

**SUBDIVISION ORDINANCE
FOR
WARREN COUNTY**

TABLE OF CONTENTS

SECTION 1	GENERAL PROVISIONS	1-6
1.1	Title	
1.2	Policy	
1.3	Purposes of These Regulations	
1.4	Authority and Jurisdiction	
1.5	Enactment	
1.6	Interpretation, Conflict, and Separability	
1.7	Saving Provision	
1.8	Repealer	
1.9	Amendments	
1.10	Conditions	
1.11	Resubdivision of Land	
1.12	Vacation of Plats	
1.13	Variances	
1.14	Enforcement, Violation, and Penalties	
SECTION 2	DEFINITIONS	7-22
2.1	Usage	
2.2	Definitions	

SECTION 1 – GENERAL PROVISIONS

1.1 Title

These regulations shall hereafter be known and cited as the Subdivision Ordinance of Warren County, Indiana.

1.2 Policy

- (1) It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the Official Comprehensive Plan and related policies (such as those embodied in the County Zoning Ordinance) for the orderly and efficient development of the County.
- (2) Land to be subdivided shall be of such a character that it can be developed without peril to health or peril from flood, fire or other menace, and land shall not be subdivided until having access to available existing public facilities and until improvements and proper provisions have been made for drainage, water sewerage, other necessary new public improvements such as schools, parks recreation facilities, and transportation facilities adequate for serving the subdivision. Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the County Zoning Ordinance and approved by the County Health Department and the County Engineer or designated County Official.
- (3) Both existing and proposed public facilities serving the subdivision shall be properly related and conform to the Official County Comprehensive Land Use Plan, related policies and implementation programs including the Capital Budget, Official Map, Thoroughfare Plan, Zoning Ordinance and Housing and Building Codes.

1.3 Purposes of These Regulations

- (1) To protect and provide for the public health, safety, and general welfare of the County.
- (2) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies.
- (3) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

- (4) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
- (5) To guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land uses, conserve natural resources such as natural beauty, woodlands, open spaces, and energy both during and after development.

1.4 Authority and Jurisdiction

- (1) This Ordinance which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, Titles 36-1-3-4, and the 36-7-4-700 series, as amended) authorizes the County to review and approve or disapprove plats for subdivision throughout the County, which show lots, blocks, or sites with or without new streets or highways. This authority extends to the development or resubdivision of undeveloped portions of already recorded plats.
- (2) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the County.

1.5 Enactment

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

1.6 Interpretation, Conflict, and Separability

- (1) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (2) Conflict with Public and Private Provisions
 - (a) Public Provisions. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

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

(3) Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity the remainder of these regulations or the application thereof to other persons or circumstances. The County hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

1.7 Saving Provision

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

1.8 Repealer

Upon the adoption of the Warren County Subdivision Control Ordinance according to law, the Subdivision Control Ordinance of Warren County, as amended are hereby repealed, except for such sections expressly retained herein.

1.9 Amendments

For the purpose of providing for the public health, safety, and general welfare, the County, on recommendation of the APC, may from time to time amend the provisions

imposed by these subdivision regulations. The APC and/or the County in the manner prescribed by law shall hold public hearings on all proposed amendments.

1.10 Conditions

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

1.11 Resubdivision of Land

- (1) Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the APC by the same procedure, rules and regulations as for a subdivision.
- (2) Procedure for Subdivisions Where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the APC may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

1.12 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 in 1982, 1983, and 1986.

1.13 Variances

- (1) General. Where the APC finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by the alternate proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the APC shall not approve variances

unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) the granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other nearby property;
 - (b) the conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - (c) because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of these regulations are carried out;
 - (d) the variance will not in any manner contravene the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map as interpreted by the APC and/or the designated County Official.
- (2) Conditions. In approving variances, the APC may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (3) Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the APC. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.14 Enforcement, Violation, and Penalties

- (1) General
 - (a) It shall be the duty of the Executive Director to enforce these regulations and to bring any violations or lack of compliance to the attention of the APC Attorney.
 - (b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the APC, in accordance with the provisions of these regulations, and filed with the County Recorder.
 - (c) The division of any lot or any parcel of land into a subdivision, as defined in this Ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of one or more new building sites shall not be permitted. All such described

division shall be subject to all of the appropriate requirements of this Ordinance.

- (d) No Improvement Location Permit or Building Permit required under the Uniform Building Code, the Zoning Ordinance or this Ordinance shall be issued on any property subject to this Ordinance until the provisions of this Ordinance have been complied with.
- (2) Violations and Penalties. Any person who violates a provision of this Ordinance or any regulations herein contained, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00) for each day's violation.
- (3) Restraining Provisions
- (a) Any land within the participating jurisdictions subdivided in violation of the terms of this Ordinance after the effective date hereof, is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.
 - (b) The APC may institute an injunction suit requesting an individual or governmental unit be directed to remove a structure erected in violation of this Ordinance, or to make the same comply with its terms. If the APC is successful in its suit, the respondent shall bear the costs of the action
 - (c) The APC may institute a suit for mandatory injunction requesting an individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this Ordinance, to comply with the provisions of this Ordinance. If the APC is successful in its suit, the respondent shall pay the APC's reasonable attorney fees and all costs related to the enforcement of this Ordinance.

SECTION 2 - DEFINITIONS

2.1 Usage

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

2.2 Definitions

- Accessory Building** A subordinate structure, the use of which is incidental to that of the dominant use of the principal building or land.
- Agency** See Public Agency.
- Alley** A public or private vehicular right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.
- APC** The Warren County Area Plan Commission as referred to herein.
- APC Attorney** The licensed attorney designated by the Area Plan Commission to furnish legal assistance for the administration of this Ordinance or as provided by statute.
- Applicant** The owner of land proposed to be subdivided or his agent or his legal representative.
- Arterial** Either a Primary Arterial or a Secondary Arterial as defined in this section.

Average Density Procedures

Procedures for calculating overall density of development prescribed in the Zoning Ordinance as a flexible tool for maintaining overall densities while allowing individual lot sizes to vary from the minimum size allowed in a given zone. See Flexible Zoning also.

Block

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond

Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the APC. The APC shall approve all bonds wherever a bond is required by these regulations.

Buffer Landscaping

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

Buildable Area

The area in a parcel of land that is feasible to build any type of structure(s). Topography and poor soil conditions are examples of items that could reduce the buildable area within a given parcel.

Building Code

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

Building Permit Official

That official of local government authorized to issue building permits.

Capital Improvements Program

A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase

construction, or replacement of the more durable, longer-lived physical assets for the community are included.

Central Sewerage System

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

Central Water System

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

Certificate

The signed and attested document that indicates that a subdivision has been granted (Secondary Approval) by the APC subsequent to proper public notice of its hearing.

Checkpoint Agency

A public agency or organization called upon by the APC to provide expert counsel with regard to a specific aspect of community development or required by law to give its assent before subdivision may take place (See Figure 3-1).

Collector Street

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

Comprehensive Plan

Inclusive physical, social, and economic plans and policies in graphic and verbal statement forms for the development of the County, prepared and adopted by the Warren County Commissioners and/or Town Boards pursuant to the State Acts, and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Condominium

The division of building(s) and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by the Indiana Code, 32-1-6-1 through 31.

Construction Plan(s)	The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance as a condition of the approval of the plat.
Commissioners	The Warren County Commissioners as referred to herein
County	The County of Warren, Indiana.
County Attorney	The licensed attorney designated by the legally authorized body to furnish legal assistance for the administration of these regulations in lieu of the APC having its own attorney.
County Engineer	The licensed engineer or County Official designated by the County to furnish engineering assistance in the administration of these regulations.
County Design Review Committee	A committee established by the County to provide technical services to the APC in the administration of these regulations.
County Government	That governmental bodies of the County empowered to adopt planning and public policy ordinances.
County Health Officer	(See Health Officer.)
County Housing Code	(See Housing Code.)
County Recorder	That County official empowered to record and file land description plats.
Cul-de-sac	A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.
Dead-end Street	A street or a portion of a street with only one (1) vehicular traffic outlet and no turnaround at the terminal end.
Department	(See Public Agency.)

Designated Officials

Those officials of the APC designated in the Subdivision Control Ordinance as required signatories for the execution of (Secondary Approval).

Developer

The owner of land proposed to be subdivided or his representative. Consent for making applications for development approval shall be required from the legal owner of the premises.

Drives, Private

Vehicular streets and driveways paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.

Easement

An authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose(s).

Escrow

A deposit of cash with the APC in lieu of an amount required and still in force on a performance or maintenance bond. The County Auditor shall hold such escrow funds.

Executive Director

The officer appointed by and/or delegated the responsibility of the administration of these regulations by the APC. This term shall be construed to include those planning staff members working under the direction of the Executive Director in the exercise of his responsibilities in regard to the processing of these Subdivision Regulations.

Exempt Divisions

(See definition of Subdivision.)

Final Plat

The map, drawing, or plan described in the Ordinance of a Subdivision and any accompanying material submitted to the APC for (Secondary Approval), and which if approved and signed by the Chairman of the APC, may be submitted to the County Recorder for recording.

Flood Hazard Areas

Those flood plains, which have not been adequately protected from flooding by the Regulatory Flood by means of dikes, levees, or reservoirs, and are shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the APC from the State Natural Resources Commission.

Flood Plain	The area adjoining the river or stream, which has been or may hereafter be covered by floodwater from the Regulatory Flood.
Flood Protection Grade	The elevation of the lowest point around the perimeter of a building at which floodwaters may enter the interior of the building.
Floodway	(See Regulatory Floodway.)
Floodway Fringe	Those portions of the Flood Hazard Areas lying outside the Floodway, shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.
Foundation	The supporting member of a wall or structure.
Frontage	That side of a lot abutting on a street or way and ordinarily regarded as the front of a lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets. (No access for any one lot is permitted to more than one street and that street generally will be the one calculated to have lower traffic volumes and less frequent intersections.)
Frontage Street	Any street to be constructed by the developer or any existing street in which development shall take place on both sides.
Front Yard	A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the sidelines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage.
Governing Body	The body of the relevant local government having the power to adopt ordinances.
Grade	The slope of a street, or other public way, specified in percentage (%) terms.
Health Department and (County) Health Officer	The agency and person designated by the County to administer the health regulations within the County's jurisdiction.

Highway, Limited Access

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

Housing Code

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

Improvements

(See Lot Improvements or Public Improvements.)

Indiana Code

The *Burns Indiana Statutes Code Edition*, which codifies all Indiana Statutes for reference purposes. The latest edition with any amending supplement must be referred to for the laws "now" in force and applicable (Usually abbreviated as I.C. herein.)

Individual Sewage Disposal System

A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department.

Interested Parties

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

Joint Ownership

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

Land Divider

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

Landscaping

(See Buffer Landscaping, Screening and Shade Trees.)

Local Street

A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot	A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.
Lot, Corner	A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
Lot Improvement	Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.
Major Street	A collector or arterial street.
Major Street Plan	(See Official Map.)
Major Subdivision	Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.
Map	A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.
Marker	A stake, pipe, rod, nail, or any other object, which is not intended to be a permanent point for record purposes.
Master Plan	(See Comprehensive Plan.)
Minor Subdivision	Any subdivision containing not more than three (3) lots fronting on an existing street which is an improved right-of-way maintained by the County, not involving any new street or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or this Ordinance.

Model Home	A dwelling unit used initially for display purposes, which typifies the kind of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the APC, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedures for minor subdivisions, as set out in these regulations.
Monument	A physical structure, which marks the location of a corner or other survey point.
Off-Site	Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.
Official Map	The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County or additions thereto resulting from the approval of subdivision plats by the APC and the subsequent filing of such approved plats.
Official Master Plan	(See Comprehensive Plan.)
Ordinance	Any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal of any ordinance.
Owner	Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
Parcel (Tract)	A part or portion of land having a legal description formally set forth in a conveyance together with the boundaries thereof, in order to make possible its easy identification.
Perimeter Street	Any existing street to which the parcel of land to be subdivided abuts on only one side.

Planned Unit Development

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

Plat

A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.

Preliminary Plat

The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the APC for approval.

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

Principal Use Building

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

Public Agency

An agency or government department acting under the aegis of and representing an elected or appointed County Commissioners, APC, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

Public Improvement

Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (All such improvements shall be properly bonded.)

