots in Commercial and Industrial Subdivisions shall have a minimum of thirty (30) feet of frontage and a maximum of fifty (50) feet of frontage on a publicly dedicated street. With two contiguous flag lots, a deeded strip of land is at least fifteen (15) feet wide, but not greater than twenty five (25) feet in width, is required for each lot with a common unobstructed access easement for a shared driveway to the public street.

Figure 3.1 - Proper Use of Flag Lots

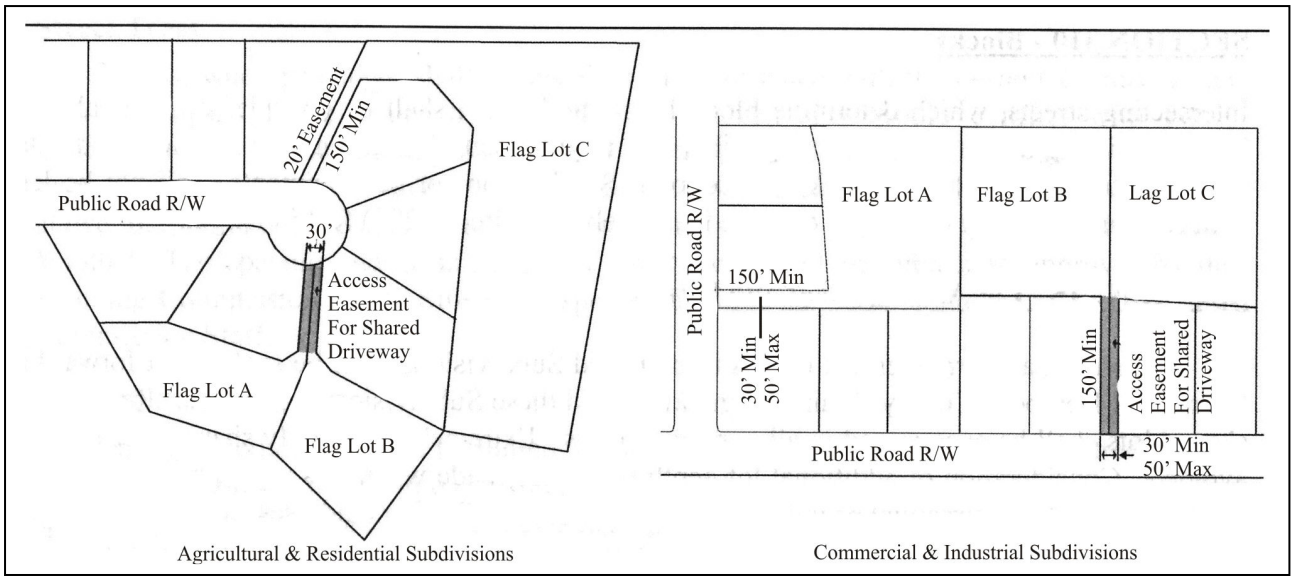
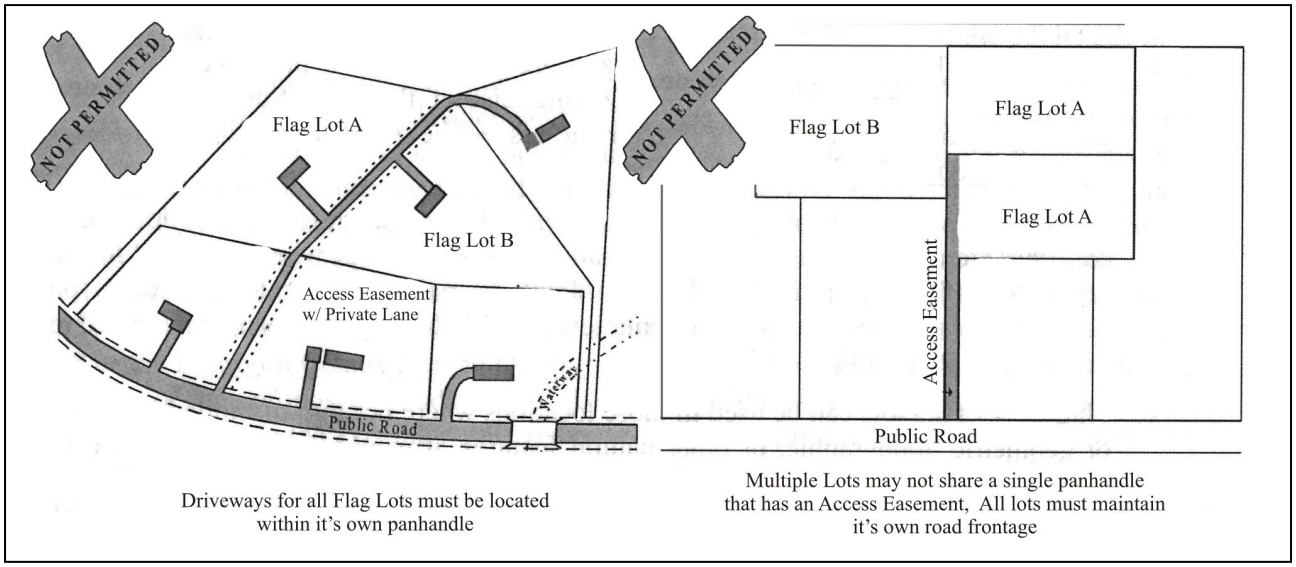


Figure 3.2 - Improper Use of Flag Lots



All flag lots require Technical Review Committee approval. All flag lots shall have a panhandle for a minimum distance of one hundred fifty (150) feet from a publicly dedicated street. In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street. The maximum number of flag lots permitted for each phase of a Major Subdivision (Improvement Plan Submittal) shall not exceed fifteen percent (15%) of the total number of lots. A driveway must be located within the panhandle of the deeded property for a flag lot. Also, the driveway for a flag lot shall be located at a minimum of five (5) feet from each lot line, unless approved by the Planning Department. For two contiguous flag lots with a common driveway, a joint access easement shall be shown across the entire width of both panhandles containing the common driveway on the Final Plat. See **Figure 3.1 and Figure 3.2.**

d. Lot Frontage - All lots in a Subdivision shall have the minimum frontage on a public or private street as stated for their respective zone under the current Decatur County Zoning Ordinance;

e. Cemeteries - An Applicant, property owner or Subdivider has the option either to relocate an existing private family cemetery or preserve it and develop around an existing cemetery. In relocating a private family cemetery, an applicant, property owner or developer shall be required to follow applicable local and state laws. In preserving a cemetery, while at the same time developing a parcel, an applicant, property owner or developer has the following options;
   1. Transfer the existing cemetery as part of a buildable lot. Ownership and maintenance of the cemetery would be left to the individual lot owner.
   2. Make the existing cemetery a separate lot. Ownership and maintenance of the cemetery would be assigned by written agreement with either of Subdivision Homeowners Association, the developer of a Subdivision, a local legislative unit, or an historical organization.

SECTION 320 - Water and Sanitary Sewer, and Private On site Waste Disposal

The following shall be the minimum standards for utilities (with the exception of storm water drainage; See Section 325). These standards are minimum requirements and more stringent local, county, state, or federal regulations may apply. In general, water and sanitary sewer service shall be designed to tie into a public system. It is recommended that utility construction doesn't occur until permission has been granted by the appropriate utility company or organization.

a. Water Systems and Fire Hydrants - Connection into either an existing or planned public water supply system shall be required if the system is sufficient or can be expanded in order to provide an adequate amount of water to a proposed Subdivision. Where appropriate water supply lines shall be designed to loop back to existing or proposed systems. Fire hydrants shall be provided in all Subdivisions where public water systems are provided. Fire hydrants should be located with a maximum spacing of five hundred (500) feet, as measured along the street right-of-way. Fire hydrants should be located no further than two hundred fifty (250) feet from any building site, as determined by the applicable setbacks set forth by the

Decatur County Zoning Ordinance if the specific building footprint is unknown at the time of platting. Additional hydrants are not required to serve a flag lot if a hydrant is located within 100 feet of the vehicular entrance to the flag lot and the panhandle is not more than three hundred (300) feet long.

