

# **Chapter 8: Subdivision Ordinance Provisions – Administration and Procedures**

## **A. General Provisions.**

1. Applicability.
  - a. All development and subdivision of land shall be carried out in accordance with the following in order to achieve orderly, planned, efficient, and responsible growth:
    - i. All applicable regulations and procedures within this UDO;
    - ii. All requirements outlined in the applicable application packet(s), including submittal deadlines;
    - iii. All rules and procedures established by the PC Rules and Procedures, including meeting dates or schedule; and
    - iv. Any additional standards, conditions, or commitments that may have been required by the PC, BZA, legislative body, or other permitting entity as part of other or previous approvals for a parcel.
  - b. The regulations of this UDO shall be considered the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.
  - c. No building permit or improvement location permit shall be issued for any parcel that does not comply with all provisions of this UDO, including all standards and required procedures.
2. Authority. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot unless:
  - a. It complies with all regulations within this UDO,
  - b. A variance has been granted by the BZA, or
  - c. A waiver has been granted by the PC.
3. Compliance
  - a. All subdivisions shall be approved in accordance with the procedures of this chapter prior to any land being subdivided.
  - b. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Indiana to the jurisdiction. Compliance with the terms of this UDO shall be a prerequisite for the use and development of real property within the jurisdiction.

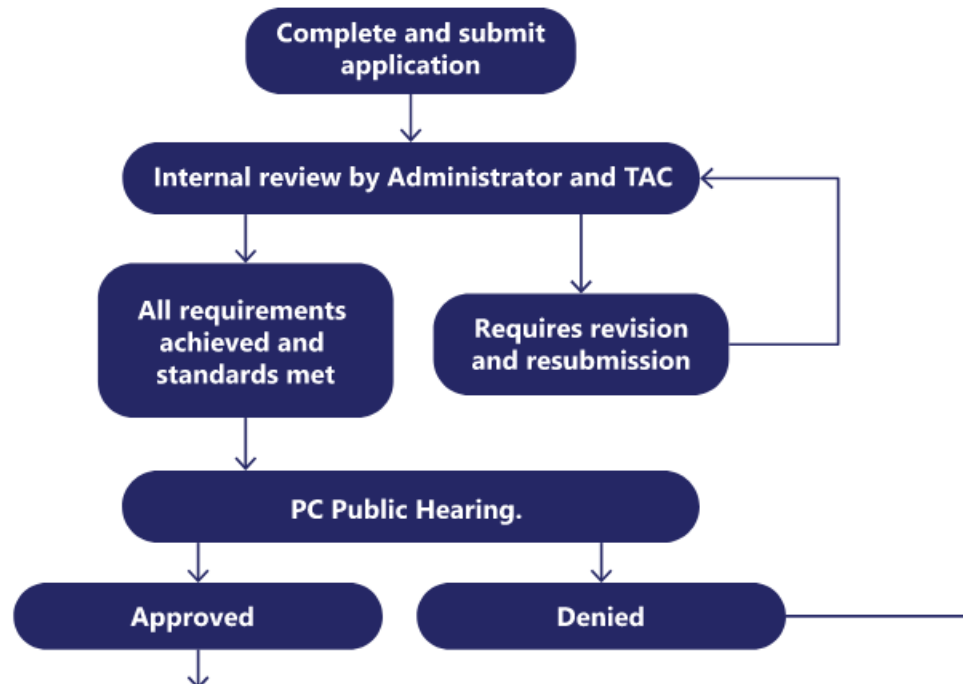
## B. Major Subdivision Procedures.

### PROCESS AND PROCEDURES FOR MAJOR SUBDIVISIONS

#### 1 PRE-APPLICATION

Meet with Administrator to discuss proposal and learn about the requirements and process.

#### 2 PRIMARY PLAT



#### 3 SECONDARY PLAT & CONSTRUCTION PLANS

Review process is the same as for Primary Plat above except that the Administrator makes decision to approve or deny. The Administrator or applicant may request that the PC consider the application at a public meeting.



#### 4 RECORDING OF PLAT

Construct/dedicate improvements then record plat

OR

Post performance surety then record plat

1. Applicability.
  - a. Subdivision Types. The following procedures apply to all subdivisions except for minor residential subdivisions and exempt subdivisions.
  - b. Recorded Plat. No owner or agent may sell or lease any lot within a subdivision before a secondary plat has been approved and recorded in the manner prescribed in this UDO.
  - c. Public Road Construction. No public road shall be laid out or constructed until the primary plat and construction documents are approved as outlined in this UDO, except public roads built and maintained by the Town of Thorntown and/or the State of Indiana.
2. STEP 1: Pre-Application Meeting and Primary Plat Application Submittal.
  - a. Pre-Application Meeting Required. Prior to filing an application for a major subdivision, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in person, virtually (video conference), by phone, or by email. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
  - b. Primary Plat Application Required. The applicant shall submit a complete application for primary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Chapter 8: Document, Study, and Drawing Requirements.
  - c. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number and create a public file. In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the PC.
  - d. Internal Review.
    - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
    - ii. The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
    - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
  - e. Public Notice by Applicant. Public notice by the applicant for a public hearing is required and shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application materials are not completed per subsection d: Internal Review above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
3. STEP 2: PC Public Hearing and Primary Plat Final Decision
  - a. PC Public Hearing. The PC shall review the traffic analysis and consider the primary plat at a public hearing. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the PC.

- b. Basis for Decision by PC. Prior to approval, the PC shall determine if the primary plat:
  - i. Complies with the standards of this UDO;
  - ii. Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and general welfare; and
  - iii. Received written verification that water supply and sewage disposal systems that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
- c. Final Primary Plat Decision by PC.
  - i. Approval. If the PC determines that the primary plat complies with the standards set forth in this UDO, it shall grant primary approval to the primary plat.
  - ii. Approval with Conditions. In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
    - (a) The manner in which public ways shall be laid out, graded, and improved;
    - (b) A provision for water supply, sanitary sewer facilities, and other utility services; and
    - (c) A provision for other services as specified in this UDO.
  - iii. Denial. If the PC denies a primary plat, it shall make written findings of fact. The applicant may resubmit a revised primary plat that addresses the reason for denial.
  - iv. Documentation of Decision. Within ten (10) days of the hearing, the Administrator shall notify the applicant of the PC's decision in writing or electronic transmission. This shall itemize any changes or revisions required by the PC as a term of its approval or include written findings of fact if the plat was denied.
- d. Expiration of Primary Plat.
  - i. Approval of a primary plat shall be effective for two (2) years from the date of the PC decision. Secondary plat approval for any section or phase shall automatically extend the primary plat expiration for two (2) years from the date the secondary plat was approved.
  - ii. Failure to receive secondary approval for all or part of the plat before this period ends shall invalidate the primary plat approval.
  - iii. Once primary approval has expired, a new application for primary plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
  - iv. Upon written request from the applicant that is received at least thirty (30) days prior to the expiration date of the primary plat approval, the PC may extend approval of a primary plat up to a maximum of one (1) additional year without further notice, public hearing, or fees.
- e. Primary Plat Amendment. All amendments to an approved primary plat shall be considered a new primary plat application and follow the respective process.

