

MORGAN COUNTY



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SUBDIVISION CONTROL ORDINANCE

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MORGAN COUNTY CODE

Subdivision Control Ordinance

Section 1. GENERAL PROVISIONS.

- A. **SHORT TITLE:** This Ordinance shall be known and may be cited as the Subdivision Control Ordinance of Morgan County, Indiana.
- B. **AUTHORITY:** This Ordinance, which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, 36-1-3-4 and 36-7-4-700 Series, as amended) authorizes the Morgan County Plan Commission to review and approve or disapprove plats for subdivisions throughout unincorporated areas not within “buffer zone” areas under the zoning authority of municipalities of the County, (pursuant to I.C. 36-7-4-205) 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 previously recorded plats.
- C. **PURPOSE:** This Ordinance is adopted for the following purposes:
1. To assist the orderly and efficient development of Morgan County.
 2. To provide for the coordination of new thoroughfares with existing and planned thoroughfares.
 3. To promote the health, safety and general welfare of Morgan County residents.
 4. To ensure coordination with the extension of community facilities and utilities.
 5. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- D. **JURISDICTION:** This Ordinance shall apply to all unincorporated land not within “buffer zone” areas under the zoning authority of municipalities of the County (pursuant to I.C. 36-7-4-205).
- E. **COMPLIANCE:** No lot in a subdivision shall be sold; no permit to erect, alter or repair any building upon land in a subdivision shall be issued; and no building shall be erected in a subdivision unless and until the plat has been approved and recorded, and until the improvements required by the Plan Commission in connection therewith have been guaranteed as herein provided.
- F. **SAVING PROVISION:** This Ordinance shall not be construed as abating any action now pending under, or by virtue of the prior existing Subdivision Control Ordinance, or as discontinuing and abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or

corporation or as waiving any right of the municipality under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the County except as expressly provided for in this Ordinance.

G. 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 Commission 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 sites, the Commission 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.

H. VACATION OF PLATS:

1. Any recorded plat or any part of any recorded plat may be vacated by the owner(s) of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

2. The County may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

3. Such an instrument shall be executed, acknowledged, or approved, and recorded or filed, in like manner as a deed to land, and being duly recorded or filed shall operate to terminate the effect of the plat so vacated, and to terminate all public rights in the public ways and public grounds, and all dedications laid out or described in the plat or part of the plat.

I. MODIFICATIONS:

1. **General.** Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with this Ordinance and/or the purposes of this Ordinance may be served to a greater extent by an alternative proposal, it may approve modifications to this Ordinance so that substantial justice may be done and the public interest secured, provided that such modifications shall not have the effect of nullifying the

intent and purpose of this Ordinance; and further provided, the Commission shall not approve modifications unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the modifications will not be detrimental to the public safety, health or welfare, or injurious to nearby property;
 - b. The conditions upon which the request for a modification is based are unique to the property for which the modification 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 this Ordinance is strictly adhered to;
 - d. The modification will not in any manner contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission and the County Highway Engineer;
 - e. Conditions. In approving modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of standards and requirements herein;
 - f. Procedures. A petition for any such modification shall be submitted in writing by the subdivider at the time the primary plat is filed for consideration by the Commission. The petition shall state fully the grounds for the application and all facts relied upon by the petitioner.
2. When it has been determined by the administrator or member of the technical review committee that the health, welfare, or safety of the general public would be best served by modifications or requirements beyond the requirements contained herein for a particular division, said modifications shall become a part of the requirements for approval.

Section 2. DEFINITIONS.

A. USAGE:

1. For the purpose of this Ordinance, 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 this Ordinance"; the word "Ordinance" means "this Ordinance."

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.”

B. DEFINITIONS:

ACCESSORY BUILDING shall mean a subordinate structure, the use of which is incidental to that of the dominant use of the primary building or land.

ADMINISTRATOR shall mean the Morgan County Plan Director appointed by and/or delegated the responsibility for the administration of this Ordinance by the Commission. This term shall be construed to include those planning staff members working under the direction of the Administrator in the exercise of his responsibilities in regard to the processing of this Ordinance.

ADVISORY PLAN COMMISSION shall mean the Morgan County Plan Commission established as defined under the Indiana Code 36-7-1-2, as amended.

AGENCY. See Public Agency

APPLICANT shall mean the owner of land proposed to be subdivided or his agent or his legal representative.

BLOCK shall mean 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 shall mean any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount satisfactory to the Commission.

BOARD OF COMMISSIONERS shall mean the Board of Commissioners of Morgan County, Indiana.

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

BUILDING shall mean any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of that kind.

BUILDING CODE shall mean that County ordinance or group of ordinances, establishing and controlling the standards for construction of buildings, utilities,

mechanical equipment and all forms of structures and permanent installations and related matters, within the County.

BUILDING PERMIT shall mean a certificate issued by the Administrator of the Commission permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done.

CENTRAL SEWAGE SYSTEM shall mean the 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 shall mean 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 shall mean the signed and attested document which indicates that a subdivision has been granted secondary approval by the Commission subsequent to proper public notice of its hearing.

CHECKPOINT AGENCY shall mean a public agency or organization called upon by the Commission 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.

COMMISSION shall mean the County Advisory Plan Commission as referred to herein, not the Board of Commissioners, or any other commission unless so specified.

COMMISSION ATTORNEY shall mean the licensed attorney designated by the Commission to furnish legal assistance for the administration of this Ordinance or as provided by statute.

COMPREHENSIVE PLAN shall mean the 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 Commission pursuant to State law, 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 shall mean 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 thru 32-1-6-31.

CONSTRUCTION PLAN(s) shall mean 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.

COUNTY ATTORNEY shall mean the licensed attorney designated by the Board of Commissioners body to furnish legal assistance for the administration of this Ordinance in lieu of the Commission having its own attorney.

COUNTY AUDITOR shall mean that County Official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

COUNTY HIGHWAY ENGINEER shall mean the licensed engineer designated by the County to furnish engineering assistance in the administration of this Ordinance.