Where existing public water mains that have existing fire hydrants are to serve a proposed Subdivision and no public water main construction is necessary, no additional fire hydrants are required unless the standards in this Paragraph (a.) above are not met. Fire hydrants shall be designed and constructed in accordance with the appropriate water and fire department district specifications. Public water supply systems shall be designed and constructed in accordance with the water utility provider. Individual on-site water supply systems (wells and cisterns) shall be constructed in accordance with the current standards and specifications of the state or local health department/district. **Major Subdivisions shall provide access to a public water system unless public water is not available within 1000 or more feet of the Subdivision property line, or the Subdivision is a low density with large lot sizes and a viable alternative water supply is available. In addition, if water capacity is not adequate for fire protection, an alternative fire protection system (i.e. dry hydrant) shall be required. The type of system shall be reviewed and approved by the Decatur County Plan Commission and applicable Fire Department;**

b. Sanitary Sewer Systems - Connection into either an existing or planned public sanitary sewer system shall be required if the system is sufficient or can be expanded in order to accommodate the additional flow from the proposed Subdivision. Sanitary sewer systems shall be designed and constructed in accordance with the sanitary sewer provider. Private lateral lines may only occupy the lot it is serving, except where approved by the appropriate utility.

c. Private On Site Waste Disposal - Individual septic tank systems and package treatment plants shall be constructed in accordance with the current standards and specification of the State of Indiana and the local health department. Where package sewage treatment plants are proposed, the sewage collection system shall be designed for ultimate connection to the public system. No sanitary sewage treatment plant for any Subdivision shall be located nearer than four hundred (400) feet to any residence. In calculating this distance, the applicant can specify the location of any residence to the constructed on lots affected by the treatment plant or the Decatur County Plan Commission shall calculate this distance based upon the minimum setback and side yard requirements of the particular zoning district;

d. Utilities - Utilities such as electric, telephone, natural gas, and cable television shall be placed underground whenever possible, within minimum ten (10) feet platted easements, and must be constructed per applicable standards and specifications, which includes inspections by the appropriate legislative units, permit requirements and compaction requirements if necessary.

SECTION 325 - Stormwater Management and Drainage

Storm sewer systems are designed to collect and convey stormwater runoff from street inlets, runoff control structures, and other locations where the accumulation of stormwater is undesirable. The objective is to remove runoff from an area to avoid unacceptable amounts of

ponding damage and inconvenience. No storm sewer shall be permitted to run into a sanitary sewer system within a proposed Subdivision. The design of the stormwater system shall be in accordance with ***Decatur County Stormwater Drainage Control Ordinance***

SECTION 326 - Residential Lot Grading and Drainage

A. **Lot Grading** - Lot grading shall be accomplished as follows:

Within the limits of the public right-of-way adjacent to street pavements, all final grading for grass strip, sidewalk, and yards to the building structure, shall comply with minimum and maximum grades in accordance with typical sections for streets as shown in Decatur County Construction Standards. For lots that drain toward the street, the areas between the right-of-way line and the curb shall be graded so that water drains to the street at a minimum grade of 1 inch per foot (approximately .08 percent) except where sidewalks are required. All grading behind the street shall be done in a fashion that does not allow ponding of water adjacent to the paved street. For lots that drain away from the street, the area between the right-of-way line and the curb shall be graded so that water drains away from the street at a minimum grade of ½ inch per foot (approximately .04 percent) except where sidewalks are required.

Top Soil: If grading results in the stripping of topsoil, topsoil shall be uniformly spread over the lots as grading is finished. Temporary silt barriers should be installed around stockpiled topsoil for erosion and sediment control.

Trees: As many trees as can be reasonably utilized in the final development plan shall be retained by the Subdivider and the grading adjusted to the existing grade of the trees where practicable.

B. **Swales:** Swales carry surface runoff from roofs, yards, and other areas to the rear of lots or along common property lines to streets or other drainage areas to prevent ponding of water near building structures or other portions of the lot. Surface drainage swales shall have a minimum grade of two percent (2%) and shall be constructed so that the surface water will drain onto a street, storm inlet, or natural drainage area. Swales for handling lot drainage shall be constructed as part of final lot grading and be seeded and mulched or sodded as soon as possible to prevent erosion.

C. **Roof and Subsurface Drains**: Roof downspouts, footing or foundation drains shall be discharged onto the same parcel of land from which the water is generated. Roof downspouts should be piped to natural drainage areas sway from the street or onto concrete splash blocks, which direct water away from the building structure into swales, or other natural drainage areas. Downspouts constructed toward the street shall be discharged on the surface as far back onto the lot as possible and in not case be closer than twenty (20) feet from the nearest edge of right-of-way (property line). All subsurface drains shall be constructed toward the rear of the lot or connected into the storm sewer system. Any connection into a storm sewer system must be approved by the Plan Director. Outlets for roof drains shall have erosion control in place at the outlet areas to minimize erosion on site.

SECTION 327 - Maintenance of Retention/Detention Areas

Unless dedicated to and accepted by a legislative body, the owner of each lot and/or the Subdivider shall be responsible for properly maintaining each retention/detention areas in order for such facility to function according to its design and purpose. Maintenance for the retention/detention areas shall be noted on the Improvement Plan, including access roads. If publicly dedicated, the area shall be included within the right-of-way and shown on the Final Plat. In Residential Subdivisions, all Detention Basins shall be deeded to the appropriate legislative body and the area shall be shown as a lot on the Final Plat. For any Retention Basin, only the appropriate inlets and outlet structures shall be dedicated to the appropriate legislative body. The area of the pond or lake shall be owned and maintained by the adjoining residents. This shall include maintaining the shoreline and removing sedimentation, and shall be included in the Subdivision's Restriction and Covenants.

SECTION 330 - Soil Erosion and Slope Control

The developer of a proposed Subdivision or development shall be required to submit to the Planning Department a detailed plan for erosion and/or sedimentation control as part of the Improvement Plan, Grading Plan or Site Plan review for all sites that do not require a Rule 5 Permit from the Department of Environmental Management. For sites that do require a Rule 5 Permit, a copy of the approved plan review from the Decatur County Natural Resources Conservation Services will be required to be submitted for review. Any time the requirements listed below conflict with the Rule 5 requirements, the more restrictive requirement shall be followed. The plan shall contain proposed methods for slope stabilization, erosion control and water pollution abatement and shall be reviewed by the Planning Department. The Decatur County Plan Commission shall require that such a plan, or part thereof, be submitted with the Improvement Plan, Grading Plan or Site Plan. See Decatur County Construction Standards.

a. Prior Grading or Disturbed Site - No Improvement Plan, Grading Plan or Site Plan may be approved where the site has been graded, stripped, excavated, devegetated or other otherwise disturbed so that slipping, erosion and/or water pollution has or may reasonable be expected to occur until such conditions are corrected to the satisfaction of the Decatur County Plan Commission;

b. Soil Survey - The current "Soil Survey of Decatur County, Indiana "issued by the United Stated Department of Agriculture Soil Conservation Service in cooperation with the Purdue University Agricultural Experiment Station is hereby made a part of these regulations and will be used for informational and reference purposes;

c. Erosion Control Measures - (*To the extent inconsistent, this Ordinance shall supersede the Erosion Control Ordinance of the Code of Ordinances).* Per the current "Indiana Handbook for Erosion Control in Developed Areas" the following shall be followed;

1. All exposed and graded land will be covered by mulch, permanent seeding, or temporary seeding, or a combination of seeding and mulch (hay, straw, or other natural fiber - spread for a seventy-five percent (75%) or greater ground coverage) within 45 days of exposure. Seeding rates, dates, and materials may be obtained from the local Natural Resources Conservation Field Office;

2. All exposed and graded land will be mulched at seventy-five (75%) or greater coverage;

3. Sediment basins (debris basins, desilting basins, or slit traps) shall be properly designed according to runoff and sedimentation load calculations

and installed during initial grading at locations which will provide the best protection from off-site damages. The construction of diversions to direct runoff from disturbed areas into sedimentation basin(s) shall be installed at the earliest possible time before larger site grading occurs wherever possible. A multi-purpose basin used for a slit trap then converted to a detention/retention basin is encouraged if properly designed and located. This combination structure will need to dredged periodically during construction activities and after stabilization in order to provide adequate storage;

4. Concentrated flow areas, including storm sewer entrances, will need proper water control barriers to slow the runoff for rill and gully erosion control. These barriers shall include rock check dams and a series of pegged straw bales or properly installed silt fence where needed;
5. Suitable site perimeter protection shall be provided below all bare areas regardless of slope percentage. In addition, silt fence or straw bale barriers shall be installed at all toe slopes eight percent (8%) or greater in slope;
6. Individual building sites will be seeded (temporary or permanent) and mulched within 45 days of disturbance where land is void of grass vegetation;
7. Individual building sites will be seeded (temporary or permanent) and mulched within 45 days of disturbance where land is void of grass vegetation;
8. Until all lot and street improvements in the Subdivision have been completed, the Subdivider shall take such measures as are necessary to prevent erosion of graded surfaces, and to prevent the deposit of soil and debris from graded surfaces onto public streets, into drainage channels or sewers, or onto adjoining land.

SECTION 335 - Rights-of-way Disturbance Requirements

Prior to placing any object within or disturbing Decatur County Right-of-way, a permit shall be obtained from Decatur County. Failure to obtain a permit shall be construed as an encroachment and shall be subject to removal by Decatur County at the expense of the responsible party. The approved Improvement Plans shall serve as the required permit for right-of-way disturbance within Subdivision but individual development shall be required to obtain a permit from the Decatur County Department of Transportation. The Planning Director or designee shall determine a financial guaranty as described in Section 410, depending on the proposed right-of-way disturbance or the bond amounts listed below.