4. STEP 3: Secondary Plat Application Submittal.
  - a. Application Required. The applicant shall submit a complete application for secondary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Chapter 8.G: Document, Study, and Drawing Requirements.
    - i. A secondary plat may be done in one or more phases or sections. The applicant may submit the secondary plat for a phase or section of lots as laid out on the primary plat which will include all required infrastructure to serve such lots.
  - b. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a docket number and create a public file.
  - c. Internal Review.
    - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
    - ii. The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
    - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.
  - d. Other Approvals Required. Prior to approval of a secondary plat, the applicant shall obtain the following approvals:
    - i. Construction plan approval for all public improvements that will be dedicated to the county shall be approved by the appropriate bodies or entities.
    - ii. Drainage approval shall be approved by the applicable drainage review entity, as required.
  - e. Public Notice. No public hearing/comment or public notice is required for secondary plat approval. Secondary plats are administratively approved and do not require a public meeting.
5. STEP 4: Secondary Plat Decision by Administrator.
  - a. Wait Period. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the Primary Plat as provided in accordance with IC 36-7-4-710.
  - b. Decision by Administrator.
    - i. Approval. If the Administrator determines that the secondary plat complies with the standards set forth in this UDO and is in conformance with the primary plat, they shall grant secondary approval to the plat. The secondary plat shall not be signed or executed until the construction of the public improvements are approved or performance surety is provided in accordance with Chapter 8, Section E: Construction Procedures.
    - ii. Denial. If the Administrator determines that the secondary plat does not comply with one or more standards set forth in this UDO, they shall deny the secondary plat and make written findings of fact. The Administrator shall notify the applicant in writing or electronic transmission within ten (10) days of the decision stating the specific reasons for denial. The applicant may then resubmit a revised secondary plat application that addresses the

reason for disapproval or request that the decision be made by the PC (see Comments Contested – Request Decision by PC).

- iii. Comments Contested – Request Decision by PC.
  - (a) Request for Decision by PC. If the revised plans have not adequately addressed the comments from the staff and/or TAC, because the applicant disagrees with the comment(s), the applicant or Administrator may submit a request for public meeting in writing along with an explanation of disagreement. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.
  - (b) Public Notice. Public notice is not required for a secondary plat decision by the PC.
  - (c) Public Meeting. The PC shall consider the secondary plat at a public meeting. A public hearing and public comment are not required. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC.
  - (d) Decision by the PC. The PC shall consider the contested comments before making a final decision on the secondary plat. The PC shall approve, approve with conditions, or deny the secondary plat.
- iv. Final Action. The secondary plat is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the Administrator or PC's decision.
- c. Secondary Plat Amendment (Replat).
  - i. If a secondary plat is approved (either recorded or not recorded), an amendment that complies with the exempt subdivision standards (Chapter 6, Section E: Exempt Subdivisions) and complies with all other standards set forth in this UDO may be approved administratively and without public notice.
  - ii. All other amendments to an approved secondary plat shall follow the same procedures for a new application as outlined in this section for primary and/or secondary plat approval.
- 6. STEP 5: Construction of Public Improvements and Recording Plat.
  - a. Construct Public Improvements or Provide Performance Surety. Prior to a plat being executed or recorded and as outlined in Chapter 8, Section E: Construction Procedures, the applicant shall either construct all public improvements and provide a maintenance surety or a provide a performance surety.
  - b. Record Secondary Plat. The plat shall be recorded in accordance with the procedures set forth in Chapter 8, Section E.2: Process for Recording Secondary Plat.
  - c. Dedicate Public Improvements. All required public infrastructure, and improvements shall be dedicated in accordance with Chapter 8, Section E.4: Process for Dedication of Public Infrastructure.
  - d. Release of Sureties. The applicant may request the performance and/or maintenance surety be released in accordance with Chapter 8, Section E: Construction Procedures. The town will not release funds without being requested by the applicant.

7. STEP 6: Construction on Individual Lots.

- a. Development Plan. Development plan approval is not required for single-family, two-family, or agricultural uses (excluding confined feeding operations) unless otherwise stated in this UDO. For all other uses, development plan approval is required for all new primary structures or modifications of property or sites as required by this UDO.
- b. Required Permits. Once the plat is recorded and any required development plans are approved, the construction of improvements shall occur in accordance with the procedures set forth in Chapter 8, Section E.5: Process to Obtain Improvement Location Permits (ILP) / Building Permits (BP).

## C. Minor Residential Subdivision Procedures.

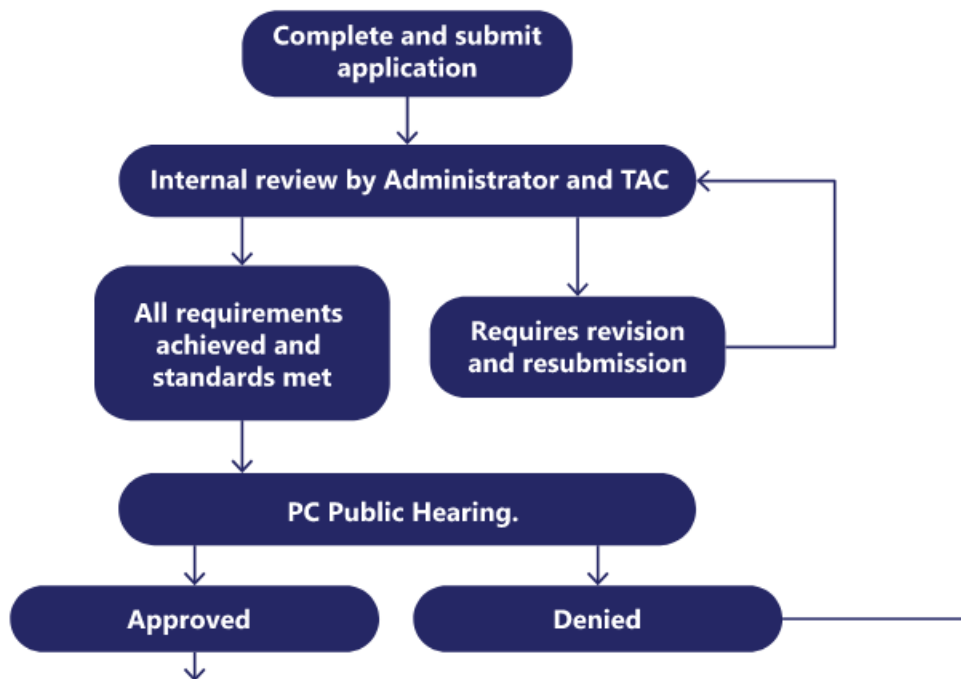
### PROCESS AND PROCEDURES FOR MINOR RESIDENTIAL SUBDIVISIONS

(3 lots or less and no new right-of-way or public improvements)

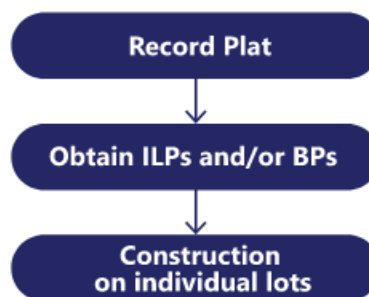
#### 1 PRE-APPLICATION

Meet with Administrator to discuss proposal and learn about the requirements and process.

