# Warrick County, Indiana

# SUBDIVISION CONTROL ORDINANCE
## Ordinance 2006-05
## Adopted March 20, 2006

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***Prepared for the***

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# SUBDIVISION CONTROL ORDINANCE

## ARTICLE I: ..... PURPOSE AND ADMINISTRATION

### SECTION 1: PURPOSE

This Ordinance is enacted for the purpose of adopting subdivision regulations to control and regulate the division of land for any purpose whatsoever within the jurisdiction of the Warrick County Area Plan Commission. The Warrick County Area Plan Commission shall have all the powers and duties with respect to primary and secondary plat approvals and subdivisions, and the procedures relating thereto which are specified by law and by this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be held to be the requirements adopted for the protection of the public health, safety and welfare, by providing for the harmonious development of Warrick County, for the coordination of streets within subdivisions with other existing or planned streets or with other features, for adequate open spaces for traffic, schools, recreation and air, for adequate storm water drainage and sewage disposal, for the efficient and economical maintenance of streets, and for the development for public use of public grounds.

Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the Warrick County Zoning Ordinance and approved by the Warrick County Health Department.

### SECTION 2: ADMINISTRATION

(1) JURISDICTION
This Ordinance shall apply to all subdivisions of land within the corporate limits of Elberfeld, Lynnville, Tennyson and any other participating cities or towns, and the unincorporated areas of Warrick County, Indiana, as now or hereafter established.

(2) AUTHORITY
Be it ordained by the Warrick County Board of Commissioners, Warrick County, Indiana, under authority of Title 36, Article 7, Chapter 4, Section 700, et seq. of the Indiana Code, as amended, General Assembly of the State of Indiana, that:

(a) No plat or replat of a subdivision of land as defined herein located within the corporate limits of the towns of Elberfeld, Lynnville, and Tennyson, any other participating cities or towns, and the unincorporated areas of Warrick County, shall be recorded until it shall have the approval of the Commission, and such approval shall be entered upon the plat. The Plat shall be accompanied by a certificate bearing the seal of the Commission, signed by the president of the Commission, and attested to by the Executive Director of the Commission disclosing that proper public notice of the hearing has been given and that a majority of the members of the Commission concur in its approval.

(b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Area Plan Commission, in accordance with the provisions of these regulations and filed with the County Recorder.

## ARTICLE II:.....DEFINITIONS

### SECTION 1: GENERAL

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, the singular number includes the plural and the plural the singular. The word "shall" is mandatory and the word "may" is permissive.

### SECTION 2: TERMS DEFINED

(1) ABUTTING PROPERTY OWNERS

Record title owners whose property is contiguous to the subject property, including any property that would touch at any point the subject property, ignoring all rights of way, easements and alleys, including property owned by a governmental body for the primary purpose of a road way. However, record title owners of property separated from the subject property by a freeway or expressway are not considered "abutting property owners," and need not be notified as "abutting property owners." For the purpose of notifying abutting property owners if only a portion of a parcel of real estate is being considered at the public hearing, and with the remaining portion owned by the same property owner, then the abutting property owner to the entire parcel shall be notified, except that when the abutting property owner's real estate is 500 feet or more distant from the part of the real estate being considered, no notification shall be required.

(2) ACKNOWLEDGEMENT OF SIDEWALKS

Acknowledgement of completion of sidewalk construction in accordance with Primary Plat.

(3) ACT

Title 36, Article 7, Chapter 4, Section 700, et seq. of the Indiana Code, as added by Acts of 1981, P.L. 309, Section 23, and amended by Acts of 1982, P.L. 211, Section 4 and all future acts amendatory thereto.

(4) ALLEY

A strip of land dedicated to public use and providing a permanent secondary means of access to abutting property at the rear or sides thereof.

(5) APPLICANT

The person or persons who apply for approval of a subdivision by the Warrick County Area Plan Commission under this Ordinance. This person or persons are also known as the SUBDIVIDER.

(6) BASIC IMPROVEMENTS
See “improvements - basic”.

(7) BENCH MARK
A monument for which an accurate elevation has been established and recorded on the plat, using the National Geodetic Vertical Datum of 1929.

(8) BUILDING SETBACK LINE
The line indicating the minimum horizontal distance between the right-of-way of any street, and the foundation of any buildings, except designated projections as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, and participating jurisdictions.

(9) COMMISSION
The Warrick County Area Plan Commission

(10) COMPREHENSIVE PLAN
The complete development plan, or any of its parts, for the development of Warrick County prepared by the Warrick County Area Plan Commission and adopted in accordance with Chapter 138, Acts of 1957, General Assembly of Indiana, and all amendments thereof and supplement thereto as is now or may hereafter be in effect, as found in I.C. 36-7-1-500 series.

(11) COUNTY
Warrick County, Indiana

(12) CUL-DE-SAC
Local street with only one (1) outlet having an appropriate terminus for the safe and convenient reversal of traffic movement.

(13) DRAINAGE BOARD
Warrick County Drainage Board

(14) EASEMENT
Authorization or grant by a property owner to specific persons or to the public to use the land for specific purposes.

(15) EXECUTIVE DIRECTOR
The duly appointed head of the staff of the Warrick County Area Plan Commission.

(16) “FIRM”
Federal Insurance Rate Map as prepared by Federal Emergency Management Agency (FEMA) for Warrick County, Indiana unincorporated areas plus participating towns.

(17) FLOOD HAZARD AREA
100-year flood contour line from FIRM (or FEMA maps for Warrick County).

(18) IMRPOVEMENTS – BASIC
The installation of sanitary sewers and water supply lines.

(19) IMPROVEMENTS – STREET
The installation of streets, street signs, storm sewers, curbs, gutters and sidewalks when required by the Area Plan Commission.

(20) LEGAL DRAIN
An open or tiled ditch, or combination of the two, which are subject to the jurisdiction and control of the Warrick County Drainage Board.

(21) LETTER OF CREDIT
A legally binding instrument, such as an Irrevocable Letter of Credit or cashiers check, from a duly chartered financial institution or insurance company providing surety satisfactory to the Area Plan Commission that all improvements and installations (required as a condition of primary plat approval) will be constructed in accordance with the standards of this Ordinance. The Area Plan Commission no longer accepts a bond as surety that the Applicant or Subdivider will complete all improvements in accordance with the primary plat approval.

(22) LOCAL HEALTH DEPARTMENT
Warrick County Board of Health.

(23) LOT
The tract within a subdivision marked by the subdivider (or applicant) as a numbered, lettered or other identified tract to be offered as a unit of land for transfer of ownership or for development which is an identifiable parcel of land having frontage on a public street or right-of-way.

(24) LOT, CORNER
A lot located at the intersection of two or more streets.

(25) LOT, DOUBLE FRONTAGE
A lot other than a corner lot with frontage on more than one street or through lots abutting two (2) streets.

(26) MAINTENANCE, ACCEPTANCE OF
Official recognition by the Warrick County Board of Commissioners that streets in a subdivision have been constructed in accordance with the requirements of this Ordinance and approved construction plans for a specific subdivision and acceptance by the Warrick County Board of Commissioners of responsibility for ongoing maintenance of the streets.

(27) MUNICIPAL FACILITIES

This is the basic infrastructure provided by a jurisdiction to support the development of land. This basic infrastructure provides for the movement of motor vehicles, bicycle and pedestrians, the disposal of liquid waste, the provision of potable water for drinking, and the conveyance of stormwater. Accordingly, municipal facilities include streets (including bicycle and pedestrian facilities), sanitary sewers, waterlines, and stormsewers or drainage ditches. Where sanitary sewers or a public liquid waste disposal system does not exist, a private liquid waste disposal system (such as a septic system) must be provided as approved by the Warrick County Health Department. Where a public water supply system does not exist, a private source of potable water (such as a well) must be provided as approved by the Warrick County Health Department. In this Ordinance, "municipal facilities" do not include electric, gas, telephone and other telecommunication facilities although easements may be requested by providers of such utilities for the provision of such facilities to the development.

(28) ORDINANCE

This Ordinance and all subsequent additions or amendments thereto.

(29) OWNER

The individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

(30) PARTICIPATING CITIES AND TOWNS

The towns of Elberfeld, Lynnville, Tennyson and any other general purpose unit of government located within Warrick County that freely chooses by official act of its legislative body to submit itself to the provisions of this Ordinance and to the administration of zoning and other planning, related studies and ordinances administered by the Warrick County Area Plan Commission.

(30A) PARCEL ***Amended 5/9/2011***

As used in this Ordinance, Parcel, means an area of land that is

a. Under common fee simple ownership
b. Contained within a continuous border; and
c. A separately identified parcel for property tax purposes.

(31) PERSON

A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

(32) PLAT OR PRIMARY PLAT

A map or drawing prepared in accordance with the requirements of this Ordinance upon which the subdivider's plan of the subdivision is presented and which he submits for approval of the Area Plan Commission and intends to record in the final form.

(33) PLAT RELEASE

The release of a "major" subdivision final plat for the purpose of recordation effected by the execution of the plat by the Executive Director and President of the Area Plan Commission.

(34) PRIMARY APPROVAL

An approval (or approval with conditions imposed) granted to a "major" subdivision by the Plan Commission after having determined in a public hearing that the subdivision complies with this Ordinance.

(35) PROOF OF FINANCIAL RESPONSIBILITY

An irrevocable letter or cashiers check in an amount and form satisfactory to the Area Plan Commission providing surety that all improvements and installations, required as a condition of "major" subdivision primary plat approval, will be constructed in accordance with the standards of this Ordinance.

(36) PUBLIC IMPROVEMENTS

In addition to MUNICIPAL FACILITIES as defined above, public improvements may include ditches, drainage ways, legal drains, stormwater retention or detention facilities, public trails and paths, parks, recreation areas, nature conservation areas, or other public improvements for the enjoyment of the general public or those who reside on the land to be subdivided.

(37) RECORDER

The County Recorder of Warrick County, Indiana

(38) REPLAT

A change in a recorded subdivision plat if such change affects any street layout on such plat, or area reserved therein for public use, or any lot line, with the following exception:

(a) In case of a division of a single lot in a recorded subdivision to be added to the adjacent lot for additional acreage without affecting any street layout or area reserved for public use, the replat is exempt from the subdivision process. The replat shall be prepared by a licensed land surveyor with a legal description, submitted to the Area Plan Commission for information purposes, and recorded in the Office of the County Recorder.

(39) RIGHT OF WAY

A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

(40) SECONDARY APPROVAL

The stage of application for formal Plan Commission approval of a final plat of a subdivision the construction of which has been completed or guaranteed in accordance with the provisions of this Ordinance which, if approved and signed by the designated officials may be submitted to the County Recorder for filing.

(41) SECONDARY OR FINAL PLAT

The map, drawing, or plan described in this Ordinance of a subdivision and any accompanying material submitted to the Commission for secondary approval, and which, if approved and signed by the designated officials, may be submitted to the County Recorder for filing.

(42) STATE BOARD OF HEALTH

Indiana State Board of Health

(43) STREET

A public right-of-way, intended for vehicular traffic, including expressways, parkways, primary thoroughfares, collector streets, local streets, cul-de-sacs, marginal access streets, avenues, boulevards, roads, lanes, ways, courts and other public ways, with the exception of alleys and as now or hereafter or otherwise designated.

(a) Freeways and Expressways – Major streets and highways used primarily for through traffic, mixed traffic or fast or heavy traffic, generally including Interstate, U.S. and/or State routes. Freeways are facilities with full access control and grade separation (or interchange) of all crossing transportation facilities. All facilities with a federal functional classification of Interstate are freeways. Expressways are facilities with partial access control. Access points to expressways are generally not less than 1200 feet in rural areas and 600 feet in urban areas. All facilities with a federal functional classification of Principal Arterial that are on the National Highway System (but not Interstates) are expressways. These facilities have minimum right-of-way widths in excess of 150 feet.

(b) Arterials – Streets designed, planned and intended for through vehicular traffic in conformance with the Warrick County Comprehensive Plan. All facilities with a federal functional classification of Minor Arterial are arterials. The Arterial designation corresponds to the dual roadway portion of the previous Primary Thoroughfare class (and may also be known as Primary Arterials). These facilities are eventually intended to have four through traffic lanes with access controlled by permit.

(c) Urban Major Collector - Streets designed, planned and intended to serve as collectors and distributors of through vehicular traffic in urban areas. All facilities with a federal functional classification of Urban Collector are Urban Major Collectors. The Urban Major Collector designation corresponds to the single roadway portion of the previous Primary Thoroughfare class (and may also be known as Secondary Arterials). These facilities are generally intended to have two through traffic lanes with access controlled by permit. On occasion, four through traffic lanes may be necessary to the magnitude of abutting development.

(d) Rural Major Collector - Streets designed, planned and intended to serve as collectors and distributors of through vehicular traffic in rural areas. All facilities with a federal functional classification of Rural Major Collector are Rural Major Collectors. The Rural Major Collector designation corresponds to the single roadway portion of the previous Primary Thoroughfare class (and may also be known as Secondary Arterials). These facilities are generally intended to have two through traffic lanes with access controlled by permit. On occasion, four through traffic lanes may be necessary to the magnitude of abutting development.

(e) Rural Minor Collector - Streets designed, planned and intended to serve as collectors and distributors of through vehicular traffic in rural areas. All facilities with a federal functional classification of Rural Minor Collector are Rural Minor Collectors. The Rural Minor Collector designation corresponds to the previous Secondary Thoroughfare class. These facilities are generally intended to have two through traffic lanes with access controlled by permit.

(f) Residential Collector Streets - Streets designed, planned and intended to carry intermediate volumes of traffic within residential areas and from the minor streets to the arterial, primary and secondary streets.

(g) Minor Streets - Streets that carry low volumes of traffic and are used primarily to provide access to the abutting properties.

(h) Marginal Access or Service Streets - Minor streets parallel with and adjacent to arterial, primary and secondary streets which provide access to abutting properties and protection from rapid through traffic.

(i) Cul-de-sacs - Short Streets having one end open to traffic, the other end being permanently terminated by a vehicle turn around.

(j) Rural Road - Any county road five miles or more from any incorporated city or town boundary or any existing county right-of-way open for public use.

Rural roads shall be allowed only at the discretion of the Warrick County Board of Commissioners in new subdivisions which must be located in "A" Agriculture and/or "CON" Recreation and Conservancy zoning districts with minimum lot sizes of 2 ½ acres.

Prior to the filing of a subdivision for primary plat where rural rock roads are requested a written request to permit rural rock roads must be submitted in the Office of the Area Plan Commission at least two weeks prior to any County Commissioners meeting. The request must explain in

detail the reasons and facts supporting the request setting forth location, number of lots proposed, approximate acreage of lots, sketch of proposed subdivision. Justification for rural roads may include unusual conditions of the plat such as, but not limited to, unusual topographical conditions or other exceptional conditions peculiar to the site that would result in extra ordinary hardship or deny the reasonable use and value of said land.

(44) SUBDIVIDER

Person or persons who own all or any part of the real estate included within the plat at the time of the final approval of said plat. This person or persons are also known as the APPLICANT.