COUNTY HEALTH OFFICER. See Health Department and County Health Officer.

COUNTY RECORDER shall mean the County Official empowered to record and file land description plats.

COUNTY SURVEYOR shall mean the County Official so designated by the laws of the State of Indiana.

DAY shall mean business (not calendar) days, excluding holidays and weekends.

DEPARTMENT. See Public Agency.

DESIGNATED OFFICIALS shall mean those officials of the Commission designated in this Ordinance as required signatories for the execution of secondary Plat approval.

DEVELOPER shall mean 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.

DRAINAGE shall mean a way of removing surface water from one location to another by means of trench, swale, pipes or other means that is managed in such a way that other properties are protected from erosion, flooding or would create a common nuisance to surrounding properties.

DRAINAGE BOARD shall mean the Morgan County Drainage Board.

DRIVES, PRIVATE shall mean 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 shall mean an authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose.

ESCROW shall mean a deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the County Auditor.

EXEMPT DIVISIONS (See definition of Subdivision.)

FEASIBILITY REPORT shall mean a written report prepared by a professional engineer or land surveyor pertaining to the suitability of the site for various types of water and sewage systems; for drainage retention or detention; and the subsoil conditions for various methods of street construction.

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

FLOOD HAZARD AREAS shall mean 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 Commission from the State Natural Resources Commission.

FLOOD PLAIN shall mean the area adjoining the river or stream which has been or may hereafter be covered by flood water from the Regulatory Flood.

FLOOD PROTECTION GRADE shall mean the elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

FLOODWAY. See Regulatory Floodway.

FLOODWAY FRINGE shall mean those portions of the Flood Hazard Areas lying outside the Floodway, shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

FOUNDATION shall mean the supporting member of a wall or structure.

FRONTAGE shall mean that side of a lot or tract abutting on a street and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner 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 shall mean any street to be constructed by the developer or any existing street in which development can take place on both sides.

FRONT YARD shall mean a yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line,

extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage.

GOVERNING BODY shall mean the Board of Commissioners of Morgan County, Indiana, which is the body having the power to adopt Ordinances.

GRADE shall mean the slope of a street, other public way, and other applicable development features specified in percentage (%) terms.

HEALTH DEPARTMENT AND COUNTY HEALTH OFFICER shall mean the agency and that person designated by the County to administer the health regulations within the County's jurisdiction.

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

HOUSING CODES. 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 Building Code.

IMPROVEMENTS. See Lot Improvements or Public Improvements.

INDIANA CODE shall mean the Indiana Statutes, usually abbreviated as IC herein.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM shall mean a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department.

INTERESTED PARTIES shall mean those parties who are the owners of properties adjoining or adjacent to the proposed subdivision, as shown on the sketch plan, to whom notice must be given of a proposed subdivision.

JOINT OWNERSHIP shall mean joint ownership among persons construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

LAND DIVIDER shall mean 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 shall mean 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 shall mean 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 means a lot at the junction of and abutting two (2) intersecting or intercepting streets.

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

MAJOR STREET PLAN. See Official Map.

MAP shall mean a representation of a part of 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 shall mean 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 PLATS shall mean a division of land by any method or instrument, for any purpose whatsoever, into not more than six (6) parcels, sites, units or lots, including the root or parent parcel, any one parcel, site, unit or lot of which division is less than twenty (20) acres in area. A Minor Plat Subdivision is subject to the requirements of this Ordinance.

MODEL HOME shall mean 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 Commission, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedures as set out in this Ordinance.

MONUMENT shall mean a physical structure which marks the location of a corner or other survey point.

NONRESIDENTIAL SUBDIVISION shall mean a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.

OFF-SITE shall mean 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 shall mean the map(s) established by the Board of Commissioners pursuant to the 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 Board of Commissioners or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent filing of such approved plats.

OFFICIAL MASTER PLAN. See Comprehensive Plan.

ORDINANCE shall mean any legislative action, however denominated, of the Board of Commissioners which has the force of law, including any amendment or repeal of any Ordinance.

OWNER shall mean 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 this Ordinance.

PARCEL shall mean 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 shall mean any existing street to which the parcel of land to be subdivided abuts on only one side.

PLAN COMMISSION shall mean the Morgan County “Advisory” Plan Commission as established in accordance with Indiana law, often referred to herein simply as the Commission.

PLANNED UNIT DEVELOPMENT shall connote 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 a special review and approval process.

PLAT shall mean a map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.

PLAT COMMITTEE shall mean a committee appointed by the Commission comprised of persons with technical knowledge of various county, state and federal regulations and standards regarding development and responsibility for working with subdividers and reviewing technical aspects of plans and other development projects and making technical findings for the Commission for their consideration in reviewing said plans. The committee shall be composed of such Commission members or other persons as the Commission deems appropriate, as per IC 36-7-4-701(e).

PRELIMINARY PLAT shall mean the preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

PRIMARY APPROVAL shall mean an approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this Ordinance (per I.C. 36-7-4-700 Series: Subdivision Control).

PRINCIPAL USE BUILDING shall mean a building in which the principal use of the lot or parcel is conducted. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist. Residential use shall mean only one dwelling on any lot.

PUBLIC AGENCY shall mean an agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

PUBLIC IMPROVEMENT shall mean any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the Board of Commissioners may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Board of Commissioners responsibility is established. All such improvements shall be properly bonded.

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

REGISTERED LAND SURVEYOR shall mean a land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REGISTERED PROFESSIONAL ENGINEER shall mean an engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REGULATORY FLOOD shall mean that flood having a peak discharge which can be equaled or exceeded on the average of once in a one-hundred-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources; this flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

REGULATORY FLOOD ELEVATION shall mean the maximum elevation reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision under construction.

REGULATORY FLOODWAY shall mean the channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably

required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

RESTRICTIVE COVENANTS shall mean the limitations of various kinds on the usage of lots within a subdivision which are proposed by the subdivider. Such restrictive covenants are not enforceable by the Board of Commissioners or the Commission.