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

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

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

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

Regulatory Flood Elevation
The maximum elevation, as established by the Indiana department of Natural Resources, reached by the regulatory flood at the locations in question relevant to approval of a given subdivision under consideration.

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

Restrictive Covenants
Limitations of various kinds on the usage of lots or parcels of land within a subdivision which are proposed by the subdivider, and, in the case of public health, safety and welfare by the APC, that are recorded with the plat and run with the land.

- Right-of-way** A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to the public use by the subdivider on whose plat such right-of-way is established.
- Road(s)** (See Street(s).)
- Sale or Lease** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.
- Same Ownership** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
- Screening** Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except as permitted or required under the *County Zoning Ordinance* ^{???} *what*
- (Secondary Approval)** The stage of application for formal APC approval of a final plat of a subdivision the construction of which has been completed or substantially completed which, if approved and signed by the Chairman of the APC may be submitted to the County Recorder for filing.

- Secondary Arterial** A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.
- Setback** A line parallel to and equidistant from the relevant lot line (front, back, and side) between which no buildings or structures may be erected as prescribed in the County Zoning Ordinance.
- Shade Tree** A tree in a public place, special easement, or right-of-way adjoining a street as provided in these regulations.
- Side Lot Lines** Any lines separating two lots other than front or rear lot lines.
- Sketch Plan** The initially submitted representation of a proposed major subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form acceptable to the APC; and, in the case of a minor subdivision, the drawing or drawings indicating the proposed manner of layout of the subdivision meeting the conditions of the Subdivision Control Ordinance to be submitted to the APC for (Primary Approval).
- Special Landscaping** Areas of tree planting, shrubs, or other landscape features serving a public purpose and maintained by the County. (See also Buffer Landscaping and Screening.)
- State Acts.** Such legislative acts of the State of Indiana as they affect these regulations.
- State Plane Coordinates System** A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.
- Street, Dead-end** A street or portion of a street with only one (1) vehicular-traffic outlet.
- Street Right-of-Way Width** The distance between property lines measured at right angles to the centerline of the street.

Streets, Classification

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

Structure

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

Subdivider

Any person who (1), having a propriety interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2), directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision; or who (3) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot parcel site, unit, or plat in a subdivision; and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision

The division of a parcel of land after the date of passage of this ordinance, into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division of development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds descriptions, devise, intestate, lease, map, plat, or other recorded instrument. The following kinds of divisions of existing parcels of land are herein called "Exempt Divisions". These divisions are exempt from most provisions of this Ordinance. Exempt Divisions must be one of the following types of division:

- (a) A division of land in which the divided parcel has a minimum of one (1) acre of buildable area and contains 125' of minimum road frontage, which must be maintained throughout the length of the parcel.
- (b) A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
- (c) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
- (d) A division of land for federal, state or local government to acquire street right-of-way;
- (e) A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site each. (See Principal Use Building.)
- (f) A division of land into cemetery plots for the purpose of burial of corpses.

Subdivision Agent Any person who represents, or acts for or on behalf of, a subdivider or developer in selling, leasing or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and is not involved in developing marketing or selling real property in the subdivision.

Subdivision, Exempt
(See subdivision.)

Subdivision, Major (See Major Subdivision.)

Subdivision, Minor (See Minor Subdivision.)

Temporary Improvement

Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

Thoroughfare Plan (See Official Map.)

Tract see parcel

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

Zoning Ordinance That County Ordinance setting forth the regulations controlling the use of land in the County. Also referred to as the County Zoning Ordinance.

**SUBDIVISION SPECIFICATIONS
FOR
WARREN COUNTY**

TABLE OF CONTENTS

SECTION 3	APPLICATION AND APPROVAL PROCEDURES	23-39
3.1	General Procedures	
3.2	Major and Minor Subdivisions: Sketch Plan Application	
3.3	Major Subdivisions	
3.4	Minor Subdivisions	
3.5	Exempt Divisions	
SECTION 4	IMPROVEMENTS	40-70
4.1	General Improvements	
4.1	Lot Improvements	
4.3	Streets	
4.4	Drainage and Storm Survey	
4.5	Water Facilities	
4.6	Sewerage Facilities	
4.7	Sidewalks	
4.8	Utilities	
4.9	Public Uses	
4.10	Nonresidential Subdivisions	
SECTION 5	ASSURANCE FOR COMPLETION OF IMPROVEMENTS	71-74
5.1	Improvements and Performance Bond	
5.2	Inspection of Public Improvements	
5.3	Maintenance of Public Improvements	
5.4	Issuance of Building Permits	
SECTION 6	SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED	75-81
6.1	Sketch Plan	
6.2	Preliminary Plat	
6.3	Construction Plans	
6.4	Final Subdivision Plat	
6.5	Exempt Divisions	
	Certificate of Acceptance – Warren County Commissioners	82-83
	Certificate of Acceptance – Town	

FORMS

**SUBDIVISION SPECIFICATIONS
FOR
WARREN COUNTY**

TABLE OF CONTENTS

Figure 3-1	Checkpoint Agencies
Figure 3-2	Approval Process for Major Subdivisions
Figure 3-3	Approval Process for Minor Subdivisions
Figure 4-1	Typical Rural Cross Sections for Major Streets
Figure 4-2	Typical Urban Cross Sections for Major Streets

SECTION 3 – APPLICATION AND APPROVAL PROCEDURES

3.1 General Procedures

- (1) Discussion of Requirements: Predesign Conference. Prior to submitting any of the materials required by this Ordinance, the applicant or his representative should discuss with the Executive Director the nature of the land division being proposed, so that the applicant may be instructed concerning the classification of this subdivision and what regulatory procedures apply to it and must be followed under this Ordinance in order to secure primary and (Secondary Approval). Where applicable, requirements concerning the general layout of streets and for reservations of land street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services should be discussed. The Executive Director shall also advise the applicant, where appropriate, to discuss the proposed land division with those other officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction. The distinction between major and minor subdivisions and exempt division as defined in this Ordinance, shall be made by the Executive Director when the applicant submits an application for sketch plan approval in the case of major and minor subdivisions or, in the case of exempt divisions, provides the Executive Director at a pre-design conference with adequate information to enable him to determine that the proposed division is an exempt division.
- (2) Classification of Land Divisions.. All land to be divided shall be categorized into one of the three (3) main classes of land division indicated in this Ordinance's definition of subdivision. These classes are:
 - (a) major subdivisions,
 - (b) minor subdivisions, and
 - (c) exempt divisions.

Exempt divisions are not subject to the requirements of this Ordinance beyond the determination by the Executive Director that they meet all the requirements for exempt divisions set forth in Section 3.5 herein. However, lots created by Exempt I divisions (except Exemption F) shall be one (1) or more acres in size to be eligible as principal use building sites (Exemption A in the definition of subdivision), unless such lots have been created by order of a court (Exemption C). No building site for principal use created through Exemption A shall be reduced below ten (10) acres unless through subdivision or by order of a court (Exemption C). For the purposes of this paragraph, a lot is "created" on the

date of its recording. (See Section II for the definition of a principal use building.)

Before any permit shall be granted for a structure to be erected on land to be subdivided into a major or minor subdivision, the subdividing owner or his subdivision agent shall apply for and secure approval of the proposed subdivision in accordance with Section 3.2 and either Section 3.3 or Section 3.4 of this Ordinance as appropriate. Before any permit shall be granted for a structure to be erected on a parcel of land to be created or altered by an exempt division, the land divider or his agent shall certify to the satisfaction of the Executive Director that all requirements for exemption have been met, as detailed in Section 3.5 of this Ordinance, in order to exempt the land division from all other requirements of this Ordinance.

3.2 Major and Minor Subdivisions: Sketch Plan Application Procedure for (Primary Approval)

- (1) Application Requirements. In order to begin the subdivision process the applicant shall file an application for review of sketch plan and certificate with the Executive Director and be entitled to a signed receipt for same. This application shall:
 - (a) be made on forms available at the Office of the APC and signed by the owner;
 - (b) include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which the contact of sale was executed. If any corporations are involved, the Executive Director may request a complete list of all directors, officers, and a listing of stockholders if less than ten (1) in number;
 - (c) be presented to the Executive Director in duplicate;
 - (d) be accompanied by a minimum of three (3) copies of the sketch plan;
 - (e) be accompanied by a fee of fifty dollars (\$50.00) plus ten (\$10.00) per lot in excess of four (4) lots;

- (f) include an address and telephone number of an agent located within the territory of the APC who shall be authorized to receive all notices required by this Ordinance; and,
 - (a) include a listing signed by the checkpoint agencies indicating that they have received a copy of the proposed sketch plan or a certification that it has been sent.
- (2) Checkpoint Submission. In order to fulfill this last application requirement, a copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so that their comment may be made to the Executive Director. The checkpoint agencies appropriate to each participating jurisdiction in which a plat may be located are listed in Figure 3-1. The Executive Director shall request that all officials and agencies to whom a request for review has been made submit a written report to him within fifteen (15) days after receipt of the request. No response from an agency shall be interpreted as meaning "no objection".
- (3) Classification of Subdivision. After an application for sketch plan approval has been submitted, and at the time of sketch plan review the Executive Director shall classify the proposed subdivision as either major or minor as defined in this Ordinance. The require procedures and approvals for major subdivisions are described in Section 3.3; corresponding information concerning the minor subdivision approval process is provided in Section 3.4.

3.3 Major Subdivisions: Review and Submission Process

- (1) General Procedures for Primary and (Secondary Approval). Should the Executive Director, during sketch plan review, classify the proposed land division as a major subdivision, the subdivider shall follow the procedures and be subject to the processes outlined in Figure 3-2, and detailed in this Section. In addition to a sketch plan which is reviewed by the Executive Director and checkpoint agencies, the applicant seeking approval of a major subdivision shall submit a preliminary subdivision plat to be approved, conditionally approved, or rejected by the APC at a public meeting, and a final subdivision plat which must be found in compliance with preliminary plat as approved by the APC or otherwise approved in order to be signed and recorded.
- (2) Official Submission Dates. The deadline for submittal of a sketch plan and application for certificate of approval shall be sixty-one (61) calendar days prior to the date of the public meeting at which the subdivider intends to have his preliminary plat submission heard, and thirty-one (31) calendar days prior to the deadline for the submission of the preliminary plat. Thus, as a minimum, sketch plan submission by no less than thirty-one (31) calendar days, which in

turn shall precede the public hearing at which it is intended to be heard by no less than thirty (30) calendar days.

- (3) Sketch Plan Review Process. Within twenty (20) calendar days of the subdivider's sketch plan application submittal, the Executive Director shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the possible modifications and/or changes that may be suggested or required by this Ordinance. The Executive Director shall request that a representative of each checkpoint agency wishing to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this Ordinance, particular attention shall be given to the arrangement, location, and width of street, their relation to the topography of the land, sewage disposal, drainage lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map or Thoroughfare Plan, and Comprehensive Plan as adopted by the participating jurisdictions. Subsequent to this meeting the Executive Director shall provide the participants with a written record of the proceedings of that meeting.
- (4) Preliminary Plat Procedures for (Primary Approval)
 - (a) Submission Requirements. Following the submission, review and report on the sketch plan application, the subdivider may file for (Primary Approval) of a preliminary plat. This submission shall:
 - (i) Be made on forms available at the office of the APC and be submitted with fee of ten dollars (\$10.00) per lot for each lot, which was not included in the sketch plan.
 - (ii) Include indication of all land which the applicant proposes to subdivide and all land immediately adjacent and across any street or railroad right-of-way, extending six hundred (600) feet there from, but not more than two property owners deep from the proposed subdivision, with the names and addresses of the title owners as shown in the Auditor's files. This information may be shown on a separate current Plat Map reproduction from the auditor's Office showing the boundaries of the subdivision superimposed thereon.
 - (iii) Be presented in duplicate to the Executive Director no later than thirty (30) calendar days prior to the regular meeting of the APC at which it is intended to be heard.
 - (iv) Be accompanied by ten (10) copies of the preliminary plat as described in this Ordinance.