(45) SUBDIVISION OF LAND AND SUBDIVIDE *Amended 12/6/2010& 3/11/2013*

(a) The division of a parcel of land into two (2) or more lots, parcels, tracts, sites, units, plats or interest, whether for residential or non-residential use, for the purpose of offer, sale, lease or development in a manner prescribed by this Ordinance. *Parcels of land are those separately identified as tracts for property tax assessment.* The two types of subdivisions provided for under this Ordinance are defined as follows:

(i) A "major" subdivision means a division of land not classified as a "minor" subdivision including, but not limited to:

(1) A division of land into more than three new lots (that is three new parcels excluding the residual of the original parcel) per year; or

(2) Any division of land (regardless of the number of new lots being created) requiring the extension of an existing street or municipal facilities, or the creation of a new street or municipal facilities, or the creation of any public improvements.

(ii) A "minor" subdivision means a division of land containing not more than three (3) new parcels (that is three new parcels excluding the residual of the original parcel) , in an "A" Agriculture and "CON" Recreational and Conservancy zoning districts, per year that:

(1) fronts on an existing street which is an improved right-of-way maintained by the County or other participating jurisdiction, and

(2) does not involve the extension of any existing street or municipal facilities, or the creation of any new street or municipal facilities, or the creation of any public

improvements, and does not adversely affect the remainder of the parcel or adjoining property, and may be used to dedicate additional right-of-way to an existing right-of-way for streets or municipal facilities in conjunction with a rezoning, and

(3) is not in conflict with any provision or portion of the Comprehensive Plan, the Thoroughfare Plan, the Zoning Ordinance (both text and map), or this Ordinance.

(b) THE FOLLOWING DIVISIONS OF LAND SHALL BE CONSIDERED PARCELIZATION. *Amended 12/20/2010.Amended 05/09/2011*

Area Affected

The following divisions of land shall not be considered a subdivision. All other subdivisions of land shall be subdivided in accordance with the Subdivision Control Ordinance as a Minor or Major Subdivision.

**PARCELIZATION**

The following subdivisions are excluded from the necessity of conforming to the platting provisions of this Ordinance only after review and approval by the plat review committee for conformity with the subdivision control ordinance and comprehensive zoning ordinance. Parcelization may only be done in "A" Agriculture and "CON" Recreational and Conservancy zoning district. Parcelization may not be done on any property located within a recorded major or minor subdivision.

(a) The conveyance of not more than two (2) new lots or parcels, with a minimum of 2 ½ acres, located within a metes and bounds described legal description deed with no further parcelization within a twelve (12) month peroid. If the division is to be a building site, the applicant shall submit to the Plat Review Committee proof of septic site/sewer connection and water line or potable water approval.

(b) The conveyance of parcels, 25 acres or greater, conveyed from a parcel of land, provided the new parcels so conveyed do not require any new street improvements, meets all Comprehensive Zoning Ordinance provisions, however, there shall be no further re-parcelization of, or conveyances from, the lots or parcels so created. All newly created parcels shall state- not yet approved as a building site and shall be for recreational and or agricultural purposes.

(c) The conveyance of land not within a recorded subdivision, between the owners of contiguous parcels of land provided that no additional building sites are created by the parcelization.

(d) For the purposes of parcelization, the term "parcel" shall be defined as a separately identified parcel for property tax purposes.

PARCELIZATION PROCEDURE AND APPROVAL:

1. Meet with the Plat Review Committee with a conceptual plan to determine whether the conceptual plan would meet the parcelization requirements.

2. If the requirements have been met, a plat of survey would be required to create a metes and bounds description of the parcel(s) which would be recorded in the Office of the Warrick County Recorder.

3. File a copy of a completed APC Parcelization Checklist and the proposed plat of survey. Staff will assign addresses for the parcel(s).

4. If the parcelization is approved, the applicant must record the deeds when property is transferred in the Office of the County Recorder. A copy must be submitted to the APC office.

5. Any final decision by the Plat Review Committee is appealable to the full Area Plan Commission Board.

(c) A **lot line adjustment** may be done for changes to a lot line where the adjoining lots/parcels are platted having a common lot line and common zoning (Agriculture and Conservancy zonings are done by parcelization).

1. No additional lots or building sites may be created.

2. The newly created sites must meet all requirements of the Comprehensive Zoning Ordinance.

3. The lot line adjustment cannot exceed ten (10) feet on lots in a recorded subdivision. A subdivision replat will be required as described in this Ordinance on any adjustment over said ten (10) feet.

4. The lot line adjustment shall not exceed twenty (20) feet on unplatted parcels. Anything larger than said twenty (20) feet shall require a major subdivision plat filed.

5. The actual property line is not officially moved until a deed to transfer the title is recorded.

(46) SUBDIVISION REVIEW COMMITTEE

A five (5) member committee appointed by the Commission for the review of plats. At least one member of the Subdivision Review Committee shall also be a member of the Area Plan Commission. Other members of the committee shall include a staff member designated by the Executive Director of the Area Plan Commission, a representative of the County Engineer's Office, a representative of the County Surveyor's Office, and a representative of the County Health Department.

(47) THOROUGHFARE PLAN

The Thoroughfare Plan identifies the future roadway system supporting the Future Land Use Plan that is part of the Warrick County Comprehensive Plan. The Thoroughfare Plan places the major streets and highways of the County into functional class (i.e., the purpose the road serves.) In turn, each functional class has a typical right-of-way width and design cross section (i.e., number of lanes, pavement width, etc.). The Thoroughfare Plan is used in the development review process to reserve right-of-way for future roadway improvements and to guide the design of roadway improvements by the public or private sectors. (See Exhibit A.)

(48) ZONING ORDINANCE

An Ordinance and Zone Map now or hereafter adopted which divides the jurisdiction of the County into districts, with regulations and requirements and procedures for the establishment of land use controls.

## ARTICLE III: ..... PROCEDURES FOR SUBMISSION OF PLATS

## ARTICLE III A: PROCEDURES FOR SUBMISSION OF "MAJOR" SUBDIVISIONS

The following Sections are applicable to "major" subdivisions:

### SECTION 1: PRE-APPLICATION CONFERENCE (MAJOR SUBDIVISION)

(1) The subdivider (or applicant), owner of record and registered land surveyor proposing to subdivide or plat land into a subdivision shall schedule a pre-application conference with the Subdivision Review Committee for technical review before submitting a written application for "Major" Subdivision plat approval. At this consultation a sketch plan of the proposed plat shall be submitted containing the following information:

(a) A proposed layout of the streets, lots, and other elements basic to the proposed use in relationship to site conditions.

(b) Location of parks, recreational and other public and semi-public sites existing and proposed within or near the area proposed to be platted.

(c) Proposed methods for handling sewage disposal, drainage, water supply and other utility services.

(2) The sketch plan may be a pencil drawing superimposed upon a print of a topographic survey of the area proposed to be platted or may be in any other graphic medium and form containing and accurately depicting the above information. The pre-application conference does not require formal application fee or filing of a plat with the Area Plan Commission.

(3) During the pre-application conference, the Subdivision Review Committee will identify any possible concerns relative to:

(a) Access to the subdivision for motor vehicles, emergency vehicles, bicycles, and pedestrians, including connections to the surrounding street network.
(b) Fulfilling requirements of the Thoroughfare Plan.
(c) Internal circulation.
(d) Extension or creation of sanitary sewers or provision of private sewage disposal systems.
(e) Extension or creation of water lines.
(f) Provision of stormwater sewers or drainage ditches, protection and use of legal drains, provision of stormwater retention/detention facilities.

(4) The Subdivision Review Committee may identify any other relative issues to the subdivision of the property and answer questions of the subdivider (or applicant) concerning the "major" subdivision process and plat content.

**SECTION 2: APPLICATION AND FEES (MAJOR SUBDIVISION)**

(1) A subdivider desiring approval of a plat for a "major" subdivision of any land lying within the jurisdiction of the Warrick County Area Plan Commission, Indiana, shall submit a written application for a certificate of approval and six (6) copies of a plat of the subdivision in accordance with Section 7 hereof, to the Area Plan Commission. A read-only electronic version of the plat shall also be provided in a format specified by the Area Plan Commission staff. The written application shall be on the form provided (in reproducible or electronic format) by the Area Plan Commission. The Area Plan Commission staff shall prepare the application form on the basis of the requirements of this Ordinance. The Area Plan Commission shall approve the application form.

(2) No land shall be subdivided for any non-agricultural purpose:

(a) unless adequate access to the land over approved streets or thoroughfares exists or will be provided by the subdivider (applicant) or

(b) if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of future residents and of the community as a whole.

(3) No land shall be subdivided for any non-agricultural purpose unless it is in conformance with the Zoning Ordinance, now or hereafter adopted.

(4) At the time of filing an application for plat approval of the plan, the application shall be accompanied by an application fee as set by the Area Plan Commission pursuant to IC 36-7-4-411.

The fees shall be made payable to the Area Plan Commission to cover the cost of advertising, checking and verifying the proposed plat. The Area Plan Commission shall surrender the application fee to the County Auditor. No application fee shall be refunded.

(5) Street Construction Plans shall be initially reviewed under the Primary Plat Filing Fee. During the 30 days preceding the public hearing before the Warrick County Board of Commissioners for street construction plan approval, the subdivider shall make any revisions required by the County Highway Engineer to the plans and resubmit the revised plans at least one week prior to the public hearing. The Warrick County Board of Commissioners in their approval of street plans shall not include the approval of layout of the right-of-way for proposed streets and roads within such subdivisions, as such approval shall be the exclusive province

of the Area Plan Commission pursuant to its exclusive authority for primary plat approval under Indiana Code 36-7-4-405 (2) and 36-7-4-701 (b).

## SECTION 3: NOTICE OF PUBLIC HEARING (MAJOR SUBDIVISION)

(1) The procedure for public notice, public hearing and Area Plan Commission action on the "major" subdivision application is as follows: *Amended 6/24/2013*

a) Upon receipt of an application for primary approval, the plan commission staff shall review the application for technical conformity with the standards fixed in the subdivision control ordinance. Within thirty (30) days after receipt of the application by the Area Plan Commission, the Executive Director shall announce a date for public hearing before the Commission by giving written notification to the applicant (or subdivider) and by general publication of the date of said Public Hearing in a newspaper with circulation in the area of the proposed "major subdivision". The date of said hearing shall not be scheduled later than thirty (30) days after the announcement.

b) At least ten (10) days prior to the date set for the public hearing, the applicant (or subdivider) shall give written notice to all abutting property owners. The applicant (or subdivider) shall give notice by certified mail with return receipts using a prescribed form furnished by the Area Plan Commission. An affidavit, which lists the abutting property owners and attests that notice has been duly given to said property owners, must be filed with the Area Plan Commission along with all return receipts prior to the date set for the hearing. Failure of the applicant (or subdivider) to comply with the above notification and affidavit requirements (both in time schedule and substance) shall result in cancellation of the public hearing, and there shall be imposed another filing fee equal to the original filing fee for rescheduling of the public hearing, cancellation of the original public hearing, and republication of the notice of the public hearing.

c) Following the Public Hearing, the Area Plan Commission may approve or disapprove (with written findings that set forth its reasons for denying approval and provide the applicant a copy) the "major" subdivision application. If the application is approved and all requirements of this Ordinance are met, the President and Executive Director of the Area Plan Commission shall certify (approve) the "major" subdivision plat for recording.

## SECTION 4: PREPARATION FOR PRIMARY APPROVAL (MAJOR SUBDIVISION)

(1) The Plat shall be prepared by a registered land surveyor and duly signed and sealed in form, content and detail prescribed hereinafter.

(2) The Plat shall be prepared to meet at least the minimum requirements as detailed under Article IV General Regulations and Design and Article V Street and Utility Improvements of this Ordinance.

**SECTION 5: FORM OF SUBMISSION (MAJOR SUBDIVISION)**

The plat shall be clearly and legibly drawn at a scale of not more than one hundred (100) feet to one (1) inch on a sheet or sheets twenty four (24) inches by thirty six (36) inches or multiples thereof, except that, when the drawing at that scale requires more than two (2) sheets, the plat may be drawn at a scale of two hundred (200) feet to one (1) inch. A read-only electronic version of the plat shall also be provided in a format specified by the Area Plan Commission staff.

**SECTION 6: VICINITY PLAN (MAJOR SUBDIVISION)**

The plat application for primary plat approval must include the following information:

(1) Vicinity Plan – A vicinity Plan drawn to a scale of not less than 1,000 feet to one inch showing the relationship of the plat to its general surroundings and showing and identifying the following details:

(a) Existing streets within 1,000 feet of the subdivision.

(b) Municipal boundaries within 1,000 feet of the tract.

**SECTION 7: REQUIRED PRIMARY PLAT INFORMATION (MAJOR SUBDIVISION)**

The "major" subdivision plat must include the following in order to be considered for Primary Approval:

(1) Contents:

(a) Proposed name of subdivision. The name shall not duplicate the spelling or pronunciation of any other recorded subdivision.

(b) Location by section, quarter section, township, range, city, town or civil township and complete metes and bounds or other legally recorded boundary description.

(c) Names and addresses of the owner, subdivider (applicant) if other than the owner and seal of registered land surveyor preparing the plat.

(d) Scale of plat including graphic scale, north point and date.

(2) Existing Conditions:

(a) Boundary lines of proposed subdivision indicated by a heavy line with bearings and distances and the approximate acreage.

(b) Location and description of all monuments with references by distance and bearings to quarter section and quarter-quarter section corners.

(c) Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way and easements, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation lines within or adjacent to the tract.

(d) In case of a replat creating additional lots, all descriptive lines and lot numbers of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity or confusion.

(e) Streets on and adjacent to the tract: name and right-of-way width and location.

(f) Municipal facilities, public improvements and utilities on and adjacent to the tract.

(g) Existing contours with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than 2 feet where the slope is less than ten percent (10%). Elevations shall be based on the National Geodetic Vertical Datum of 1929. If not practicable an assumed datum to the satisfaction of the County Highway Engineer may be used.

(h) Subsurface conditions on the tract, if required by the Area Plan Commission: location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.

(i) Other conditions on the tract: water courses, 100-year flood contour line from FIRM map, legal drains, marshes, rock outcrop, wooded areas, existing structures, and other significant features.

(j) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name,

recording data and number, and show approximate percent built-up, typical lot size and dwelling type.

(k) Current zoning and, if applicable, proposed zoning on the tract plus zoning on abutting tracts.

(l) Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract.

(m) The nearest distance to a fire hydrant shall be shown. If such distance is greater than 600 feet, the plat submission shall include a letter from the appropriate fire chief stating the greater distance is acceptable or that an alternative source of water is (or shall be made) available. Any condition stated by the fire chief shall be placed on the plat. For final plat approval, a letter approving water capacity and location of fire hydrants by the appropriate water company will be required. *Amended 9/12/2007.*

(3) Proposed Conditions:

(a) Streets names and right-of-way; similar data for alleys, if any.

(b) Other rights-of-way or easements; location, width and purpose.

(c) Lot lines with adequate dimensions, including area, lot numbers and block numbers. If proposed subdivision is a non-residential subdivision, this condition may be waived by the Area Plan Commission if the subdivider certifies to a minimum lot size and meets all other conditions of this ordinance.

(d) Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

(e) Minimum building setback lines for the front yard only and distances at proposed building lines on any curved streets.

(f) Site data, including number of residential lots, type, typical lot size, and acres in parks, open spaces or school sites.

(g) Title, scale, north arrow and date.

(h) Parcels of land to be dedicated or temporarily reserved for public use or set aside for the use of property owners in the subdivision. Land to be dedicated for parks or other public uses shall be set forth and shown on the plat under the appropriate heading such as “Park” or “Out Lot for Public Use”.