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

RIGHT-OF-WAY shall mean 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, drainage, 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 included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by the Board of Commissioners shall be dedicated to public use by the subdivider on whose plat such right-of-way is established. All divisions of land along existing roadways shall dedicate half right of way for public purposes along it’s entire frontage in the amount as specified for the classification of the existing roadway.

SALE OR LEASE shall mean any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

SAME OWNERSHIP shall mean 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.

SCHEDULE OF INSTALLATION shall mean a form which will be required for all new roadway construction in sufficient detail to plan for the total anticipated length of construction. This time period shall be used to determine length of performance bonds. Schedules shall include anticipated start and finish dates for all elements of construction.

SCREENING shall mean either (a) a strip of at least ten feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet high at the time of planting, of a type that will form a year-round dense screen at least six feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six 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 Zoning Ordinance. Where required by Zoning Ordinance, a screen shall be installed along or within the lines of a plot as a protection for adjoining or nearby properties. Earth berms may be incorporated as part of such screening measures where appropriate.

SECONDARY APPROVAL shall mean the stage of application for formal approval of a final plat of a subdivision, which, if approved and signed by the designated officials, may be submitted to the County Recorder for filing.

SETBACK shall mean a line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures may be erected as prescribed in the Zoning Ordinance.

SHADE TREE shall mean a tree in a public place, street, special easement, or right-of-way adjoining a street as provided in this Ordinance.

SIDE LOT LINES shall mean any lines separating two lots other than front or rear lot lines.

SKETCH PLAN shall mean an informal, informational drawing, as described in this Ordinance, preparatory to the drawing of the preliminary plat to enable the subdivider to save time and expense in reaching a general agreement with the Commission as to the form of the plat and conformance to the objectives of this Ordinance.

SOIL SURVEY shall mean the National Cooperative Soil Survey prepared by the U.S. Department of Agriculture, Soil Conservation Service in cooperation with Purdue University.

SPECIAL LANDSCAPING shall mean 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 LAW shall mean such legislative acts of the State of Indiana as they affect this Ordinance.

STATE PLANE COORDINATES SYSTEM shall mean 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 shall mean the space or area between lot lines, abutting upon a right-of-way and designed as a way for vehicular traffic, however designated, and which

shall include but not be limited to those illustrated in the Comprehensive Plan. For the purpose of this Ordinance, streets shall be classified as follows: (a) Principal arterials are limited-access highways which carry large volumes of interstate traffic and have more importance regionally than locally. They often contain four or more moving lanes and permit continuous high-speed traffic flow. These highways have a high order of design and construction requirements. (b) Minor arterials are those federal and state roads of regional importance. These are high-capacity highways moving traffic at a high rate of speed. They provide good continuity between distant points and are constructed to high standards. Arterial highways provide two to four traffic lanes and should have a median strip when possible. Crossing traffic from other roads and access to abutting properties are often controlled, or partially so. (c) Major collector highways have less regional importance than arterial highways and more county or inter-county significance. They are medium-capacity highways moving traffic at relatively high rates of speed. They include state designated routes and county roads and provide two traffic lanes. (d) Minor collector roads are moderate-capacity thoroughfares designed to accommodate relatively low-speed traffic. They should, however, provide a smooth flow of traffic. Two moving lanes, unseparated, but wider than local road lanes, are required. (e) Local roads are low-capacity and low-speed roads whose function it is to provide direct access to homes and property. Through-traffic and heavy use of these roads is discouraged. To the extent possible, residence driveways and ingress and egress points to other uses or structures should be oriented to local roads rather than to arterials or collectors. (f) Marginal access streets are local roads which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic. (g) Cul-de-sac streets are local roads with only one outlet, having a paved, circular turnaround area at the closed end for the safe and convenient reversal of traffic movements, including public safety vehicles. (h) Alleys are minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

STREET RIGHT-OF-WAY WIDTH shall mean the distance between property lines measured at right angles to the center line of the street.

STREETS, CLASSIFICATION. For 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 designed on the Official Map 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 Comprehensive Plan. The required improvements shall be measured as set forth for each street classification on the Official Map.

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

SUBDIVIDER'S AGREEMENT is a signed agreement binding the developer to the proper installation of all materials necessary for roadway improvements and shall delineate the anticipated length of construction.

SUBDIVISION shall mean a division of any parcel of land, by any method or instrument, for any purpose whatsoever into two or more parcels, sites, units or lots, any one of which is less than 20 acres in area.

The following Subdivisions are expressly exempt from the requirements of the Morgan County Subdivision Control Ordinance.

- (a.) A division of land for the transfer of a tract or tracts to correct errors in an existing legal description;
- (b.) A division of land between adjoining parcels, tracts, or lots for the purpose of establishing an agreed boundary or straightening an existing boundary line;
- (c.) A division of land for the purpose of creating open space, parking space, or space for accessory use buildings adjacent to a Principal Use Building, provided that the division does not create an additional principal use building site;
- (d.) 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;
- (e.) A division of land for federal, state, or local government to acquire street right-of-way for public purposes;
- (f.) A division of land into cemetery plots for the purpose of burial of corpses;
- (g.) A division of any parcel to create not more than two (2) new parcels of record, subject to the following conditions and restrictions:
 - 1. Each of the parcels, including the remainder of the original parcel, shall be not less than thirty thousand (30,000) square feet in area;
 - 2. Each parcel shall meet the setback requirements of the applicable zoning district;
 - 3. Each parcel shall be not less than ninety (90) feet in width and gain access from an existing public road;
 - 4. Any subsequent subdivision of parcels created under this subsection shall be included for determining the total number of lots when making an application for a minor or major plat for the subsequent division of the parcels.

SUBDIVISION, EXEMPT. See Subdivision, above.

TEMPORARY IMPROVEMENT shall mean 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 turn-around improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

THOROUGHFARE PLAN. See Official Map

YARD shall mean 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 shall mean that County Ordinance setting forth the regulations controlling the use of land in the unincorporated areas and in those Municipal Corporations within the County not controlling land use through their own zoning Ordinances.