- (v) Generally comply with the sketch plan as reviewed.
- (b) Placement on the APC Agenda. Subsequent to the submission for (Primary Approval), the APC shall place the matter on its next regular meeting agenda for formal action.
- (c) Administrative Review. Subsequent to placement on the agenda, and prior to the date of public hearing, the Executive Director and other appropriate members of the APC's Staff including its Executive Director shall review the proposal and prepare a written report to the APC and applicant indicating a recommendation with regard to the subdivision being proposed.
- (d) Public Hearing Notification. The APC shall hold a public hearing on the preliminary plat and notice of such hearing shall be in one (1) local newspaper of general circulation ten (10) days prior to the hearing (per I.C. 5-3-1) at the applicant's expense. At the time of the public hearing, the applicant shall show proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested parties shall also be notified by the applicant of the date, time, place and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing by certified mail.
- (e) (Primary Approval) of the Preliminary Plat. After the APC has held a hearing upon the preliminary plat, and reviewed the Executive Director's report, checkpoint recommendations, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of (Primary Approval) or disapproval of the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat within five (5) days of the public hearing. Before the APC approves a preliminary plat showing park reservation(s) or land for another local governmental unit, the Commission shall obtain approval of the park or land reservation from the participating jurisdiction. (Primary Approval) by the APC is subject to review by certiorari. (Secondary Approval) of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of (Primary Approval), per I.C. 367-4-708(d).
- (f) Field Trip. The APC, at its discretion, upon hearing the request for (Primary Approval), may elect to continue the matter until its next regularly scheduled public meeting, and may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his

representative or any other person or persons at the discretion of the APC.

- (g) Effective Period of (Primary Approval). Unless extended, the (Primary Approval) of a preliminary plat shall be effective for a period of five (5) years after the date of (Primary Approval), at the end of which time (Secondary Approval) of the subdivision must have been obtained and certified by the Chairman of the APC. Any plats not receiving (Secondary Approval) within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for sketch plan review and certificate subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon request of the applicant the APC may extend the (Primary Approval) of a preliminary plat in increments of two (2) years beyond an expiration date without further notice and public hearing.

(5) Approval of Construction Plans

- (a) Submission Procedure and Requirements. Following the review of the sketch plan and prior to submission of the final plat for (Secondary Approval), the applicant, if he wishes to proceed with the subdivision, shall file with the Executive Director before starting work on any improvements three (3) sets of the detailed plans and specifications thereof for approval.
- (b) Review Process. The Executive Director shall immediately refer these plans to the appropriate agencies of the affected participating jurisdictions for review. Once these agencies indicate their approval of the construction plans or fourteen (14) working days have elapsed since their distribution without a written response, the Executive Director shall stamp the plans approved and return one (1) set to the applicant. In no event shall (Secondary Approval) (of the final plat) be given prior to approval of the construction plans.
- (c) Installation of Public Improvements. The installation of public improvements shall be inspected by the appropriate participating jurisdiction. Such inspections are required in all instances regardless of whether the work is performed before or after (Secondary Approval). Failure to request or to procure inspection of work performed after the date of this Ordinance and before (Secondary Approval) may be cause for denial of (Secondary Approval).

(6) Final Plat Procedure (Secondary Approval)

*Warren County
Subdivision Specifications*

- (a) Submission Requirements. Following (Primary Approval) or conditional (Primary Approval) of the preliminary plat and approval of the construction plans, the applicant, if he wishes to proceed with the subdivision, shall file with the Executive Director a request for (Secondary Approval) of a final plat. The application shall:
- (i) be submitted on forms available at the Office of the APC;
 - (ii) include the entire subdivision, or section thereof which derives access from an existing state, county or municipal roadway;
 - (iii) be accompanied by ten (10) copies of the final plat as described in this Ordinance;
 - (iv) totally comply with the Ordinance and the terms and conditions of (Primary Approval);
 - (v) be accompanied by the performance bond, if required, in a form satisfactory to the APC and in an amount established by the APC upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements;
 - (vi) be accompanied by any restrictive covenants in a form approved by the APC, where they have been proposed by the subdivider or required by the APC.
- (b) Determination of Conformance (Secondary Approval). In order to be recorded, a final plat shall either be found to be in conformance with the (Primary Approval) by the Executive Director, or by the APC at a public hearing. If the final subdivision plat deviates from the preliminary plat that received (Primary Approval), the subdivision shall be resubmitted to the APC at a public meeting for a new (Primary Approval). The subdivider submitting a final plat conforming to the (Primary Approval) shall choose as to whether this review is to be performed by the Executive Director or by the APC at a public meeting, unless the APC otherwise directs them.
- (c) Sectionalizing Plats. Prior to granting (Secondary Approval) of a major subdivision plat, the APC may permit the plat to be divided into two (2) or more sections and may impose such conditions upon filing of the sections as it may deem necessary to assure the orderly development of the plat. The APC may require that the performance bond be in such amount as will be commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond

principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least twenty (20) lots or ten percent (10%) of the total number of lots contained in the approved plat, whichever is less. The approval of all remaining sections not filed with the Executive Director shall automatically expire after five (5) years from the date of (Primary Approval) of the preliminary plat, unless the expiration date has been extended.

(7) Signing and Recording a Plat

(a) Signing of a Plat

- (i) When the filing of a performance bond is required, the Chairman of the APC and the Secretary of the APC shall endorse approval on the plat by signing the certificate only after the bond and the construction plans have been approved, and the conditions of the (Primary Approval) have been satisfied.
- (ii) When installation of improvements is required, the Chairman of the APC shall endorse (Secondary Approval) of the plat by signing the certificate after all conditions of the (Primary Approval) have been satisfied, all improvements satisfactorily completed and accepted for public maintenance (when required), "as built" construction plans submitted (as required by Section 5.1(2)(e) and a maintenance bond provided (as required by Section 5.3(2)). There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the appropriate Board of Works, County Board and/or the County Drainage Board that the necessary improvements have been accomplished.

- (b) Assurance to Subdivider. If the subdivider elects to install all improvements before he applies for (Secondary Approval) and it is shown that the conditions of the Ordinance have been met, and if the final plat completely conforms to the (Primary Approval), the APC shall have no other recourse than to grant (Secondary Approval).

(c) Recording of Final Plat

- (i) The Chairman of the APC shall sign the certificate, which shall be part of the vellum or reproducible mylar of the subdivision plat, plus two (2) mylar prints of the subdivision plat. The mylar prints shall be returned to the subdivider and his engineer or surveyor.

- (ii) It shall be the responsibility of the subdivider in the presence of the Executive Director or his designee to file the plat with the County Recorder within thirty (30) days of the date of signature. Failure of the subdivider to file the plat as herein provided within thirty (30) days shall constitute a violation of this Ordinance.

3.4 Minor Subdivisions: Review and Submission Process

- (1) General Procedures for (Primary Approval). Should the Executive Director, upon examination of the sketch plan application, classify the proposed land division as a minor subdivision, the subdivider shall follow the procedures and be subject to the process outlined in Figure 3-3, and detailed in this Section. In addition to a sketch plan which is reviewed by the Executive Director and checkpoint agencies for (Primary Approval), by the APC the applicant seeking approval of a minor subdivision shall submit for (Secondary Approval) a final subdivision plat which must be found in compliance with the sketch plan or otherwise approved by the APC in order to be signed and recorded.
- (2) Official Submission Date and Placement on the Agenda. An application for sketch plan approval shall be submitted no less than thirty (30) calendar days prior to either a regularly scheduled public meeting of the APC at which the proposal is intended to be acted upon. The Executive Director shall place such application on the agenda of the first regularly scheduled meeting of the APC to occur thirty (30) days after the date on which a complete application is submitted.
- (3) Sketch Plan Review Process. Within twenty (20) calendar days of the subdivider's sketch plan application submittal, the Executive Director shall have studied the proposal, reviewed checkpoint subdivision and possible modifications and/or changes that may be suggested or required by this Ordinance. The Executive Director shall request that a representative of each checkpoint agency that wishes to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this Ordinance, particular attention shall be given to sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map or Thoroughfare Plan and Comprehensive Plan as adopted by the participating jurisdictions. Subsequent to the meeting the Executive Director shall provide the participants with a written record of the proceedings of that meeting.
- (4) Administrative Review. Subsequent to placement on the agenda, and prior to the date of public hearing, the Executive Director and other appropriate members of the APC's Staff shall review the proposal and prepare a written

report to the APC and applicant indicating a recommendation with regard to the subdivision being proposed.

- (5) Public Hearing Notification and sign Posting Requirements. The APC shall hold a public hearing on the sketch plan and notice of such hearing shall be in two (2) local newspapers of general circulation ten (10) days prior to the hearing (per I.C. 5-3-1) at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the applicant has placed posters provided by the Executive Director (advising interested parties of the hearing) at the locations designated by him on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10) days in advance of the hearing by certified mail. The applicant shall file with the APC at the time of the public hearing an affidavit so testifying, along with the certified mail receipts provided by the post office.
- (6) (Primary Approval) of the Sketch Plan. After the APC has, at a regularly scheduled hearing has examined all appropriate documentation, the APC shall, approve, conditionally approve or disapprove the sketch plan within five (5) days after the public hearing. (Primary Approval) by the APC is subject to review by certiorari. (Secondary Approval) of a subdivision cannot occur until the minimum of thirty (30) days has elapsed since the granting of (Primary Approval) or conditional approval or conditional (Primary Approval) per I.C. 36-7-4-708(d).
- (7) Effective Period of (Primary Approval). Unless extended, the (Primary Approval) of a minor sketch plan shall be effective for a period of two (2) years after the date of (Primary Approval), at the end of which time (Secondary Approval) of the subdivision must have been obtained and certified by the Executive Director of the APC. Any plats not receiving (Secondary Approval) within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for sketch plan review and certificate, subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon written application of the applicant, the Area Plan Commission may extend the (Primary Approval) of a minor sketch plan in increments of two (2) years beyond an expiration date without further notice and public hearing.
- (8) Final Subdivision Plat Procedure for (Secondary Approval)
 - (a) Application Requirements. Following approval or conditional approval of the sketch plan, the applicant, if he wishes to proceed with the subdivision, shall file with the Executive Director an application for (Secondary Approval) of a subdivision plat. The application shall:

- (i) be submitted on forms available at the Office of the APC;
 - (ii) include the entire subdivision or section thereof
 - (iii) be accompanied by ten (10) copies of the final subdivision plat as described in this Ordinance;
 - (iv) totally comply with the Ordinance and the terms and conditions of approval;
 - (v) be accompanied by the performance bond, if required, in a form satisfactory to the APC Attorney and in an amount established by the APC upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements; and,
 - (vi) be accompanied by restrictive covenants in a form approved by the APC, where proposed by the subdivider or required by the APC.
- (b) Determination of Conformance (Secondary Approval). In order to be recorded, a final subdivision plat shall either be found to be in conformance with the approved sketch plan by the Executive Director or by the APC at a public hearing. If the final subdivision plat deviates from the sketch plan that received (Primary Approval), the subdivision shall be resubmitted to the APC at a public hearing for a new (Primary Approval). The subdivider submitting a final plat conforming to the (Primary Approval) shall choose as to whether this review is performed by the Executive Director or by the APC at a public hearing.
- (i) Should the subdivider not choose the APC review, the Executive Director shall within ten (10) working days review the items submitted as per Section 3.3(6) in order to ascertain conformance with the (Primary Approval). If the submission is found to be in conformance and complete, the Executive Director shall recommend the signing of the certificate granting (Secondary Approval).
 - (ii) Should the subdivider choose the APC review, the APC shall determine conformance with (Primary Approval) at a public hearing. The subdivider shall request in writing the APC review no less than thirty (30) calendar days prior to the date of the public hearing at which he intends to have his final plat reviewed. The APC shall place the matter on its next regular hearing agenda; the Executive Director shall review the proposal and

or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The APC may require that the performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing.

(9) Signing and Recording a Plat

(a) Signing of Plat

(i) When a performance bond is filed, the Chairman of the APC of the APC shall endorse approval on the plat by signing the certificate after the bond and the construction plans have been approved, and all the conditions of the (Primary Approval) have been satisfied.

(ii) When installation of improvements is required the Chairman of the APC of the APC shall endorse (Secondary Approval) on the plat by signing the certificate after all conditions of the (Primary Approval) have been satisfied, all improvements satisfactorily completed and accepted for public maintenance (when required), "as built" construction plans submitted (as required by Section 5.1(2)(e)), and a maintenance bond provided (as required by Section 5.3(2)). There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the appropriate Board of Works, County Board and/or the County Drainage Board that the necessary improvements have been accomplished.