No headwalls or other obstruction shall be allowed within the right-of-way that is higher than four (4) inches unless designed and approved as breakaway or mountable. Utilities shall install breakaway or flexible markers for utility location signs.

a. Driveway Permit - Anyone wishing to connect a private driveway or new roadway on to a public road within Decatur County shall be required to obtain a Driveway Permit. It is the intent of this regulation to adopt the same driveway permit standards as established in the "Indiana Department of Transportation Driveway Permit Handbook". Plans shall be submitted that provide the details as outlined

within INDOT Permit Handbook or as required by the Driveway Permit application. A financial guaranty shall be established as necessary by the County Department of Transportation and remain in effect until released upon inspection by the County Department of Transportation. Traffic control shall be provided and the County shall be held harmless from any and all claims, which are related to construction activities within the right-of-way. All ditches shall be set back from the edge of pavement as shown in County Construction Standards, unless otherwise directed by the County Department of Transportation. Ditches shall be seeded and/or sodded, have gutter installed or have rip-rap installed as required. Mailboxes shall be installed with a minimum three (3) feet wide apron and the front face of mailbox shall be a minimum of three feet six inches (3'-6") from edge or pavement along existing public streets.

The Driveway Apron shall be constructed of consistent material as the existing roadway.

b. Utility Installation- All construction and utility installations within Decatur County right-of-way shall required a permit from the Decatur County Department of Transportation. The permit is to be accompanied by a financial guaranty as identified in Section 410 of the Subdivision Control Ordinance. The financial guaranty amount shall be as established by the Planning Director or designee. A minimum amount of $500.00 is established per permit with a minimum of $2,500.00 per major road right-of-way cut. A yearly renewable guaranty may be obtained for an aggregate amount of $12,000.00. The renewal date shall be January 1 for a yearly bond. Bonds on major road right-of-way cuts shall remain in effect for not less than one year after final inspection by the Planning Director or designee. A major road right-of-way cuts shall be defined as any cut within the County right-of-way where:

1. The surface width of cut is twenty-four (24) inches or greater, or
2. A cut that is parallel to the road surface or close proximity of the surface where the bottom of the trench is lower than a line running at a 45 degree angle from the edge of pavement where the pavement surface may be damaged by future settlement of the cut area. Cuts outside of the edge of pavement with a width of six (6) inches or less shall not be considered a major cut.

Plans or drawings of the proposed work shall accompany all requests for permit. The intent of this permit is to regulate construction within the right-of-way to limit damages to the highway system and maintain a safe highway system. It is not intended to establish a permanent location for utilities within the right-of-way. Utilities shall continue to be responsible for relocation as necessitated by future use of right-of-way.

c. Road Cuts - It is the intent of the Decatur County Board of Commissioners to limit the number of open cuts allowed across public roads. Care should be taken to limit the required road cuts necessary within a given project. Open or trench cuts will not be allowed across any paved roadway unless special permission is granted by the Planning Director or designee or a per cut basis. All road cuts shall be made

expeditiously as possible to cause a minimal amount of delay or inconvenience to the traveling public.

No more than two hundred (200) LF of trench is to be open at one time. Maintenance on road cuts shall be required for one (1) year from date of patching. Any settlement during this period shall be repaired to the satisfaction of the Planning Director or designee. Ditches shall be re-established to the satisfaction of the County Department of Transportation. Ditches shall be repaired by seeding, sodding, or rip-rap as required by the County Department of Transportation.

d. Trench Excavation and Backfill - Utility excavations in the right-of-way shall be backfilled to subgrade level according to Section 211 of the INDOT Standard Specifications with grade "B" Borrow. On steep grades (6% or greater), cuts that run parallel with the roadway surface either under, or within two (2) feet of the paved surface, shall be backfilled with clay material at its optimum moisture content and compacted to one hundred percent (100%) modified proctor. A lean concrete filler such as low strength mortar or flowable fill, must be used as trench backfill under any pavement.

The road surface shall be repaired to the minimum requirements for new construction or of the same thickness and type of materials as was existing whichever would provide the greatest structural capacity. Road cuts made through concrete pavements shall be repaired as directed by the Planning Director or designee.

ARTICLE 4

ASSURANCES FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

SECTION 400 - Completion Requirement for Public Improvements

Before the Staff can consider the Final Plat approval, the Subdivider shall be required to:

1. Complete the required improvements in the manner prescribed by this Ordinance, the approved Primary Plat, Improvement Plan, and by the Subdividers Contract in Article 7, Certificate I;
2. Follow the requirements as outlined within Section 430 and Article 5; and
3. Provide the County with a maintenance bond that complies with Section 435.

SECTION 405 - Construction Bond Alternative to Completion Requirement

An alternative for the Subdivider's completion of the required public improvements prior to seeking Final Plat approval is to provide a Construction Bond that ensures that the required improvements will be completed.

The Construction Bond shall cover one hundred percent (100%) of the estimated completion cost of the required improvements. The Project Engineer shall provide a detailed written estimate of the cost for construction for review by the Planning Director or Plan Commission. The Planning Director or Plan Commission shall use this estimate as a guide to establish the dollar amount needed for the performance guarantee. The amount established by the Planning Director or Plan Commission shall include a twenty percent (20%) contingency for any unforeseen expenses. The Planning Director or Plan Commission can reduce the performance guarantee amount proportionally for partial completion of the necessary improvements. The Planning Director or Plan Commission shall establish the bond amount within fourteen (14) days of receipt of the information listed above and notify the subdivider in writing. If the Planning Director or Plan Commission has not responded within fourteen (14) days, the submitted amount shall become the amount for the bond.

All Construction Bonds (including renewals) shall be established for two (2) years. Guarantees for less than two (2) years must be approved by the Planning Director or Plan Commission or designee. A guarantee can be renewed once for an additional one (1) year by application to the Planning Director or Plan Commission, however, the Planning Director or Plan Commission shall determine the amount of the renewal. Any subsequent renewals shall require the approval of the Planning Director or Plan Commission and shall only be issued if the subdivider has been unable to complete the required improvements despite due diligence.

It shall be the **Subdivider's responsibility** to notify the Planning Director or Plan Commission of their intent to renew the financial guarantee sixty (60) days prior to its expiration if the

improvements have not been, or will not be, completed. It shall be the **Surety's responsibility** to notify the Planning Director or Plan Commission thirty (30) days prior to the expiration of the financial guarantee. The Planning Director or Plan Commission shall determine the amount of the renewal (as described above and within the timeframe listed above) and the Subdivider shall then renew the guarantee twenty (20) days before the expiration of the original guarantee. If notification and renewal are not received from the Subdivider and the improvements have not been completed, the Planning Director or Plan Commission shall notify the financial institution and the Subdivider that the County will draw in full on the guarantee prior to its expiration.

SECTION 410 - Types of Financial Guaranty

A Construction Bond or Maintenance Bond authorized or required by these regulations shall be secured by either an Insurance or Bank Bond or a Cashier's Check in the amount required to complete improvements as described in Section 405 and Section 435. The beneficiary of such financial guaranty shall be the Decatur County Board of Commissioners or appropriate legislative unit. The financial guaranty shall be issued by a financial institution (guarantor) that maintains an office and is licensed within the State of Indiana, at which the financial guaranty may be presented for payment. Financial Guaranties submitted pursuant to this Article shall comply with Certificate I and J of Article 7. Cashier's Checks submitted to the Planning Director or Plan Commission pursuant to this chapter shall be deposited by the County Auditor until the Construction Bond is released or reduced as provided in these regulations and the terms of the Subdivider’s Contract. A Subdivider’s Contract shall be completed and attached to any financial guaranty. (See Article 7, Certificate H)

SECTION 415 - Governmental Units

In lieu of a Letter of Credit or Cashier's Check, governmental units, to which these regulations apply, may secure their Performance Bonds by filing a certified resolution, or ordinance, with the County Commissioners. The resolution, or ordinance, must have been adopted by the unit's fiscal body and must affirm the unit's obligation and financial ability to complete the required improvements.

SECTION 420 - Temporary Public Improvements

The Subdivider, at the Subdivider's expense, shall complete, maintain, and remove all temporary public improvements required by this ordinance, the approved Primary Plat and Improvement Plan and the Subdivider’s Contract. The schedule for the completion, maintenance and removal of temporary improvements shall be incorporated in the approved Improvement Plan. The amount of the Maintenance Bond shall be adjusted to reflect the cost of the temporary improvements.

SECTION 425 - Cost of Public Improvements

All required improvements shall be made by the Subdivider, at the Subdivider's expense, without reimbursement by the County, unless the Board expressly agrees to share in the cost of the

required improvements.

SECTION 430 - Release of Construction Financial Guaranty

The Planning Director or Plan Commission may release the construction financial guaranty, but only if:

1. The Subdivider applies to the Planning Director or Plan Commission, in writing, for the release of the Construction Bond and provides a certificate, signed by the Subdivider's engineer or surveyor. This certificate shall state that, based on the information provided and to the best of his knowledge, all required improvements have been completed in the manner prescribed by this Ordinance, the Subdivider's Contract and the approved Primary Plat and Improvement Plan. The certification of the Subdivider's engineer or surveyor shall be accompanied by a detailed "as-built" plan if different than the approved plans of the required improvements. Such as-built plans must be prepared and signed by the Subdivider's engineer or surveyor; and
2. The Board, or legislative unit with jurisdiction, has accepted the dedication of required improvements and a Maintenance Bond has been established.