(4) Accompanying Plans, Specifications and Certifications:

(a) The application for primary plat approval must be accompanied by the following:

(i) If private sewage disposal systems and/or wells are proposed, approval and certification of same by the County Health Department. In cases of a non-residential subdivision not showing definite proposed lot lines allowed by the Commission, this certification shall certify to the minimum lot size allowed for said private sewage disposal system and/or well by the County Health Department and State Board of Health.

(ii) If new sanitary sewer connections are to be installed, a capacity letter from the municipality (or sanitary sewer utility) serving the subdivision.

(iii) If new water service connections are to be installed, a capacity letter from the municipality (or water utility) serving the subdivision.

(iv) The subdivider shall submit to the Area Plan Commission two (2) initial and four (4) final sets of drainage plans for the proposed subdivision with a cost estimate for construction of the drainage improvements certified by a registered engineer.

(v) The subdivider shall submit to the Area Plan Commission two (2) initial and four (4) final sets of detailed plans and specifications for street and sidewalk construction. The detailed plans shall consist of cross sections and profiles of streets showing grades. The profiles shall be drawn to County standard scales and elevations and shall be based on the National Geodetic Vertical Datum of 1929. The plans must be accompanied by a certificate of compliance on a prescribed form available from the Area Plan Commission, which said certificate shall contain the following:

(1) Estimated date for the commencement of construction.

(2) Estimated date for construction completion.

(3) Project location.

(4) Detailed description of the type of construction.

(5) Location and typical street sign design if different from standard design shown on Exhibit B of this Ordinance.

Traffic Control Devices which include, but are not limited to, stop signs at intersections, yield signs at intersections, dead end signs, warning signs, and speed control signs shall be located and designed per the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways subject to approval by the Warrick County Highway Engineer and Warrick County Board of Commissioners respectively reserving the right to make additions or changes. The Certificate of Compliance must detail the type of devices, how many, and dollar amount of each device.

(6) Name, length and estimated cost of construction for each street.

(7) Location of sidewalks together with estimated cost of construction.

(8) Total estimated cost of all street and sidewalk construction;

(9) A certificate by the subdivider that the construction will be completed in accordance with the plans submitted.

(10) A certificate of a registered engineer that the specifications meet the minimum requirements of the Warrick County Subdivision Control Ordinance.

(11) A certificate of a registered engineer that he will perform periodic job site inspections to determine that construction is completed in accordance with the plans and specifications.

(b) Prior to primary approval being granted by the Area Plan Commission, the following approvals must be obtained:

(1) Drainage Board for the subdivision's drainage plan.

(2) Warrick County Board of Commissioners for the street plans and specifications.

The Area Plan Commission staff will take the necessary administrative action to schedule the appropriate reviews by the Drainage Board, County Highway Engineer and Warrick County Board of Commissioners.

Provided the street plans and specifications meet all applicable provisions of this Ordinance, the County Highway Engineer and the Warrick County Board of

Commissioners shall have no course than to grant approval of the plans and specifications and to so certify.

To establish the cost estimates referred to in subsection 8 above, a cost breakdown must be submitted by a registered professional engineer. If inconsistent with current development costs, the Area Plan Commission may require a copy of the construction contract. Said cost estimates may be used for the purpose of establishing the amount of the irrevocable letter of credit for guaranteeing completion of improvements as required by Section 13 of this Article.

## SECTION 8: OPTIONAL PRIMARY PLAT INFORMATION (MAJOR SUBDIVISION)

At the discretion of the Area Plan Commission or Executive Director, the following information shall be disclosed on the plat:

(1) Proposed Restrictive Covenants properly prepared and legally sound which may be deemed essential to the sound development of the proposed area. At the discretion of the subdivider and/or Area Plan Commission, restrictive covenants may be proposed to regulate land use in the subdivision and otherwise protect the proposed development. Said covenants shall not be less restrictive than any of the provisions of this Ordinance. The Area Plan Commission shall have no authority to enforce said covenants. Enforcement shall be the responsibility of the property owners.

## SECTION 9: PRIMARY PLAT APPROVAL (MAJOR SUBDIVISION) *Amended 6/10/2013*

(1) In determining whether to grant primary approval of a plat, the plan commission shall determine if the plat or subdivision qualifies for primary approval under standards prescribed in the subdivision ordinance. Following the public meeting the Commission shall render primary approval or disapproval of the plat with or without conditions.

(2) The standards fixed in the subdivision control ordinance may be waived at the discretion of the commission; however, to be approved, the plat must still meet all applicable standards prescribed in the zoning ordinance. As a condition of granting a waiver, the commission, may allow or require a commitment to be made as described in part in Indiana Code 36-7-4-1015 “as a condition to primary approval of a proposed subdivision plat or development plan the owner of a parcel of real property may be required or allowed to make a commitment to the plan commission concerning the use or development of that parcel”. (See Comprehensive Zoning Ordinance for the IC 36-7-4-1015 in its entirety)

(3) Primary approval is strictly tentative, involving the general acceptability of the layout submitted and shall be effective for a maximum period of five (5) years unless, upon application of the subdivider, the Executive Director grants an extension for one (1) year. If the plat has not been submitted for secondary

approval within this time limit, the primary plat shall be considered null and void and no further action shall be taken except by re-application as hereinbefore provided.

(4) If, after the hearing the Commission determines the application and plat comply with the standards in the Subdivision Control Ordinance, it shall make written findings granting primary approval to the plat in triplicate form signed by the President or the Commission and certified by the Executive Director. This decision, which must also specify any condition imposed or waiver granted.

(5) If, after the hearing the Commission disapproves the plat, it shall make written findings that set forth its reasons denying primary approval and provide the applicant a copy.

(6) Primary approval of a plat, with or without conditions, shall in no way constitute approval of the plat required prior to being filed with the auditor and recorder. However, the Commission, Executive Director or County Commissioners may not impose any additional terms, conditions or commitments after primary approval.

**SECTION 10: FINAL PLAT (MAJOR SUBDIVISION)**

(1) Within five (5) years after primary approval, or within the time limit of any extension granted, with or without conditions, the subdivider shall submit a plat prepared by a registered professional land surveyor in conformance with the primary plat for secondary approval. The Area Plan Commission will notify the subdivider ninety (90) days prior to the expiration of said five (5) years.

(2) The secondary plat shall conform substantially to the approved primary plat, reflecting all terms, conditions and commitments given by the subdivider or required by the Area Plan Commission and it may constitute only that portion of the approved primary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements and standards of this Ordinance. The approved primary plat may be submitted as the secondary plat if it meets all the necessary requirements of this Ordinance.

(3) Under no circumstance shall a secondary plat be recorded unless said plat has received secondary approval and a plat release has been duly executed as set forth in Sections 11 through 14 of this Article.

**SECTION 11: REQUIRED SUBMISSIONS PRIOR TO CONSIDERATION OF SECONDARY APPROVAL (MAJOR SUBDIVISION)**

(1) Timing and form of Submission: At least two (2) weeks prior to the date of meeting at which it is to be considered by the Commission or Executive Director, certain reproductions of the secondary plat, which may include all or only a

portion of the approved primary plat; shall be submitted to the Area Plan Commission Office according to the following instructions. A replat, limited to changing lot lines not increasing the number of lots, or adding additional area, or a subdivision with no substantial change from the approved primary plat, may be approved by the Executive Director after obtaining a sign-off by the County Highway Engineer that the subdivision meets all the approved street construction plans (i.e., the County Highway Engineer certifies that all improvements have been made or establishes a dollar amount for an Irrevocable Letter of Credit covering the cost of improvements yet to be completed), the County Surveyor that the subdivision meets all the approved drainage plan approvals (i.e., the County Surveyor certifies that all improvements have been made or establishes a dollar amount for an Irrevocable Letter of Credit covering the cost of improvements yet to be completed), and receipt of an Irrevocable Letter of Credit covering the cost of improvements yet to be completed in the amount specified by the County Highway Engineer and County Surveyor. It is at the discretion of the Executive Director if the secondary plat must be presented to the Commission.

(a) One (1) original reproducible Mylar transparency with six (6) blackline or blueline reproductions. A read-only electronic version of the plat shall also be provided in a format specified by the Area Plan Commission staff.

(b) All plats shall be drawn with black drawing ink on a sheet(s) twenty-four (24) inches by thirty-six (36) inches. "Stick-on" lettering or sheets are not acceptable. The plats may be prepared on paper using "stick-on" from which a permanent Mylar is made. Ammonia process Mylars are not acceptable. The left margin shall be a minimum of two (2) inches. The plat shall be drawn at a scale of not more than sixty (60) feet to one (1) inch **unless** the proposed lots are two and one-half acres (2 ½) or more which may be drawn at a scale not more than two hundred (200) feet to one (1) inch; multiple sheets are acceptable. The six (6) reproductions of the final plat and the original reproducible Mylar transparencies shall become the property of the Area Plan Commission. ***Amended 7/11/2011***

(2) Required secondary plat Information: The secondary plat shall contain the following information:

(a) Name of Subdivision.

(b) Location by range, section, quarter section, township, city, town or civil township with legal boundary description or by other legal description.

(c) The name, address, and certification of the licensed surveyor preparing the plat and his signature and seal.

(d) Scale shown graphically and numerically, north point and date.

(e) Boundaries of the tract with accurate dimensions and bearings as determined by an accurate survey in the field that has been balanced and closed, as well as physically located by monumentation.

(f) A note indicating the basis of all bearings used in the boundary survey and shown on the plat. Reference to true meridian is encouraged.

(g) Sufficient data must be shown to determine readily the bearings and length of every lot line, block line and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. All lots must show square footage of lot area.

(h) Location and description of all monuments with references by distance and bearing to quarter sections and quarter quarter sections.

(i) Right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.

(j) Name and right-of-way width of each street or other right-of-way;

(k) On cul-de-sacs and on any curved street, angles at the center thereof between markers on the perimeter shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public right-of-way.

(l) Whenever a participating city or town or Warrick County has established or adopted a system of coordinates, then the boundary survey shall be tied into such system.

(m) The plat shall show clearly what markers, monuments or other evidence were found on the ground to determine the boundaries of the subdivision. The adjoining subdivision shall be identified by lot and block numbers, subdivision name, place of record, or other proper designations.

(n) Township and range and quarter-section lines shall be accurately tied to lines of the subdivision by distance and bearing.

(o) At least two (2) benchmarks shall be located in the subdivision and so indicated with their elevations shown on the plat. All elevations shall be based on the National Geodetic Vertical Datum of 1929 as shown on the primary plat.

(p) Show the center and side lines of streets, the total width of all streets, width of the portion being dedicated and the width of existing dedications, and the widths each side of the center line; also, the width of railroad rights-of-way appearing on the plat.

(q) Easements must be clearly labeled, identified, the side line shown, and if already recorded, their recorded reference given. Easements shall be denoted by fine dashed lines. The widths of easements and the lengths and bearings of the lines thereof when needed and sufficient ties thereto definitely locating the easement with respect to the subdivision must be shown. If the easement is being dedicated by the plat, it shall be so stated in the owner's certificate of dedication.

(r) Numbers or letters for all lots or other areas.

(s) Street addresses for lots shall be obtained from records of the Area Plan Commission Office.

(t) Building set-back lines for the front yard only and distances at proposed building lines on any curved streets.

(u) Restrictions, dedications, and private covenants to be made a part of the secondary plat by the inclusion or reference.

(v) The following certificates shall appear on the secondary plat:

(1) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recording of said plat.

(2) An acknowledgment certificate signed by a Notary Public.

(3) A certificate by the registered land surveyor responsible for the survey and final plat and his signature and seal.

(4) A certificate for execution by the Area Plan Commission.

(5) A certificate from the County Drainage Board and signed by the Secretary of said Drainage Board.

(3) In the event all basic and street improvements have been installed prior to secondary approval, the following certificate must accompany the secondary plat:

(a) A certificate of completion by a registered professional engineer or registered land surveyor attesting that all basic improvements have been

installed in conformance with the primary plat and applicable provisions of this Ordinance.

(4) In the event application for secondary approval is made prior to completion of all basic improvements, proof of financial responsibility must be filed with the Area Plan Commission in accordance with the provisions of Section 13(2), et seq. of this Article.

## SECTION 12: INSPECTION OF IMPROVEMENTS DURING CONSTRUCTION (MAJOR SUBDIVISION)

(1) Street Improvements Inspection by County Highway Engineer:

Installation of all street improvements shall be inspected by the County or the participating city or town within whose territorial boundaries the subdivision is located. At least a twenty-four (24) hour notice shall be given the County Highway Engineer or town board of the participating jurisdiction prior to the installation of any pavement for street construction. Such inspections are required in all instances regardless of whether the work is performed before or after the subdivision plat has been recorded. Failure to request inspection of work performed after may be cause for denial of acceptance of the streets by the County or participating jurisdiction for maintenance.

(2) Basic and Street improvements inspection by Registered Engineer:

The installation of all basic and street improvements shall be inspected during construction by a registered professional engineer at the expense of the subdivider. If, on the basis of this (these) inspection(s) and a final inspection upon completion of construction, the engineer finds that all basic and street improvements have been constructed in accordance with the requirements of this Ordinance, the said engineer shall provide the Area Plan Commission with a certificate to that effect. By this rule, the Area Plan Commission hereby prescribes the principal procedure for determining whether all non-street improvements and installations have been constructed and completed as required by this Ordinance.

## SECTION 13: PROOF OF FINANCIAL RESPONSIBILITY (MAJOR SUBDIVISION)

(1) If the subdivider elects to install all improvements, including Traffic Control Devices, before he applies for secondary plat approval and it is shown to the satisfaction of the Commission that the conditions of this Ordinance have been met, and if the secondary plat conforms substantially to the plat that received primary approval, the sudivider (applicant) is exempt from the remaining provisions of this section of the Ordinance provided, however, that said application for secondary approval is made within five (5) years of primary plat

approval without the granting of extensions. Extensions shall be for not less than one (1) year, nor more than five (5) years. Moreover, if the above conditions are met, the Commission shall have no other course than to give secondary plat approval within thirty (30) days after application for secondary approval.

(a) The following provisions allowing for other proof of financial responsibility in lieu of installing all improvements before applying for secondary plat approval shall not apply to Traffic Control Devices. The cost of all devices shall be borne by the subdivider, and shall be installed by the subdivider prior to any street, being constructed either completely or partially, and opened to the public. *Amended 9/12/2007*.

(2) If the subdivider (applicant) elects to apply, for secondary approval prior to the complete installation of all basic and street improvements that received primary approval, then in lieu thereof, the subdivider (applicant) shall file with the Area Plan Commission an Irrevocable Letter of Credit guaranteeing that the improvements will be completed or other proof of financial responsibility, as hereinafter set forth.

(a) If the subdivider (or applicant) elects to file an Irrevocable Letter of Credit with the Area Plan Commission to assure completion of all basic and street improvements required by the Commission, such surety shall:

(i) Be securable to Warrick County, Indiana, Board of Commissioners.

(ii) Be in an amount determined by the County Highway Engineer and County Surveyor to be sufficient to complete the improvements required.

(iii) Provide surety satisfactory to the Warrick County Board of Commissioners.

(b) Any funds received from irrevocable letters of credit shall be used by the County only for the purpose of making the improvements and installations for which the Irrevocable Letter of Credit was provided. The proceeds of the Irrevocable Letter of Credit may be used for these purposes without appropriation. If the improvement or installation is to be made within a participating city or town, the County shall transmit the proceeds of the Irrevocable Letter of Credit or cashier's check to the participating city or town who shall complete the improvements or installation.