(b) Assurance to Subdivider. If the subdivider elects to install all improvements before he applies for (Secondary Approval) and it is shown that the conditions of the Ordinance have been met, and if the final plat completely conforms to the (Primary Approval), the APC shall have no other recourse than to grant (Secondary Approval).

(c) Recording of Plat

(i) The Chairman of the APC shall sign the certificate granting (Secondary Approval), which shall be part of the vellum or reproducible mylar of the subdivision plat, plus two (2) mylar prints of the subdivision plat. The mylar prints shall be returned to the applicant and his engineer or surveyor.

*Warren County
Subdivision Specifications*

- (ii) It shall be the responsibility of the subdivider in the presence of the APC's Executive Director or his designee to file the plat with the County Recorder within thirty (30) days of the date of signature. Failure of the subdivider to file the plat as herein provided within thirty (30) days shall constitute a violation of this Ordinance.

FIGURE 3-1. CHECKPOINT AGENCIES

- 1) Highway Engineer or comparable official
- 2) Drainage Board
- 3) County Soil and Water Conservation District
- 4) County Health Board
- 5) County Park Board
- 6) Appropriate Fire Departments
- 7) Appropriate School Corporations
- 8) Area Plan Commission (APC)

3.5 Exempt Divisions

- (1) General Procedure for Exempt Divisions. In order for a land division to be considered an Exempt Division the information prescribed for the applicable type of division under Section 6.5 shall be submitted to the Executive Director so that he can determine whether the division meets the provision of the definition and Section 3.1 for this classification and therefore can issue to the subdivider a Statement of Compliance to the applicable provisions of this Ordinance. Both the subdivider and the Executive Director shall hold copies of the Statement of Compliance. When the parcel so exempted by this Statement is conveyed to another party, the copy of the instrument of such conveyance shall be recorded with the County Recorder bearing a stamp of approval signed by the Executive Director indicating that such Statement of Compliance has been obtained as ascertained by the copy(s) of the Statement which have been held for this purpose.
- (2) Necessary Conditions for Exempt Divisions. In addition to definitional requirements and Section 3.1, and land division qualifying as an Exempt Division shall be shown as meeting the following conditions.
 - (a) If a parcel created by such an exempt division does not have sanitary sewer service available to it, that tract shall contain within its boundaries sufficient soil of a kind defined by Indiana State Board of Health Bulletin HSE 25-R or its successor to allow for the proper installation of an on-site sewage disposal system.
 - (b) If a parcel created by such an exempt division has frontage on a public road, the land divider shall dedicate to the public real property of a width sufficient to meet one-half (1/2) of the required right-of-way width for that specific public road as indicated on the County Thoroughfare Plan or the Official map and of a length along that public road equal to the length of that parcel along that roadway.
 - (c) Certification of Exempt Divisions. As the conditions in Section 3.5 (2) apply, the land divider shall provide to the Executive Director:
 - (i) written evidence that the Board of Health has been satisfied by a duly authorized representative of a qualified soil testing service as to the presence within the parcel of sufficient soil of a kind defined by Indiana State Board of Health Bulletin HSE 25-R or its successor to allow for the proper installation of an on-site septic sewage disposal system;

- (ii) official documentation indicating the dedication of right-of-way to the appropriate jurisdiction.
 - (iii) a metes and bounds description of the parcel being created indicating that its depth is no more than twice the frontage; and,
 - (iv) a notarized affidavit assuring construction of a private roadway to the standards previously indicated, prior to the issuance of a building permit for that parcel.
- (d) Exempt Division Review Process. Within three (3) working days of the land divider's complete submission of the required information in the case of Exempt Divisions, the Executive Director shall review the submission and notify the land divider that his proposed land division either qualifies as an exempt division and is thus exempt from all other provisions of this Ordinance, or does not qualify as an exempt division and is thus subject to the relevant subdivision processes described in this Ordinance.
- (e) Dissolution
- (i) A recorded Exempt Division or portion thereof may be dissolved by the property owner or owners if, in doing so, no provision of this or any other ordinance, rule, regulation, statute or provision of law is violated. To do so, ten copies of a statement dissolving the Exempt Division (or any part of it) shall be submitted to the Executive Director for review of compliance with above-stated ordinances, rules, etc. This statement, signed by all legal owners, contract buyers, and optionees of the property and notarized, shall contain the Exempt Division number assigned by the Executive Director and legal descriptions of the parcels involved.
 - (ii) Upon a finding of compliance, the Executive Director or his designee shall sign all ten statements. Once signed, the approved dissolution is eligible to be recorded.
 - (iii) It shall be the responsibility of the land divider in the presence of the Executive Director or his designee to file the approved dissolution with the County Auditor and Recorder within thirty (30) days or the date of signature. Failure of the land divider to so file and record shall automatically invalidate the approval, rendering it null and void and requiring a complete resubmittal for approval.

*Warren County
Subdivision Specifications*

- (iv) Upon recording the dissolution statement, the landowner is once more eligible to pursue the full Exempt Division process as per Section 3.5 of this Ordinance. That is, the land involved, for purposes of land diversion, is restored to its Pre-Exempt Division status.

SECTION 4 – IMPROVEMENTS

4.1 General Improvements

- (1) Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations.
 - (a) all applicable state and local statutory provisions;
 - (b) the County Zoning Ordinance, Building and Housing Codes, and all other applicable laws and ordinances of the appropriate jurisdictions;
 - (c) the Comprehensive Plan, Official Map or Thoroughfare Plan, Public Utilities Plan, and Capital Improvements Program of the County including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted;
 - (d) the special requirements of these regulations and any rules of the Health Department and/or appropriate state agencies;
 - (e) the rules and regulations of the Indiana Department of Highways if the subdivision or any lot contained therein abut a state highway or state frontage road;
 - (f) the highway and drainage standards and regulations adopted by the County Engineer or designated County Official and all boards, commissions, agencies, and officials of the County; and,
 - (g) all pertinent standards contained within still valid planning guides published by the County Commissioners.
- (2) Plat approval may be withheld if a subdivision not in conformity with the above guides and requirements or with the policies and purposes of these regulations established in Section 1.4 of this Ordinance.
- (3) Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance of these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the APC may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the APC Attorney.

- (4) Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another jurisdiction the APC may request assurance from the County Attorney that such access is legally established, and from the County Engineer or designated County Official that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in the amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross municipal boundary lines.
- (5) Boundary Improvements
 - (a) The subdivider shall have placed, under the supervision of a Registered Land surveyor, concrete monuments four (4) inches square or four (4) inches in diameter and forty (40) inches long with an iron pipe cast in the center, at each corner or angle of the ultimate outside boundary. They shall be set following grading of each phase of the subdivision.
 - (b) The subdivider shall have placed, under the supervision of a Registered Land Surveyor, pipes or steel rods, three-fourths (3/4) of an inch in diameter by thirty (30) inches in length at the corners of each lot. They shall be set prior to the issuance of any Building Permit.
- (6) Character of the land. Land which the APC finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which might reasonable be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the APC, upon recommendation of the County Engineer or designated County Official, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses permitted by the Zoning Ordinance as shall not involve any such danger.
- (7) Subdivision Name. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The APC shall have final authority to designate the name of the subdivision, which shall be determined at the time of (Primary Approval).

4.2 Lot Improvements

- (1) Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing building permits to build on each of the created lots in compliance with the

Zoning Ordinance and Health Regulations and in providing driveway access to buildings on such lots from the appropriate street.

- (2) Lot Dimensions. Lot dimensions shall comply with the minimum standards in the Zoning Ordinance (See Table 4.1). Where lots are more than double the minimum required area for the zoning district, the APC may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve all such potential lots in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to the street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.

TABLE 4.1 – LOT AREAS AND LOT WIDTH REQUIREMENTS

Zoning District	Description	Minimum Lot Area per Family or Rental Unit (Square Feet)	Minimum Lot Width per Structure at front of building line (Feet)
AG-1	AGRICULTURAL Each dwelling structure, modular or mobile home	43,560	125'
R-1	COUNTRY HOME - RESIDENTIAL Single Family (including modular or mobile homes)	63,540	100'
R-2	RESIDENTIAL Single Family Dwelling with both public water and public sewer	12,000	85
	with either public water or public sewer	15,000	85
	with neither public water nor public sewer	20,000	100
	Two-Family Dwelling with both public water and public sewer	7,500	100
	with either public water or public sewer	10,000	125
	with neither public water nor public sewer	15,000	150
R-3 *	RESIDENTIAL Single Family Dwelling	7,500	75
	Two-Family Dwelling	4,500	75
	Multiple-Family Dwelling	2,500	100
	Rooming or Lodging House	1,500	50

*Note: All dwelling in this district must be served with both public water and public sewer unless a request for private water and sewage disposal systems is approved by the Board of Appeals.

Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for all of the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

(3) Double Frontage Lots and Access to Lots

- (a) Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide for the separation of residential development from the traffic on bordering arterials or to overcome specific disadvantages of topography and orientation affecting the subdivided lots.
- (b) Access from Primary and Secondary Arterials. Lots shall not, in general, derive access from a primary or secondary arterial street. Where driveway access from a primary or secondary arterial street may be the only possible access for several adjoining lots, the APC may require that such lots be served by a combined access drive in order to limit possible traffic hazards from multiple access to such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on primary or secondary arterials.

(4) Soil Preservation, Grading and Seeding

- (a) Soil Preservation and Final Grading. No certificates of occupancy shall be issued until final grading has been completed in accordance with the approved construction plans and the lot precovered with top soil having an average depth of at least (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover between the sidewalks and curbs and shall be stabilized by seeding or planting.
- (b) Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area. Drainage shall be designed so as to avoid the accumulation of storm water on any one or more lots from adjacent lots. It shall be the responsibility of the lot owner to maintain the lot grade, as it applies to drainage, as provided for in the approved construction plans.

*Warren County
Subdivision Specifications*

- (c) Lawn-grass Seed and Sod. Lawn-grass seed shall be sown at not less than four (4) pounds to each one thousand (1000) square feet of land area. The seed shall be sown between March 15 and September 30. The seed shall consist of a minimum of ten percent (10%) rye grass by weight and a minimum of ninety percent (90%) of a permanent bluegrass and/or fescue grass by weight. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of twenty-five (25) feet behind the principal residences on the lot. No certificate of occupancy shall be issued until respreading of soil and seeding of lawn has been completed; except that between October 15 and March 15 and between May 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and the property owner, with a copy to the Building Permit Official, that respreading of soil and seeding of the lawn will be done during the immediately following planting season as set forth above in this section, and leave a cash escrow for performance in such amount as shall be determined by the Building Permit Official. Sod may be used to comply with any requirement of seeding set forth herein.
- (5) Debris and Waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of any kind shall be buried in any land, or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.
- (6) Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever the APC determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the County Engineer or the designated County Official and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.
- (7) Waterbodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The APC may approve an alternative allocation of interests whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No part of the minimum area of a lot

required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street from which it has access, provisions shall be made for installation of a culvert or other structure of a design approved by the County Engineer or the designated County Official.

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

4.3 Streets

(1) General Requirements

- (a) Frontage on Improved Streets. No subdivision shall be approved unless the area to be subdivided shall provide each lot with frontage on and access from an existing street on the Official Map, or if there is not an Official Map, unless such a street is:

- (i) an existing state, county, or town roads
- (ii) a street shown upon a plat approved by the APC and recorded in the office of the County Recorder of Deeds. Such street or highway must be suitably improved as required by the highway rules, regulation specifications, or orders, or be secured by a performance bond required under these regulations, with the width and right-of-way required by these regulations or as indicated on the Official map or Thoroughfare Plan. Whenever the area to be subdivided is to use an existing street frontage, such street shall be suitably improved as provided herein above.

Grading and Improvement Plan. Streets shall be graded and improved and conform to the County construction standards and specifications and shall be approved as to design and specifications by the County Engineer or the designated County Official, in accordance with the construction plans required to be submitted prior to (Secondary Approval).