The Planning Director or Plan Commission shall review the as-built plans and any inspection reports provided by the County's road inspector (See Article 5) to determine if the Construction Bond can be released. He will then notify the Subdivider in writing within fourteen (14) days of receipt of the letter of the decision and the amount and term needed for the Maintenance Bond. (See Section 435) This bond must be provided prior to the release of the Construction Bond.

Any costs incurred by the County in connection with a request for Construction Bond release (for example, without limitation, engineering inspection fees, legal fees, etc.) shall be borne by the Subdivider, regardless of whether the request is ultimately granted. A Maintenance Bond shall only be released when the Subdivider has paid such costs.

SECTION 435 - Maintenance Bond of Public Improvements

The Subdivider shall be required to maintain the improvements and to provide for snow and ice removal on streets and sidewalks until such time as the County or the legislative unit with jurisdiction accepts to maintain the improvements. If the County or legislative unit with jurisdiction accepts the dedication and maintenance of such improvements, then the County or legislative unit with jurisdiction shall maintain the improvements and provide for snow and ice removal.

Prior to the County or the legislative unit with jurisdiction accepting the required improvements, and prior to the release of the construction financial guaranty, the Subdivider shall be required to post a Maintenance Bond with the Planning Director or Plan Commission as described in Section 430. The purpose of this bond shall be to ensure the satisfactory condition of the required improvements over a specified period of time and/or to complete any unfinished final improvements common in road construction, such as the finish course of asphalt. The length of

time and amount of the Maintenance Bond shall be established by the Planning Director or Plan Commission, however, the minimum amount shall be no less than twenty five percent (25%) of the Construction Bond. This bond cannot be reduced prior to release. The Maintenance Bond shall be secured in the manner prescribed by Article 7, Certificate K for a minimum period of two (2) years. The release of the Maintenance Bond shall be by the same procedure as outlined in Section 430.

Any costs incurred by the County in connection with a request for Construction Bond release (for example, without limitation, engineering inspection fees, legal fees, etc.) shall be borne by the Subdivider, regardless of whether the request is ultimately granted. A Maintenance Bond shall only be released when the Subdivider has paid such costs.

For Subdivisions developed in phases the Planning Director or Plan Commission shall consider construction damage to the accepted phase of the Subdivision during construction of the remaining phases and adjust the Maintenance Bond amount accordingly. In addition, Maintenance Bond amounts shall be increased accordingly to add appropriate permanent termination points for roads that developed in phases in the event the subsequent phase(s) are not built. Also, improvements that were required to be connected by a designated phase of the Subdivision shall be added to the Maintenance Bond amount and shall not be released until such improvements have been completed.

SECTION 440 - Issuance of Permits

No building permit or zoning permit shall be issued for a Subdivision lot until the Subdivider has Final Plat approval and has completed, or bonded, all of the required improvements, except sidewalks and the final pavement course.

SECTION 445 - Acceptance of Dedication Offers and Maintenance

The Commission's approval of a Primary Plat, Improvement Plan or Final Plat shall not be deemed to constitute or imply the County's acceptance of any street, easement, park or other public improvement shown on the plat. Acceptance of dedication of streets, public areas, easements, and parks shall be by ordinance of the legislative unit as required by law. The Final Plat shall be endorsed with appropriate notes to that effect by the Subdivider. The County may accept the dedication of such public improvements by appropriate official action.

SECTION 450 - Acceptance of Maintenance for Public Improvements

The Subdivider may petition to the Planning Director or Plan Commission in writing for acceptance of public improvements for maintenance by Decatur County. The Planning Director or Plan Commission shall then, if warranted, certify to the Board or legislative unit with jurisdiction in writing that all required improvements have been satisfactorily completed according to County regulations. This legislative unit may then, upon ordinance or resolution at

any duly advertised public meeting accept the maintenance of the certified improvements. A copy of the ordinance or resolution shall be provided to the Commission for its file.

ARTICLE 5

PROCEDURE FOR INSPECTIONS AND FEES

SECTION 500 - Construction Inspections

The Engineer for the project must perform inspections within Decatur County and conduct all public improvement construction inspections. Each approved testing agency shall be certified by INDOT. At a minimum an approved inspection company must have a business license within the State of Indiana, meet the standards of ASTM E 329 and possess at least one million dollars of liability insurance (for errors and omissions). Annual renewal will be required and performed by the Planning Director or Plan Commission. The Subdivider can select and hire any company to perform the required construction inspections for the public improvements within their development, providing they meet the qualifications noted above. Inspection reports from non-approved companies are not acceptable and may result in the calling of the financial guaranty at the discretion of the Planning Director or Plan Commission. Nothing in this Ordinance precludes the Planning Director or Plan Commission or its designee from performing construction inspections or overseeing inspections performed by the approved inspection company on any given development. If adequate funding becomes available, County employed inspection companies or employees will perform all required inspections. This will become the only acceptable form of inspection for public improvements and all fees associated with these inspections shall be paid by the Subdivider according to the established fee schedule current at such time.

The approved testing agency shall make inspections relative to the construction and installation of public improvements such as streets, stormwater facilities and driveway aprons among other things. This inspection also includes soil erosion control measures as it relates to public improvement construction and lot grading. The Building Department, as part of the building permit process, shall inspect sidewalks and individual lot soil erosion.

The following are the inspection steps that the Subdivider shall follow for concrete pavement and asphalt pavement. The licensed testing agency must perform all the listed inspections and certify that the improvements are installed according to the design standards set forth in this Ordinance.

Inspection Steps for Concrete or Rigid Pavement:

1. Preliminary Grading - This covers initial site grading as well as all fills;
2. Subgrade - prior to placing stone base;
3. Subbase - prior to placing concrete;
4. Storm sewers - Inspections shall be randomly performed;
5. Concrete (pre-final) - This shall include inlets;
6. Final

Inspection Steps for Asphalt or Flexible Pavement:

1. Preliminary Grading - This covers initial site grading as well as all fills;
2. Subgrade - prior to placing stone base;
3. Subbase - prior to placing asphalt base;
4. Storm sewers - Inspections shall be randomly performed;
5. Bituminous Base (pre-final);
6. Bituminous Surface;
7. Final

An approved testing company is authorized to inspect all work done and all materials furnished. Such inspection, including final inspection, may extend to all or any part of the work and to the preparation, fabrication, or manufacture of the materials to be used. The inspector **shall <u>not</u>** be authorized to revoke, alter, or waive any requirements of the approved Improvement Plan drawings and specifications. Although, they are authorized to call to the attention of the contractor, any failure of the work or materials that do not conform to the approved Improvement Plan drawings and specifications. Any change in the approved plan and specifications shall require an as-built plan as outlined in Section 288 of this Ordinance that will be reviewed by the Planning Department. Minor changes that comply with the Ordinance shall be approved, as per the as-built plan and placed in the Subdivision file. Major changes will result in reapplication as outlined in Article 2 of the Improvement Plan and/or Primary Plat and the appropriate fee.

The owner, developer and/or general contractor shall contact and meet with the appropriate inspection official for the purpose of a pre-construction meeting. The purpose of this meeting is to discuss the project's timetable, local specifications and general information relating to the proposed development.

Before construction begins on the development the Subdivider shall submit to the Planning Director or Plan Commission, an Inspection Schedule prepared by an approved testing company hired to perform the construction inspections for the Subdivider. The inspector shall begin inspections at the time of construction and maintain inspections as the work progresses on each phase of the project until all construction is complete. During construction, any work determined by the inspector not to conform with the requirements of the approved Improvement Plans, and specifications found within the Ordinance shall be suspended and corrected prior to proceeding with that phase of the project or follow the as-built procedure described in Section 288.

After the final inspection an inspection report prepared by the Project Engineer shall be filed with the Planning Director or Plan Commission that states that the improvements are complete and have been constructed in accordance with the approved Improvement Plan and the construction requirements of this Ordinance.

A listing of the authorized inspectors is available at the Decatur County Planning and Zoning office.

SECTION 520 - Final Clean-Up of Site

Upon completion of construction work of the Subdivision or an individual lot, the Subdivider, developer, and/or contractor shall remove all debris or excess fill in connection with the completed work prior to Secondary Plat approval.

SECTION 530 - Review Fees

The Subdivider shall pay all fees for the review of a Primary Plat, Improvement Plan, Final Plat, Certified Surveys, and Grading Plan applications as specified in the approved Decatur County Plan Commission Schedule of Fees.

SECTION 540 - Inspection Fees

An inspection fee shall be charged by the County to the Subdivider or Applicant for inspections during the construction of public improvements if the County employs the inspection company or if the inspection is performed by a County employee. The fee shall be based upon a "Schedule of Fees" established by the Plan Commission. No fees will be charged by the County to a Subdivider whose inspections are performed by an approved inspection company.