#### 2 PRIMARY & SECONDARY PLAT



#### 3 CONSTRUCTION & DEVELOPMENT PROCESS





1. Applicability.
  - a. The minor residential subdivision process is an expedited process for single-family residential subdivisions that:
    - i. Result in the creation of two (2) or less lots (including the remnant or parent parcel);
    - ii. Do not create new or involve improvements to public rights-of-way (excluding sidewalks);
    - iii. Comply with all other standards within this UDO (unless a variance or wavier is approved); and
    - iv. Has not been previously subdivided as part of an approved minor or major plat.
  - b. Any residential subdivision that includes new public rights-of-way or does not comply with the applicability criteria above shall be considered a Major Residential Subdivision and shall follow the applicable process.
  - c. If the Administrator believes that the circumstances warrant the full review and consideration of a major subdivision, then the applicable process may be required.
2. STEP 1: Pre-Application Meeting and Application Submittal.
  - a. Pre-Application Meeting Required. Prior to filing an application for a minor subdivision, the applicant shall schedule the required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), by phone, or by email. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
  - b. Application Required.
    - i. For a minor subdivision, the primary plat and secondary plat shall be combined into one (1) application process.
    - ii. The applicant shall submit a complete application for secondary plat approval in accordance with the application requirements and prepared in accordance with the requirements in Chapter 8, Section G.4: Secondary Plat Drawing Requirements.
  - c. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file. In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the PC.
  - d. Internal Review.
    - i. The Administrator shall forward the application to the Technical Advisory Committee (TAC) for technical review and assign a deadline for receiving internal review comments from the TAC. At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
    - ii. The Administrator shall compile a written report for the applicant, PC, and the public file with comments from the staff review, TAC, and/or any other reviews, as applicable.
    - iii. After the internal review, the applicant shall make the necessary modifications to the application materials to satisfy the Administrator and resubmit the plans for review.

- e. Public Notice by Applicant. Public notice by the applicant for a public hearing is required and shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application are not completed per subsection d: Internal Review above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
3. STEP 2: Plan Commission Public Hearing and Final Decision.
- a. Plan Commission Public Hearing. The PC shall consider the minor plat at a public hearing. The applicant or their representative shall be in attendance to present the plan and address any questions or concerns of the PC.
  - b. Basis for Decision by Plan Commission. Prior to approval, the PC shall determine if the secondary plat:
    - i. Complies with the standards of this UDO;
    - ii. Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
    - iii. Received written verification that water supply and sewage disposal systems that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
  - c. Final Decision by Plan Commission.
    - i. Approval. If the PC determines that the primary and secondary plats comply with the standards set forth in this UDO, it shall grant approval to the plat.
    - ii. Approval with Conditions. In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
      - (a) The manner in which any shared driveways shall be laid out, graded, and improved;
      - (b) A provision for water supply, sanitary sewer facilities, and other utility services; and
      - (c) A provision for other services as specified in this UDO.
    - iii. Denial. If the PC denies a plat, it shall make written findings of fact. The applicant may then resubmit a revised plat that addresses the reason for disapproval.
    - iv. Documentation of Decision. Within ten (10) days of the hearing, the Administrator shall notify the applicant of the PC's decision in writing or electronic transmission. This shall itemize any changes or revisions required by the PC as a term of its approval or include written findings of fact if the plat was denied.
  - d. Amendment.
    - i. If a minor subdivision is approved (either recorded or not recorded), an amendment that complies with the exempt subdivision standards (Chapter 6, Section E: Exempt Subdivisions) and complies with all other standards set forth in this UDO may be approved administratively and without public notice.

- ii. All other amendments to an approved minor subdivision shall follow the same procedures for a new application as outlined in this section for minor subdivision approval.
- 4. STEP 3: Recording Plat and Construction on Individual Lots
  - a. Record Secondary Plat. The plat shall be recorded in accordance with the procedures set forth in Chapter 8, Section E.2: Process for Recording Secondary Plat.
  - b. Construction on Individual Lots. Once the plat is recorded, the construction on individual lots shall occur in accordance with the procedures set forth in Chapter 8, Section E.5: Process to Obtain Improvement Location Permits (ILP) / Building Permits (BP).

## D. Waiver Procedures.

1. Applicability.
  - a. The PC may authorize a waiver pursuant to IC 36-7-4-702(c) and in accordance with this section. The basis for the waiver shall be documented in the record.
  - b. The PC may grant a waiver to any provision or standard contained in Chapter 6: Subdivision Types and/or Chapter 7: Subdivision Design Standards when the applicant can show that practical difficulties and unnecessary hardship would result if strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions.
  - c. If a waiver is approved, the plat must still meet all other applicable standards prescribed in the UDO. Variations from the zoning provisions of this UDO require a variance by the BZA (See Chapter 5, Section D: Special Exception and Variance Procedures).
2. STEP 1: Application Submittal.
  - a. Request Required. A written request for a waiver or waiver of conditions shall be submitted in writing by the applicant at the time when the primary plat or secondary plat application is filed. A separate waiver application is not required. The petition shall state fully the grounds for the application and all the facts relied upon by the applicant. All waiver requests shall be reviewed by the TAC and a recommendation made to the PC. The PC shall make the final decision regarding waiver requests.
  - b. Public File. Once the Administrator determines that an application is complete and in proper form, they shall include the written request as part of the plat application public file.
  - c. Internal Review. The waiver request shall be included in the internal review for plat application.
  - d. Public Notice. No public notice specific to the waiver(s) requested is required. It shall be considered by the PC during the decision for the plat application.
3. STEP 2: Final Decision.
  - a. Timing of Consideration. All waivers shall be considered during the primary plat or secondary plat approval. The applicant or their representative shall be in attendance required meeting for the primary or secondary plat to present the waiver request and address any questions or concerns of the PC.
  - b. Basis for Decision by PC. The PC shall not approve waivers unless it finds, based upon the evidence presented to it in each specific case, that:
    - i. Practical difficulties and unnecessary hardship may result from the strict application of this UDO;
    - ii. The purpose and intent of this UDO may be better served by an alternative proposal;
    - iii. The granting of the waiver or waiver of conditions will not be detrimental to the public safety, health, welfare, or be injurious to other property;
    - iv. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable to other property;