(c) Such Irrevocable Letter of Credit shall comply with all statutory requirements and shall be satisfactory to the Attorney of the Board of County Commissioners as to form, sufficiency, and manner of execution.

The period within which required public improvements must be completed shall not exceed two (2) years from date of secondary approval. Such bond shall be approved by the participating jurisdiction as to amount. The Plan Commission may upon proof of difficulty, grant an extension of the completion date set forth in such bond for a maximum period of one (1) additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond as hereinafter provided.

(3) The subdivider shall have the option of providing proof of financial responsibility to Warrick County by means of any of the following courses of action in lieu of providing the Irrevocable Letter of Credit as specified in subsection (2) hereof:

(a) The subdivider may submit a certified check (cashier's check) to the County Auditor made payable to Warrick County in an amount equivalent to one hundred percent (100%) of the estimated costs to complete the improvements as determined by the County Highway Engineer and County Surveyor. In this event, the subdivider shall be entitled to receive progress payments from the funds deposited by the subdivider of not more than 90% of the value of any work completed; provided, however, that all such work completed shall have been inspected and approved by the registered professional engineer or land surveyor responsible for inspecting the basic and street improvements. The remaining 10% of the cashier's check over and above the 90% progress payments shall be paid by the County Auditor upon receipt by the Area Plan Commission of a certificate of completion of basic and street improvements as provided in Section 12 of this Article. Any payments or release of funds by the County Auditor shall be made only upon receipt of an approval certificate signed by the Area Plan Commission Executive Director.

(4) The subdivider may submit an Irrevocable Letter of Credit issued by a financial institution acceptable to the Warrick County Board of Commissioners on behalf of the subdivider and securable to the County in an amount equivalent to one hundred (100%) percent of the estimated cost of completion of the uncompleted portion of street improvements.

(a) In the event an Irrevocable Letter of Credit is used, it shall be written for a minimum period of one (1) year for street improvements other than sidewalks and two (2) years for sidewalks or a maximum of two (2) years for street improvements other than sidewalks and five (5) years for sidewalks. Two (2) months prior to the expiration date of the Irrevocable Letter of Credit, the Area Plan Commission shall send a letter to the subdivider (applicant) to determine if the street improvements have been completed and accepted for maintenance and/or acknowledgment of completion by the County or other units of government having jurisdiction

over them, and if they have not been accepted or acknowledged shall so notify the subdivider of his options which are:

(i) If the subdivider has not exceeded the allowed maximum two (2) years for street improvements other than sidewalks and five (5) years for sidewalks, he may have his engineer submit a certified report of percentage of street construction and sidewalk completion yet to be finished and the dollar amount required to complete the work. This submittal must be made to the Area Plan Commission office a minimum of thirty (30) days prior to the expiration date of the Irrevocable Letter of Credit. The County Highway Engineer shall make an inspection to verify said engineer's certification. Once the County Highway Engineer gives his written approval, the subdivider may submit a new Irrevocable Letter of Credit a minimum of ten (10) days prior to the expiration date of the one being replaced. This new Irrevocable Letter of Credit shall not be for a period less than one (1) year. However, the Warrick County Board of Commissioners may require an Irrevocable Letter of Credit in the amount to cover possible repairs to any completed improvements, including roadway and drainage, if the improvements have not passed through a seasonal freeze-thaw cycle.

(ii) Should the developer not submit a replacement Irrevocable Letter of Credit in the manner previously described, the County shall secure the funds pledged by the expiring Irrevocable Letter of Credit.

(iii) At the discretion of the Warrick County Board of Commissioners, they may grant an extension of one (1) additional year upon written request of the subdivider and provided he follows the procedure as previously mentioned for the submittal of a new Irrevocable Letter of Credit.

(iv) In the event the subdivider can demonstrate that due to some unforeseen circumstance or hardship beyond his control and not self-created, he may request a second (2nd) and final extension to be granted by the Warrick County Board of Commissioners if Improvement Location Permits have been issued for less than seventy-five percent (75%) of the subdivision lots. At the discretion of the Warrick County Board of Commissioners, they may grant the extension for such period of time they deem adequate, however, not less than one (1) year and not to exceed two (2) years. In the case of sidewalks, if Improvement Location Permits have been issued for less than seventy-five percent (75%) of the subdivision lots, at least one (1) side of each street must be

installed for pedestrian safety and convenience by this time, certified to by his Engineer and verified by the County Highway Engineer.

There shall be no reduction in the dollar amount of any Irrevocable Letter of Credit during its term.

(5) At such time all street construction has been completed and streets accepted for maintenance and sidewalk construction acknowledged, any Irrevocable Letter of Credit guaranteeing the construction shall be released.

(a) The subdivider may submit an Irrevocable Letter of Credit in favor of the Board County Commissioners to be held by the Area Plan Commission and in an amount equivalent to one hundred percent (100%) of the cost of completion of the uncompleted portion of required basic improvements.

(b) The subdivider may submit any combination of an Irrevocable Letter of Credit or Cashier's Check to Warrick County in an aggregate amount equivalent to one hundred percent (100%) of the cost of completion of the uncompleted portion of required public improvements.

(c) If water and/or sewer lines are required per this Ordinance, proof of financial responsibility provided by subdivider to the municipality furnishing water and/or sanitary sewage may be accepted as the proof of financial responsibility required by this section provided the Area Plan Commission has received written assurances from such municipality which furnishes such services.

(i) With respect to the installation or extension of water, sewer, or other utility service, the applicant may show by written evidence that he has entered into a contract with the political subdivision providing the service; and

(ii) The Area Plan Commission determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with the Subdivision Control Ordinance; or *Amended 11/12/13*

(iii) The plat and the applicable deed shall display the following notations:

The utility will not sell sewer/water taps for any lot in this subdivision until the sewer/water lines servicing the subdivision are installed and deemed substantially complete by said utility. Warrick County will not issue Improvement Location Permits or Building Permits for any lot in this subdivision until a sewer/water tap for the lot is issued by said utility.

(d) Any means of financial responsibility submitted by the subdivider in lieu of a Irrevocable Letter of Credit, such as a Cashier's Check, shall comply with all statutory requirements and shall be satisfactory to the Attorney of the County Commissioners as to form, sufficiency and manner of execution.

(6) All improvements to be installed in a subdivision shall comply with the requirements of Articles IV and V.

(7) Upon certification of completion of all basic and street improvements as required in Section 12 of this Ordinance, the County Commissioners shall release the Irrevocable Letter of Credit or Cashier's Check that has been posted to guarantee completion of the improvements and discharge the subdivider and surety from further liability or responsibility thereunder. Any financial instrument (i.e., cashier's check) used by the subdivider in lieu of an Irrevocable Letter of Credit shall likewise be released with a discharge of further liability or responsibility for completion of the improvements.

## SECTION 14: SECONDARY PLAT APPROVAL (MAJOR SUBDIVISION)

(1) The Executive Director shall examine the secondary plat and all accompanying documentation to determine whether they conform with the primary plat and with all changes permitted and all requirements of this Ordinance imposed as a condition of the secondary plat's acceptance. If the Executive Director shall determine not to approve said plat, they shall advise the subdivider of the changes or additions that must be made before approval will be granted, and shall set forth its reasons in its own records and provide the applicant a copy. If the secondary plat does not conform substantially to the approved primary plat then the Executive Director shall forward said secondary plat to the Commission for approval. If Executive Director and/or Commission shall determine to approve the plat, it shall affix the Commission's seal upon the plat, together with the certifying signatures of its President and Executive Director.

(2) Plat Release. Provided the Executive Director and/or Area Plan Commission has granted secondary approval, the plat release shall be executed by the Executive Director upon receipt of a plat release fee as set by the Area Plan Commission (pursuant to IC 36-7-4-411) has been paid to the Warrick County Area Plan Commission.

(a) Exclusion:

(i) There shall be no fee required for any application by a participating unit of government in the Warrick County Area Plan Commission.

(ii) Corrected plat due to an error or omission.

## SECTION 15: COMPLETION OF STREET IMPROVEMENTS AND ACCEPTANCE OF MAINTENANCE BY COUNTY (MAJOR SUBDIVISION)

(1) Unless waived by the Warrick County Board of Commissioners, the subdivider shall:

(a) Complete all street construction, sidewalk construction, and drainage improvements in accordance with the approved subdivision street plans

and drainage plans. Street construction and drainage improvements shall be constructed within two (2) years of issuance of the subdivision plat release (unless an extension is granted by the Warrick County Board of Commissioners). Sidewalks shall be constructed within five (5) years of the issuance of the subdivision plat release (unless an extension if granted by the Warrick County Board of Commissioners). In the event an extension has been granted, the amount of the Irrevocable Letter of Credit shall not be reduced prior to its expiration date and the extension of the Irrevocable Letter of Credit or a new Irrevocable Letter of Credit shall be in force prior to the beginning of the extension period.

(b) Make application to the officer of the Warrick County Area Plan Commission for the acceptance of the subdivision streets for maintenance by The Warrick County Board of Commissioners by the time that two (2) years has elapsed from the issuance of the subdivision plat release (unless an extension has been granted).

(2) The application for acceptance of maintenance shall be accompanied by a filing fee as set by the Area Plan Commission or the County Board of Commissioners pursuant to IC 36-7-4-411; and

(a) Four (4) copies of the secondary plat; and

(b) Pursuant to Article III, Section 12(2), a certificate from a licensed professional engineer attesting that all required non-street improvements have been installed in accordance with all applicable provisions of this Ordinance.

(3) Subsequent to receipt of the application for acceptance of maintenance, the County Engineer shall conduct a field inspection of the subdivision's street improvements and make a report of said inspection as well as previous inspections during construction (pursuant to Section 12 of this Article) to the Warrick County Board of Commissioners. The report shall list all deficiencies, if any, shall need to be corrected as a condition for acceptance by the County of the roadways for maintenance. However, the Warrick County Board of Commissioners may require an Irrevocable Letter of Credit in the amount to cover possible repairs to any completed improvements, including roadway and drainage, if the improvements have not passed through a seasonal freeze-thaw cycle.

(4) If the findings of the County Engineer's report do not reveal any deficiencies, the Warrick County Board of Commissions shall have no other course than to accept the subject roadways for maintenance.

(5) Whenever a subdivider receives a subdivision plat release he shall, in addition to all other requirements,

(a) Maintain the streets as laid out and established on the subdivision plat in accordance with the minimum standards for subdivision street maintenance established by the Warrick County Board of Commissions until such time as the streets are accepted for maintenance.

(6) Whenever a subdivider, his agents, employees or assigns, conveys lots in a subdivision, in which the streets have not been accepted for maintenance by the Board of Commissioners of Warrick County, he shall cause to be printed in bold print across the face of the deed of conveyance the following:

"STREET, ROAD AND OTHER MINIMUM IMPROVEMENTS IN THIS SUBDIVISION HAVE NOT BEEN MADE AND THE COUNTY WILL NOT ACCEPT THE SAME FOR MAINTENANCE UNTIL THE OWNERS OF THE VARIOUS LOTS HEREIN IMPROVE THE SAME UP TO SAID MINIMUM STANDARDS."

In like manner, the Executive Director of the Area Plan Commission shall cause the same language to be stamped or printed on the Secondary Plat regardless of whether or not lots are being conveyed in the subdivision.

## ARTICLE III B: PROCEDURES FOR SUBMISSION OF "MINOR" SUBDIVISIONS

The following Sections are applicable to "minor" subdivisions:

### SECTION 1: APPLICATION AND FEES (MINOR SUBDIVISION)

(1) A subdivider desiring approval of a plat for a "minor" subdivision of any land lying within the jurisdiction of the Warrick County Area Plan Commission, Indiana, shall submit a plat of the subdivision in accordance with this Article to the Area Plan Commission.

(2) A "minor" subdivision plat may be filed for approval for any division of land creating not more than three (3) new parcels (that is three new parcels excluding the residual of the original parcel) provided that:

(a) the original parcel was not previously subdivided in the past twelve (12) months, and

(b) all parcels have frontage on an existing street with an improved right-of-way maintained by the County or other participating jurisdiction, and

(c) no extension of existing or creation of new streets, municipal facilities or public improvements is proposed, and

(d) it does not adversely affect the remainder or the parcel or adjoining projects, and

(e) it does not conflict with any provision or portion of the Comprehensive Plan, the Thoroughfare Plan, Zoning Ordinance (both text and map), or this Ordinance.

(3) No land shall be subdivided if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of future residents and of the community as a whole.

(4) At the time of filing of an application for "minor" subdivision plat approval, the application shall be accompanied by an application fee as set by the Area Plan Commission pursuant to IC 36-7-4-411.

**SECTION 2: NOTICE OF PUBLIC HEARING (MINOR SUBDIVISION)**

(1) Three different circumstances exist for public notice and opportunity to comment on the "minor" subdivision application:

(a) If the subdivider has obtained the signatures of all abutting property owners stating their approval (or no objection to Area Plan Commission approval of the plat) and such accompanies the "minor" subdivision plat at the time of application for approval by the Area Plan Commission, no further public notice nor a public hearing are necessary, and the Executive Director of the Warrick County Area Plan Commission may certify (approve) the "minor" subdivision plat for recording.

(b) If the subdivider has not obtained the signatures of all abutting property owners stating their approval at the time of the application to the Area Plan Commission for approval of the plat, the applicant shall give notice of the right to voice objections to the Subdivision Review Committee and then the right to appeal to the full Area Plan Commission to all abutting property owners of record. Within seven (7) days of filing of the application, the notice shall be sent by the applicant to abutting property owners of record by certified mail with return receipts using a prescribed form furnished by the Area Planning Commission. The notice of the right to voice objections to the Subdivision Review Committee and then the right to appeal to the full Area Plan Commission shall inform the abutting property owner that he or she has ten (10) days from the post marked date of the mailing of the notice to submit a written objection (the address of the Area Plan Commission being included in the notice) to the Area Plan Commission for an audience before the Subdivision Review Committee. Only abutting property owners of record shall make such an objection, and the objection shall be heard before the Subdivision Review Committee before the objector may appeal to the full Area Plan Commission. An affidavit which lists the abutting property owners and attests that notice has been duly given to said property owners must be filed with the Area Plan Commission along with all return receipts within ten (10) days of the filing of the application. Two possible actions may occur:

(i) If the affidavit is in order and no oral nor written objection has been received by the Area Plan Commission on or before the close of the ten (10) days of notification of the abutting property owners, the Executive Director of the Warrick County Area Plan Commission may certify (approve) the "minor" subdivision plat for recording.

(ii) If on the other hand, an oral or written objection is received by the Area Plan Commission on or before the close of the tenth (10) day subsequent to the notification of the abutting property owners, the

Executive Director of the Warrick County Area Plan Commission shall announce, within fourteen (14) days of receipt of the application, the date that the objection will be reviewed by the Subdivision Review Committee by giving written notification to the applicant and the objector.

Following the review before the Subdivision Review Committee, the Executive Director of the Area Plan Commission may approve, disapprove (with written findings that set forth its reasons for denying approval and provide the applicant a copy) the "minor" subdivision application, or request the full Area Plan Commission to review the matter. If the application is to be approved, the Executive Director shall inform all objectors by certified mail of their right to appeal to the full Area Plan Commission by oral or written request within ten (10) days. Only those abutting property owners who have raised an original objection and requesting a review by Subdivision Review Committee can appeal to the full Area Plan Commission. If no oral or written appeal is received within ten (10) days, the Executive Director of the Area Plan Commission shall certify (approve) the "minor" subdivision plat for recording.