Where improvements are to be installed prior to Secondary Plat approval, no Final Plat approval will be given, nor shall such a plat be recorded, until all inspection fees are paid in full. It shall be the responsibility of the Subdivider to insure that proper notice is given to the appropriate inspector. In the event Final Plat approval is given prior to the installation of the improvements, the guarantee posted by the Subdivider shall assure the payment of all inspection fees and no guarantees shall be released until all inspection fees are paid in full.

ARTICLE 6

DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context:

1. Words and phrases that are defined in this Article shall be given their defined meaning when used in this Ordinance;
2. Words and phrases that are not defined in this chapter but that are defined in the Decatur County Zoning Ordinance shall be given their defined meanings when used in this chapter;
3. Technical words and phrases that are not defined in this chapter, or in the Decatur County Zoning Ordinance, but that have established and appropriate meanings in law shall be given such meanings when used in this chapter;
4. Words and phrases that are not otherwise specifically defined shall be taken in their plain, ordinary and usual sense or as defined in current industry publication or references to include the current edition of Webster's Dictionary or by publication provided by the American Planning Association.

Definitions

Access Easement
A private way which provides access to lots, tracts or parcels of land and which meets the minimum standards set forth in these regulations.

Accessory Building or Structure
A building, or structure, the use of which is customarily incidental and subordinate to the use of the principal building or the principal use of the land on which the structure is located. Where a substantial part of the wall of a building housing an accessory use is a part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner, as by roof, such accessory building shall be considered a part of the principal building.

Administrator
The Planning Director or designee appointed by and/or delegated the responsibility for the administration of these regulations by the Subdivision Ordinance or Zoning Ordinance. This term shall be construed to include those planning staff members working under the direction of the Director.

ADT
Average Daily Traffic

Area Plan Commission
A Plan Commission serving a single local government jurisdiction established as defined under the Indiana Code 36-7-4-102 as amended.

Agency
See Public Agency.

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

Applicant
The owner of the land proposed to be subdivided or the Owner's agent or the Owner's legal representative or a person who owns a subordinate interest in the land and who has the Owner's consent to apply for a Subdivision of the land.

Arterial
See “Streets” defined in this Article.

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.

Board of Commissioners
The duly elected Board of Commissioners of the County of Decatur, Indiana, referred to herein as "Board" so as not to be confused with the Decatur County Area Plan Commission which is referred to herein as “Commission” or “Plan Commission”.

Building Department
The Department within Decatur County Government that under Indiana Law reviews building plans, issues building permits and inspects buildings or structure to ensure compliance with the Building Codes of the State of Indiana.

Building Line
The line that establishes the minimum permitted distance on a lot between the front-most portion of any building or structure and the street right-of-way line.

Building Permit
A certificate issued by the building permit official of a governing body that permits a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the governing body's jurisdiction, or cause the same to be done.

Capital Improvements Program
A proposed schedule of all future, major County capital improvements projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All projects that require 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 for the community shall be considered as major projects.

Cemetery
Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Cfs
Cubic feet per second

Checkpoint Agency
A public agency or organization that is called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or that is required by law to review a project before Subdivision may take place (e.g., without limitation, Indiana Department of Transportation, Indiana Department of Environmental Management, Federal Emergency Management Agency, Army Corps of Engineers, Public Service Commission, Indiana Stream Pollution Control Board, Indiana Department of Natural Resources, Indiana State Board of Health, Decatur County Board of Health, or other county departments or boards as necessary).

Collector Street
See Streets defined in this Article.

Commercial or Industrial Subdivision
Any Subdivision of land which involves land that is zoned or intended to be used for commercial, industrial or multifamily purposes as defined in these regulations and/or in the Zoning Ordinance.

Commission
The Decatur County Advisory Plan Commission and/or a delegate of the Decatur County Area Plan Commission, unless the context indicates to the contrary.

Conceptual Layout
A drawing that generally illustrates, depicts, and/or describes a Subdivision development proposal (Primary Plat) for a specific piece of property. This plan is meant to illustrate prior to completed surveying or engineering data, how this property will be subdivided with all of the lots and streets prior to a detailed engineering plan. It is understood that after the final detailed engineering plans have been completed minor changes will likely result from the approved Primary Plat or as defined here Conceptual Layout.

Condominium
The division of building(s) and the related land into horizontal property interests meeting the requirements of condominiums as prescribed by Indiana Code.

Conservation Easement
An easement which restricts the use and/or guarantees preservation and/or maintenance of existing conditions in a sensitive portion of the site.

Construction Bond
A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to cover the construction cost of public improvements in the case of default by

the Subdivider. Sometimes referred to as a Performance Bond or Insurance Bond.

Construction Plan(s)
See Improvement Plan

County
The word County means Decatur County, Indiana

County Auditor
The County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

County Drainage Board
The Decatur County Drainage Board, if created.

County Engineer
The person designated by the County to furnish engineering assistance in the administration of these regulations, if the position is created.

County Jurisdictional Area
The areas of Decatur County, Indiana, in which the County exercises planning and zoning jurisdiction: namely, all unincorporated areas of Decatur County, Indiana, that are not under the jurisdiction of another duly established plan commission. Or any area of Decatur County, Indiana, in which an inter-local agreement has been created by an incorporate Town Council with the Board of County Commissioners. NOTE: Pursuant to IC. 36-7-4-1104(b), the planning and zoning ordinances of Indiana political Subdivisions may not regulate or restrict the use of property that is owned or occupied by the state or by any state agency.

County Recorder
The County official empowered to record and file Subdivision plats and deeds.

County Surveyor
The county official empowered to keep and maintain the legal survey record book and the corner record book.

Covenant
See restrictive covenant.

Cul-de-loop
A cul-de-sac with a center or island, that is intended to be used, for parking or open space purposes.

Cul-de-sac
See Streets
Department
The Decatur County Planning Department and the staff thereof.

Designated Officials
Those officials of the Commission designated in the Subdivision Control Ordinance as required signatories of the certificate.

Developer
The word developer as used in this Ordinance has the same meaning as Subdivider or Applicant.

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

Drainage System
Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of these regulations.

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.

Driveway
An access to a public road for one residence or one tract of land.

Driveway Apron
The portion of the driveway lying within the County right-of-way.

Driveway Shared
A single access to a public road shared by two or more tracts of land.

Dwelling
A structure or portion thereof that is used exclusively for human habitation.

Environmental Constraints
Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Erosion Control Handbook
The Indiana Construction Site Erosion Control Handbook or any other erosion control handbook designated by County ordinance or by official action of the Commission.

Escrow
A deposit of cash with the Commission in lieu of an amount required and still in force on a Performance or Maintenance bond. Such escrow funds shall be held by the County Auditor.

Exempt Divisions
See definition of Subdivision.

Feasibility Report
A written report prepared by a registered professional engineer or a registered land surveyor pertaining to the suitability of the site for various types of water and sewage disposal systems, for drainage retention or detention; and the subsoil conditions for various methods of street construction.

Financial Institution
Any bank, trust company, corporate fiduciary, building and loan association, credit union, savings bank, bank of discount and deposit or industrial loan and investment company organized or reorganized under the laws of the State of Indiana.

Frontage
That side of a lot abutting on a street watercourse or lake and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner and through lots will be considered to front on both intersecting streets. Multiple frontage lots will be considered to front on each street, watercourse or lake.

Frontage Street
A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

Grade
The rise over run of features specified in percentage (%) terms.

Grading
The stripping, cutting, filling, spreading or stockpiling of soil, sand, gravel or stone or any combination or mixture thereof on a tract, parcel or lot.

Health Department and County Health Officer
The Decatur County Health Department and the person(s) designated by the County to administer the state and local health regulations within the County.

Height, Building
The vertical distance from the average grade level adjoining the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and, to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

Highway, Limited Access
See Streets.

Improvement Plan
The engineering plans showing grading, types of materials and construction details for the physical structures and facilities to be installed in, or in conjunction with, the proposed Subdivision.

Individual Sewage Disposal System
A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment

device approved by the Health Department to serve the disposal needs of one single-family residential dwelling. An individual sewage disposal system is a private sewage disposal system.

Interested Parties
Those persons who are to be notified by mail of a public hearing, or other action, on a proposed Subdivision of land. Namely, the applicant or developer of the property to be subdivided and the fee simple owners of those properties that share a common boundary line or point with the property to be subdivided or that would share a common boundary line or point with the property to be subdivided but for the existence of a public or private street. If an abutting property consists of common areas that are owned and/or maintained by a Subdivision/condominium property owners' association, the association, rather than the individual Subdivision lot/condominium owners' shall be deemed the interested party for purposes of notice.

Intermittent Stream
A surface watercourse which flows typically only after significant precipitation events or during a particular season and contains evidences of a discernable streambed. The term intermittent stream does not encompass man-made drainage ways or natural swales, which lack a discernable streambed.

Interstate
See Streets.

Irrevocable Letter of Credit
A financial commitment provided by a lending institution, on behalf of a Subdivider, which cannot be revoked except as expressly stated in the terms of the agreement within the letter of credit.

Land Disturbing Activity
Any man-made change of the land surface including the removal of vegetative cover, the removal of trees and filling or grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting crops, growing and tending gardens and minor landscaping modifications.