- v. The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan and/or Thoroughfare Plan; and
  - vi. Where the waiver impacts on the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing or electronic transmission to the PC.
- c. Waivers Concerning Public Improvements.
- i. The PC may consider waivers concerning public improvements only when they are given a favorable recommendation from the TAC. Said approval is subject to any appropriate conditions, the provision for any or all, public improvements that in its judgment are:
    - (a) Not required in the interests of the public health, safety, and general welfare,
    - (b) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or
    - (c) Inappropriate for other reasons presented to and agreed on by the PC.
  - ii. Where improvements or installations are deferred as provided herein, the applicant shall post a separate surety in an amount determined by the applicable jurisdiction guaranteeing completion of the deferred improvements upon demand of the jurisdiction.
- d. Final Decision by PC.
- i. Approval. If the PC finds that ALL of the basis for the decision have been satisfied, it shall approve the request or approve waiver. Approved written findings of fact shall be included with any approval decision.
  - ii. Denial. If the PC does not find that all of the basis for the decision have been satisfied, it shall deny the request and approve written findings of fact that specify the reason for denial.
  - iii. Conditions and/or Written Commitments. Any decision may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Chapter 5, Section F.2: Written Commitments. Such conditions shall be expressly set forth in the order granting the waiver and be in accordance with the PC Rules and Procedures for governing commitments. Violation of any such condition shall be a violation of this UDO and subject to the provisions of Chapter 5, Section G: Complaints, Violations, and Remedies.

## E. Construction Procedures.

1. Process for Construction of Public Improvements. Once a primary plat and the associated construction plans have been approved by the PC, Administrator, and other required agencies, as appropriate, the construction and general development process may commence in one (1) of two (2) ways as follows:
  - a. Option 1: Construct Public Improvements then Record Plat.
    - i. Secondary Plat Approval. The secondary plat should be approved (but not executed/signed) prior to installing public infrastructure. Any construction or installation of infrastructure started or completed prior to approval of the construction plans and/or secondary plat is done at the risk of the applicant; if changes or revisions to the construction plans and/or secondary plat are required, any modifications to construction or installation of infrastructure shall be the responsibility of the applicant.
    - ii. Install Public Infrastructure. All public infrastructure shall be installed per the approved construction plans and secondary plat except for the final coat of asphalt on the roadways and sidewalks (if required).
    - iii. Inspect Public Infrastructure. The improvements shall be reviewed and inspected by the applicable jurisdiction throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, water infrastructure, sewer infrastructure, and any other utilities as required by this UDO or any other applicable ordinance.
    - iv. Provide Maintenance Surety. After the public infrastructure is constructed and approved by the applicable jurisdiction, the applicant shall post a maintenance surety in accordance with Chapter 8, Section E.3: Process to Provide Maintenance Surety. Note, if the final coat of asphalt on the roadways and internal sidewalks have not been installed, surety shall be required for those items prior to recording the plat as outlined in Chapter 8, Section E.3: Process to Provide Maintenance Surety.
    - v. Provide As-Builts. After all public improvements are constructed and approved, the applicant shall provide as-builts for all improvements within the public right-of-way as outlined in Chapter 8, Section E.4: Process for Dedication of Public Infrastructure.
    - vi. Execute and Record Plat. The plat shall be executed and recorded in accordance with Chapter 8, Section E.2: Process for Recording Secondary Plat.
    - vii. Obtain ILP's and BP's. The applicant shall obtain ILP's and BP's for construction on each individual lot as outlined in Chapter 8, Section E.5: Process to Obtain Improvement Location Permits (ILP) / Building Permits (BP).
    - viii. Install Final Coat of Asphalt and Sidewalks (if required). Sidewalks shall be installed as each lot is developed as required by this UDO. Once development has occurred to the satisfaction of the applicable jurisdiction, the final coat of asphalt for the roadways shall be installed by the applicant.
    - ix. Dedication of Public Infrastructure. After all infrastructure has been completed and approved, the public infrastructure that is required to be dedicated to the appropriate

jurisdiction shall be dedicated with a signed Deed of Dedication in the format required by the appropriate jurisdiction.

- x. Release Maintenance Surety Funds. Maintenance surety funds shall be released in accordance with Chapter 8, Section E.3: Process to Provide Maintenance Surety.
- b. Option 2: Post Performance Surety Then Record Plat.
  - i. Secondary Plat Approval. The secondary plat should be approved (but not executed/signed) prior to posting a performance surety.
  - ii. Cost Estimate for Infrastructure Completion. The applicant shall submit a reliable estimate to the Administrator for review and approval of the cost estimate of completing all of the required infrastructure including, but not limited to the roads, public utilities, drainage structures, water infrastructure, sewer infrastructure, and all other work or improvements to the subdivision required by this UDO and the performance and escrow agreement.
  - iii. Execute Performance and Escrow Agreement. The applicant shall submit an executed performance and escrow agreement to the applicable jurisdiction in a form created and approved by the applicable jurisdiction's Attorney.
  - iv. Provide Performance Surety. A bond, cash escrow, or irrevocable evergreen bond shall be paid to the applicable jurisdiction in the required amount to ensure completion of the subdivision improvements in accordance with the executed performance and escrow agreement and in the amount approved by the applicable jurisdiction. The escrow shall:
    - (a) Be payable to the appropriate legislative body;
    - (b) Be in an amount which is at least one hundred twenty percent (120%) of the amount estimated to complete the improvements;
    - (c) Be in the form of a bond, cash deposit, or irrevocable evergreen bond.
  - v. Execute and Record Plat. Once the performance surety has been posted and accepted to the satisfaction of the applicable jurisdiction, the secondary plat shall be executed and recorded in accordance with Chapter 8, Section E.2: Process for Recording Secondary Plat.
  - vi. Obtain ILP's and BP's. The applicant shall obtain ILP's and BP's for construction on each individual lot as outlined in Chapter 8, Section E.5: Process to Obtain Improvement Location Permits (ILP) / Building Permits (BP).
  - vii. Install Public Infrastructure. All public infrastructure shall be installed per the approved construction plans and secondary plat except for the final coat of asphalt on the roadways and sidewalks (if required).
  - viii. Inspect Public Infrastructure. The improvements shall be reviewed and inspected by the applicable jurisdiction throughout the construction process to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to roads, curbs, gutters, drainage facilities, water infrastructure, sewer infrastructure, and any other utilities as required by this UDO or any other applicable ordinance.
  - ix. Provide Maintenance Surety. After the public infrastructure is constructed and approved by the applicable jurisdiction, the applicant shall post maintenance surety in accordance with Chapter 8, Section E.3: Process to Provide Maintenance Surety.