(c) After the Subdivision Review Committee has met and the Executive Director has made a finding to deny the subdivision, the applicant may appeal to the full Area Plan Commission. After the Subdivision Review Committee has met and the Executive Director has informed all objectors of the intent to approve the subdivision, an original objector who is also an abutting property owner may appeal orally or in writing to the full Area Plan Commission within ten (10) days of receiving notice of the intent to approve the subdivision. Finally, the Executive Director may request an appeal before the full Area Planning Commission. Under any of these three circumstances, the Area Planning Commission will hold a Public Hearing at the next scheduled Area Planning Commission and the Executive Director shall give written notice to the applicant and any objectors of the date of the Public Hearing.

## SECTION 3: PREPARATION AND SUBMISSION OF "MINOR SUBDIVISION" PLAT

(1) A "Minor" Subdivision requires the submittal of a plat prepared by a Licensed Land Surveyor and duly signed and sealed prior to submission attesting to the legal boundary descriptions and the monumenting of property corners of all lots (existing and created).

(2) The "Minor" Subdivision plat shall include the information cited in Section 4. Prior to submission of the plat, the subdivider is encouraged to obtain the certifications of access, sewage disposal, potable water and stormwater drainage.

The plat will be accepted for processing by the Area Plan Commission without these four certifications; and the Area Plan Commission staff will forward the plat to the appropriate agencies for these three certifications. Prior to submission of the plat, the subdivider is also encouraged to obtain the signatures of all abutting property owners stating their approval (or no objection to Area Plan Commission approval of the plat). The plat will be accepted for processing by the Area Plan Commission without abutting property owner signature. However, the subdivider shall (within seven (7) days of the filing) send out notifications to abutting property owners of their right to voice objections to the Subdivision Review Committee and then to appeal to the full Area Plan Commission within ten (10) days notify, and shall file an affidavit within ten (10) days with the Area Plan Commission verifying the notification. If any abutting property owner requests the review of an objection by the Subdivision Review Committee, the review by the Subdivision Review Committee shall be scheduled; if not, the Executive Director may certify (approve) the plat for recording provided the plat and affidavit are in order. If any party appeals to the full Area Plan Commission after the review by the Subdivision Review Committee, a Public Hearing will be scheduled before the full Area Plan Commission; after the Public Hearing, the Area Plan Commission may approve or deny the subdivision stating the conditions for denial. If approved, the President and Executive Director of the Area Plan Commission may certify (approve) the plat for recording provided the plat and affidavit are in order.

(3) The "Minor" Subdivision plat shall be submitted on a reproducible piece of paper (with original signatures) drawn to a scale no larger than 1 inch equals 200 feet plus six (6) copies and a read-only electronic version of the plat.

## SECTION 4: REQUIRED "MINOR SUBDIVISION PLAT" INFORMATION *Amended 9/12/2007*

(1) The application for "Minor" Subdivision plat approval shall include the following data:

(a) Title of "Minor Subdivision."

(b) Recording data of the deed of the property being divided, including deed book and page number and tax block and lot number. (A copy of the deed shall be attached.)

(c) Owners of record with their names, addresses, and original signatures (to be affixed and dated).

(d) A parent tract legal boundary description with the lengths and bearings from all property corners (to be monumented with a steel rod) shown on the plat. Each parcel shall have a legal boundary description shown on the plat. Each parcel shall have a legal boundary description with the lengths and bearings from all property corners (to be monumented with a steel rod) shown on the plat. *Amended 9/12/2007*

(e) Location map of the subdivision from the nearest public road intersection, with north point and scale.

(f) Location and description of all monuments with references by distance and bearings to quarter section corners, section corners, grant corners, or recorded subdivision corners.

(g) All lots numbered or lettered with the acreage of each lot shown.

(h) All public rights-of-way including streets and utility easements shown and labeled with the width thereof. A statement shall be placed on the plat that no buildings, structures, fences, shrubs or trees shall be placed in the public right-of-ways, either existing or to be dedicated by this plat.

(i) Building setbacks from the front lot line.

(j) Thoroughfare setback lines and dedication of an additional right-of-way consistent with Thoroughfare Plan, if applicable.

(k) 100-year flood contour line from the Flood Insurance Rate Map (FIRM) or the statement that all areas are outside the 100-year flood plain. If any portion of the lot falls within the 100-year flood plain, a suitable building site above the 100-year flood plain elevation shall be readily evident from the plat by showing the portion of the flood plain to be filled. Further, access to a suitable building site above the 100-year flood plain shall be demonstrated.

(l) Location of existing water, sewer, other municipal services, and other utilities (electric, gas, telephone, cable television, etc.)

(m) Zoning classification of the subject property and all abutting properties.

(n) Names and addresses of record of all abutting property owners with appropriate references to the tax block and lot number and deed book and page number for all abutting properties.

(o) Any existing buildings and structures (including fences) and their placement on the lots.

(p) Natural waters courses designated with the statement that no buildings, structures, fences, shrubs or trees shall be placed in the easements. Legal drains designated, if applicable.

(q) Any significant geologic structures (such as sinkholes) shall be shown on the plat, and it shall be readily evident from the plat that a suitable building site exists.

(2) The following certifications must appear on the plat ***for any new building site***: *Amended 11/9/09.*

(a) Certificate of Access by the County Highway Engineer/State Highway Representative:
All parcels have Ingress and Egress to each proposed building site to (road name) which is a public county/state maintained roadway.
Conditions: (statement of no conditions or the conditions cited).

_____ _____

Signature & Title Date

(b) Sewage Disposal Certificate (if private systems are to be used):

Private waste disposal systems have been approved for this Minor Subdivision; however, the type and size of the onsite sewage disposal system for each parcel in this Minor Subdivision will be determined by the Warrick County Health Department. These systems will comply with Regulation 410 IAC6-8.1 as set down by the Indiana State Board of Health and Warrick County Ordinance #1985-15. This Ordinance regulates the installation, construction, maintenance and operation of private sewage disposal systems and provides penalties for violations. Diagrams of these systems are available at the Warrick County Health Department, Boonville, Indiana. Only one (1) sewage permit shall be issued per parcel. The approved sites for the private waste disposal systems are as shown on this plat. Any site other than those shown as "approved area" must be approved by Warrick County Health Department, to regulate the placing of these systems with designated approved sites and will not be the responsibility of the Warrick County Area Plan Commission.

Conditions: (statement of no conditions or the conditions cited)

_____ _____

Warrick Co. Health Dept. Date

(If Sanitary Sewer System)

Sanitary sewer lines are in place and guaranteed available for connection to all parcels.

Conditions: (statement of no conditions or the conditions cited).

_____ _____

Name & Sewer Company Date

(c) Potable Water Certificate:

Water lines are in place and available for connection to all parcels.
Conditions: (statement of no conditions or the conditions cited).

_____ _____

Name & Water Company Date

(If water is supplied by wells or cisterns)

Water will be provided to all parcels by wells or cisterns.
Conditions: (statement of no conditions or the conditions cited).

_____ _____
Warrick Co. Health Dept. Date

(d) Stormwater Drainage Certificate by the Warrick County Surveyor:

I, (name), Warrick County Surveyor, certify that this Minor Subdivision will not effect the drainage in this area nor does it require drainage Plan submittal.
Conditions: (statement of no conditions or the conditions cited)_

_____ _____
Warrick County Surveyor Date

(e) Surveyor Certificate: *Amended 9/12/2007*

I, (name), Registered Land Surveyor in the State of Indiana, hereby certify: (a) that I have examined the FEMA Flood Hazard Map Community No. ( ) dated ( ) and have determined that this Minor Subdivision IS/IS NOT in a Flood Hazard Area, and (b) that all property corners have been monumented. Note: If any portion is located within the 100-year flood plain, you must delineate the portion as shown on the flood plain panel. Further, you must demonstrate that the remainder of the lot can have a suitable building site with access above the 100-year flood elevation, showing any portion of the lot to be filled at an elevation two (2) feet above the 100-year flood plain.

_____ _____
Surveyor's Name Date
& L.S. Number

(f) Abutting Property Owner Certificate:

I, (name), have no objection to the approval of this subdivision plat by the Area Plan Commission and waive my right to request a Public Hearing before the Area Plan Commission on this subdivision.
1`

_____ _____
Abutting Property Owner Name Date

[This certification may be placed on the plat next to the name of the abutting property owner with a note referring to the statement above

(placed on the plat), or in an attachment to the plat with the abutting property owners' names, addresses, tax block and lot and deed book and page listed.]

(g) Executive Director Certificate:

I, (name), Executive Director, Warrick County Area Plan Commission, hereby certify this division of land is determined to be an "Minor Subdivision" as defined and subject to the provisions of the Subdivision Control Ordinance in effect for Warrick County; and that any deviation from said requirements shall cause this certification to become null and void.

**SECTION 5: "MINOR SUBDIVISION PLAT" APPROVAL**

(1) Four different circumstances exist under which approval of the "Minor" Subdivision plat is given:

(a) The Executive Director may certify the plat for recording if (1) the "minor" subdivision application and plat are in order; and (2) the certificates of access, sewage disposal, potable water and stormwater drainage have been signed by the appropriate authorities (at the time of the original filing or subsequent to the original filing when the Area Plan Commission staff circulates the plat for signatures), and (3) all abutting property owners have signed the plat (stating no objection and waiver of the right to request a public hearing).

(b) The Executive Director may certify the plat for recording if (1) the "minor" subdivision application, plat and affidavit of notice to abutting property owners (of their right to voice an objection to the Subdivision Review Committee and then appeal to the full Area Plan Commission) are in order; and (2) the certificates of access, sewage disposal, potable water and stormwater drainage have been signed by the appropriate authorities (at the time of the original filing or subsequent to the original filing when the Area Plan Commission staff circulates the plat for signatures), and (3) no abutting property owner requests (orally or in writing) a an opportunity to voice objections to the Subdivision Review Committee within ten (10) days of the mailing of the notifications to abutting property owners.

(c) If an opportunity to voice objections to the Subdivision Review Committee is requested by any abutting property owner within the specified time period, the Executive Director of the Area Plan Commission may approve, disapprove (with written findings that set forth its reasons for denying approval and provide the applicant a copy) or appeal to the full Area Plan Commission the "minor" subdivision application, following the review by the Subdivision Review Committee. If no appeal to the full Area Plan

Commission is received within the specified time period from an objector after notification of the intent to approve the subdivision the application is approved, the Executive Director of the Area Plan Commission shall certify (approve) the "minor" subdivision plat for recording.

(d) If an appeal is made by the Subdivider, an objector of standing or the Executive Director to the full Area Plan Commission within the specified time period, the Area Plan Commission may approve or disapprove (with written findings that set forth its reasons for denying approval and provide the applicant a copy) the "minor" subdivision application, following the Public Hearing. If the application is approved, the President and Executive Director of the Area Plan Commission shall certify (approve) the "minor" subdivision plat for recording.

## ARTICLE III C: PROCEDURES FOR RESUBDIVISION AND/OR REPLATTING OF LAND

### SECTION 1: PROCEDURE FOR RESUBDIVISION/REPLATTING

For any change in a map of an approved or recorded subdivision plat, if such changes affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plat legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Area Plan Commission by the same procedures, rules, and regulations as for subdivisions. Such change also must be in conformity with statutes governing platting and vacating of public ways (I.C. 36-7-3, et seq., as amended).

## ARTICLE III D: ..... PROCEDURES FOR VACATION OF PLATS

Any recorded plat or part of any recorded plat may be vacated only in accordance with I.C. 36-7-3 as amended.

## ARTICLE IV:.....GENERAL REGULATIONS AND DESIGN

### SECTION 1: GENERAL

(1) No land shall be subdivided for any non-agricultural purpose if such land has inadequate access or if such land is considered by the Area Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, or objectionable earth or rock formations, topography or other feature harmful to the health, safety and welfare of future residents and the community as a whole.

(2) The subdivision Plan shall conform to the principles and standards which are generally exhibited in the Warrick County Comprehensive Plan as is now or hereafter shall be adopted, in whole or in part; and, specifically with that part of the Plan which deals with land use and thoroughfares.

(3) The following standards and requirements shall be deemed as a minimum and whenever the applicable standards and requirements of any applicable zoning ordinance or of any participating city or town are higher or more restrictive, the latter shall control.

### SECTION 2: STREETS

(1) The Street and Highway design shall conform both in width and alignment to any Comprehensive Plan or Thoroughfare Plan of Streets and Highways approved and/or adopted by any participating city or town or the County as indicated in the Thoroughfare Plan being a part of the Long Range Transportation Plan. Right-of-way for any such street or highway indicated on said Thoroughfare Plan shall be dedicated.

(2) If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a freeway or expressway, the Area Plan Commission shall determine the boundaries of the right-of-way to be acquired, and the subdivider shall either dedicate or create an outlot in the subdivision covering all the area included in said right-of-way. This right-of-way or outlot shall revert back to the subdivider if not used within eight (8) years.

(3) All streets shall be in alignment with existing and proposed exterior streets by continuations of the centerlines thereof or by advantageous development of the area in which the subdivision lies. When continuation of the centerline is impractical in the opinion of the Area Plan Commission, the centerlines shall be separated by at least one hundred fifty (150) feet.

(4) Residential streets shall be designed to discourage rapid through traffic. Straight tangents of more than 1350 feet are prohibited.

(5) Where it is desirable in the opinion of the Plan Commission to provide street access to abutting property, proposed streets shall be extended by dedication to the boundary of such property. Unless deemed unnecessary by a traffic study, residential subdivisions with 60 or more lots (or dwelling units) shall be served by two access points, and shall be served by:

(a) two different roadways if bordered by more than one roadway or

(b) two access points or a divided main entry roadway from the same roadway if bordered by only one roadway.

The Commission may require additional access on any development where deemed necessary.

(6) Proposed streets and highways shall be adjusted to the contour of the land as far as practicable so as to produce usable lots and streets of reasonable gradient.

(7) Whenever a subdivision abuts or contains an existing or proposed limited (full or partially controlled) access highway, the Area Plan Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(8) Where a subdivision borders on or contains a railroad right-of-way or limited (fully or partially controlled) access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential district, or for commercial or industrial purposes in appropriate districts. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separations.

(9) Minimum Street and Highway Right-of-Way Widths.

(a) The right-of-way should be free of all obstacles with the exception of mailboxes.

(b) All street and highway rights-of-way, measured from lot line to lot line, shall be as follows except as defined in the Thoroughfare Plan a part of the Long Range Transportation Plan adopted by the Warrick County Board of Commissioners.

*Amended 1/9/12*

| Type of Street | Right-of-Way Width in Feet |
|---|---|
| Freeway or Expressway | "to be determined" by County Highway Engineer or State |
| Arterial | 90 |
| Urban Major Collector | 70 |
| Rural Major Collector | 80 |
| Rural Minor Collector | 70** |
| Residential Collector | 70 |
| Minor Residential District | 50 |
| **Private Street** | 50 |
| Cul-de-sac | 50 |
| Rural Road | 50** |
| Marginal Access | 40 |

** The County Engineer may request the greater right-of-way width on approaches to intersections, rolling terrain or other special circumstances.