Land Divider
The owner of a parcel of land to be further divided pursuant to the exempt division regulations.

Legal Access
A platted access easement or the minimum required frontage on a street.

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

Legal Drain
Any drainage system consisting of an open drain, a tiled drain, or any combination of the two,

that is under the jurisdiction of the County Drainage Board.

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

Local Street
See Streets.

Lot
A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such setbacks and other open spaces as on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;

2. A portion of a lot of record;

3. A combination of complete lots of record, of complete lots or of portions of lots of record.

Lot Area
The area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Lot, Corner
A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street

Lot Depth
The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. The lot depth of a multiple frontage lot may be determined from any of its front lot lines.

Lot Improvement
Any building, structure, or other object, or improvement of the land on which such objects are situated that constitute a physical betterment of real property.

Lot Line, Front
The lot line abutting a street, watercourse or lake. Corner lots and through lots have at least two front lot lines, multiple frontage lots may have more than two front lot lines.

Lot Line, Rear
The lot line that is opposite to and most distant from the front property line. In the case of a triangular or irregularly shaped lot, the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line at a maximum distance from the front lot line. If the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint. A lot may have more than one rear lot

line.

Lot, Substandard
A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

Lot, Through
A lot having frontage on two parallel or approximately parallel streets or on a street and a watercourse or lake. A through lot has a front yard on each abutting street, watercourse or lake.

Lot Width
The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building line. The width of a multiple frontage lot shall be determined at all of its building lines.

Maintenance Bond
A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to insure the performance of a public improvement for a specified period of time and to cover the cost of any unfinished improvements in the case of default by the Subdivider. Sometimes referred to as a Performance Bond or Insurance Bond.

Major Subdivision
Any Subdivision not classified as a Minor Subdivision or as an Administrative Subdivision, including but not limited to Subdivisions of three (3) or more lots, or any size Subdivision requiring any new street or extension of the facilities, which require public maintenance by the local government.

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

Master Plan
Also known as Comprehensive Plan. A plan or any portion thereof, adopted by the Plan Commission that establishes policies for public and private actions and decisions to safeguard the development of public and private property in the most appropriate manner. A comprehensive plan shall contain as a minimum, a statement of goals and objectives, principles, policies, and standards; a land use plan element; a transportation plan element; a community facilities plan element; and any additional elements.

Minor Subdivision
Any Subdivision containing two (2) or less buildable lots from the Parent Tract that is located along an existing public street or private drive. This type of Subdivision does not involve any new public street or extension of the facilities, which require public maintenance by the local government.

Non-Buildable Parcel
A parcel of land that is created on which a principally permitted use, as defined and permitted by

the Decatur County Zoning Ordinance, is not permitted to be constructed. This parcel will be label on the plat and within the deed as non-buildable.

Non-residential Subdivision
A Subdivision intended for nonresidential use, such as commercial or industrial. Such Subdivision shall comply with the applicable provisions of these regulations.

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

Ordinance
The word Ordinance shall have the meaning of Subdivision Control Ordinance unless otherwise stated.

Open Space
Total horizontal area of all portions of the lot not covered by buildings, structures, streets, parking areas or paved walkways.

Owner
Any person listed in the records of the County Auditor and/or County Recorder as having title to land sought to be subdivided under these regulations. For purposes of these regulations, any land, which is involved in a contract purchase, may be subdivided only if both the contract purchaser and the contract seller sign the application for such Subdivision.

Parcel
A part or portion of land having a legal description formally set forth in a conveyance instrument (e.g., a deed) together with the boundaries thereof, in order to make possible its easy identification.

Parent Tract
The existing parcel of land as identified on the Decatur County Assessor's/Auditor's maps, prior to any splits from the parent tract of land.

Performance Bond
A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to insure the performance of a public improvement for a specified period of time and to cover the cost of any unfinished improvements in the case of default by the Subdivider. Sometimes referred to as a Maintenance Bond or Insurance Bond.

Person
A natural person or legal entity

Planning Department
Staff hired by the Plan Commission to perform the daily responsibilities of the Plan Commission.

Planning Director
The individual appointed by the Decatur County Commissioners to administer, interpret, and enforce the provisions of the zoning regulations and the subdivision ordinance.

Plat
A map, drawing or plan indicating the Subdivision or re-subdivision of land which is filed or intended to be filed with the Commission for approval under these regulations and with the County Recorder for recording.

Plat Committee
The Decatur County P1at Committee, upon appointment by the Commission, may hear Subdivision proposals which do not involve the opening of new public ways and that comply in all other respects with these regulations and with the Zoning Ordinance.

Primary Approval
An approval (or approval with conditions imposed) granted to a Subdivision by the Commission after having determined in a public hearing that the Primary Plat of the Subdivision complies with the standards prescribed in this Ordinance.

Primary Plat
The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the Subdivision to be submitted to the Commission for approval.

Private Sewage Disposal System
Any sewage disposal system not constructed, installed, maintained, operated and owned by a municipality, a taxing district, or a corporation / organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private sewage disposal system is typically an individual sewage disposal system that may be either a subsurface septic system or mound septic system that is surface constructed of material brought to the site.

Private Water System
Any plumbing system for providing potable water to a lot or parcel of property that is not constructed, installed, maintained, operated and owned by a municipality, a taxing district, or a corporation / organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private water system is typically a well drilled to serve a single lot.

Property Line
The boundaries of a lot of record, excluding any right-of-way.

Public Agency
An agency or government department acting under the authority 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.

Public Hearing
Public Hearing means a meeting to occur after proper publication of notice as required herein wherein the public can comment upon the matter at issue. Said meeting shall comply with all provisions applicable of the Indiana Law.

Public Improvement
Any drainage facility, street, thoroughfare, highway, parkway, sidewalk, pedestrian or bike-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.

Public Sewage Disposal System
Any sewage disposal system constructed, installed, maintained, operated, owned or defined as a public sewage disposal system by a municipality, taxing district, or a corporation / organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

Public Water System
Any water system that is constructed, installed, maintained, operated, owned or defined as a public water system by a municipality, taxing district, or a corporation / organization possessing a Certificate of Territorial Authority issued by the Indiana Utilities Regulatory Commission and established for that purpose.

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

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

Regulatory Flood
The flood having a peak discharge which can be equaled or exceeded 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 Indiana Department of Natural Resources; this flood has a probability of occurrence of one percent (1 %) in any given year.

Regulatory Flood Elevation
The maximum elevation, as established by the Indiana Department of Natural Resources, reached by the Regulatory Flood at the locations in question relevant to approval of a given Subdivision.

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 as shown on the Flood Insurance Rate Map Maps of Decatur County, Indiana, as prepared by the Federal Emergency Management Agency.

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

Required Improvements
The public improvements lot improvements and/or landscaping features required by these regulations, by primary approval and by the Subdivision improvement agreement.

Restrictive Covenant
Private limitations of various kinds on the usage of lots or parcels of land within a Subdivision which are proposed by the Subdivider that are recorded with the plat and run with the land. These covenants are not enforceable by the Plan Commission and have no bearing upon decisions made by the Plan Commission.

Right-of-way
A strip of land (other than an easement) occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline water main, sanitary or storm sewer main, special landscaping, drainage swale or for another special use. The usage of the term "right-of-way" for land platting and zoning 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.

Road(s)
See Street(s).

Roadway
The portion of the street right-of-way that is surfaced and available for vehicular movement. Roadway width shall be measured between the edges of the curbs, which are furthest from the street pavement.

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.

Final Plat
The map, drawing, or plan, described in this ordinance, of a subdivision (including any accompanying material) submitted to the Commission for final approval which, if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

Final Plat Approval or Secondary Approval
Commission approval of a Final Plat of a Subdivision the construction of which has been completed or secured by a performance bond and financial guaranty.

Sectionalizing or Phasing
A process whereby an Applicant seeks Final Plat approval on only a portion of a plat which has been granted Primary Approval.

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

Sewage
The water-carried waste derived from ordinary living processes, including, but not limited to, human excrete and waste water derived from water closets, urinals, laundries, sinks, utensil and clothes washing machines, bathing facilities or similar facilities or appliances.

Sewage Disposal System
Any arrangement of devices and structures used for receiving, treating, disposing or storing of sewage.

Soil Survey
The National Cooperative Soil Survey Project by the United States Department of Agriculture, Soil Conservation Service (now Natural Resources Conservation Service} in cooperation with Purdue University.

Spite Strip
An unbuildable, usually narrow, strip of land situated between a property line and a proposed road or street right-of-way, the primary purpose of which is to prohibit access to the street or right-of-way from the adjacent property. The creation of a spite strip is not permitted.

Staff
The staff of the Plan Commission or Planning Department.

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

State Plane Coordinate's System
A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

Streets
Improved land right-of-way that provides the principal means of vehicle access. The following shall be used to classify all streets:

Arterial: Public thoroughfares, which serve the major movements of traffic within and through the community. Arterials connect centers of

population and economic activity with the state or federal highway system.

Collector: Public thoroughfares, which serve to collect and distribute traffic primarily from local to arterial streets.