*Warren County
Subdivision Specifications*

- (2) Grading and Improvement Plan. Street shall be graded and improved and conform to the County construction standards and specifications and shall be approved as to design and specifications by the County Engineer of the designated County Official, in accordance with the construction plans required to be submitted prior to (Secondary Approval)

Warren County
Subdivision Specifications

TABLE 4-2. DESIGN STANDARDS FOR STREETS

Street Type		Min. Width R-O-W	Min. Pavement Width	Min. Side Ditch Width	Min. Shoulder Width	Max. Grade	Min. Radius of Curve	Min. Length of Tangent (3)	Min. Sight Distance	Min. Corner Radius	Min. Turn-Around (5)	
Urban Cross Section	Residential (6)	1. Place	50 ft.	18 ft.	N/A	N/A	7.5%	100 ft.	100 ft.	200 ft.	20 ft.	80/60 ft.
		2. Local Street	50 ft.	26 ft.			7.5%		100 ft.	200 ft.	20 ft.	100/80 ft.
		3. Collector	60 ft.	33 ft.			7.0%		150 ft.	240 ft.	25 ft.	N/A
	Non-Residential	1. Local Street	60 ft.	30 ft.	N/A	N/A	6.0%	200 ft.	200 ft.	200 ft.	40 ft.	160/140 ft.
		2. Collector	70 ft/	40 ft.						240 ft.		N/A
	Arterial	1. Secondary	70 ft.	44 ft.	N/A	N/A	(2)	(2)	(2)	(2)	(2)	N/A
		2. Primary	80 ft.	54 ft.								
		3. Divided Primary	100 ft.	2-24 ft.								
	Rural Cross Section	Residential (6)	1. Place	50 ft.	18 ft.	10 ft.	6 ft.	7.5%	100 ft.	100 ft.	200 ft.	20 ft.
2. Local Street			60 ft.	26 ft.			7.5%		100 ft.	200 ft.	20 ft.	100/76 ft.
3. Collector			65 ft.	33 ft.			7.0%		150 ft.	240 ft/	25 ft.	N/A
Non-Residential		1. Local Street	65 ft.	30 ft.	10 ft.	6 ft.	6.0%	200 ft.	200 ft.	200 ft.	40 ft.	160/140 ft.
		2. Collector	75 ft.	40 ft.						240 ft/		N/A
Arterial		1. Secondary	80 ft.	24 ft.	22 ft.	6 ft.	(2)	(2)	(2)	(2)	(2)	N/A
		2. Primary	120 ft.	48 ft.	28 ft.	8 ft.						
		3. Divided Primary	150 ft.	2 - 24 ft.	31 ft.	10 ft.						

- (1) Curb and gutter is in addition on Urban Cross Sections (combined 2 ft. minimum on each side).
- (2) As required by the Local Government Engineer and /or Indiana State Highway Commission.
- (3) Between reverse curves.
- (4) Measured at curb on Urban Cross Sections, at pavement edge on Rural Cross Sections. Transitional curve into the turnaround within cul-de-sacs: Residential - 75 ft.; Non-residential - 100 f.

- (5) Diameter, measured at edge of right-of-way/edge of pavement, or back-to-back of curb on urban cross sections.
 - (6) Includes subdivisions for uses permitted in residential districts as a matter of right or through Special Exception.
- N/A Not Applicable.

STANDARDS APPLIED TO ALL STREETS

Minimum Grade: 0.5%

Minimum Block Length: 400 ft. (1,000 ft. between collectors along arterials)

Maximum Block Length: 2600 ft.

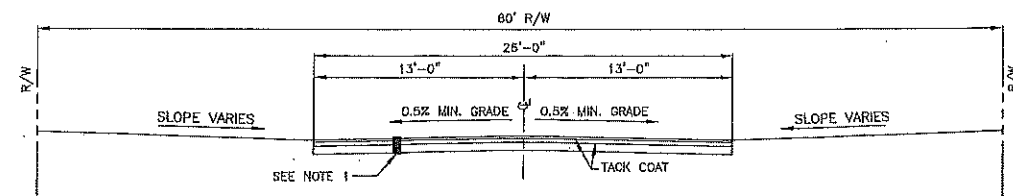
Maximum Cul-De-Sac Length: 800 ft.

Maximum Length of Temporary Dead-End Street 1000 ft.

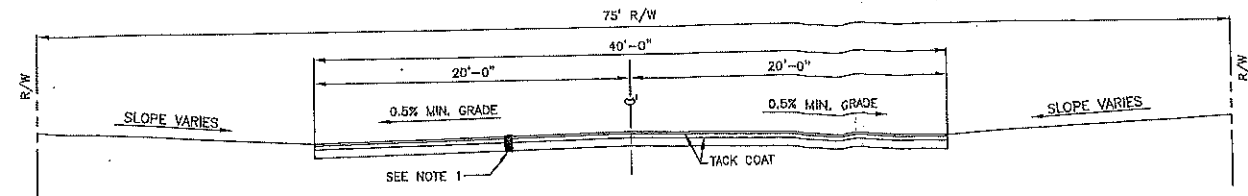
Minimum Length of Vertical Curves: 100 ft., but not less than 20 ft. for each percent of algebraic difference in grade.

See Figure 4-1. for Typical Rural Cross Sections for Major Streets.

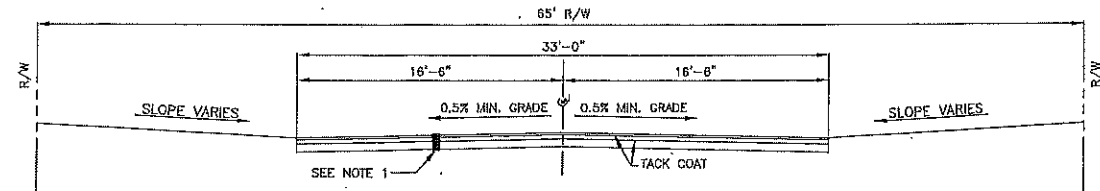
See Figure 4-2. for Typical Urban Cross Sections for Major Streets.



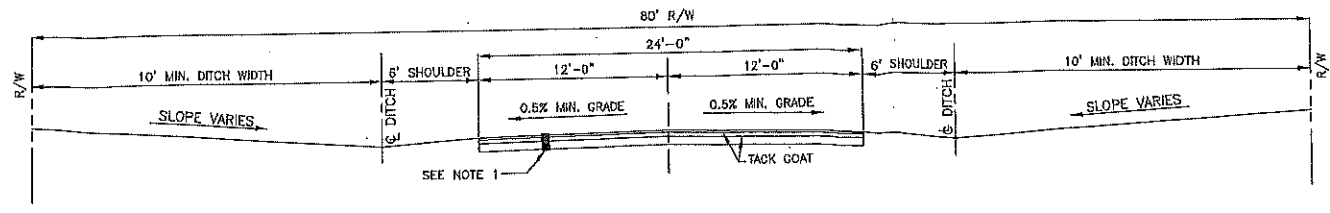
① TYPICAL SECTION FOR RURAL RESIDENTIAL LOCAL STREET



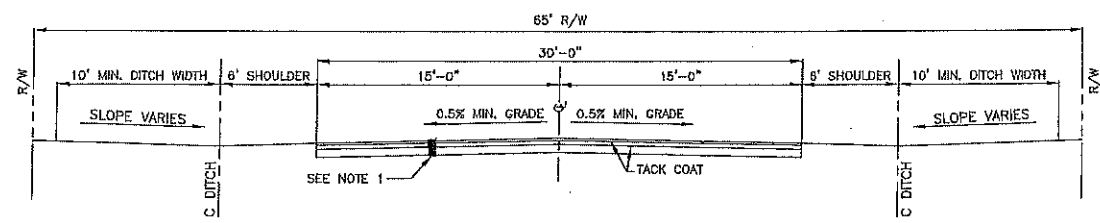
② TYPICAL SECTION FOR RURAL NON-RESIDENTIAL COLLECTOR



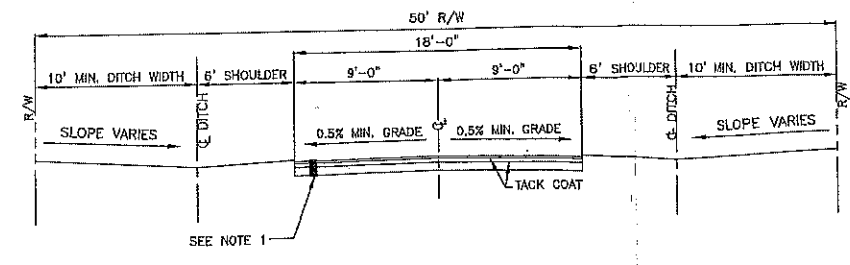
③ TYPICAL SECTION FOR RURAL RESIDENTIAL COLLECTOR



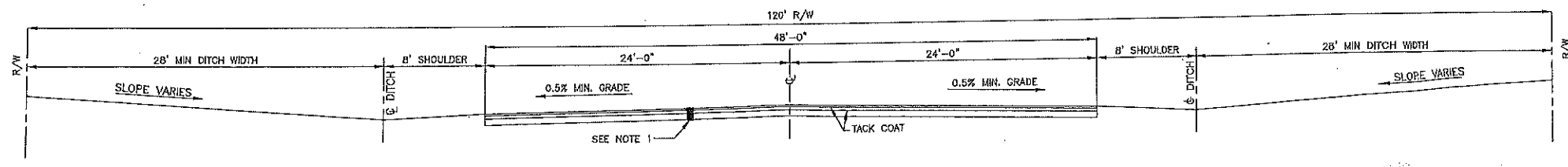
④ TYPICAL SECTION FOR RURAL SECONDARY ARTERIAL



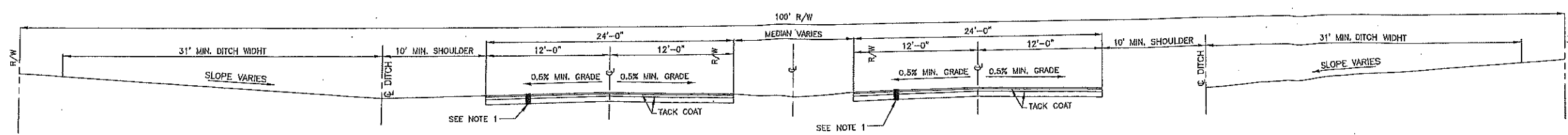
⑤ TYPICAL SECTION FOR RURAL NON-RESIDENTIAL LOCAL STREET



⑥ TYPICAL SECTION FOR RURAL RESIDENTIAL PLACE



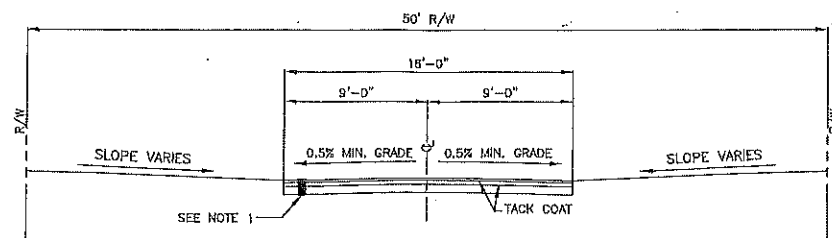
⑦ TYPICAL SECTION FOR RURAL PRIMARY ARTERIAL



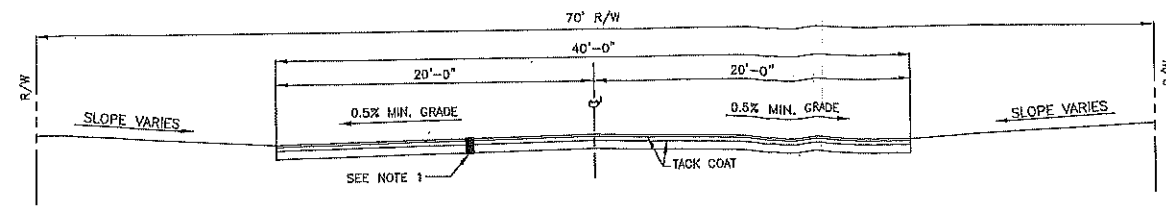
⑧ TYPICAL SECTION FOR RURAL DIVIDED PRIMARY ARTERIAL

NOTE:
 1. PAVEMENT DESIGN SHALL BE BASED ON INDOT SPECIFICATIONS, RECOMMENDATIONS OF THE COUNTY ENGINEER OR DESIGNATED OFFICIAL OR THE JURISDICTIONAL STANDARDS OF THE CIVIL TOWN AS APPLICABLE AND APPROVED BY THE AREA PLAN COMMISSION.