(c) Subdivisions platted along both sides of an existing street shall provide the entire minimum right-of-way.

(d) Subdivisions platted along only one side of an existing street shall provide one-half of the minimum right-of-way measured from the center line of such existing street or the section line when the street was originally placed on the section line.

(e) Half streets are prohibited, unless determined by the Plan Commission to be essential to the reasonable development of the subdivision in conformity with the other requirements of this Ordinance or unless the Plan Commission finds it to be practicable to require the dedication of the other half when the abutting property is subdivided. Whenever a half street exists adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(10) Intersections

(a) Streets shall intersect one another as nearly as possible at right angles and in no case shall the angle of intersection be less than sixty (60) degrees.

(b) Property lines at street and alley intersections shall be rounded with a radius of at least ten (10) feet. When the smallest angle of intersection is less than sixty (60) degrees, this minimum radius shall be increased. In commercial districts a comparable chord may be used in place of an arc.

(c) Intersections involving the junction of more than two streets (that is, more than four intersection legs) should be avoided.

(d) The number of intersections of minor streets with major streets should be kept to a minimum.

(11) Street Grades

(a) Street grades, except under extreme physical conditions, shall not exceed the following:

| Type of Street | Per Cent Grade |
|---|---|
| Arterial , Urban or Rural Major Collector | 5 |
| Rural Minor Collector | 7 |
| Residential Collector | 8 |
| Minor | 8 |
| Cul-de-sac | 8 |
| Alley | 8 |
| Rural Road | 8 |

(b) For adequate drainage, the minimum street and gutter grades shall be not less than one-half of one (0.5) percent.

(c) All new streets and gutters shall be located on a grade above the 100-year flood plain elevation.

(12) Street alignment

(a) Between reverse curves with a deflection angle on the centerline greater than five (5) degrees the following minimum tangents shall be introduced.

| Type of Street | Tangent in Feet |
|---|---|
| Arterial, Urban Collector, Rural Major Collector, or Rural Minor Collector | 200 |
| Residential Collector and Rural Road | 100 |

(b) Where a deflection angle of more than ten (10) degrees in the horizontal alignment of a street occurs, a curve with the following minimum radius shall be provided.

| Type of Street | Minimum Radius of Curvature in Feet |
|---|---|
| Arterial, Urban Collector and Rural Major Collector | 500 |
| Rural Minor Collector | 300 |
| Residential Collector | 200 |
| Minor | 100 |
| Rural Road | 100 |

(c) All changes in street grade shall be connected by vertical curves designed to provide the following minimum sight distance as measured between points 3.5 feet above the center line of the road or street surface.

| Type of Street | Minimum Sight Distance in Feet |
|---|---|
| Arterial, Urban Collector and Rural Major Collector | 600 |
| Rural Minor Collector | 500 |
| Residential Collector | 300 |
| Minor | 200 |
| Rural Road | 200 |

(13) Dead-end Streets or Cul-de-sacs

(a) Permanently designed Cul-de-sacs shall not be longer than one thousand three hundred twenty (1320) feet from the nearest intersecting street and shall be provided at the closed end with a turn-around having a radius at the outside of the pavement of at least forty (40) feet and a radius at the outside of the right-of-way of at least fifty (50) feet.

(14) Reserve Strips and Private Streets

(a) Reserve strips controlling access to streets are prohibited except where the control of such strips is placed with the County under conditions approved by the Plan Commission.

(b) Private streets shall not be platted within a subdivision. Private streets may be platted within a Planned Unit Development (PUD) as described in the Comprehensive Zoning Ordinance.

(15) Street Names and House Numbers

(a) Street names shall not be used which will duplicate or be confused with the names of existing or platted streets. Proposed streets in alignment and connecting with existing or platted streets shall bear the names of the existing or platted streets. The Plan commission may require different names if not connected or through streets.

(b) House numbers in the County shall be obtained from the records of the Area Plan Commission office. Each subdivider shall hereby cause to be affixed to his subdivision secondary plat, by his Surveyor a house number for each lot in accordance with any house numbering system which has been adopted by the Board of Commissioners, Warrick County, Indiana, and is in effect for the township in which said subdivision is located.

Official house numbering maps are on file in the office of the Area Plan Commission office.

**SECTION 3: ALLEYS**

(1) Unless provision for adequate goods delivery and pickup is made, alleys shall be provided in commercial and industrial districts. Except where justified by unusual and extreme conditions of topography, traffic flow, or access, alleys shall not be provided in residential districts.

(2) The minimum right-of-way width of an alley shall be twenty (20) feet.

(3) Dead-end alleys should be avoided, but if unavoidable, shall be provided with an adequate circular "T" or "Y" turn-around at the closed end, as approved by the Area Plan Commission.

**SECTION 4: EASEMENTS**

(1) The subdivider shall grant easements wherever necessary, not less than six (6) feet in width for public utility, sewer and drainage purposes on each lot. Dedication of easements shall be to the public for purpose of installing and maintaining utilities, platting strips and for other public purposes as may be ordered or directed by the Commission.

(2) Where a subdivision embraces all or any part of a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided which conforms substantially with the lines of such water course, and is of adequate width as determined by the Plan Commission after review by the Drainage Board. Further, if the 100-year flood plain elevation is shown on FIRM maps, the building site shall be demonstrated to be above the 100-year flood plain elevation or it shall be demonstrated that the building site and access thereto can be filled so as to be above the 100-year floodplain elevation in compliance with flood plain regulations of the State. Any new roadways shall be constructed on a grade above the 100-year flood plain elevation.

**SECTION 5: BLOCKS**

(1) Block lengths shall not exceed one thousand three hundred twenty (1,320) feet.

(2) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth.

(3) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed essential by the Plan Commission to provide adequate circulation or access to schools, playgrounds, shopping centers, or other community facilities.

## SECTION 6: LOTS

(1) Every lot upon which a structure is hereafter erected shall abut on to a dedicated public street or right-of-way.

(2) Side lot lines shall be approximately at right angles or radial to street lines.

(3) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from limited (fully or partially controlled) access highways or railroads or to overcome specific disadvantages of topography and orientation. There shall be no right of access provided along the line of lots abutting limited (fully or partially controlled) access highways and railroads.

(4) In any subdivision or part of a subdivision proposed for non-agricultural purposes, the width and area of lots shall conform to the minimum requirements of the Warrick County Zoning Ordinance for the district of which the subdivision is located.

(5) The minimum building setback lines established in the Warrick County Zoning Ordinance shall be observed for all lots in each subdivision.

(6) Residential lots fronting on an arterial, urban or rural major collector or rural minor collector should have extra depth to permit deeper building setbacks from such traffic arteries as follows from the roadway centerline:

(a) arterial – 70 feet
(b) rural major collector – 65 feet
(c) urban collector or rural minor collector – 60 feet.

(7) No lot shall be divided by a municipal boundary line.

(8) When terrain so requires, easements for sanitary sewers along other than the real lot lines shall be provided subject to approval of the Plan Commission.

## SECTION 7: PUBLIC SITES AND OPEN SPACES

(1) Whenever a park, recreation Area, school site, or other public use shown on the Warrick County Comprehensive Plan as now or hereafter adopted in whole or in part is located in whole or in part within the proposed subdivision, such proposed public space, if not dedicated to the appropriate public agency, may be required by the Area Plan Commission to be reserved for a period of one (1) year for later acquisition by the public agency. In the event of a government agency or unit passing a resolution expressing its intent to acquire the land so reserved within the reservation year, the reservation period shall be extended for an additional year.

## SECTION 8: NON-RESIDENTIAL SUBDIVISIONS

(1) The street and lot layout of a non-residential subdivision shall conform generally to the Comprehensive Plan as is now or hereafter adopted, in whole or in part, and specifically with that part of the Plan which deals with zoning, land use and thoroughfares.

(2) Types of Non-Residential Subdivision
Non-Residential subdivisions shall include industrial tracts and may include neighborhood and community commercial or office tracts.

(3) Principles and Standards
In addition to the principles and standards in this Ordinance which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Commission that the proposed street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

(a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

(c) Special requirements may be imposed by the Area Plan Commission with respect to sidewalks.

(d) Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed non-residential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a buffer strip where necessary.

(e) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

(f) Subdivisions for proposed commercial development shall take into account and specifically designate all areas proposed for vehicular circulation and parking, for pedestrian circulation, and for buffer strips.

## SECTION 9: ENTRANCE REQUIREMENTS AND SPECIFICATIONS

(1) All entrances shall be designed in accordance with the Standards and Specifications as outlined in the Indiana Department of Transportation Access Standards Manual for State-maintained roads, and the Evansville Urban Transportation Study Access Standards Manual for spacing and traffic movement and the Warrick County Roadway Specifications (Exhibit C) for design and construction standards for locally-maintained roads; and approved by the County Highway Engineer. Theses standards shall be followed and administered as they pertain to all aspects of the entrance details, i.e. tapers, radii and lane widths.

## ARTICLE V: ……STREET AND UTLITY IMPROVEMENTS

### SECTION 1: STANDARDS AND APPROVALS

(1) Roadway improvement work (except for grading) shall not be commenced until plans and profiles for such work have been submitted to and approved by the Warrick County Board of Commissioners or the local legislative body having jurisdiction. Such plans may be required before approval of the final plat. All such plans and profiles shall be prepared in accordance with the requirements of the County or the participating cities or towns within whose territorial limits the work is to be done.

(2) Roadway improvement work shall not be commenced until the County or the participating city or town within whose territorial limits the work is to be done has been notified in advance. If the work has been discontinued for any reason, it shall not be continued until notice is again given.

(3) All required roadway improvements shall be constructed under the inspection of and subject to the approval of the County or the participating city or town within whose territorial limits the subdivision lies.

(4) All underground utilities, waterlines, sanitary sewers and storm drains installed initially in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley or sidewalk improvements when service connections thereto are made. Utilities, waterlines and sewers should be installed under paved areas of streets only when absolutely necessary.

(5) The subdivider's engineer shall develop plans and complete all improvement design work in accordance with the provisions of this Ordinance and to the approval of the Warrick County Board of Commissioners.

(6) The subdivider shall develop plans and complete improvement work as required by other utilities.

### SECTION 2: GENERAL REQUIREMENTS

(1) The subdivider shall install improvements in accordance with the general requirements set forth in this section provided that the Board of Commissioners may permit changes in typical section and details if unusual conditions arise during construction to warrant such change.

## SECTION 3: MONUMENTS AND MARKERS

(1) The corners of all lots shall be marked by steel bars at least thirty (30) inches in length and no less than five-eights (5/8) inch in diameter, the top of the pipe or bar to be set level with the established grade adjoining it at the following points:

(a) The intersection of street and alley right-of-way lines.

(b) The intersection of all angles in the subdivision boundary line.

(c) The beginning and ending of all street curves on both right-of-way lines.

## SECTION 4: MINIMUM STANDARDS FOR STREET AND HIGHWAY CONSTRUCTION

(1) Streets and highways shall be graded to the full width of the right-of-way and brought to grades specified on plans, profiles, and cross-sections approved by the Board of County Commissioners who shall receive one set of the plat plans as approved after review by the engineer and Executive Director. All street and highway improvements shall be constructed to the satisfaction of the Warrick County Board of Commissioners after review by the County Engineer.

(2) Streets and highways shall be paved the following minimum widths:

*Amended 1/9/12*

| Type of Street | Minimum Pavement Width (in Feet) Inclusive of Curb & Gutter | Minimum Pavement Width (in Feet) without Curb & Gutter |
|---|---|---|
| Freeway (Fully-Controlled Access) | (not applicable) | 38 x 2 |
| Expressway (Partially–Controlled Access) | 42 x 2 | 38 x 2 |
| Freeway/Expressway -- Service Streets | 29 x 2 | 16 x 2 |
| Arterial, Urban Collector or Rural Major Collector -- Dual Roadway | 28 x 2, plus 8 to 10-foot paved right-shoulder and 14-foot median | 24 x 2 plus 8 to 10-foot paved right-shoulder and 14-foot median (or 4-foot paved left-shoulder) |
| Urban Collector or Rural Major Collector -- Single Roadway | 62 (3-lane roadway with 10-foot paved shoulders) | 58 (3-lane roadway with 10-foot paved shoulders) |
| Rural Minor Collector | 40 (3-lane roadway) | ~~36~~ 40 (2 lanes with 8-foot paved shoulders) |
| Residential Collector | 40 | 36 (2 lanes with 6-foot paved shoulders plus 3-foot compacted aggregate shoulders) |
| Minor Residential District | 30 | 26 (2 lanes plus 3-foot compacted aggregate shoulders) |
| Cul-de-sac | 30 | 26 (2 lanes plus 3-foot compacted aggregate shoulders) |
| Rural Road | (not applicable) | 26 (2 lanes plus 3-foot compacted aggregate shoulders) |
| Marginal Access | 26 | 22 (2 lanes plus 3-foot compacted aggregate shoulders) |
| **Private Street** | 24 | 20 |

(3) Street construction shall be in accordance with the Warrick County Road Standard Specifications or any subsequent amendments thereto for locally-maintained roads and the Roadway Design Manual of the Indiana Department of Transportation for State-maintained roads.

(4) Rigid Type Pavement

(a) Rigid type pavement shall consist of portland cement concrete placed on a properly prepared subgrade conforming in all respect to the line, grade, thickness and typical cross-sections in the plans prepared by the subdivider and approved by the County Engineer and Plan Commission. Coarse aggregate for Portland cement concrete pavement shall be size No. 5L only, as defined in the standard specifications. Vibrating screeds or

oscillating screeds will be permitted for finishing pavements provided the required finish and smoothness are obtained. All joints shall be sealed. Minimum design standards shall be according to the following Table:

| | Arterial, Urban Collector or Rural Major Collector | Rural Minor Collector or Commercial Collector | Residential Collector | Local and all other Streets |
|---|---|---|---|---|
| Controlled Wheel Load | 18,000 lbs. | 11,000 lbs. | 8,000 lbs. | 6,000 lbs |
| Base Type I Granular | To be designed on the basis of traffic | 8” | 6” | 4” |
| Concrete Uniform Design Thickness | To be designed on the basis of traffic | 8” | 7” | 6” |
| Total thickness | To be designed on the basis of traffic | 16” | 13” | 10” |

(5) Flexible Pavement

Flexible type pavement shall consist of an asphaltic concrete wearing course placed on suitable base and subbase courses on a properly prepared subgrade conforming in all respects to the lines, grades, thickness and typical cross sections in the plans prepared by the subdivider and approved by the Warrick County Board of Commissioners and County Engineer or Town Board.

Subbase and base material shall be placed in accordance with latest standards of the Indiana State Highway Department. Minimum design standards shall be according to the following table.

| | Arterial, Urban Collector or Rural Major Collector | Rural Minor Collector or Commercial Collector | Residential Collector | Local and all other Streets Type |
|---|---|---|---|---|
| Controlled Wheel Load | 18,000 lbs. | 11,000 lbs. | 8,000 lbs. | 6,000 lbs |
| Subbase Granular Design Thickness | To be designed on the basis of traffic | 6” | 6” | 4” |
| Base Type I Granular | To be designed on the basis of traffic | 6” | 4” | 4” |
| Base Asphaltic | To be designed on the basis of traffic | 3” | 2” | None |
| Binder Asphaltic | To be designed on the basis of traffic | 2” | 2” | 2 1/2 ” |
| Surface Asphaltic | To be designed on the basis of traffic | 1 1/2” | 1 1/2” | 1 1/2 ” |
| Total Thickness | | 18 1/2” | 15 1/2” | 12” |

(6) Rural Roads

All rural roads as defined herein shall have a minimum of 8" of rock with side ditches. Subbase shall be at least 4" in depth using #2 rock or #5 rock with the base constructed of at least 4" of #53 rock. The surface shall be a minimum of double chip-n-seal or as directed by the Warrick County Board of Commissioners.