Cul-de-sac: A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around. These permanent dead-end roads are intended to serve only adjacent property owners and shall not be extended.

Court: A street having an outlet at one end only and terminated at the other end with facilities permitting vehicles to turn around. This type of street serves six (6) residential lots/units or less.

Expressway: A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

Freeway: A divided multi-line highway for through traffic with all crossroads separated in grades and with full control of access. (Or Interstate)

Frontage Road: A parallel street or road adjacent to a freeway, expressway, or arterial street that provides access to adjoining properties.

Local: A street designed to be used primarily for direct access to adjoining properties.

Public: A public roadway, constructed and or maintained by the federal, state, county, city or town government, normally with dedicated public right-of-way which affords the principal means of access to abutting property.

Streets, Classification

For the purpose of providing for the development of the streets, highways, and rights-of-way in the County, 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 or will be designated on the Official Map of the County or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the County, its present and estimated future traffic volumes and its relative importance and function as specified in the County 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.

Street Right-of-Way Width

The width of the street right-of-way measured at right angles to the centerline of the street.

Subdivider

Any person who, having a proprietary interest in land, causes it, directly or indirectly, to be divided into a Subdivision; or who, directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site,

unit, or plat in a Subdivision; or who 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; and who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivider's Contract
An agreement by the subdivider with the County that clearly establishes the subdivider's responsibility regarding the performance and completion of certain work in connection with improvements necessitated by the division of land in the Subdivision as identified within the approved Improvement Plan and the regulations within the Decatur County Subdivision Control Ordinance.

Subdivision
The division of a 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 or development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, p1at, or other recorded instrument. Administrative Subdivisions are exempt from most provisions of this ordinance, may not result in or require the creation of an easement or the installation of public improvements, and must be one of the following types of division:

1. A division of land into two (2) or less tracts divided from the parent parcel.
2. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
3. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
4. A division of land for federal, state or local government to acquire street right-of-way;
5. Divisions of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division.
6. A division of land into cemetery plots for the purpose of burial of corpses.
7. A retracement of an existing parcel of record in which a survey plat does not exist, a survey error is being corrected or a new deed and/or legal description being created.

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, and who is not involved in developing, marketing or selling real property in the Subdivision.

Subdivision, Administrative
See Subdivision.

Subdivision Improvement Agreement
A document which establishes the contractual relationship between the Developer of a Subdivision and the County for the completion and maintenance of the required improvements in accordance with these regulations.

Subdivision Review Committee
A Committee established by the Plan Commission to provide technical services to the Commission in the administration of these regulations.

Subsurface Drainage
A system of pipes, tiles, conduits or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.

Surface Drainage
A system by which stormwater runoff is collected to an outlet. The term encompasses the proper grading of parking lots, streets, driveways, yards, etc., so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or storm sewer.

Technical Review Committee
A Committee created by this Ordinance to review plans submitted for action by the Plan Commission for a technical evaluation of the plan's compliance with the regulations governing its approval. This Committee will provide a report to the Plan Commission indicating its compliance with the regulations. The members of the Committee will include at a minimum the Area Plan Director. In the event more individuals are needed on the committee, the committee can be expanded to include a County Engineer, County Surveyor, other Plan Commission Staff, and additional members as needed for the given request or as determined by the Planning Director.

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 turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

Topographic Plat
A plat drawing with contour lines (delineating elevation) superimposed over the Subdivision lot and street layout that indicates existing and proposed contours and other site features, such as structures, drainage ways, proposed changes in drainage features, etc.

Thoroughfare Plan
See Official Map.

Variance
A variance is an exception granted from the literal enforcement of the Subdivision Control Ordinance where, by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site that would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted to other landowners in the same zone

district. It is a departure from dimensional terms of the Subdivision Control Ordinance.

ARTICLE 7

CERTIFICATES USED ON FINAL AND CERTIFIED SURVEYS

All certificates found within this Article shall be of print large enough to be clearly legible, and shall be dated, signed and stamped if necessary.

CERTIFICATE A

LAND SURVEYOR'S CERTIFICATE

The following certificate shall appear on all Final Plats and Certified Surveys presented to the Decatur County Plan Commission for approval pursuant to this Ordinance

"LAND SURVEYOR'S CERTIFICATE

I hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that this plat depicts a survey made by me or under my supervision, and to the best of my knowledge and belief, conforms with the requirements as set forth in Indiana Surveying Law and complies with all requirements of the Decatur County Zoning and Subdivision Regulations. Signed this _____ day of _____ (year).

_____(Land Surveyors Signature)_____
(Typed or Printed Name)
(SEAL)"

CERTIFICATE B - 1

DEDICATION CERTIFICATE

The following Certificate shall appear on all Final Plats presented to the Decatur County Plan Commission for approval that contain a dedication of property **for a new roadway / an existing roadway / public use of areas other than roadways.**

"We the undersigned, being all the owners of the lands herein platted, do hereby voluntarily consent to the execution of the said Plat and do dedicate the streets as shown hereon to the Commissioners of Decatur County as a right-of-way for constructing and/or maintaining a road and for all necessary utilities or other purposes reasonably incident thereto.

Signed this _____ day of _____, _____.

_____
Signature

_____

Typed or Printed name"

NOTARY CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF DECATUR)

Before me, the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as his/her voluntary act and deed, dated this _____ day of _____, (year).

_____
(Name Typed or Printed)
Notary Public
Resident _____County, IN

My Commission Expires:
_____

CERTIFICATE C

DECATUR COUNTY PLAN COMMISSION APPROVAL CERTIFICATE

The following certificate shall appear on all Final Plats and Certified Surveys presented to the Decatur County Plan Commission for approval.

"This plat was approved by the Decatur County Plan Commission on this _____ day of _____ , (year).

_____(Planning Department Official Signature)_____
(Typed or Printed Name)"

CERTIFICATE D

OWNER'S CERTIFICATE

The following certificate shall appear on all Final Plats and Certified Surveys

"We _____ and _____ owners of the real estate shown and described herein, do hereby certify that we establish the boundaries of said real estate in accordance with this plat.

The setback lines shall be determined by the regulations of the governing entity having zoning

jurisdiction over the property shown hereon.

Clear title to the new tract shown and described is guaranteed.

Signed this _____ day of _____, (year).

_____(Owner's Signature)_____
(Type or Printed Name)

NOTARY CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF DECATUR)

Before me, the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as his/her voluntary act and deed, dated this _____ day of _____, (year).

_____
(Name Typed or Printed)
Notary Public
Resident _____County, IN

My Commission Expires:
_____

CERTIFICATE E

COUNTY RECORDER'S CERTIFICATE

The following certificate shall appear on all Final Plats and Certified Surveys presented to the Decatur County Plan Commission for approval and the certificate shall be clearly legible.

COUNTY RECORDER'S CERTIFICATE

"Received for recording this _____ day of _____, (year), and recorded in Plat Cabinet _____, Slide _____ in the Office of the Recorder of Decatur County, Indiana.

_____(Recorder of Decatur County Signature)_____
(Typed or Printed Name)"

CERTIFICATE F

ACCEPTANCE OF DEDICATIONS

The following certificate shall appear on all Final Plats and Certified Survey including an Acceptance of Dedication.

"Be it resolved by the Board of Commissioners, Decatur County, Indiana, that the dedications shown on this plat are hereby approved and accepted this _____ day of _____, (year).

____(Board of Commissioners Official Signature)___
(Type or Printed Name)"

CERTIFICATE G

COUNTY AUDITOR'S CERTIFICATE

The following certificate shall appear on all Final Plats and Certified Surveys presented to the Decatur County Plan Commission for approval and the certificate shall be clearly legible.

COUNTY AUDITOR'S CERTIFICATE

"Duly entered for taxation this _____ day of _____, (year).

_____(Auditor of Decatur County Signature)_____
(Type or Printed Name)"

CERTIFICATE H

SUBDIVIDER'S CONTRACT

This contract executed this _____ day of _____, 20____ by and between _____ Subdivider(s), as evidence by a plat of a Subdivision which is on file in the Office of the Decatur County Planning and Zoning Department, referred to as _____ Subdivision, Decatur County, Indiana, and the Decatur County Plan Commission of Decatur County, Indiana.

WITNESSETH:

1. The Subdivider(s) named above are/is the owner(s) in fee simple of the real estate known as _____ Subdivision, located in Section(s) _____Township_____ Range _____, of Decatur County, Indiana;
2. It is the purpose and intention of this agreement to have the Subdivider(s) agree in writing to the performance and completion of certain work in connection with improvements necessitated by the division of land in the Subdivision as identified within the approved Improvement Plan and the regulations within the Decatur County Subdivision Control Ordinance. It is further the purpose of this agreement to enter into a contract obligating the Subdivider(s) to perform as hereinafter set forth, and secure this construction and performance by an approved form of guaranty.