- x. Release of Performance Surety Funds. The applicable jurisdiction, with the approval of their legislative body, shall release all or a portion of the escrow to the applicant after satisfactory completion of all or a part of the improvements and installations of the subdivision after inspection and approval of the Administrator. Any such release shall occur no more frequently than once a month. The Administrator will not recommend the release of any funds without being requested by the applicant. The performance surety cannot be released in full before providing a maintenance surety.
  - xi. Provide As-Builts. After all public improvements are constructed and approved, the applicant shall provide as-builts for all improvements within the public right-of-way as outlined in Chapter 8, Section E.4: Process for Dedication of Public Infrastructure.
  - xii. Install Final Coat of Asphalt and Sidewalks (if required). Sidewalks shall be installed as each lot is developed as required by this UDO. Once development has occurred to the satisfaction of the applicable jurisdiction, the final coat of asphalt for the roadways shall be installed by the applicant.
  - xiii. Dedication of Public Infrastructure. After all infrastructure has been completed and approved, the public infrastructure that is required to be dedicated to the appropriate jurisdiction shall be dedicated with a signed Deed of Dedication in the format required by the appropriate jurisdiction.
  - xiv. Release Maintenance Surety Funds. Maintenance surety funds shall be released in accordance with Chapter 8, Section E.3: Process to Provide Maintenance Surety.
2. Process for Recording Secondary Plat.
- a. Execute Plat. After secondary plat approval and the applicable requirements for constructing public improvements have been completed, the approved signature block shall be used, and the plat shall be signed by every person having a security interest in the property before being recorded.
  - b. Fees. Prior to recording the plat, the applicant shall pay all applicable development fees to the appropriate bodies.
  - c. Record Plat.
    - i. The applicant shall be responsible for recording the executed secondary plat with the Recorder's Office.
    - ii. Once recorded, the applicant shall provide the Administrator with a copy of the recorded and stamped secondary plat in the format(s) required by the Administrator.
    - iii. All secondary plats must be recorded within two (2) years of secondary plat approval. Upon written request, the PC may extend the time limitation for two (2) years if a written request is received prior to the secondary plat expiring. If the applicant fails to record within this time period, the secondary plat shall be null and void.
  - d. Recording Prohibition. Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the County Auditor, and the County Recorder may not record it, unless it has been granted secondary approval and signed and certified by the required parties. The filing and recording of the plat are without legal effect and improvement and/or building permits cannot be issued unless approved by the Administrator.



3. Process to Provide Maintenance Surety.

a. General.

- i. A post construction surety/bond is required for subdivision plats and other projects for which maintenance of the drainage facilities, utilities, sidewalks, and/or roads is ultimately to be taken over by the applicable jurisdiction.
- ii. After the final inspection and approval of construction and prior to release of any performance sureties, a post construction surety/bond must be provided and maintained by the project owner for a period of three (3) years. The maintenance surety/bond shall guarantee the storm water facilities, sidewalks (if required), public utilities, roads, and all other public infrastructure constructed under the permit against design defects and/or failures in workmanship and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained until the infrastructure is accepted for maintenance by the applicable jurisdiction through the Deed of Dedication.
- iii. Prior to the expiration maintenance period, the applicable jurisdiction will evaluate performance of the bonded facilities and, if not functioning as intended or designed, will require the project owner to fix to the satisfaction of the applicable jurisdiction. The applicable jurisdiction also has the authority to collect on the bond and repair or maintain the affected facilities.
- iv. The appropriate jurisdiction may accept properly functioning facilities in accordance with the applicable standards. Until such time as the applicable jurisdiction accepts maintenance, the applicant must secure the proper functioning and maintenance of the facility, and such shall be a condition of secondary plat approval.

b. Require Surety.

- i. Surety for Maintenance/Defects. The amount of the maintenance surety/bond shall be twenty-five percent (25%) of the estimated construction cost of the storm water facilities and roads requiring maintenance, or \$50,000.00, whichever is greater. The construction costs of the facilities requiring maintenance shall be estimated by the project engineer, subject to the approval of the appropriate jurisdiction.
- ii. Surety for Topcoat and Sidewalks. Because the sequencing of installing the topcoat of asphalt on roadways and installing internal sidewalks (if required) occurs after construction on individual lots, surety shall also be required for these items prior to recording the plat. The amount of this surety/bond shall be at least one hundred twenty percent (120%) of the amount estimated to complete the improvements and in the form of a bond, cash deposit, or irrevocable evergreen bond that is payable to the appropriate legislative body.

c. Form of Maintenance Surety. Maintenance surety shall be in the form of a bond, cash deposit, or irrevocable ever green bond that is approved by the Attorney for the applicable jurisdiction.

d. Release of Maintenance Surety.

- i. If a performance suety was provided for the installation of public infrastructure, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the installation of public infrastructure be released by the applicable jurisdiction and/or returned to the applicant when the final coat of asphalt have been installed on the

roadways and sidewalks (if required) have been installed to the satisfaction of the applicable jurisdiction. The remaining balance will be applied to the Maintenance Surety.

- ii. Three (3) years after the maintenance surety is posted, the applicant can request that the applicable jurisdiction release or return the maintenance surety. The Administrator will not recommend the release of any funds without being requested by the applicant.
- e. Use of Surety Funds.
  - i. Any monies received by the applicable jurisdiction shall be used only for making the required improvements and installations for which the surety was provided in the event the applicant defaults on the agreement. This money may be used for these purposes without appropriation.
- 4. Process for Dedication of Public Infrastructure.
  - a. As-builts. After posting the required maintenance surety, the applicant shall provide the Administrator with:
    - i. As-built drawings for all improvements within the public right-of-way in CAD and PDF format; and
    - ii. A GIS layer with locations of all public infrastructure, including but not limited to water and sewer line locations, edge of pavement for public roads, lot lines, and parcel boundaries.
  - b. Dedication of Public Infrastructure.
    - i. Public infrastructure cannot be dedicated until all improvements are completed, including installation of the topcoat of asphalt on roadways and installation of internal sidewalks (if required).
    - ii. All public infrastructure dedicated to the applicable jurisdiction shall be approved by the jurisdiction with a signed Deed of Dedication in the required format.
    - iii. The jurisdiction shall only maintain public infrastructure after its dedication unless specified otherwise.
- 5. Process to Obtain Improvement Location Permits (ILP) / Building Permits (BP).
  - a. Authority. The Administrator, or their designee, shall be responsible for the issuance of ILPs and BPs in accordance with IC 36-7-4-800 series.
  - b. Applicability. An ILP or BP shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:
    - i. Primary structures;
    - ii. Accessory buildings and structures, as set forth in Chapter 3, Section B: Accessory Structure Standards and Chapter 3, Section I: Structure Standards.
    - iii. Signs as set forth in this ordinance;
    - iv. Temporary storage containers as set forth in this ordinance; and
    - v. Wireless communication facilities, both free-standing and those co-located upon an existing or pre-approved wireless communication facility.