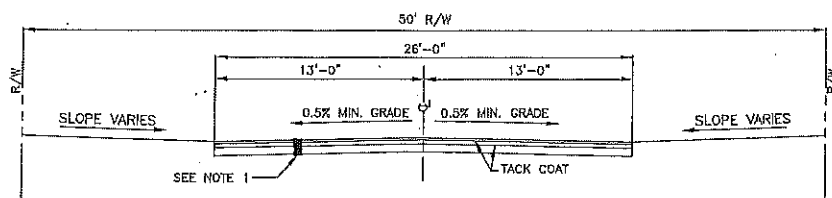
FIGURE 4-1
 TYPICAL RURAL CROSS SECTIONS
 FOR MAJOR STREETS



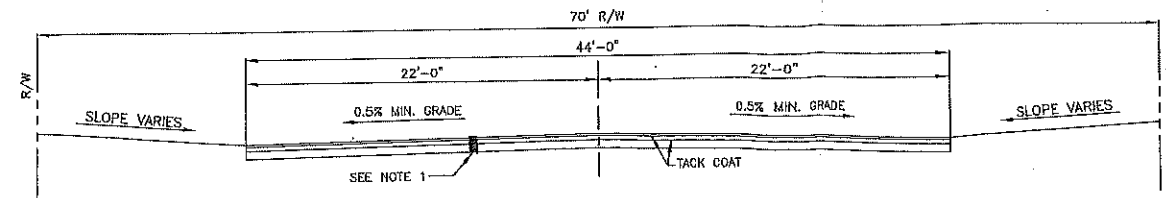
① TYPICAL SECTION FOR URBAN RESIDENTIAL PLACE



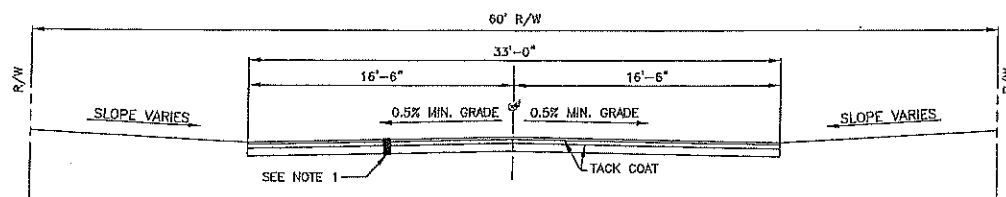
② TYPICAL SECTION FOR URBAN NON-RESIDENTIAL COLLECTOR



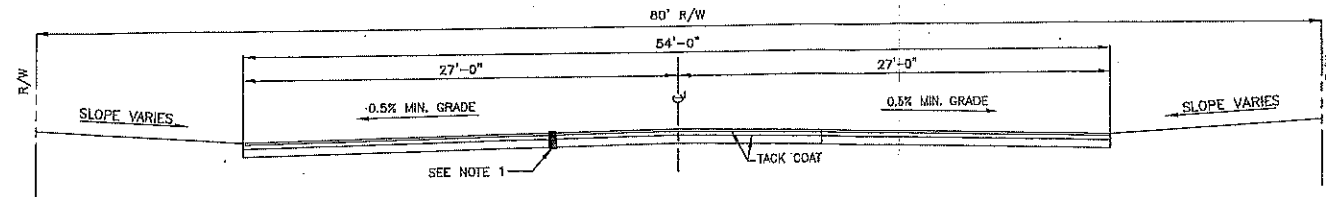
③ TYPICAL SECTION FOR URBAN RESIDENTIAL LOCAL STREET



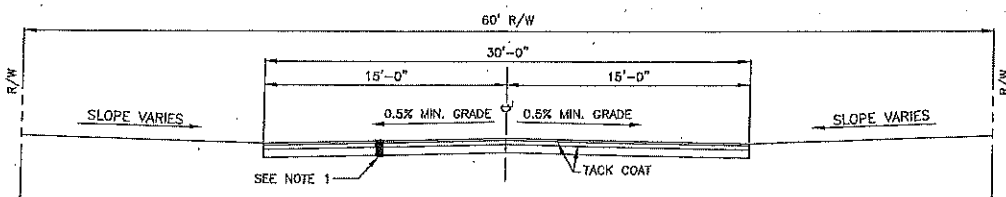
④ TYPICAL SECTION FOR URBAN SECONDARY ARTERIAL



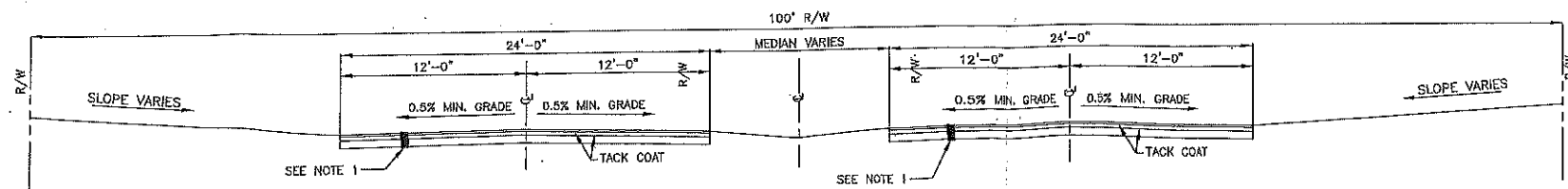
⑤ TYPICAL SECTION FOR URBAN RESIDENTIAL COLLECTOR



⑥ TYPICAL SECTION FOR URBAN PRIMARY ARTERIAL



⑦ TYPICAL SECTION FOR URBAN NON-RESIDENTIAL LOCAL STREET



⑧ TYPICAL SECTION FOR URBAN DIVIDED PRIMARY ARTERIAL

NOTE:
1. PAVEMENT DESIGN SHALL BE BASED ON INDOT SPECIFICATIONS, RECOMMENDATIONS OF THE COUNTY ENGINEER OR DESIGNATED OFFICIAL OR THE JURISDICTIONAL STANDARDS OF THE CIVIL TOWN AS APPLICABLE AND APPROVED BY THE AREA PLAN COMMISSION.

FIGURE 4-2
TYPICAL URBAN CROSS SECTIONS
FOR MAJOR STREETS

- (3) Topography and Arrangement
- (a) Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided. Specific standards are contained in the design standards of these regulations.
 - (b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map or Thoroughfare Plan and/or Comprehensive Plan.
 - (c) All arterials and collector streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers, to populations densities; and to the pattern of existing and proposed land uses.
 - (d) Minor or Local streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.
 - (e) Rigid, rectangular "gridiron" street patterns are generally to be avoided, and the use of casually curvilinear streets, cul-de-sacs, or loop streets shall be encouraged where such use will result in a more desirable layout and relate better to the existing topography. On flat land, innovative varying geometrical street patterns shall be encouraged where they are likely to enhance visual interest and a sense of order for those using them (e.g., non-grid rectilinear, trapezoidal, polygonal, or other geometric patterns).
 - (f) Proposed streets shall, where appropriate, be extended to the boundary lines of the tract to be subdivided unless this is prevented by topography or other physical conditions, or unless in the opinion of the APC such extensions(s) is/are not necessary or desirable for the coordination of the layout of the subdivision under consideration with the existing street layout or for the most advantageous future development of adjacent tracts (see paragraph 11(a) below).

- (g) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, bikeways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.
- (4) Blocks
- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial streets, railroads, and waterways.
 - (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand six hundred (2,600) feet nor be less than four hundred (400) feet in length. Blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length.
 - (c) In long blocks the APC may require the reservation of easements through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks not less than ten (10) feet wide may be required by the APC through the center of blocks more than eight hundred (800) feet long or at other appropriate locations at the ends of the cul-de-sacs where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined to be suitable by the APC for the intended use.
- (5) Access to Collector Streets. Where possible, lots in single family residential subdivisions fronting on collector streets shall be avoided and lots at the corners of intersections between local and collector streets shall front on the local street and have driveway access to it only and not to the collector street. In multiple family residential areas entrances to group parking lots shall have access only to collector streets (where possible) and such entrances shall be widely spaced.
- (6) Access to Primary Arterials. where a subdivision borders on or contains an existing or proposed primary arterial, the APC may require that access to it be limited by one of the following means:

- (a) the subdivision of the lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial and screening shall be provided within a strip of land along the rear property line of such lots;
 - (b) a series of cul-de-sacs, or loop streets entered from, and design general to be at right angles to an access street that is at some distance from and parallel to the arterial street, with the rear lines of their terminal lots backing onto the arterial; and,
 - (c) a marginal access or service road (separated from the primary arterial by a landscaped and/or decoratively fenced grass strip and having access thereto at widely spaced suitable point(s)).
- (7) Street Names. The sketch plan, as submitted, shall indicate names of proposed streets. As part of his review the Executive Director shall refer proposed street names to the local postmaster for his comments regarding duplication of names and possible confusion. After reviewing them the Executive Director shall inform the subdivider of his recommendations for their possible revision during the sketch plan review. Names shall be sufficiently different in sound and in spelling from other street names in the County or other nearby areas so as to avoid confusion. A street, which is, or is planned as, a continuation of an existing street, shall bear the same name.
- (8) Street Regulatory Signs. The applicant shall provide and install a street sign at every street intersection within his subdivision as required by the County Engineer or the designated County Official. The County shall inspect and approve all street signs before issuance of certificates of occupancy for any residence on the approved streets.
- (9) Street Lights. Installation of streetlights shall be required in accordance with design and specification standards approved by the County Engineer or the designated County Official. Street light standards and fixtures shall also be in accordance with the visual design standards of the County Design Review Committee.
- (10) Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to it from adjacent property if such street is a local service street rather than a collector or arterial street. (See paragraphs (5) and (6) above.)

(11) Construction of Streets

- (a) Construction of Streets other than Cul-de-sacs. The arrangement of streets shall provide for the continuation of streets between adjacent subdivisions or other properties when such continuation is necessary for the convenient movement of traffic, for effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end (stub) street temporarily, the right-of-way shall be provided for all such temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. Temporary turnarounds must be provided at the ends of such stub streets. The APC may limit the length of temporary dead-end streets in accordance with the design standards in these regulations.
- (b) Cul-de-sacs (Permanent Dead-end Streets). Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the APC for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the APC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with County construction standards and specifications available from the County Engineer's or the designated County Official's office. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards in these regulations.

(12) Design Standards

- (a) General. In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access for police, fire fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate street location in order to achieve a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required. (Street classifications may be indicated in the Comprehensive Plan, Thoroughfare Plan, or on the Official Map; otherwise the APC shall determine them.)
- (b) Street Surfacing and Improvements. After the developer has installed sewer and water utilities, the applicant shall construct curbs and gutters

and shall surface or cause the roadways to be surfaced to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the County Engineer or the designated County Official. Adequate provision shall be made for culverts, drains, and bridges. All street pavement, shoulders, drainage improvements and structures, curbs, turn-arounds, and sidewalks shall conform to all construction standards and specifications adopted by the APC, County Engineer or designated County Official, or the County and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

- (c) Excess Right-of-way. Right-of-way widths in excess of the standards designed in these regulations shall be required whenever, due to topography, additional width is necessary to provide for adequate and stable earth slopes. Such slopes shall not be in excess of three to one.
- (d) Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows.
 - (i) In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon other than earth berms, walls, fences and other landscape screening devices approved by the APC is prohibited."
 - (ii) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to a railroad shall, wherever practical, be at a sufficient distance therefrom to ensure a suitable depth for commercial or industrial sites.
 - (i) Streets parallel to a railroad when intersecting a street, which crosses the railroad grade, shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due considerations of the minimum distance required for future separation of grades by means of appropriate approach gradients.

- (e) Intersections
- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the APC.
 - (ii) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart.
 - (iii) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
 - (iv) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
 - (v) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trimming trees) in connection with the grading of the public right-of-way to the extent deemed necessary by the County Engineer or designated County Official to provide an adequate sight distance.

(vi) The cross-slopes on all streets, including intersections shall be three percent (3%) or less.

(f) Bridges of primary benefit to the applicant, as determined by the APC, shall be constructed at the full expense of the applicant without reimbursement from the County. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the APC will be fixed by special agreement between the County and the applicant. Said cost shall be charged to the applicant pro-rata as the percentage of his land developed and so served.