(7) Where granular material of a quality equal to requirements for subbase material is placed for use as a construction the neat lines for subbase for the pavement may be left in place and be considered subbase for whatsoever part of the subbase area it occupies, and the existence of such materials outside those lines will not be considered subbase for whatsoever part of the subbase area it occupies, and the existence of such materials outside those lines will not be considered subbase or base or pavement surface. The subbase and base courses shall be constructed simultaneously, and no case shall the subbase be used as a construction road.

(8) Alternate materials and methods may be used to take advantage of local material conditions providing the depth, the materials used and the construction methods produce a pavement which satisfies the design criteria set out by this Ordinance.

(9) When minor residential streets serve commercial or industrial development the Rural Minor Collector/Commercial Collector road specifications shall be required.

(10) The subdivider shall provide for inspection by a registered professional Engineer of all street and highway construction. Prior to start of construction, a time schedule estimating starting date and completion date of construction and stating the registered professional engineer in charge of inspection shall be submitted to the County Engineer, the Warrick County Area Plan Commission and the Warrick County Board of Commissioners. Should any change be made in the submitted time schedule from starting date to completion date, the change must be submitted in writing and to the same agencies.

Upon completion, all requests for acceptance of streets for maintenance by the County must be accompanied by a certification by the registered professional engineer in charge that the streets were constructed in accordance with the plans and specifications approved by the County Highway Engineer, and the Warrick County Board of Commissioners.

(11) As a part of the Street Construction Plans there shall be Compaction Specifications submitted and included in the design specifications of the proposed streets. Upon review and approval of said Street Construction Plans the Certifying Engineer or Developer shall then be required to provide the subgrade compaction test results to the County Highway Engineer. Said compaction results must be submitted to the County Highway Engineer prior to submittal of the Request for Acceptance of Streets for Maintenance. The County Highway

Engineer shall not recommend that the County accept the Streets for Maintenance until said results are provided, reviewed and deemed satisfactory.

In the event that the results are not provided and reviewed prior to date of expiration of the Irrevocable Letter of Credit, the Board of Commissioners may require that the Developer submit an amount approved by the County Highway Engineer to be deposited in the County Road Donation Fund. Said amount shall be used for repairs of the streets within the development.

**SECTION 5: CURBS AND GUTTERS**

(1) Curbs and gutters shall be installed along all streets in the subdivision except where they are judged unnecessary by the County Highway Engineer for adequate drainage of storm water or for factors of safety. Curbs and gutters must be of integral concrete or other approved design and the materials and methods of construction must conform to the latest approved minimum requirements of the Standard Specifications or any subsequent amendment thereto. The minimum gutter grade shall not be less than 0.5%. Side drains from the gutter (or curb spill-outs) are prohibited. No curbs shall be modified for house gutter drains.

For asphalt streets, curbs and gutters shall be constructed on prepared compacted aggregate base. The construction on the Street Construction Plans shall contain an illustration detail. The depth of the compacted aggregate shall conform to the Warrick County Specifications for locally-maintained roads and to Indiana Department of Transportation specifications for State-maintained roads.

**Section 6: SIDEWALKS**

(1) Concrete sidewalks, at least four (4) feet wide, four (4) inches thick, shall be installed on both sides of each street in all residential subdivisions with lots of one acre or less for pedestrian safety and convenience, unless waived by the Warrick County Board of Commissioners. Sidewalks shall be located within the street right of way a minimum of two (2) feet from the back of curb on curbed streets or in lieu of the two (2) feet strip the sidewalk may be placed next to the back of curb provided the width of the sidewalk is increased to a minimum of six (6) feet. In the event curbs are not required and side ditches are permitted, the sidewalks are to be located in the street right of way at lease one (1) foot from the lot line. The sidewalks shall conform to the standard specifications or any subsequent amendment thereto. The design of the sidewalks shall be a part of the Street Construction Plans that must be submitted and filed at the same time the primary plat is filed.

Concrete sidewalks shall be constructed of Portland Cement concrete. Sidewalks shall conform to Section 604 of the Indiana Department of Transportation specifications. Sidewalks shall slope one quarter inch per foot (1/4”:1’) toward

the roadway. Concrete shall have a minimum twenty-eight (28) day compressive strength of three thousand five hundred pounds per square inch (3,500 p.s.i.).

Expansion joint material shall conform to the requirements of the Indiana Department of Transportation specifications. Concrete materials and placement methods shall be in accordance with the materials and methods specified in Section 3.5 "Portland Cement Concrete Pavements".

The sidewalks shall conform and be designed in accordance with the Americans with Disabilities Act and provide depressed curb sections per the Indiana Department of Transportation Standards. The design shall be shown on the submitted and approved Street Construction Plans with a note stating that the sidewalks are designed and constructed accordingly. The property owner is responsible for maintenance of the sidewalks and any mailboxes placed in the public right-of-way.

## SECTION 7: STORM DRAINAGE

(1) A storm water sewer or a surface drainage system adequate to serve the area being subdivided shall be provided to accommodate a 50-year storm. The Indiana Department of Transportation for crossings of State-maintained facilities or U.S. Corps of Engineers for the crossings of "blue water" streams may require accommodation of greater than the 50-year storm. Any storm water retention or detention facilities shall be designed to accommodate the difference between the 5-year storm without the proposed development and the 50-year storm with the proposed development. Such system shall be in accordance with plans and specifications approved by the County Drainage Board prior to primary plat approval. The flow in any drainage structure shall not exceed 90% of the structure capacity, except for basin discharge pipes that can be 100% of capacity.

(2) Wherever curbs and gutters are provided or when the Area Plan Commission and the County Surveyor determine the natural surface drainage to be inadequate, the subdivider shall construct a storm water sewer system with catch basins appropriately spaced along the streets in the subdivision. Valley gutters extending across the street surface shall not be used.

Wherever curbs and gutters are provided within a development, stormwater flow in the gutterline shall not exceed 600 lineal feet. In cases of excessive lengths of drainage, an inlet should be installed to intercept the water and direct the water through a structure. In design of the subdivision, provisions shall be made to prohibit the drainage of stormwater across intersections. Positive drainage shall be achieved and no standing water shall be allowed. The minimum gutter grade shall not be less than 0.5%. Side drains from the gutter (or curb spill-outs) are prohibited.

(3) A natural surface drainage system shall be permitted when curbs and gutters are not provided and the natural drainage will, in the opinion of the County Surveyor, adequately drain the storm water from the subdivision. The drainage ways should be shallow swales sowed in grass rather than deep, open ditches and have a minimum grade of 0.5% unless lined with a concrete ribbon. Roadside drainage shall not be disrupted by private driveways. The subdivider shall install a suitable pipe in accordance with Warrick County's Driveway Culvert Ordinance.

(4) In the design of a storm water sewer system for a subdivision, the present and future expected run-off from the larger drainage area should be considered. For this reason, it may be desirable that larger sewers than those needed to service the immediate subdivision be installed.

(5) All pipes shall conform to American Society of Testing Materials Standards Specifications in Section 7, 8 and 9 and Design Criteria shall conform to the County Storm Drainage Manual to insure maximum hydraulic efficiency.

(6) All Drainage Structures shall be designed and shown on the Street Construction Plans with a detail sheet showing the size and type of structures to be used, including drop structures, culverts, street inlets, manholes, beehives and area drains. These shall be constructed in accordance with the plans and specifications on file as well as the manufactures specifications. Adequate grade and drainage structure friction coefficients shall be obtained and indicated on supporting drainage calculations for the type of structure used. The flow in any drainage structure shall not exceed 90% of the structure capacity, except for basic discharge pipes that can be 100% of capacity. All drainage structures shall have junction boxes at major changes in grade or direction that are accessible for maintenance and repair of the structure.

## SECTION 8: WATER SUPPLY

(1) If a public water main is reasonably accessible, a complete water distribution system approved by the water utility or the Indiana State Board of Health, including a connection for each lot and fire hydrants meeting the requirements of the fire Insurance Underwriters Association shall be installed.

(2) If public water main is not reasonably accessible each lot may be provided with an individual water supply, provided such supply is installed in accordance with the minimum requirements of the Warrick County Health Department and the Indiana State Board of Health.

## SECTION 9: SEWAGE DISPOSAL AND SANITARY SEWERS

(1) If a public sanitary sewer main is reasonably accessible, a complete sanitary sewer system approved by the sanitary sewer utility or the Indiana State Board of

Health, including a lateral connection for each lot in the subdivision, shall be installed.

(2) If, in the judgment of the Plan Commission, a public sanitary sewer main is not reasonably accessible, sanitary wastes may be disposed of by one of the following methods:

(a) The subdivision may be provided with a complete sanitary sewer system, including a lateral connection for each lot and a neighborhood or community sewage treatment plant, all meeting the approval of the Indiana Stream Pollution Control Board and the State Board of Health.

(b) The Subdivider may provide a private sewage disposal system on individual lots consisting of a Septic tank and soil absorption field or other approved sewage disposal system, provided such disposal systems are installed in accordance with the minimum standards of the Indiana State Board of Health and provided that the soil in the subdivision will properly absorb sewage effluent as determined by percolation tests. The private sewage disposal system shall be approved by the Warrick County Public Health Department.

(3) If a sanitary sewer system is to be installed, it must be approved by the accepting utility.

**SECTION 10: STREET NAME SIGNS**

(1) The subdivider shall install street signs at the intersection of all streets in the subdivision constructed in substantial conformance to the prototype design shown in Figure 1 or an alternate design approved by the Warrick County Board of Commissions. The signs and method of display shall be subject to approval by the Warrick County Board of Commissioners.

**SECTION 11: RAILROAD CROSSING**

(1) Provisions shall be made for any and all railroad crossing necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the Indiana State Public Service Commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider.

**SECTION 12: TRAFFIC CONTROL DEVICES/PAVEMENT MARKINGS**

(1) The subdivider shall be required to provide traffic control devices in all new subdivisions. The devices shall include, but not be limited to, stop signs at intersections, yield signs at intersections, dead end signs, warning signs, and

speed control signs. Location of devices shall be shown on the street construction plans, as a separate sheet, submitted to the Area Plan Commission as a part of the primary plat application and must receive approval by the County Highway Engineer and Warrick County Board of Commissioners.

These devices must be installed in accordance to the provisions of the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways. The cost of all devices shall be borne by the subdivider, and shall be installed by the subdivider prior to any street, being constructed either completely or partially, and opened to the public.

Where deemed necessary by the County Highway Engineer pavement markings shall be included in design of all subdivisions and entrances. Thermo Plastic Stop Bars, Lane Stripings and any other stripings deemed necessary shall be shown on the Street Construction Plans to be approved by the County Highway Engineer and Board of Commissioners. After the final pavement surface asphalt-layer has been installed by the subdivider, the pavement markings shall be installed by the subdivider.

## SECTION 13: EROSION CONTROL

(1) Minimum erosion-control measures shall be established and implemented that are consistent with Indiana Department of Environmental Management minimum standards and practices.

**ARTICLE VI:.....FEES**

The Warrick County Area Plan Commission may establish fees from time to time, pursuant to Indiana Code 36-7-4-411, with regards to filing fees pertaining to applications for minor and major subdivisions.

**ARTICLE VII:.....ADMINISTRATION**

These subdivision regulations shall be administered by the Area Plan Commission of Warrick County, Indiana or its designates.

**ARTICLE VIII: .....VALIDITY**

If any section, subsection, paragraph, subparagraph, clause, word, provision, or portion of this Ordinance, shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this Ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision, or portion so held to be unconstitutional or invalid.

**ARTICLE IX:..... ENFORCEMENT**

Any person who violates a provision of this Ordinance, or any regulation herein contained, shall be guilty of a Class C misdemeanor infraction for each day's violation.

No Improvement Location Permit shall be issued for any property subject to the provisions of this Ordinance until the appropriate requirements are met and the approvals required by this Ordinance are granted.

Any land within the territorial limits of Warrick County, Indiana subdivided in violation of the terms of this Ordinance after the effective date hereof, is hereby declared to be a common nuisance and the owner of such land shall be liable for maintaining a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.

**ARTICLE X: .....CERTIFICATES**

Each plat submitted to the Area Plan Commission for secondary approval shall contain or be accompanied by the following certificates, acknowledgments and descriptions in substantially the following forms:

**SECTION 1: CERTIFICATE OF APPROVAL**

UNDER THE AUTHORITY PROVIDED TITLE 36, ARTICLE 7, CHAPTER 4, SECTION 700, ET SEQ., OF THE INDIANA CODE AND ALL ACTS AMENDATORY THERETO, A MAJORITY OF THE MEMBERS OF THIS WARRICK COUNTY AREA PLAN COMMISSION HAVE GIVEN PRIMARY APPROVAL TO THIS PLAT IN THE MANNER PRESCRIBED IN THE WARRICK COUNTY SUBDIVISION CONTROL ORDINANCE, AT A MEETING HELD ON THE _____ DAY OF _____, 20_____.

WARRICK COUNTY AREA PLAN COMMISSION

SEAL _____, President

_____, Executive Director

Plat Release:

_____ _____

Date Executive Director

**SECTION 2: LAND SURVEYOR'S CERTIFICATE *Amended 9/12/2007***

Each Final Plat submitted to the Area Plan Commission for approval shall carry a certificate signed by a registered Professional Land Surveyor in substantially the following form:

"I, (name), Registered Land Surveyor in the State of Indiana, hereby certify: (a) that this plat correctly represents a survey completed by me on _____, 20__, and that all the monuments shown thereon actually exist, and that their location, size, type and material are accurately shown and that all property corners have been monumented and comply with the provision of this Ordinance (b) that I have examined the FEMA Flood Hazard Map Community No. ( ) dated ( ) and have determined that this Major Subdivision IS/IS NOT in a Flood Hazard Area. Note: If any portion is located within the 100-year flood plain, you must delineate the portion as shown on the flood plain panel. Further, you must demonstrate that the remainder of the lot can have a suitable building site with access above the 100-year flood elevation, showing any portion of the lot to be filled at an elevation two (2) feet above the 100-year flood plain."

Seal _____

Signature

**SECTION 3: LEGAL DESCRIPTION CERTIFICATE**

The plat submitted to the Area Plan Commission for secondary approval shall contain a metes and bounds legal description prepared by the registered Professional Land Surveyor of the outside boundary of the completed survey.

## SECTION 4: DEDICATION CERTIFICATION

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

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

This subdivision shall be know and designated as _____, an addition to the City, Town, Township, Warrick County, State of Indiana. All streets and alleys and public open spaces shown and not heretofore dedicated, are hereby dedicated to the public.

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

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

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

WITNESS OUR HAND AND SEALS THIS _____ DAY OF _____, 20___.

_____
Signature

_____
Signature

## SECTION 5: ACKNOWLEDGMENT CERTIFICATE

State of Indiana
County of Warrick

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

WITNESS my hand and Notarial Seal this ____ day of _____, 20 ___.

Seal _____
Notary Public

My Commission Expires _____, 20____.