- c. Temporary Use Permit. A temporary use permit may be granted by the Administrator for the construction and use of a permitted temporary use (such as a construction trailer, mobile sales office, vehicle, tent, booth, or other means). Temporary use permits shall not be issued for more than ninety (90) days or the duration of construction, whichever is greater.
- d. Issuance of Improvement Location Permit (ILP) / Building Permit (BP).
  - i. No building or other structure shall be erected, moved, added to, or structurally altered unless the Administrator has issued an ILP (which may or may not include a building permit). No structural change in use of a building or land shall be made without an ILP issued by the Administrator. ILPs and BPs shall be issued only upon finding that the proposed use complies with the requirements of this UDO or upon written order from the BZA granting a variance, appeal, or special exception.
  - ii. All public improvements shall be installed and also inspected by the applicable jurisdiction (where applicable) in addition to the plat being recorded before an ILP or BP is issued.
  - iii. No ILP or BP shall be issued for a structure that is served by a septic system unless a septic permit has been issued by the County Health Department and/or IDEM or the Health Officer has authorized an approved system.
  - iv. No ILP or BP shall be issued for any commercial or industrial use without first having obtained any required state agency approvals and/or permits.
  - v. No ILP or BP shall be issued for any use until drainage approval (if required) is obtained.
- e. Application. The applicant shall submit an application for an ILP/BP in accordance with the required application and complete it in accordance with the format described therein. The filing fee for an ILP/BP shall be paid in accordance with the adopted Fee Schedule. A public record of each ILP/BP shall be retained by the Administrator in accordance with the retention rules established by the State Board of Accounts.
- f. Inspections Required. All inspection(s) shall be completed for all ILPs and/or BPs that are constructed in compliance with all provisions of the UDO and other applicable codes.
- g. Expiration.
  - i. All ILPs and BPs shall be valid for a period of one (1) year from the date of issuance.
  - ii. The Administrator may grant up to two (2) additional six (6) month extension periods at the request of the applicant stating the valid need for such extension. Once an ILP/BP expires, a new application (including fees) shall be submitted for approval.
- h. Amendment. An amendment to an approved ILP/BP may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.
- i. Certificate of Occupancy.
  - i. It shall be unlawful to use or occupy any structure, building, land, or premises, in whole or part, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the Administrator. The Certificate of Occupancy shall state that the proposed use of the building or land conforms to the requirements of this UDO and that the Administrator and/or their designee has inspected the property and attested to that fact.

- ii. A Certificate of Occupancy shall not be issued until any required driveway has been properly installed and inspected by the Administrator or their designee. Additionally, a Certificate of Occupancy shall not be issued for a structure within a platted subdivision where internal sidewalks are required until the corresponding sidewalk has been installed, inspected, and approved by the appropriate entity.
- iii. No Certificate of Occupancy shall be issued until all work has been completed and all applicable inspections performed and completed.

## **F. Other Subdivision Procedures.**

1. Appeals of PC Decision.
  - a. Decisions of the PC under this UDO shall be subject to judicial review as provided in IC 36-7-4-715, IC 36-7-4-1016, and IC 36-7-4-1600 et seq.
  - b. Pursuant to those statutes, a person with standing may seek judicial review of certain PC decisions by filing a petition for judicial review in the applicable county courts within thirty (30) days after the date of the decision at issue, but only after the person with standing has exhausted any and all available administrative remedies with the PC.
  - c. Nothing in this section expands the rights to review provided by Indiana law.
2. Written Commitments.
  - a. General. Written commitments shall be in conformance with IC 36-7-4-1015.
  - b. Form. A commitment must be substantiated by the form set forth in the PC Rules and Procedures and must identify any specially affected persons or class of specially affected persons who may enforce the commitment. A commitment must be authorized by its recording in the County Recorder's Office.
  - c. Recording. A commitment shall be recorded in the County Recorder's Office by the applicant and takes effect upon the adoption of the proposal by the applicable body to which it relates (even if the commitment is not recorded). Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for PC's file.
  - d. Persons Bound.
    - i. Unless it is modified or terminated by the body who approved the commitment (PC) in accordance with this section, a recorded commitment is binding on the owner of the parcel, all subsequent owners of the parcel, and any other person who acquires interest in the parcel.
    - ii. An unrecorded commitment is binding on the owner of the parcel who makes the commitment. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or the person acquiring the interest has actual notice of the commitment.
    - iii. Modification or Termination by PC or BZA. Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the PC and made at a public hearing after notice of the hearing has been given under the PC Rules and Procedures.
3. Plat Vacations.
  - a. Authority. Pursuant to IC 36-7-4-711, the PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.
  - b. Vacation When All Owners Agree.

- i. Applicability. As provided in IC 36-7-3-10, if all owners of land in the plat agree on a proposed vacation of all or part of the plat, before recording a written instrument to vacate all or part of the plat, the owner(s) must submit the instrument to the PC for approval.
- ii. Public Hearing Not Required. The PC may consider and rule on the proposed instrument at a public meeting.
  - (a) The PC shall attach its written decision to the instrument before it is submitted for recording.
  - (b) As provided in IC 36-7-3-10, an instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. It also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only under IC 37-7-3-12. As provided in IC 36-7-3-16, platted easements may be vacated in this same manner as public ways and places.
  - (c) If the PC denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years from the date of the PC's denial, as provided in IC 36-7-3-15.
- c. Vacations When All Owners are Not in Agreement.
  - i. Applicability. As provided in IC 36-7-4-711, if not all owners of land in a plat agree on a proposed vacation, one (1) or more of the owners may file with the PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the applicant(s).
  - ii. Public Notice and PC Hearing Required. Public notice shall be required as outlined in the PC Rules and Procedures and IC 36-7-4-711. At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition. In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the PC.
  - iii. PC Final Decision.
    - (a) Approval. The PC may approve the petition only if it finds that the conditions below are met. The PC may impose reasonable conditions as part of any approval. Once approved, the PC shall sign the vacation prior to the applicant recording it.
      - (1) Conditions in the platted area have changed to defeat the original purpose of the plat;
      - (2) It is in the public interest to vacate all or part of the plat; and
      - (3) The value of that part of the land in the plat not owned by the applicant(s) will not be diminished by the vacation.
    - (b) Denial. If the PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC denies a vacation request under this section, it shall not consider another vacation request which requests substantially similar relief concerning the same property for at least one (1) year after the denial, as authorized by IC 36-7-4- 715.