NOW, THERFORE IT IS AGREED:

A. Subdivider(s), as herein before described, do (does) herewith agree to construct, install, and provide without variation all public improvements as established on the approved Subdivision Improvement Plans approved by the Commission on file with the Decatur County Department of Transportation and Planning Department;

B. Subdivider(s) agree(s) that said work shall be performed, completed and done pursuant to inspection by the Building Inspector, Area Plan Director, or Engineer of Decatur County and in accordance with Decatur County Highway Specifications and the Decatur County Subdivision Control Ordinance;

C. The Subdivider(s) further agree to do all that is necessary to accomplish the acceptance of the road(s) as public road(s) within_____ years from the date of this contract. The _____ year period (the "Contract Period") is hereby fixed as a reasonable length of time for completion of all work. A Subdivider(s) may request an extension of time by formally petitioning the Planning Director or Plan Commission, whom may grant an extension thereof prior to __days of the expiration of such period. After completion of the public improvements the Subdivider(s) shall provide a maintenance bond as required by the Subdivision Control Ordinance to guaranty the performance of the public improvements;

D. The Subdivider(s) shall be responsible for all maintenance work necessary during the Contract Period including ditch and/or storm sewers, snow removal and ice removal;

E. The Subdivider shall hold Decatur County, Indiana and all its Departments, Agencies and County Employees harmless for any and all liability claims, liens and encumbrances from all contractors, subcontractors and other parties arising out of or as a result of the construction and maintenance or lack thereof while this contract is in effect;

F. Subdivider(s) agree to provide a guaranty of _____ amount to insure the performance of this contract and the required improvements. Said guaranty shall be held by the Decatur County Auditor's Office until satisfactory completion of the improvements, and maintenance period and all fees outstanding to Decatur County have been paid. Any interest accrued on said guaranty during the contract period shall accrue to Decatur County as a service charge.

_____(Property Owner's Signature)_____ _____
(Typed or Printed Name) Date

_____(Subdivider's Signature)_____ (if different than above)_____ _____
(Typed or Printed Name) Date

NOTARY CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF DECATUR)

Before me, the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as his/her voluntary act and deed, dated this _____ day of _____, (year).

_____
(Name Typed or Printed)
Notary Public
Resident _____County, IN

My Commission Expires:
_____

__(Decatur County Plan Commission Official Signature)_____ _____
(Typed or Printed Name) Date

This form shall also be used for Insurance or Bank Bonds, however all reference to Letter of Credit shall be changed to Bond.

CERTIFICATE I

IRREVOCABLE LETTER OF CREDIT FORM

Construction Bond

Date of Issue: _____

Financial Institution Letter of Credit Identification # (if applicable): _____

Amount:_____

Expiration Date: _____

Financial Institution Address: _____

Contact and Telephone # _____

Beneficiary: Decatur County Board of Commissioners
Attn: Area Plan Director
150 Courthouse Square, Suite 117
Greensburg, IN 47240

We _____(Financial Institution)_____ hereby establish in your favor this non-transferable Irrevocable Letter of Credit for the account of _____, (hereinafter "Subdivider"), and _____, (hereinafter "Owner"), up to an aggregate amount of _____ (US dollars) which equals One Hundred Twenty percent (120%) of the cost of the Land Improvements described herein in his discretion. We understand that this Irrevocable Letter of Credit is to be used to construct all Public Improvements within Decatur County as shown on the approved Improvement Plan on file within the Planning Director and Plan Commission offices and the submitted Final Plat as listed. (List Subdivision Name _____ and Section or Phase _____)

Draws on this Letter of Credit must be accompanied by written notice to the Financial Institution from the Planning Director certifying either: (1) that said Letter of Credit is about to expire and has not been renewed; and/or 2) that work has not been completed in accordance with the approved Improvement Plan listed above and any amendments thereof. It shall be the option of the Planning Director, acting as the agent for the County, to draw in full on this Letter of Credit or

make partial draws as needed. Partial draws shall not affect the full force of the remainder of this Letter of Credit. Upon the completion of the agreed upon improvements by the County or its agent, any unused funds shall be forwarded to the Financial Institution.

This irrevocable Letter of Credit shall expire on (Date/Year); provided, however, the undersigned shall notify the County, by certified mail, return receipt requested, at least 30 days prior to said expiration date, that said Letter of Credit is about to expire. In no event shall this irrevocable Letter of Credit or the obligations contained herein expire except upon said prior written notice and renewal, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision. Notice shall be made to the Beneficiary listed above. This Letter of Credit can only be released prior to the expiration date upon written consent of the Beneficiary.

The undersigned further agrees that this irrevocable Letter of Credit shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the plans, specifications and agreements for the project, with or without notice from the County of such amendments or modifications.

The Financial Institution hereby undertakes and engages that all demands made in conformity with this irrevocable Letter of Credit will be duly honored and payment shall be made in immediately available funds upon presentation.

Each of the Financial Institutions hereby represents and warrants to the Beneficiary that it has the full power, right and authority to deliver this Irrevocable Letter of Credit, that the same is within all lending limits of such institution, is in accordance with terms on the undersigned institution.

NAME OF THE FINANCIAL INSTITUTION

By: _____ Name & Title

Attest: _____ Name & Title

STATE OF INDIANA)
) SS:
COUNTY OF DECATUR)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that _____ personally known to me to be the _____(title) of the _____ (name of the financial institution) who is personally known to me to be the same person whose name is subscribed to the foregoing Irrevocable Letter of Credit as such _____(title) and cause the Corporate seal of said _____(name of the financial institution) to be affixed thereto pursuant to authority given by the Board of Directors thereof, as his/her free and voluntary act and as free and voluntary acts and deed of said institution.
GIVEN under my hand and official seal this _____ day of _____ 20___.

_____
Notary Public
Printed:_____
Resident _____County, IN

My commission expires: _____ (Seal)

This form shall also be used for Insurance or Bank Bonds, however all reference to Letter of Credit shall be changed to Bond.

CERTIFICATE J

IRREVOCABLE LETTER OF CREDIT FORM

Maintenance Bond

Date of Issue: _____

Financial Institution Letter of Credit Identification # (if applicable): _____

Amount:_____

Expiration Date: _____

Financial Institution Address: _____

Contact and Telephone # _____

Beneficiary: Decatur County Board of Commissioners
Attn: Planning Director
150 Courthouse Square, Suite 117
Greensburg, IN 47240

We _____(Financial Institution)_____ hereby establish in your favor this non-transferable Irrevocable Letter of Credit for the account of _____, (hereinafter "Subdivider"), and _____, (hereinafter "Owner"), up to an aggregate amount of _____ (US dollars). We understand that this Irrevocable Letter of Credit is to be used to finish all required improvements not completed by the construction bond and to guaranty the performance of all Public Improvements as shown on the approved Improvement Plan on file within the Department of Transportation and Planning Department offices and the submitted Final Plat as listed. (List Subdivision Name _____ and Section or Phase _____)

Draws on this Letter of Credit must be accompanied by written notice to the Financial Institution from the Decatur County Area Plan Commission or the Decatur County Planning Director certifying either: (1) that said Letter of Credit is about to expire and has not been renewed; 2) that work has not been completed in accordance with the approved Improvement Plan listed above and any amendments thereof; and/or 3) the required improvements have failed to perform as required. It shall be the option of the County Engineer acting as the agent for the County, to draw in full on this Letter of Credit or make partial draws as needed. Partial draws shall not affect the full force of the remainder of this Letter of Credit. Upon the completion of the agreed upon

improvements by the County or its agent any unused funds shall be forwarded to the Financial Institution.

This irrevocable Letter of Credit shall expire on (Date/Year); provided, however, the undersigned shall notify the County, by certified mail, return receipt requested, at least 30 days prior to said expiration date, that said Letter of Credit is about to expire. In no event shall this irrevocable Letter of Credit or the obligations contained herein expire except upon said prior written notice and renewal, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision. Notice shall be made to the Beneficiary listed above. This Letter of Credit can only be released prior to the expiration date upon written consent of the Beneficiary.

The undersigned further agrees that this irrevocable Letter of Credit shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the plans, specifications and agreements for the project, with or without notice from the County of such amendments or modifications.

The Financial Institution hereby undertakes and engages that all demands made in conformity with this irrevocable Letter of Credit will be duly honored and payment shall be made in immediately available funds upon presentation.

Each of the undersigned institutions hereby represents and warrants to the Beneficiary that it has the full power, right and authority to deliver this Irrevocable Letter of Credit, that the same is within all lending limits of such institution, is in accordance with terms on the undersigned institution.

NAME OF THE FINANCIAL INSTITUTION

By: _____ Name & Title

Attest: _____ Name & Title

STATE OF INDIANA)
) SS:
COUNTY OF DECATUR)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that _____ personally known to me to be the _____(title) of the _____ (name of the financial institution) who is personally known to me to be the same person whose name is subscribed to the foregoing Irrevocable Letter of Credit as such _____(title) and cause the Corporate seal of said _____(name of the financial institution) to be affixed thereto pursuant to authority given by the Board of Directors thereof, as his/her free and voluntary act and as free and voluntary acts and deed of said institution.

GIVEN under my hand and official seal this _____ day of _____ 20___.

_____
Notary Public
Printed:_____
Resident _____ County, IN

My commission expires: _____ (Seal)