(13) Street Dedications and Reservations

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

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

4.4 Drainage and Storm Survey

(1) General Requirements. The APC shall not recommend for approval any subdivision plat, which does not make adequate provision for storm or floodwater runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the APC and the County Drainage Board or approved County Official, and a copy of the design computations shall be submitted along with the plans. (The "Rational Method is described in Chapter 3 of the *County Storm Drainage Manual* by Christopher B. Burke, Project for Indiana Counties and

Cities, School of Civil Engineering, Purdue University, West Lafayette, May 1981, hereinafter referred to as Drainage Manual.)

(2) Nature of Storm Water Facilities

- (a) Location. The applicant may be required by the APC to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the County's construction standards and specifications.
- (b) Accessibility to Public Storm Sewers
 - (i) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance adequate provision shall be made for the disposal of storm water, subject to the specifications of the County Engineer or designated County Official. However, in subdivisions containing lots of less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be constructed to an approved outfall. Inspection of facilities shall be conducted by the County Engineer or the designated County Official.
 - (ii) If a connection to a public storm sewer will be provided eventually, as determined by the County Engineer or designated County Official and the APC, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision(s) for such connection(s) shall be incorporated by inclusion in the amount of the performance bond or equivalent required for the subdivision plat.
- (c) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer or designated County Official shall determine the necessary size of the facility, based on the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

*Warren County
Subdivision Specifications*

- (d) **Effect on Downstream Drainage Areas.** The County Engineer or designated County Official shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies together with such other studies as may be available and appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the APC may withhold (Secondary Approval) of the subdivision until provision (such as a storage facility) has been made for the improvement of said potential condition in such sum as the APC shall determine. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate drainage watercourse or facility.
- (e) **Areas of Poor Drainage.** Areas which are not in the Flood Plain but contain soils which are subject to flooding may be approved for subdivision by the APC, provided that the subdivider fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two (2) feet above ponding levels.
- (f) **Areas of High Seasonal Water Tables.** In areas characterized by soils having a high seasonal water table as determined by the County Soil and Water Conservation District, lots shall be limited to slab type construction unless the APC determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.
- (g) **Floodway Areas.** If a subdivision of land is proposed within the Flood Plain, Floodways shall be preserved and not diminished in capacity by filling or obstruction, except as approved by the Natural Resources Commission in writing. No residential building site may be located within the floodway.
- (h) **Floodway Fringe Areas.** Where a subdivision is proposed within an area of the Flood Plain designated as a Floodway Fringe, the APC may approve such subdivision provided that: all streets are elevated sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade two (2) feet above elevation; where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by, flood water; and, approval to fill the area from the Natural Resources Commission has been obtained in writing. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
- (i) **Flood Plain areas.** Where a subdivisions proposed within an area of the Flood Plain for which Floodway and Floodway Fringe designations have

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

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

(3) Dedications of Drainage Easements

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

(b) Drainage Easements

- (i) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
- (ii) The applicant shall dedicate, either in fee or by drainage or conservation, easement land on both sides of existing watercourses of a width to be determined by the APC and, in the

case of legal drains, the County Drainage Board or approved County Official.

- (iii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (iv) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures nor for computing the area requirement for any individual lot.

4.5 Water Facilities

(1) General Requirements

- (a) The applicant shall take all actions necessary to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing for domestic water use and fire protection.
- (b) Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) conforming to the requirements and specifications of the State or local authorities. All water mains shall be at least six (6) inches in diameter.
- (c) Water main extensions shall be approved by the officially designated agency of the State, County or Municipality concerned.
- (d) To facilitate the above, the location of all fire hydrants, water supply improvements, and the boundary lines of proposed districts indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.
- (e) The design of all water facilities shall conform to or exceed the standards described in the latest edition of *Recommended Standards for Water Works* as published by Health Education Service, Inc., Albany, New York.

(2) Individual Wells and Central Water Systems

- (a) If a public water system is not available, at the discretion of the APC, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water sample test results shall be submitted to the Health Department for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. These approvals shall be submitted to the APC.
 - (b) If the APC requires that a connection to a public water main be eventually provided as a condition for approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives (Secondary Approval). Performance or cash bonds may be required to ensure compliance.
- (3) Fire Hydrants. Hydrants should be provided at each street intersection and at intermediate points between intersections as recommended by the state Insurance Services Office and the local fire department. Generally, hydrant spacing may range from 35 to 600 feet depending on the nature of the area being served as determined by the County Engineer or designated County Official.

4.6 Sewerage Facilities

- (1) General Requirements. The subdivider shall install sanitary sewer facilities in a manner prescribed by the County construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the County Engineer or designated County Official, Health Department, and other appropriate State and Federal agencies. In addition, the design shall meet or exceed the minimum standards described in the latest edition of Recommended Standards for Sewage Works as published by the Health Education Service, Albany, New York and plans shall be approved by the all state and federal agencies where required by those agencies.
- (2) Sanitary Sewerage System requirements. Where provided, sanitary sewerage facilities shall connect with public sanitary sewerage systems, and shall be installed to serve each lot to grades and sizes required by approving officials and agencies. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Health Officer, participating jurisdiction, and appropriate State agency.
- (3) Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and any ordinance of any participating jurisdiction (where applicable) establishing lot areas for individual sewerage disposal systems.

(4) Selected Design Criteria

- (a) Alignment. All sewers shall be laid with a straight alignment between manholes, unless otherwise directed or approved by the County Engineer or designated County Official.
- (b) Manhole Location. Manholes shall be installed at the end of each line, and at distances not greater than 400 feet for sewers 18 inches in diameter and larger.
- (c) Manholes. The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches where required to match crowns. The use of drop manholes requires approval by the County Engineer or designated County Official. The minimum inside diameter of the manholes shall conform to those specified by the County Engineer or designated County Official. Inside drop manholes will require special consideration; however, in no case shall the minimum clear distance be less than that indicated herein. The relationships between intersecting sewer lines shall meet the standards required by the County Engineer or designated County Official. (See (a) above.)
- (d) Sewerage Locations. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. Where sewer lines in private easements cross public street or alley rights-of-way a manhole shall be provided in such rights-of-way where possible. Imposed loading shall be considered at all manhole locations. Not less than six (6) feet of cover shall be provided over the top of pipe in street and alley rights-of-way or three (3) feet in all other areas.
- (e) Cleanouts. Cleanouts will not be permitted.
- (f) Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer, which will permit the passage of any sewage or polluted water into the potable water system. Sewers shall be kept removed from water supply wells or other water supply sources and structures.
- (g) Relation of Sewers to Water Mains. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water

line. This will not be required when the water line is at least two (2) feet above the sewer line.

4.7 Sidewalks (if required)

- (1) Required Improvements
 - (a) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way of all streets as shown on Table 4-1.
 - (b) Concrete curbs are required for all streets where sidewalks are required by these regulations or required at the discretion of the APC.
 - (c) A grassed or landscaped median strip at least two (2) feet wide shall separate all sidewalks from adjacent curbs. The median strip shall be improved according to Section 4.2(4) of these regulations.
- (2) Pedestrian Accesses. In order of facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the APC may require perpetual unobstructed easements at least twenty (20) feet in width. Such easements shall be indicated on both the preliminary and final plats.

Table 4-3: REQUIRED SIDEWALKS IN URBAN CROSS SECTION

STREET TYPE WIDTH	STANDARD
ALL RESIDENTIAL: Place, Local Street, Collector, Arterial.....	4ft
NON-RESIDENTIAL: Local Street, Collector.....	4ft.
ARTERIAL.....	6ft.

4.8 Utilities

- (1) Location. All utility lines, including but not limited to gas, electric, power, telephone and CATV cables shall be located underground throughout the subdivision unless specific utilities dictate otherwise. Wherever existing lines are located above ground, except on public roads and rights-of-way, they shall be removed and placed underground. All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the

preliminary plat or sketch plan in the case of a minor subdivision. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the APC, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership intended to be developed for the same primary use.

(2) Easements

- (a) Easements centered on rear lot lines shall be provided for utilities (private and municipal). Such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the coordination of utility easements with those established in adjoining properties.
- (b) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. All easements shall be indicated on preliminary and final plats.

4.9 Public Uses

(1) Parks, Playgrounds, and Recreation Area (Optional)

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

- (i) Recreation Requirements are shown in Table 4-4

TABLE 4-4: RECREATION REQUIREMENTS

SINGLE FAMILY LOTS SIZE OF LOT	PERCENTAGE OF TOTAL LAND IN SUBDIVISION TO BE RESERVED FOR RECREATION PURPOSES
80,000 & greater SF.....	1.5 percent
50,000 SF.....	2.5 percent
40,000 SF.....	3.0 percent
35,000 SF.....	3.5 percent
25,000 SF.....	5.0 percent
15,000 SF.....	8.0 percent

- (ii) Minimum Size of Park and Playground Reservations. In general, land reserved for recreation purposes shall have an area of at least four (4) acres, the APC may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two (2) acres be reserved for recreational purposes where it is impractical or impossible to secure additional lands in order to increase its area.

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

and shall be shown on the plat as "Reserved for Park and/or Recreation Purposes."

- (c) Applicability to Land Using Average Density Provisions. Any subdivision plat in which the principle of flexible zoning has been used shall not be exempt from the provisions of this section except as to any portion of the land area, which is actually dedicated to the County for park and recreation purposes.
- (d) Maintenance of parks, playgrounds and recreation areas, shall be the responsibility of the developer until 1) the area is dedicated to the County, City or Town or 2) the development of a Home Owners Association for the subdivision.

(2) Other Public Uses.

- (a) Plat to Provide for Public Uses. Whenever a tract to be subdivided includes a school, recreation areas, (in excess of the requirements of Subsection (1), immediately above), or other public uses as indicated on the Comprehensive Plan or any portion thereof, such space shall be suitably incorporated by the applicant into his sketch plan. Except when an applicant uses planned unit development procedures in which land is set aside by the developer for public use a plat is required under those procedures in the Zoning Ordinance. After proper determination of its necessity by the APC and the appropriate County official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats. Upon such a determination by the APC, the following shall apply:
 - (i) Referral to Public Agency. The APC shall refer the sketch plan to the public agency concerned with acquisition for its consideration and report. The APC may propose alternate areas for such acquisition and shall allow the public agency 30 days for reply. The public agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time within five (5) year required to complete the acquisition.
 - (ii) Notice to Property Owner. Upon a receipt of an affirmative report the APC may propose alternate areas for such acquisition and shall allow the public agency 30 days for reply. The public agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and

an estimate of the time within five (5) years required to complete the acquisition.

- (b) Duration of Land Reservation. The acquisition of land reserved by a public agency or the final plat shall be initiated within five (5) years of notification in writing from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a site plan of the proposed development and a tentative schedule of construction. Failure on the part of a public agency to initiate acquisition within the prescribed five (5) years shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

4.10 Nonresidential Subdivisions

- (1) General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall meet such special provisions as the APC finds appropriate and requires. A nonresidential subdivision shall also be subject to all the requirements set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the APC. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the APC and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance, except that where lot lines are to be established incrementally they need not be shown on the sketch plan or the preliminary plat for (Primary Approval). All shopping centers and other nonresidential subdivisions of buildings for leasehold shall be subject to the relevant provisions of this Ordinance.
- (2) Standards. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the APC that the street, parcel, and block pattern proposed are appropriate for the uses anticipated and adequately take into account other uses in the vicinity. The following principles and standards shall be observed.
- (a) Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of industrial development anticipated. Proposals for incremental lot-by-lot subdivision must be made clear in a statement on the preliminary plat, which is satisfactory to the APC.
- (b) Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

Warren County
Subdivision Specifications

- (c) Special requirements may be imposed by the APC upon recommendation of the County with respect to street, curb, gutter, and sidewalk design and construction.
- (d) Special requirements may be imposed by the APC with respect to the installation of public utilities, including water, sewer, and storm water drainage and preprocessing of sewage. Special requirements may also be imposed regarding the storage and disposal of toxic materials.
- (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing onto existing or potential residential areas.
- (f) Streets carrying nonresidential traffic, especially truck traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SECTION 5 - ASSURANCE FOR COMPLETION OF IMPROVEMENTS

5.1 Improvements and Performance Bond

- (1) Completion of Improvements. Before the plat is signed by the Chairman of the APC all applicants shall be required to complete, in accordance with the APC's decision and to the satisfaction of the County Engineer or designated County Official, all the streets, sanitary, and other public improvements including lot improvements on the individual lots of the subdivision as required in this Ordinance, specified in the approved construction plans and on the final subdivision plat, and as approved by the APC and to dedicate the public improvements to the County, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- (2) Performance Bond
 - (a) The APC in its sole discretion may waive the requirement that the applicant complete all public improvements prior to the approval of the final subdivision plat or section thereof, and that, in lieu thereof, the applicant shall post bond securable to Warren County, hereinafter referred to as performance bond, in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the required public improvements. This amount of bond shall be sufficient to secure the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements, as provided for in Section 3.3(7)(a)(i) and 5.1(2)(d) of this Ordinance.
 - (b) In lieu of such a bond the subdivider may submit a certified check made payable to County in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Sections 3.3(7)(a)(i) of this Ordinance. Any such check shall be held by the County Auditor.
 - (c) In lieu of such a bond the subdivider may submit a certificate of deposit made out to either Warren County and the subdivider to be held by the County Auditor in an amount equivalent to one hundred percent (100%) of the cost of completion of the uncompleted portion of required public improvements as provided for Sections 3.3(7)(a)(i) and 3.4(8)(a)(v) of this Ordinance. The subdivider must endorse the certificate of deposit before submitting it to the APC so that the County may secure the funds.