Section 3. APPLICATION AND APPROVAL PROCEDURES.

A. GENERAL PROCEDURE:

1. **Discussion of Requirements:** Pre-design Conference. Prior to submitting any of the materials required by this Ordinance, the applicant or his representative should discuss with the Administrator the nature of the land division being proposed, so that the applicant may be instructed concerning the classification of his subdivision and what regulatory procedures apply to it and must be followed under this Ordinance in order to secure primary and secondary approval. Where applicable, requirements concerning the general layout of streets and for reservations of land, street improvements, drainage, sewage, fire protection, and similar matters, as well as the availability of existing services should be discussed. The Administrator shall also advise the applicant, where appropriate, to discuss the proposed land division with those other officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction. The distinction between subdivision, minor plat subdivision, and exempt divisions, as defined in this Ordinance, shall be made by the Administrator when the applicant submits an application for sketch plan approval.
2. Before any permit shall be granted for a structure to be erected on land to be subdivided into a subdivision, the subdividing owner or his subdivision agent shall apply for and secure approval of the proposed subdivision in accordance with Section 3. B. and Section 3. C. of this Ordinance, as appropriate.

3. The Plan Commission, Building Commissioner, Plan Director, Plat Committee or other review agency shall review all proposed subdivisions to determine whether the subdivision lies in a flood prone area as defined elsewhere. If the Plan Commission, Plan Director, Plat Committee or other officials find the subdivision to be so located, the review agency or individual may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damages; all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards; and that onsite waste disposal systems, if provided, will be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

B. **SKETCH PLAN APPLICATION PROCEDURE FOR PRIMARY APPROVAL:**

1. **Application Requirements.** In order to begin the subdivision process the applicant shall file an application for review of sketch plan and certificate with the Administrator and be entitled to a signed receipt for same. This application shall:
 - a. Be made on forms available at the office of the Commission and signed by the owner or agent.
 - 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 or instrument number 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 contract of sale was executed. If any corporations are involved, the Administrator may request a complete list of all directors, officers, and a listing of stockholders if less than ten (10) in number.
 - c. Be presented to the Administrator in duplicate.
 - d. Be accompanied by a minimum of three copies of the sketch plan and an electronic version of the drawing as determined by the Plan Director.
 - e. Be accompanied by a fee established by the Commission.
 - f. Include an address and telephone number of an agent located within the State of Indiana.

- g. Include a listing of the checkpoint agencies and when they received a copy of the proposed sketch plan.

2. **Checkpoint Submission.** In order to fulfill this last application requirement, a copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so that their comment may be made to the Administrator. The Administrator shall request that all officials and agencies to whom a request for review has been made submit a written report to the Administrator within fifteen (15) business days after receipt of the request. No response from an agency shall be interpreted as meaning "no objection." Following is a list of checkpoint agencies:

- a. County Highway Engineer or Supervisor
- b. County Surveyor
- c. County Soil and Water Conservation District
- d. County Health Department
- e. Appropriate Fire Departments
- f. Appropriate School Corporations
- g. Appropriate Utilities

C. **SUBDIVISIONS:**

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

calendar days, which in turn shall precede the public meeting at which it is intended to be heard by no less than thirty-one (31) calendar days.

3. **Sketch Plan Review Process.** Within twenty (20) business days of the subdivider's sketch plan application submittal, the Administrator shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be suggested or required by this Ordinance. The Administrator shall request that a representative of each checkpoint agency wishing to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this Ordinance, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map and Comprehensive Plan. Subsequent to the preliminary plat submission meeting, the Administrator shall provide the participants with a written record of the proceedings of the sketch plan review 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 Commission, and be submitted with fee as established by the Commission 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 extending one hundred (100) feet therefrom, or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, with the names and addresses of the owners as shown in the Auditor's files. This information may be shown on a separate current Plat Map reproduction from the Auditor's Office showing the boundaries of the subdivision superimposed thereon.
 - iii. Be presented in duplicate to the Administrator no later than thirty (30) calendar days prior to the regular meeting of the Commission at which it is intended to be heard.
 - iv. Be accompanied by eight (8) copies of the preliminary plat as described in this Ordinance.
 - v. Generally comply with the sketch plan as reviewed.

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

Administrative Review. Subsequent to placement on the agenda, and prior to the date of public hearing, the Administrator and members of the Plat Committee shall review the proposal at a regularly scheduled Technical Committee meeting and prepare a written report to the Commission and applicant indicating regulation compliance with regard to the subdivision being proposed.

Insert
Figure 3 – 1

“Approval Process for Major Subdivisions

As page 27

- c. Preliminary Drainage Board Approval Prior to the date of the preliminary hearing, the applicant shall have received preliminary approval from the Drainage Board.
- d. Public Hearing Notification Requirements. The subdivider shall complete the following twenty (20) days prior to the public hearing:
 - i. Place a legal notice of the public hearing in a newspaper designated by the Commission and in a form which meets Commission requirements. Cost of the legal notice shall be paid by the subdivider.
 - ii. Notify all utilities, local fire departments, school districts, and law enforcement agencies serving the area, in writing, and provide the Commission with copies of the same.
 - iii. Notify all property owners within six hundred (600) feet or two (2) property owners, whichever is lesser, of the proposed subdivision boundaries, by certified mail, return receipt requested, and in a form prescribed by the Commission, or have a notarized consent from all such owners.
- e. Primary Approval of the Preliminary Plat. After the Commission has held a hearing upon the preliminary plat, the Administrator's report, checkpoint recommendations, Plat Committee's Report, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall at a public meeting, grant primary approval, or disapprove the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat within five (5) days of the public hearing. Before the Commission approves a preliminary plat showing park reservation or land for other local governmental unit, the Commission shall obtain approval of the park or land reservation from the participating jurisdiction. Primary approval by the Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of primary approval, per I.C. 36-7-4-708(d).
- f. Field Trip. The Commission, at its discretion, upon hearing the request for primary approval, may elect to continue the matter until its next regularly scheduled public meeting, and may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative.