## SECTION 6: COUNTY DRAINAGE BOARD

Each final plat submitted to the Commission shall carry a certificate from the County Drainage Board in substantially the following form:

"I _____ hereby certify that I am the Secretary of the Warrick County Drainage Board; that on _____, 20____, the drainage plan for _____ subdivision was presented before the Board and that on _____, 20____, the drainage plan was approved by said Board. The drainage easements shown on the plat will not be under the continuing jurisdiction of this Board, which has no authority over the construction or subsequent maintenance of such drains. The drainage easements inure solely for the benefit of the landowners in the subdivision and no dedication thereof to the County or this Board is to be implied by this approval."

Seal _____
Signature

Date _____

## SECTION 7: OTHER CERTIFICATES

Such other certificates, affidavits, endorsements, or documents as may be required by the Commission in the enforcement of these regulations.

**ARTICLE XI:.....REPEAL CLAUSE**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**ARTICLE XII:....ENACTMENT BY WARRICK COUNTY BOARD OF COMMISSIONERS**

This Ordinance shall be in full force and effect from and after its passage approval and publication by the Board of Commissioners of the County of Warrick, State of Indiana.

APPROVED THIS 30TH DAY OF MARCH, 2006.

_____
S/ , PRESIDENT

_____
S/ , MEMBER

_____
S , MEMBER

ATTEST:

_____S/, AUDITOR

**ARTICLE XIII: .....ENACTMENT BY OTHERS**

This Ordinance shall be in full force and effect from and after its passage, approval and publication by the Town Board of _____, County of Warrick, State of Indiana.

APPROVED THIS _____ DAY OF _____, 20_____.

_____, PRESIDENT

_____, TRUSTEE

_____, TRUSTEE

ATTEST:

_____ CLERK-TREASURER

## CERTIFICATE AND ACCEPTANCE DATES

1. DATE OF Presentation to Warrick County Area Plan Commission

Date _____
By _____
President

2. Date of Public Hearing by Warrick County Area Plan Commission

Date Advertised _____
_____
_____
Date of Hearing _____
_____
_____

3. Date of Acceptance by Warrick County Area Plan Commission

Date _____
By _____

Forwarded to Governments: Date _____

4. Date of Acceptance by County and Participating Cities and Towns:

Date _____
Warrick County

Date _____
Elberfeld

Date _____
Lynnville

Date _____
Tennyson

## EXHIBIT A: THOROUGHFARE PLAN

### Section 1: Applicability

To promote public safety, thoroughfare regulations are adopted and established. These thoroughfare regulations shall be applied in the development review process of all newly proposed plats, major and minor submitted to the Area Plan Commission.

### Section 2: Classifications

(1) State/Federal Principal Arterial (NHS)

The State/Federal Arterial class has been split into the Principal Arterial Class and Other Arterial Class to better reflect the state/federal functional designation of highways. State/Federal Principal Arterials are part of the National Highway System, and may be freeways with full access control, (i.e., grade separation of all cross roads and railroads and interchanges with select crossroads), expressways with some at-grade signalized intersections with full access control, or multiple-lane divided arterials with partial access control. This class would be equivalent to the Arterial or Expressway with full controlled access.

The Principal Arterials under the State/Federal functional classification are I-64, I-164 and S. R. 66. The right-of-way requirements and design cross sections for these highways vary. (The total setback shall be determined by the State of Indiana or the U.S. Federal Government, whichever is appropriate.)

(2) Other State/Federal Arterial

The "Other State/Federal Arterial" designation applies to United States and State designated routes that are not "Principal Arterials". This class includes "minor arterials" and "Major arterials" under the State/Federal functional classification system that are maintained by the State. In Warrick County these facilities are S.R. 57, S.R. 61, S.R. 62, S.R. 68, S.R. 161, S.R. 261, and S.R. 662. The right-of-way requirements and design cross section for these highways vary. (The total setback shall be determined by the State of Indiana.) This class would be equivalent to the Arterial or Expressway with partially control access.

(3) Arterial

This class contains 4 lane roads that are not designated as State or Federal routes. In Warrick County, Epworth Road from S.R. 66 to Telephone Road is the only Road in this class. This class is equivalent to the Primary class with dual roadway.

(4) Urban Major Collector

This class generally contains two lane roads under the maintenance of Warrick County that are in the urbanized portions of the County. These roads are to collect traffic from local streets and get the traffic to the arterial system. This class is equivalent to the Primary class with single roadway in an urban area. Since these roads are in the urban areas, they would have roadside ditches/curb and gutter requiring additional right-of-way.

(5) Rural Major Collector

This Class contains two lane roads under the maintenance of Warrick County that are in the rural portions of the county. These roads are to collect traffic from local streets and get the traffic to the arterial system. This class is equivalent to the Primary class with single roadway in a rural area. Since these roads are in the rural areas, they would have roadside ditches requiring additional right-of-way than the urban major collectors.

(6) Rural Minor Collector

This Class contains two lane roads under the maintenance of Warrick County that are in the rural portions of the County. These roads are to collect traffic from local streets and get the traffic to major collectors or arterials. These roads have generally lower traffic volumes than major collectors and the design standards are different than major collectors. This class is equivalent to the Secondary class of street.

**Section 3: Roads by Classification**

ARTERIAL:

Epworth Road – S.R. 66 to Telephone Road

URBAN MAJOR COLLECTOR:

Bell Road – Old S.R. 261 to S.R. 66
Epworth Road – S.R. 662 to S.R. 66
Lincoln Avenue – County Line to S.R. 66
Sharon Road – Newburgh Town limits to S.R. 66

RURAL MAJOR COLLECTOR:

Anderson Road – Vann Road to Jenner Road
Bell Road – S.R. 66 to Telephone Road
Boonville New Harmony Road – County Line to S.R. 61
Casey Road – S.R. 261 to S.R. 66
Frame Road – Newburgh Town limits to S.R. 66
Fuquay Road – S.R. 261 to Telephone Road
Jenner Road – S.R. 261 to Anderson Road

Lenn Road – S.R. 66 to Sharon Road
Libbert Road – S.R. 66 to Telephone Road
Newburgh Truck Bypass – includes Ellerbusch, Grimm, Willow Pond
Oak Grove Road – County Line to S.R. 261
Oak Grove Road – S.R. 261 to Anderson Road
Old Boonville Highway – County Line to S.R. 62
Telephone Road – County Line to Fuquay Road
Vann Road – Libbert Road to S.R. 261
Vann Road – S.R. 261 to S.R. 61

RURAL MINOR COLLECTOR

Anderson Road – Ferstel Road to Vann Road
Bullocktown Road – County Line to Rockport Road
Center Road – S.R. 261 to S.R. 62
Dale Heilman Road – S.R. 161 to County Line
Elberfeld Road – County Line to St. Johns Road
Eskew Road – S.R. 261 to Millersburg Road
Folsomville Road – Boonville Town limits to S.R. 68
Fuquay Road – Telephone Road to Chandler Town limits
Heim Road – County Line to Chandler Town limits
Martin Road – Ferstel Road to Vann Road
Millersburg Road – County Line to St. John Road
New Hope Road & Roeder Road – S.R. 61 to Bullocktown Road
North Road – Elberfeld Town limits to S.R. 68
Old S.R. 66 – Bates Road to County Line
Lincoln Avenue – S.R. 66 to S.R. 61
Roeder Road – S.R. 61 to Anderson Road
Sharon Road – S.R. 66 to S.R. 61
St. John Road – Titzer Road to Elberfeld Town limits
State Street – Chandler Town limits to Gardner Road
State Street – Chandler Town limits to New Harmony Road
Stevenson Station Road – Telephone Road to New Harmony Road
Titzer Road – St. John Road to Stevenson Station Road
Weyerbacher Road – New Harmony Road to S.R. 68
Yankeetown Road – Old State Route 66 to Boonville Town limits
Rockport Road – Boonville Town limits to S.R. 161
Jenner Road – S.R. 261 to Bell Road
Bell Road – Telephone Road to Jenner Road
Asbury Cemetery Road – Heim Road to New Harmony Road

| THOROUGHFARE STANDARDS | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Class for Thoroughfare Plan | Existing Class in Subdivision Ordinance | Right-of-way width (feet) | No. of Lanes | Width (both sides) (feet) | Median Width (feet) | Curb & Gutter | Shoulder Width (one side) (feet) | Building setbacks (feet) from edge of right-of-way |
| Arterial | Primary Dual Roadway | 90* | 4 | 48 | 14 | Yes | No | 25 |
| Urban Major Collector | Primary Single Roadway | 70* | 2/4 | 24/48 | 0 | Yes | 8-10 | 25 |
| Rural Major Collector | Primary Single Roadway | 80* | 2/4 | 24/48 | 0 | No | 8-10 | 25 |
| Rural Minor Collector | Secondary | 70** | 2 | 24 | 0 | No* | 8 | 25 |
| *The County Engineer may request curb and gutter adding 2 feet to each side of the pavement. **The County Engineer may request greater right-of-way widths on approaches to intersection, rolling terrain, and other special circumstances. | | | | | | | | |

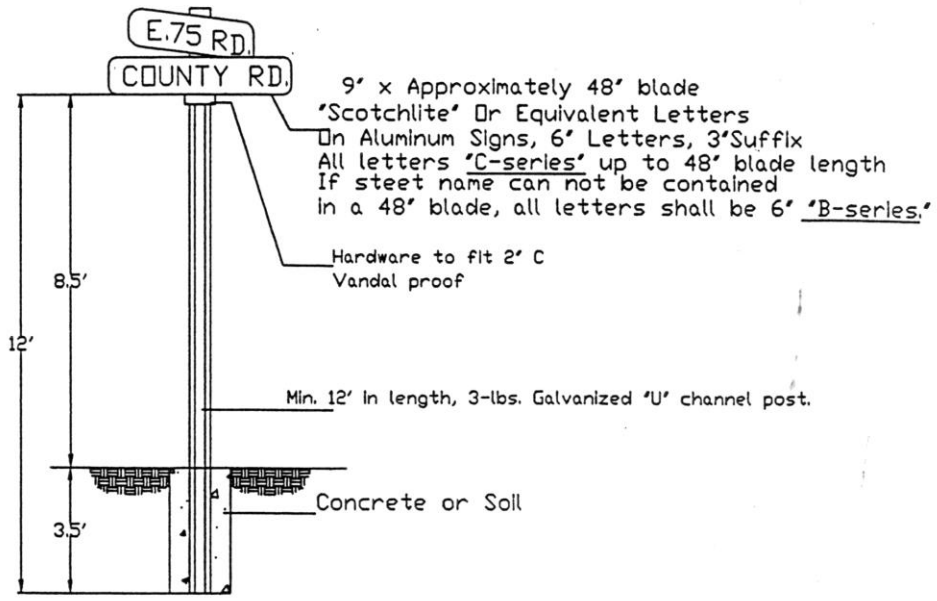
**Section 4: Compliance with Ordinance**

All development proposals shall allocate adequate access for streets in conformity with the thoroughfare plan and shall designate and label all such streets in accordance with the listed definitions, specifications, and requirements regarding control of access, platted width, and setback requirements.

**Section 5: Modification**

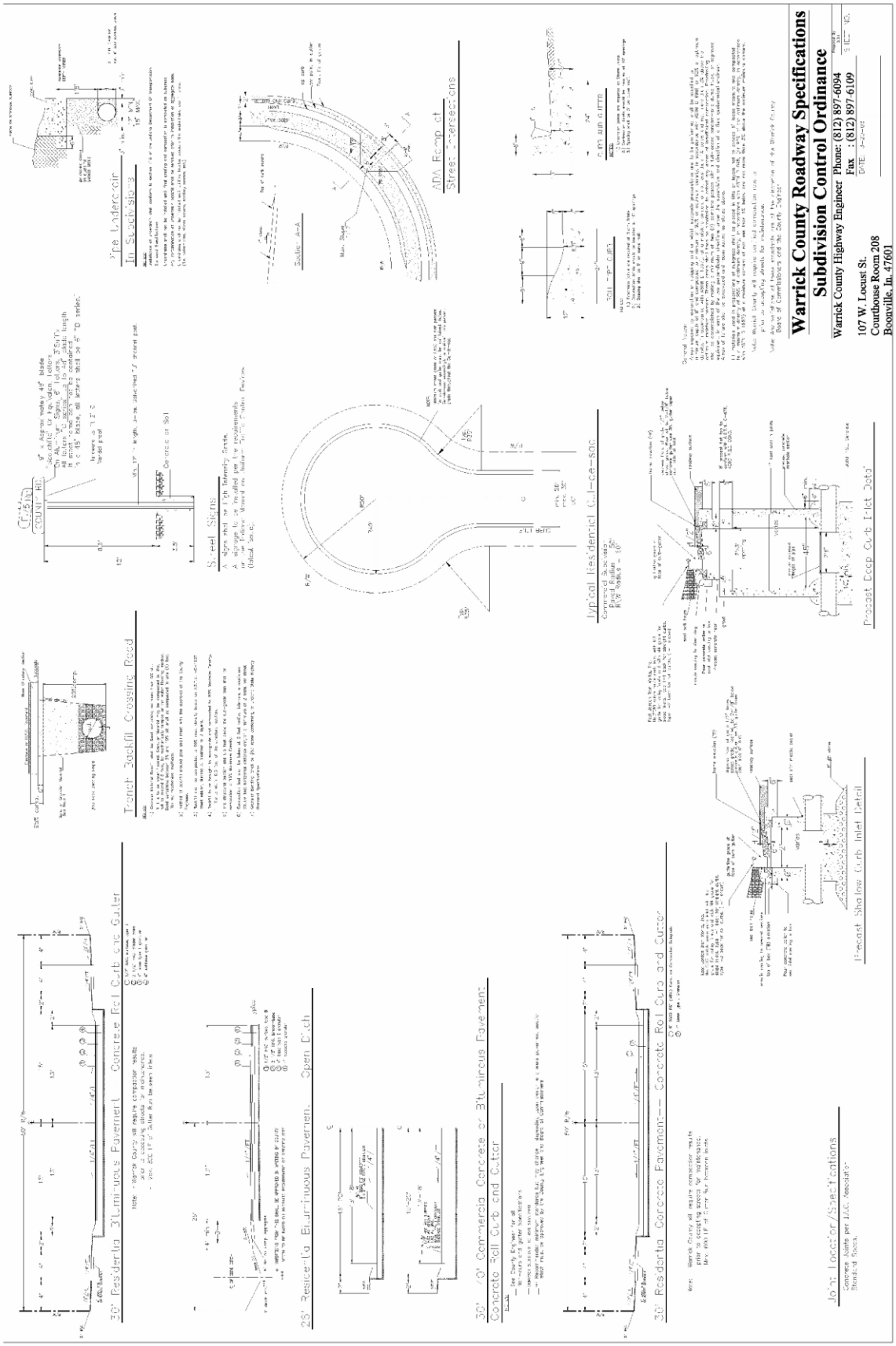
A person desiring a modification from the requirements of this Exhibit must file a request with the Warrick County Board of Commissioners. *Amended 6/10/2013*

**EXHIBIT B: STREET SIGN SPECIFICATIONS**




Street Signs

All signs shall be High Intensity Grade.

All signage to be installed per the requirements on the Indiana Manual on Uniform Traffic Control Devices (latest Issue).

## EXHIBIT C: WARRICK COUNTY ROADWAY SPECIFICATIONS