## G. Document, Study, and Drawing Requirements.

### 1. Traffic Impact Study Requirements.

#### a. Applicability.

- i. A traffic analysis shall be completed by the applicant as required by this section at the discretion of the Administrator or the PC. The Administrator or PC may determine whether a lesser level of study is required than required by the following table, Traffic Impact Study Thresholds, based on existing site conditions and/or previous traffic studies, but at a minimum, a Trip Generation Statement shall be provided (excluding minor residential subdivisions and exempt subdivisions).
- ii. The PC and/or BZA may require a traffic impact study to be completed by the applicant when considering applications for zone map changes, development plans, or other applications if the PC determines traffic analysis is needed.

- b. Thresholds. All subdivisions (or other applications if required by the PC or BZA) shall provide a traffic impact study as outlined below:

Traffic Impact Study Thresholds		
Subdivision Type (or Development Type)	Threshold	Required Traffic Impact Study
Minor Residential Subdivision and Exempt Subdivisions	N/A	No study
Single-family Residential and Two-family Residential Subdivisions	Less than 50 lots	Trip Generation Statement
	50 to 200 lots	Traffic Impact Study, Tier 1
	More than 200 lots	Traffic Impact Study, Tier 2
Multi-family Residential, Commercial, and Industrial Subdivisions	Generates less than 100 expected trips during a peak hour	Trip Generation Statement
	Generates 100 to 250 expected trips during a peak hour	Traffic Impact Study, Tier 1
	Generates more than 250 expected trips during a peak hour	Traffic Impact Study, Tier 2
All Other Application Types	Threshold and study to be Determined by PC and/or BZA	

#### c. Basis of Analysis.

- i. All calculations and software used in determining trip generation shall be based on accepted industry standards, such as references and methods established by ITE (Institute of Transportation Engineers), TRB (Transportation Research Board), INDOT (Indiana Department of Transportation), and/or FHWA (Federal Highway Administration).
- ii. The method for developing estimates of future traffic should be explained with supporting documentation as needed.

- iii. Background traffic projections shall be consistent with the travel forecasts of the Indianapolis Metropolitan Planning Organization (IMPO).
- d. Traffic Impact Study Requirements. The following extents, requirements, and horizons shall be provided for all types of subdivisions requiring a study.

Traffic Impact Study Requirements		
Study Type	Extent/Requirement	Horizon Year
Traffic Generation Statement	<ul style="list-style-type: none"> <li>Statement of the expected number of daily and peak hour trips</li> <li>Identify any existing traffic issues that exist at the proposed access point(s)</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
Traffic Impact Study, Tier 1	<ul style="list-style-type: none"> <li>All public road intersections within ¼ mile of the proposed access point(s)</li> <li>Any public road intersection(s) further than ¼ mile from the proposed access point(s) if the proposed development contributes to 10% or more of the traffic in any movement</li> </ul>	<ul style="list-style-type: none"> <li>Must consider the effects of the proposed project in a timeframe projected to 5 years into the future, or the completion of the final phase of the development, whichever is further out.</li> </ul>
Traffic Impact Study, Tier 2	<ul style="list-style-type: none"> <li>All public road intersections within 1 mile of the proposed access point(s)</li> <li>All signalized intersections within 2 miles of the proposed access point(s)</li> </ul>	<ul style="list-style-type: none"> <li>Must consider the effects of the proposed project in a timeframe projected to 10 years into the future, or the completion of the final phase of the development, whichever is further out.</li> </ul>

- e. Findings and Recommendations. At a minimum, all Tier 1 and Tier 2 Traffic Impact Studies shall:
  - i. Identify locations where traffic congestion or other impacts to traffic operations may be anticipated, including an established baseline so the relative contribution of the proposed development can be determined (with references to appropriate parameters and Level of Service);
  - ii. Consider and identify safety issues, including crashes if the intersection(s) analyzed has been identified by the IMPO as a high crash location;
  - iii. Investigate the most straightforward improvements that would be needed to relieve anticipated congestion and/or safety issues, if any, in accordance with INDOT accepted warrants, methods, and/or practices; and
  - iv. Provide additional analysis depending upon the site-specific conditions that impact congestion, traffic operations, and/or safety; and
  - v. Include written findings and recommendations that the Administrator and/or PC (or BZA if applicable) may consider.
2. Primary Plat Drawing Requirements.
  - a. Surveyor. The primary plat shall be prepared and sealed/stamped by a Registered Land Surveyor licensed to practice in the State of Indiana.
  - b. Format. All sheets shall be formatted as 18"x24" (unless approved by the Administrator), drawn to a convenient scale, and tied to state plane coordinates for horizontal controls.



- c. Other Documents. The applicant is responsible for all title searches, recorded easements, recorded commitments, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and also disclose them to all buyers.
- d. Drawing Checklist. The applicant shall submit a primary plat in accordance with the application requirements, including the checklist for drawing requirements as follows:
  - i. Project Information (shown on one sheet):
    - (a) A location map with north arrow at a scale of one-inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project and covering the general area within which it is to be located.
    - (b) Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with 865 IAC 1-12, in the field which has been balanced and closed, as well as physically located by monumentation.
    - (c) Location and description of all monuments with references by distance to bearings to both ¼ section corners, section corners, grant corners, or recorded subdivisions.
    - (d) Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.
    - (e) Existing zoning of the subject property and all adjacent properties.
    - (f) Name of the project/subdivision.
    - (g) Name and address of the owner, developer, and land surveyor and/or engineer.
    - (h) If non-residential, a statement of the proposed uses, stating the type of buildings, and the type of business, commercial, or industrial uses so as to reveal the effect of the project on traffic, fire, and population.
    - (i) Total acreage within the project and the number of lots.
  - ii. Site Conditions (shown on one sheet):
    - (a) Existing contours based in NAVD 1988 datum with vertical intervals of two (2) feet if the general slope of the site is less than two percent (2%) and vertical intervals of five (5) feet if the general slope is greater than two percent (2%). A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.
    - (b) Existing buildings/structures and their placement on the lots.
    - (c) Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
    - (d) Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the *Comprehensive Plan*, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/DNR maps, and bridges. Other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within one hundred (100) feet of the proposed project.