- g. Effective Period of Primary Approval. Unless extended, the primary approval of a preliminary plat shall be effective for a period of two (2) years; five (5) years for sectionalized Subdivision). Secondary approval shall be obtained within the period of time set forth herein or primary approval 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 Commission may extend primary approval of a preliminary plat in increments of one (1) year beyond an expiration date without further notice.

5. **Final Plat Procedure (Secondary Approval).**

- a. Submission Requirements. Following primary approval of the preliminary plat and satisfactory completion of all roadway and drainage plat elements, subdivider shall file with the Administrator a request for secondary approval of a final plat. The application shall:
 - i. Be submitted on forms available at the Office of the Administrator.
 - 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 maintenance bond, if required, in a form satisfactory to the Commission Attorney and in an amount, after reviewed, established by the Commission upon recommendation of the participating jurisdiction and shall warrantee the satisfactory installation of all required subdivision and off-site public improvements, along with the signed Subdividers Agreement for all roadway improvements.
 - vi. Be accompanied by any restrictive covenants in a form approved by the Commission, where they have been proposed by the Subdivider or required by the Commission.
 - vii. Be accompanied by a fee as established by the Commission.

- viii. Be accompanied by an electronic copy of AutoCAD drawing of final plat.
- b. Determination of Conformance (Secondary Approval). In order to be recorded, a final plat shall be found to be in conformance with the primary approval by the Administrator. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new primary approval. The Administrator shall, within ten (10) business days, review the items submitted as per Section C. 5. a. in order to ascertain conformance with the primary approval. If the submission is found to be in conformance and complete, the Administrator shall recommend the signing of the certificate granting secondary approval.
- c. Sectionalizing Plats. Prior to granting secondary approval of a major subdivision plat, the Commission may permit the plat to be divided into two 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. Such sections must contain at least twenty (20) lots or ten (10%) percent of the total number of lots contained in the approved plat, whichever is less. The approval of all remaining sections not filed with the Administrator shall automatically expire after five (5) years from the date of primary approval of the preliminary plat, unless the expiration date has been extended. Any roadways constructed within a section shall remain under maintenance bond until the final section is constructed, if those roadways provide ingress or egress for construction-related traffic.
- d. Signing of Plat.
- i. The Designated Officials shall endorse secondary approval of the plat by signing the certificate after all conditions of the primary approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the appropriate Board of Works, Board of Commissioners, Town Board, or the Drainage Board that the necessary improvements have been accomplished.
- c. Recording of Final Plat.
- i. The Designated Official shall sign the certificate which shall be part of the tracing cloth or reproducible mylar of the subdivision plat, two (2) mylar prints and the electronic

version 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 to file the plat with the County Recorder within thirty (30) days of the date of signature.

Section 4. DESIGN PRINCIPLES AND STANDARDS

A. GENERAL

1. In determining whether an application for approval shall be granted, the Commission shall determine if the plat conforms to the principles and standards required herein, which are deemed minimal; and whenever applicable requirements of other County Ordinances are higher or more restrictive, those requirements shall control any application for plat approval.
2. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and value to the proposed development.
3. Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics. Subdivisions filed under the terms of this ordinance may be required to install sanitary sewers if required by the applicable zoning district or if deemed necessary and reasonable by the Commission due to nearness to pre-existing sanitary sewers.
4. The subdivision layout shall be of such character that it protects the health, safety and general welfare of the County and its residents.
5. In designing a street system, the subdivider shall be guided by the following principles:
 - a. Adequate vehicular and pedestrian access shall be provided to all parcels.
 - b. Street connections into and from adjacent areas may be required.
 - c. Local street patterns shall provide reasonable direct access to the primary circulation system.
 - d. Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.

- e. Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.
- f. Traffic generators within residential areas shall be considered in the design of the circulation pattern.
- g. Planning and construction of residential streets shall clearly relate to their local function.
- h. Local streets shall be designed to discourage excessive speeds.
- i. Pedestrian-vehicular conflict points shall be minimized.
- j. The space devoted to street uses shall be minimized.
- k. The number of intersections shall be minimized.
- l. Local streets shall be related to the topography.

B. GENERAL STREET STANDARDS AND REQUIREMENTS

- 1. Current AASHTO Standards shall be followed as a design standard unless otherwise specified in this Ordinance. Construction of roadway and drainage elements shall conform to standards and procedures in the current INDOT specifications for each class of material installed, and meet any road design standard specifications as may be adopted by the Morgan Board of Commissioners.
- 2. All roadways shall be designed for a 20-year minimum service life. The design parameters shall be based upon anticipated traffic flow, on-site soils' analysis and other parameters as determined by the County Engineer. The specifications shall allow for innovative construction techniques to be utilized upon acceptance by the County Engineer.
 - a. For a subdivision with 20 or fewer proposed lots, and a proposed lot density no greater than that allowed by either the R-1 or R-2 zoning district standards of the Morgan County Zoning Ordinance, the roadways need not be designed by a licensed engineer, provided that the developer will sign an agreement with the county certifying that the roads have been prepared to last for 20 years. The developer shall also post a 5-year bond with the county.
- 3. A traffic impact study may be required for all commercial and industrial subdivisions, developments which contain more than 150 single family residential units or other developments which are expected to significantly impact the surrounding roadways or requires relocation or other

modifications of existing roadways. The study shall be prepared and certified by an experienced traffic engineer. The study may require any or all of the following elements:

- a. Signal warrants
 - b. Trip generation analysis
 - c. Traffic distribution and assignment
 - d. Capacity analysis
 - e. Level of Service analysis
4. Along collector or arterial roadways, access will be limited to a single access point. All street access shall be subject to the approval of the County Highway Department as to access location, type and size. The Commission may permit additional access points only if they are needed to improve the safety and traffic circulation in the area.
 5. Half streets shall not be permitted.
 6. No street names may be used which will duplicate or be confused with names of existing streets, unless considered special exceptions by the Commission. The streets which are logical extensions, continuations of, or alignment with any existing streets, either constructed or appearing on any validly recorded plat, shall bear the names of such existing streets. Street addresses shall be provided for every lot conforming to the county addressing standards.
 7. Right-of-ways and paving for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the Commission's opinion, such extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts. In any event, no subdivision shall be designed so as to create or perpetuate the land-locking of adjacent undeveloped land. Roadway design shall be based upon the anticipated future development of surrounding lands.
 8. A temporarily dead-end street shall be permitted in any case which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turn-around shall be provided for any temporary dead-end street which extends 200' or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-end street is legally extended.