- (d) A performance bond furnished pursuant to this Ordinance shall comply with all statutory requirements and shall be satisfactory to the APC Attorney as to form, sufficiency, and manner of execution as set for in this Ordinance (See Appendix A for forms.) The period within which required public improvements must be completed shall be specified by the APC in the (Primary Approval) of the preliminary plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of (Secondary Approval). Such bond shall be approved by the participating jurisdiction as to amount. The APC 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 APC may, at any time during the term of such bond, accept a substitution of principal or sureties on the bond.
- (3) Temporary Public Improvements. The applicant shall build and pay for all costs of temporary public improvements required by the APC and shall maintain same for the period specified by the APC. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the APC a separate suitable bond for temporary facilities. This bond shall insure that the temporary facilities will be properly constructed, maintained, and removed (except for turnaround at ends of the peripheral stub streets intended for connection into adjacent future subdivisions).
- (4) Cost of Public Improvements. All required public improvements shall be made by the applicant at his expense without reimbursement by the participating jurisdiction or any public improvement district therein, unless sharing of expenses is agreed upon by the County.
- (5) Failure to Complete Public Improvements. The APC, two (2) months prior to the expiration of the performance bond, shall determine if the public improvements have been accepted for maintenance by the County or other units of government having jurisdiction over them, and if they have not been accepted shall so notify the subdivider of the County's intent to secure the funds pledged by such letter of credit or, at the discretion of the APC, to grant an extension of the original period fixed by the APC. No extension shall exceed (1) year, and the subdivider filing with the APC a new letter of credit for the period so extended.
- (6) Acceptance of Dedication Offers. The approval by the APC of a subdivision plat shall not be deemed to constitute or imply the acceptance by the County of any street, easement, or park shown on said plat. The APC may require said plat to be endorsed with appropriate notes to this effect. The approval relates only to the real property itself.

5.2 Inspection of Public Improvements

- (1) General Procedure. If the participating jurisdiction finds upon inspection per Section 3.3(7)(a)(i) and 3.4(8)(a)(v) that any of the improvements have not been constructed in accordance with the approved construction plans, the applicant shall be responsible for completing the public improvements according to such plans. The applicant and the bonding company shall be severally and jointly liable for completing the public improvements according to specifications.
- (2) Release or Reduction of Performance Bond
 - (a) Certificate of Satisfactory Completion. The County shall not accept required public improvements, nor the APC release nor reduce a performance bond, until the County has submitted to it a certificate stating that all required public improvements or a pro rata part in the case of a reduction have been satisfactorily completed. The applicant's engineer or surveyor shall provide the participating jurisdiction with detailed "as built construction plans of the public improvements, indicating location dimensions, materials, and other information required by the APC. Upon such certification, the County shall thereafter accept the public improvements for maintenance in accordance with the established procedures unless the County has reliable information as to non-compliance with the plans and specifications.
 - (b) Reduction of Performance Bond. A performance bond shall be reduced upon actual acceptance of public improvements, but only by the amount originally estimated for the completion of said public improvements.

5.3 Maintenance of Public Improvements

- (1) The applicant shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks (where required) until acceptance of said public improvements by the County and/or Town.
- (2) The applicant shall be required to file a maintenance bond with the APC prior to acceptance, in an amount not to exceed ten percent (10%) of the cost of all public improvements, and in a form satisfactory to the APC Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three (3) years after the date of their acceptance by the County.

5.4 Issuance of Building Permits

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

SECTION 6 SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

6.1 Sketch Plan

Sketch plans submitted to the APC, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information.

- (1) Name
 - (a) Name of subdivision if property is within an existing subdivision.
 - (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which (Primary Approval) is still in effect.
 - (c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
- (2) Ownership
 - (a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - (b) Citation of any existing legal rights-of-way or easements affecting the property.
 - (c) A complete copy of any existing covenants on the property.
 - (d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
- (3) Description. Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.
- (4) Features to be Included on Sketch Plans
 - (a) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other

*Warren County
Subdivision Specifications*

public ways within or immediately adjacent to the tract, names of adjacent and adjoining property owners (from the latest assessment rolls).

- (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
- (c) Approximate topography, at the same scale as the sketch plan (normally showing two (2) foot contour intervals by the Executive Director may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes).
- (d) The approximate location and widths of proposed streets.
- (e) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
- (f) The approximate location, dimensions, and areas of all proposed existing lots.
- (g) The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- (h) The location of temporary stakes to enable the APC to find and appraise features of the sketch plan in the field.
- (i) Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
- (j) A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school improvement district lines with the zones properly designated.
- (k) If the subdivision is classified as a minor subdivision, the sketch plan must also comply with Section 6.2.

6.2 Preliminary Plat

- (1) Preparation. The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one hundred (100) feet to the inch, may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty-four by thirty-six (24 x 36) inches (It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on vellum or reproducible mylar; preparation in pencil will make required changes and additions easier.
- (2) Features. The preliminary plat shall show the following.
 - (a) The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; and, the names of adjoining streets.
 - (b) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
 - (c) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, floodplains, railroads, buildings, parks, cemeteries, drainage ditches, bridges and topography (at the same scale as the sketch plan).
 - (d) The location and width of all existing and proposed streets, alleys, and other public ways and their rights-of-way, and of easements and building set-back lines, utilities, fire hydrants and storm sewer facilities.
 - (e) The locations, dimensions, bearings and areas of all proposed or existing lots.
 - (f) The locations and dimension of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
 - (g) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name and registration number of the land surveyor.
 - (h) The date of the map, approximate true north point, scale, and title of the subdivision.

- (i) Sufficient data acceptable to the County Engineer or designated County Official to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; also, the location of all proposed monuments.
- (j) Names of the subdivision and all new streets subject to approval by the APC.
- (k) Indication of the use of any lot (single-family, two-family, multi-family,) and all uses other than residential proposed by the subdivider.
- (l) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- (m) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
- (n) All information required on the sketch plan should also be shown on the preliminary plat, and the following notation shall also be shown:
 - (i) Explanation of drainage easements, if any.
 - (ii) Explanation of site easements, if any.
 - (iii) Explanation of site reservations, if any.
 - (iv) Endorsement of owner, as follows:

Owner _____ Date _____

6.3 Construction Plans

General Construction Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown.

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

*Warren County
Subdivision Specifications*

- (2) The APC may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred (100) foot stations shall be shown at five (5) points as follows: On a line at right angles to the center line of the street, and all elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.
- (3) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
- (4) Location, size elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Comprehensive Plan at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured four (4) feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.
- (5) Topography at the same scale as the sketch plan with a contour interval of two (2) feet, referred to the sea-level datum. All data provided shall be the latest applicable U.S. Coast and Geodetic Survey data and should be so noted on the plat.
- (6) All specifications and references required by the County's construction standards and specifications, including a site-grading plan for the entire subdivision.
- (7) Notations of approval as follows:

Owner _____ Date _____

Area Plan Commission President _____ Date _____

- (8) Title, name, address, signature, registration number and seal of the professional engineer and/or surveyor, and date, including revision dates.

6.4 Final Subdivision Plat

- (1) Preparation. The final subdivision plat shall be presented in India ink on vellum or reproducible mylar at an appropriate scale and contain the same information as on the preliminary plat, except for any changes or additions required by the conditions of (Primary Approval). The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the APC's approval. A land surveyor licensed by the state shall prepare the final subdivision plat.
- (2) Features. All revision dates must be shown as well as the following:
 - (a) notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the APC in accordance with these regulations, and
 - (b) all monuments erected, corners, and other points established in the field shall be shown and noted in their places on the plat. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

6.5 Exempt Divisions

The information that must be provided in order for the decision to be made that a division is an Exempt division varies as follows according to the definition for each type of Exempt division listed in Section 2.2, under the definition for subdivision, of this Ordinance. Thus:

- (1) for type (a) divisions a metes and bounds legal description of the exempt division and the land from which it is being divided must be provided;
- (2) for type (b) divisions the old legal and new legal descriptions must be provided;
- (3) for type (c) divisions a copy of the court decree showing by legal description how the land is to be divided must be provided;
- (4) for type (d) divisions a legal description and plot plan showing the parcel and the location of the street right-of-way must be provided;
- (5) for type (e) divisions a legal description and plot plan showing the tract to be divided and the tract(s) to be added to must be provided; and,

*Warren County
Subdivision Specifications*

- (6) for type (f) divisions a plat of the cemetery showing the layout of the private drives, parking areas, and size of burial lots must be provided.

**CERTIFICATE OF ACCEPTANCE
BY THE
WARREN COUNTY COMMISSIONERS**

The Warren County Commissioners have reviewed the Subdivision Control Ordinance dated 17 December 2001 as presented and adopted by the Warren County Area Plan Commission and hereby accept and adopt the requirements and guidelines included in the Subdivision Control Ordinance.

James E Lanham
Name

Attest: Jacqueline Bruer

Richard L. Hobbels
Name

Thomas A Hetrick
Name

RESOLUTION

WHEREAS, on November 27, 2001 the Warren County Area Plan Commission made a favorable recommendation on a proposal to adopt a Subdivision Control Ordinance for Warren County, Indiana; and

WHEREAS, on June 25, 2002 the Warren County Area Plan Commission made a favorable recommendation on a proposed amendment to the Warren County subdivision Ordinance in the following particular:

Section 3.1(2) - Reducing the required acreage for Exempt 1 land division from ten (10) acres to one (1) acre; and

WHEREAS, October 1, 2002 is the first regularly scheduled meeting of the Town Council of Pine Village, the legislative body of said town, after the recommendations of said Area Plan Commission were certified to it; and

WHEREAS, notice was given under I.C.5-14-1.5-5 of the Pine Village Town Council's intention to consider said proposal at such meeting.


NOW, THEREFORE, IT IS RESOLVED by the Town Council of Pine Village, Warren County, Indiana:

That the Subdivision Control Ordinance for Warren County, Indiana as originally recommended, except for the amendment as to Section 3.1(2), be and is hereby adopted as amended.

Resolution adopted this 1st day of October 2002.

PINE VILLAGE TOWN COUNCIL


Cleo Eberly, President


Melbourne McCormick


Richard Keith Eberly

ATTEST:


Nancy C. Kochell, Clerk-Treasurer

**CERTIFICATE OF ACCEPTANCE
BY THE TOWN OF**

The Town Council of the Town of _____ has reviewed
the Subdivision Control Ordinance dated _____ as presented and
adopted by the Warren County APC and hereby accept and adopt the requirements and
guidelines included in the Subdivision Control Ordinance.

Attest: _____

Name

Name

Name

Name

Name

**CERTIFICATE OF ACCEPTANCE
BY THE TOWN OF**

The Town Council of the Town of _____ has reviewed
the Subdivision Control Ordinance dated _____ as presented and
adopted by the Warren County APC and hereby accept and adopt the requirements and
guidelines included in the Subdivision Control Ordinance.

Attest: _____

Name

Name

Name

Name

Name