- (e) The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.
    - (f) The regulatory flood (100-year flood) elevation based on NAVD 1988.
  - iii. Proposed Development (shown on one sheet):
    - (a) Basic layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots.
    - (b) Building and thoroughfare (if applicable) setback lines, showing dimensions.
    - (c) All lots or blocks/outlots intended for sale or lease shall be designated with boundary lines shall be identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.
    - (d) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans.
    - (e) A note stating that, "No buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written review and approval by the appropriate agency."
    - (f) Internal and perimeter sidewalk system/pedestrian circulation plan, if any.
    - (g) Such other information as may be deemed necessary for proper review of the Primary Plat by the Administrator, the Engineer/Surveyor, or PC.
  - iv. Title Block (included on all sheets):
    - (a) The proposed name by which the project shall be legally and commonly known.
    - (b) Date of survey, scale, and north point.
    - (c) Revision dates.
- 3. Construction Drawing Requirements.
  - a. Drawing Checklist. The applicant shall submit all construction drawings for public improvements in accordance with the application requirements, including the checklist for drawing requirements as follows:
    - i. Project Information (shown on one sheet):
      - (a) A location map with north arrow at a scale of one-inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project and covering the general area within which it is to be located.
      - (b) Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with 865 IAC 1-12, in the field which has been balanced and closed, as well as physically located by monumentation.
      - (c) Location and description of all monuments with references by distance to bearings to both ¼ section corners, section corners, grant corners, or recorded subdivisions.
      - (d) Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.
      - (e) Existing zoning of the subject property and all adjacent properties.
      - (f) Name of the project/subdivision.
      - (g) Name and address of the owner, developer, and land surveyor and/or engineer.

- (h) If non-residential, a statement of the proposed uses, stating the type of buildings, and the type of business, commercial, or industrial uses so as to reveal the effect of the project on traffic, fire, and population.
  - (i) Total acreage within the project and the number of lots.
- ii. Site Conditions (shown on one sheet):
  - (a) Existing contours based in NAVD 1988 datum with vertical intervals of two (2) feet if the general slope of the site is less than two percent (2%) and vertical intervals of five (5) feet if the general slope is greater than two percent (2%). A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.
  - (b) Existing buildings/structures and their placement on the lots.
  - (c) Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
  - (d) Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the *Comprehensive Plan*, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/DNR maps, and bridges. Other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within one hundred (100) feet of the proposed project.
  - (e) The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.
  - (f) The regulatory flood (100-year flood) elevation based on NAVD 1988.
- iii. Proposed Development (shown on one sheet):
  - (a) Basic layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots.
  - (b) Building and thoroughfare (if applicable) setback lines, showing dimensions.
  - (c) All lots or blocks/outlots intended for sale or lease shall be designated with boundary lines shall be identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.
  - (d) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans.
  - (e) Building setback lines, showing dimensions.
  - (f) Easements.
  - (g) A note stating that, "No buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written review and approval by the appropriate agency."
  - (h) Internal and perimeter sidewalk system/pedestrian circulation plan, if any.
  - (i) Such other information as may be deemed necessary for proper review of the Secondary Plat and Construction Drawings by the Administrator, the Engineer/Surveyor, or PC.

- iv. Title Block (included on all sheets):
    - (a) The proposed name by which the project shall be legally and commonly known.
    - (b) Date of survey, scale, and north point.
    - (c) Revision dates.
  - b. Construction Plan Approval. The applicant shall obtain approval of all construction plans from the respective entity for all public improvements and provide documentation of this approval to the Administrator prior to approving a secondary plat.
  - c. IDEM. All required MS4 General Permits and IDEM Construction Stormwater General Permit (CSGP), formerly known as Rule 5 Permits (327 IAC 15-5), shall be submitted to the Administrator prior to approving a secondary plat.
  - d. Drainage Review. Drainage plans that have been reviewed and approved by the Town of Thorntown or the County Surveyor as appropriate shall be submitted to the Administrator and added to the public file. Drainage plans must be approved by the County Surveyor before approving a secondary plat.
  - e. As-builts. After all public improvements are constructed and inspected, the applicant shall provide as-builts for all improvements within the public right-of-way in appropriate digital formats with locations of all public infrastructure as outlined in Chapter 8, Section E.4: Process for Dedication of Public Infrastructure.
4. Secondary Plat Drawing Requirements.
- a. Drawing Checklist. The applicant shall submit the Secondary Plat in accordance with the application requirements, including the following:
    - i. The following notes shall be included on the secondary plat before recording:
      - (a) By the registered land surveyor to the effect that the plat represents a survey made by him/her on \_\_\_\_\_ and recorded in \_\_\_\_\_ that all monuments shown thereon exist or will be set, and that their locations are as shown or will be as shown.
      - (b) By the Subdivider(s)/applicant(s) and/or any other owner(s) of record, a notarized statement that said Subdivider(s) and/or other landowner(s) is/are the owner(s) of the lands and the platting of the subdivision is the Subdivider's and/or other owner's voluntary act and deed. The Subdivider(s) and/or owner(s) shall declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat.
      - (c) By the PC, fixed with the seal of the PC, signed by the Administrator, Plan Commission President, Plan Commission Secretary, and, if a major subdivision, the engineer or surveyor for the jurisdiction. The note shall disclose that proper public notice for the primary plat was given, and that a majority of the members of the PC concur in its approval.
    - ii. Notation of any self-imposed restrictions.
    - iii. Endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property.
  - b. General.

- i. Surveyor. The secondary plat sheet(s) shall be prepared and sealed/stamped by a Registered Land Surveyor licensed to practice in the State of Indiana.
- ii. Format. All sheets shall be formatted as 18"x24" Mylar (unless approved by the Administrator), drawn to a convenient scale, and tied to state plane coordinates for horizontal controls.
- iii. Conformance with Primary Plat.
  - (a) The secondary plat may be deemed to substantially conform to the primary plat if the geometrics of the secondary plat are substantially the same layout. Reductions in the number of buildable lots, the addition of common area(s), minor changes in lot size or lot dimensions, and/or the addition or removal of easements to accommodate utilities or drainage are not considered a substantial change in conformity.
  - (b) If the following occur, the secondary plat shall not be deemed in conformance with the primary plat unless such changes were a condition of the primary plat approval:
    - (1) The addition, removal, or alteration of road patterns;
    - (2) Substantial change in lot sizes or lot widths;
    - (3) An increase in the total number of buildable lots.
- c. Covenants and Restrictions.
  - i. Covenants and restrictions shall be submitted to the Administrator prior to being recorded for reference only; the Administrator is not responsible for reviewing the covenants for conflict with this UDO.
  - ii. Covenants shall be recorded at the same time as the secondary plat.
  - iii. Covenants are not enforced by the County or the participating municipalities.
  - iv. If there are conflicts between the covenants and the UDO or any other requirements, the more restrictive regulations shall apply.
  - v. Once recorded, the applicant shall provide the Administrator with a copy of the recorded and stamped covenants and restrictions in the format(s) required by the Administrator.

## **H. Complaints, Violations, and Remedies.**

- 1. Procedures for addressing complaints and violations, and remedies thereto, are addressed in Chapter 5, Section G: Complaints, Violations, and Remedies

## **I. Fee Schedule.**

- 1. Information related to fees for permits and applications are outlined in Chapter 5, Section H: Fee Schedule.