9. In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by this Ordinance, the subdivider shall dedicate additional width along either one or both sides of such streets of inadequate width so as to bring them up to standards, provided as the area to be used for widening is owned by the subdivider or under his control.

10. Refer to the zoning ordinance for line-of-site design requirements on corner lots.

FIGURE 4 – 1

In witness whereof the parties have hereunto set their signatures this

_____ day of _____, 20____.

Board of Commissioners of Morgan County, Indiana

_____ Chairman _____ Member _____ Member

Engineering Firm: _____

By: _____ Title: _____

Approved as to form and legality

By: _____
 Attorney for the Board of Commissioners

C. **GEOMETRIC STREET STANDARDS**

1. All dedicated rights-of-way shall conform to the following minimum dimensions and shall include additional rights of way to accommodate cross drainage structures and fill areas:

Arterial Streets	130'
Major Collector Streets.	100'
Minor Collector Streets.	70'
Local Streets	50'
Cul-de-sac Streets	50'
Cul-de-sac Turnarounds	50' radius
Crosswalks	10'
Utility Easements (refer to Section 4. F. herein)	

2. Street jogs with centerline offsets of less than 200' shall not be permitted.
3. All streets shall intersect at 90 degrees whenever possible for a minimum distance of 100 feet, however, in no instance shall they intersect at less than 80 degrees onto arterial or collector streets or less than 50 degrees onto local streets.
4. To insure adequate site distances, when the street centerlines deflect more than 10 degrees, connections shall be made by horizontal curves. The minimum centerline radius for local and cul-de-sac residential streets shall be 150' and for all other residential streets the minimum centerline radius shall be 200'.
5. A tangent of at least 100' shall be introduced between reversed curves on local and collector streets, 200' minimum for all other roadways.
6. Clear visibility for stopping sight distance on new streets, measured along the centerline of the street, shall be provided for at least 600' on all arterial streets, 400' on collector streets, and at least 200' on all local streets.
7. New subdivision's entrances shall have clear visibility for line of sight on existing roadways as follows:

<u>Posted speed limit</u>	<u>Min. line of sight</u>
30 mph	400 ft.
35 mph	470 ft.
40 mph	580 ft.
45 mph	710 ft.
50 mph	840 ft.
55 mph	990 ft.

8. The maximum longitudinal grade for arterial streets shall not exceed 7.5%; for collector streets, 10%; and for local streets, 10%; provided however, that within 200' of a street or railway intersection, the maximum grade permitted shall be 3%. Maximum grade of a cul-de-sac or other turn around shall be 3%. The minimum longitudinal grade for all types of streets shall be 0.5%.
9. Vertical curves conforming to AASHTO Standards shall be provided at all changes in grade. The minimum size for any vertical curve shall be 100 feet.
10. The maximum length cul-de-sac street shall be 800', measured along the centerline from the intersection at origin to the center of the circle, except under physical or topographical conditions meeting Plan Commission approval. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of 100' for residential use and 120' for industrial use, unless the Commission approves an equally safe and convenient form of space instead of the required turning circle.

D. BLOCK STANDARDS

1. Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required in the area by this Ordinance and to provide for convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved.
2. The maximum block length shall be 1,200'. In the design of blocks longer than 800', the Commission may specify the provision of pedestrian crosswalks near the center, or wherever most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center or other significant site.
3. Residential blocks shall be of sufficient depth to accommodate two tiers of lots of minimum depth, except where reverse frontage lots bordering on a freeway, arterial street or floodplain are used.

4. No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public areas.

E. LOT STANDARDS

1. Subdivision lots shall be adequate for the type of development and land use proposed, as designated, shall conform to the residential district identified in the Zoning Ordinance requirements.
2. The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
3. Every lot or parcel shall have sufficient frontage and access to a public street designated, designed, and improved in accordance with the terms of this Ordinance.
4. The minimum lot width shall conform to the Zoning Ordinance and shall be measured at the building setback line. All lots shall be required to have a minimum of 50'-0" frontage on a county road.
5. The minimum yard size (setback lines) required for each lot shall be in conformance with the Zoning Ordinance.
6. Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines on both streets.
7. Double frontage lots shall not be permitted except where the purpose, according to this Ordinance, is to buffer residential development from adverse influences or to minimize the number of intersections with arterial streets and highways. A no-access screen planting buffer strip of no less than 10 feet shall be provided along lot lines adjoining such adverse influence or arterial street.
8. Lots abutting a watercourse, drainage-way, channel or stream shall have a minimum building setback of 75' from all of the mentioned waterways, unless modified by the Morgan County Drainage Board..have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required for front, rear and side yards.
9. A lowest Exterior Building Grade shall be provided for each lot. The elevation shall be a minimum of 2 feet above the emergency flood outlet stage for each lot. (This includes localized flooding outside of the Federally regulated 100 year flood zones.)

F. EASEMENTS

1. Adequate areas of suitable size and location shall be allocated for utility

easements. Such easements shall provide reasonable continuity from block to block and shall be at least 20' in width located at all rear lot lines, and at least 15' in width located at least along every other side lot line. The Commission may require larger easements when deemed necessary.

2. Where a subdivision is traversed by a watercourse, drainage-way, channel or stream, adequate areas for storm water or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said watercourses.
3. Whenever practicable, the subdivider shall be encouraged to design for the placement of utility lines under ground, following the required standards and specifications established by each utility company. The location of underground utility systems shall be shown within appropriate easement lines on the proposed plat.

G. COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

1. It is recognized that the subdivider, creating commercial and industrial subdivisions, faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Commission shall be upon street layout and block arrangement.
2. Generally, the procedural requirements shall be for the owner to follow the regular procedure outlined herein, however, the subdivider need show only two (2) lots along with the street and block layout. Then, from time to time, as prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded subdivision plat for consideration. Regular procedural requirements of the Commission following the receipt of a final subdivision plat shall then apply, except those streets that have been built by following an approved set of plans on the previously approved final plat shall not have to be rebuilt because of adoption of new criteria. This shall also apply to storm drainage facilities within said subdivision unless run-off characteristics have been changed by newly proposed improvements or unauthorized existing improvements. This provision does not eliminate the need for a site drainage plan, erosion control plan or installation of required elements. The installation of these elements shall be required as newly platted lots are added and as the need to detained runoff increases.
3. Commercial projects shall be subject to "minimum lot areas" set forth in the Morgan County Zoning Ordinance. Each distinct business use shall occupy a separate lot, exempting strip centers, malls, or buildings, containing more than one business.

H. SOIL LIMITATIONS AND NATURAL FEATURES

1. Except in subdivision where allowed by zoning, land with soils which exhibit slight or moderate limitations* to urban development may be subdivided into building sites to be served by septic tank sewage disposal systems if in accord with all other applicable provisions herein.

3. Except in subdivisions where allowed by zoning, land with soils which exhibit severe limitations* to urban development due to slopes over 12%, seasonal high water table, ponding water, percolation rate over 60 minutes per inch, or other features harmful to the safety, welfare, or general health of future residents, shall not be subdivided unless adequate remedies to overcome said limitations are formulated by the subdivider and approved by the Commission and other appropriate public agencies.

I. EARLY WARNING SIRENS

1. Requirement Establishes
 - a. Every Minor Plat Subdivision, Major Plat Subdivision, Planned Unit Development, Commercial Development, or other development which, as designed, platted, or constructed, meets or exceeds one or more of the size, occupancy, location, or use specifications in this section shall provide for installation of Early Warning Sirens.

 - b. The requirement to provide for Early Warning Sirens and any associated requirements may be waived by the Morgan County Plan Director, the Morgan County Plan Commission or the Morgan County Board of Zoning Appeals for good cause.

2. Size, Occupancy, Location or Use specifications
 - a. One hundred (100) or more acres in size

 - b. One hundred (100) or more dwelling units

 - c. Seven hundred (700) or more employees on premises at any time

 - d. One thousand (1,000) or more visitors on premises at any time

 - e. Uses as a fire station, police station, or local government office or administration building

3. Purchase, Installation, Maintenance, Activation, Replacement
 - a. Every development subject to this section shall submit a proposal to the Morgan County Plan Commission provided for:

- i. Identification of the location and operational status of alleexisting early warning sirens in the Township in which the subject development is located
- ii. Purchase of, or contribution toward the purchase of early warning sirens;
- iii. Location or placement of early warning sirens in the subject development
- iv. Maintenance and repair of all early waning sirens located in the subject development
- v. Activation of all early warning sirens located in the subject development
- vi. Replacement of all early warning sirens located in the subject development at such time as said sirens become inoperable or obsolete
- vii. Any other requirements establishes by the Morgan County Plan Commission

Section 5. IMPROVEMENTS AND INSTALLATIONS.

A. GENERAL

1. Subdivision improvements shall be designed, furnished and installed in accordance with requirements herein and other applicable criteria. Whenever requirements of any other governmental unit are higher or more restrictive than this Ordinance, those requirements shall control any application for plat approval.
2. Prior to any construction in a subdivision, the subdivider shall submit copies of the erosion control plan and construction drawings for street drainage facilities and all other required improvements to the Planning Commission at least thirty (30) days before construction begins. Construction drawings for the sanitary sewer system shall also be submitted to the Morgan County Board of Health, Indiana State Department of Health, Indiana Department of Environmental Management and such other state agencies as may be appropriate, at least sixty (60) days before construction begins.
3. Inspection of construction of all required improvements shall be under the direction of the Planning Commission. The subdivider shall sign an Agreement for Inspection and Testing Services with the County, as prescribed in the inspection and testing forms provided by the Department of Planning & Zoning.

B. STREETS

Improvements for streets shall be performed to meet the following minimum standards and requirements.

** As determined by the Soil Survey Data furnished by the U.S. Department of Agriculture, Soil Conservation Service assisting the Morgan County Soil and Water Conservation District.*

4. **Pavement Construction**

The County Engineer shall be notified at least 24 hours in advance of subgrade work, concrete paving, or asphalt paving.

The Board of Commissioners shall, when necessary and prudent and at the developer's expense, have core samples taken from the finished work to verify thickness and quality.

a. Subgrade

- i. Subgrade and proposed building areas, as shown on the approved plans, shall be graded to a smooth, true surface and to the required depth, and all soft and spongy places not affording a firm foundation will be dug out and refilled with compacted earth or stone. The entire area shall be so compacted as to meet a Proctor dry density of 95% or better. Stone backfill gradation shall have the approval of the County Engineer. The subgrade shall be rolled with a roller having no less than ten (10) tons of force.
- ii. If dry, the subgrade shall be sprinkled or otherwise wetted prior to the time of laying the pavement for concrete pavements only. However, no pavement shall be laid on a muddy subgrade. The subgrade shall be maintained in a well drained condition at all times during construction.
- iii. The subgrade condition must be approved by the County Engineer or his representative before any stone base and/or pavement is placed. The final subgrade and stone base shall pass a proof roll test as directed by the County.

b. Concrete Street Pavement Standards

- i. This construction shall consist of reinforced or plain cement concrete laid as a pavement, in one course, on a 4" stone base, and conforming with lines, grades, thicknesses, and cross-sections shown on plans or otherwise specified. The concrete shall reach a minimum 4,000 P.S.I. compressive strength at 28 days.
- ii. Unless otherwise specified, concrete for pavement shall entrain 5% to 7% air, and shall conform to Indiana Department of Transportation specifications, Section 501.
- iii. The test for slump of concrete for reinforced concrete pavement shall be in accord with ASTM C143-52, and for paving, the maximum slump shall be 2". In no case shall

the water used, including any free water in the aggregate, exceed 5.8 gallons per bag (94 pounds) of cement used.

- iv. The two aggregates shall be proportioned to use the maximum amount of coarse aggregate to produce a workable mix. Fine aggregates shall not be less than 30% nor more than 50% of the total weight of the aggregate used in each cubic yard.
- v. Ready-mixed concrete shall be used in street construction except in extreme emergencies. Ready-mix suppliers shall provide certified mix analyses for all concrete provided by him.
- vi. Traffic shall not be allowed on a poured lane until a minimum of 5 days curing time has elapsed.
- vii. Construction shall proceed in an orderly fashion with the contractor assuring that adequate equipment and sufficient labor to expedite the work is on the job site at all times.
- viii. Concrete panels which are not square in shape shall be reinforced with a minimum of one layer of 6 x 6 6/6 W.W.F.
- ix. At the close of each day's work, a construction joint shall be made not less than 10'0" from the preceding transverse contraction joint. Sections less than 10'9" shall not be permitted.
- x. The upper edges of all preformed expansion material in joints shall be parallel to the surface of the pavement and level therewith.
- xi. Transverse expansion joints shall be constructed only as specified on plans.
- xii. In the construction of an expansion joint with load transfer, the joint shall comply with plan details.
- xiii. A joint holder will be required to hold the dowel bars accurately in place perpendicular to the cross section of the pavement and to the line of the joint.
- xiv. A dummy joint shall be constructed at 4'-0" off back of curb and parallel with the curb line for collector streets.
- xv. Contraction joints shall be installed at 12'-0" intervals, at least one quarter of slab thickness, early enough to control

cracking, but late enough to prevent damage to blade action if sawed, to slab surface and to the concrete immediately adjacent to the joint.

- xvi. At junctions with an unpaved street, new pavement shall be thickened for at least 12'-0", gradually increasing thickness to not less than one and one-third times as thick as the designed slab.
- xvii. Wire mesh, if shown on plans or requested by the County Engineer, shall be placed as directed and comply with provisions of AASHTO M55" welded steel wire fabric for concrete reinforcement.
- xviii. Unless otherwise specified, mesh shall be placed in the middle third of concrete and parallel to finished subgrade. The ends shall not be more than 2" back from joints, and the edges not more than 3" from forms. Sheets shall be lapped at least the width of one mesh.
- xix. Asphalt filler shall meet the detailed requirements of the Indiana State Highway Department AE150.
- xx. Immediately upon completion of finishing process, the concrete shall be properly cured by use of curing blankets, plastic sheets, or liquid membrane-forming compounds conforming to ASTM C30953T. Failure to comply with requirements herein will result in rejection of the work.

c. Asphaltic Concrete Street Pavement Standards.

- i. This construction shall consist of hot asphaltic concrete on a compacted stone base, with pavement thickness coordinated with the County Engineer.
- ii. All materials, mixtures and workmanship shall conform with current Indiana Department of Highway specifications that do not conflict with this Ordinance.
- iii. Stub ends of streets shall have each layer of asphalt material extend at least 2 feet beyond the end of the subsequent layer.
- iv. Coarse aggregate for asphaltic concrete pavement shall be Class A crushed limestone or crushed aggregate.

5. **Minimum Paved Surface Dimensions**

a. Local and cul-de-sac streets:

Width with curb and gutter	28'
Width without curb and gutter.....	24'
Terminus diameter on cul-de-sac (Residential use only)	80'
Radius at intersections	25'

b. Collector streets:

Width with curb and gutter.....	32' *
Width without curb and gutter	28'
Radius at intersections	25'

*Back-to-back of curb

c. Geometrics of cul-de-sacs with landscaping will be reviewed individually and may require a larger overall diameter than listed. Drainage will be provided in all islands.

d. At an intersection of a subdivision street with an existing street or road, the subdivider may be required to install deceleration, acceleration and passing lanes along an existing street in accordance with Figure 5-1.

e. A graphical specification showing the proposed roadside ditch location and road widening for any adjacent street to a project is shown in Figure 5-2.

6. **Pavement Sections**

The minimum thickness of a sub-base, base course and pavement shall be as follows:

a. Local and Cul-de-sac Streets

A 6” plain concrete pavement on 4” of compacted crushed stone on compacted subgrade, or a 4” hot asphaltic concrete pavement on 9” of compacted crushed stone base on a compacted subgrade.

b. Collector Streets

A 7” plain concrete pavement on 4” of compacted crushed stone on compacted sub-grade, or a 7” hot asphaltic concrete pavement on 8” of compacted crushed stone base on compacted subgrade.

c. Arterial Streets

An 8” plain concrete pavement on 4” of compacted crushed stone on compacted subgrade or a 9” hot asphaltic concrete pavement on 8” of compacted crushed stone base on a compacted subgrade.

Higher standards than indicated in this section may be required by the Commission or the Board of Commissioners to provide for extraordinary traffic volumes or other abnormal characteristics.

All materials, mixtures and workmanship shall conform to current Indiana Department of Highway specifications except as modified by County specifications.

7. Curbs and Gutters

Wherever a proposed subdivision has more than two lots per acre of land platted into lots or whenever the average lot frontage is less than 120 feet, there shall be provided curbs and gutters. Curbs and gutters in residential areas may be approved roll type with 4” curb and 24” minimum width made of 6-bag concrete, and shall be 6” vertical face in other areas and on arterial streets. Curbs shall have 1½ “ minimum depth control joints every 10’-0”, and ½” expansion material at all sides of structures.

8. Sidewalks

When any proposed subdivision contains more than two lots per acre of land platted into lots, sidewalks shall be provided on both sides of the street. They shall be at least 4’-0” wide and 4” thick, under-laid with adequate granular material, sloped ¼” per foot toward the street and be located no closer than 1’-0” from property lines, and no closer than 1’-0” from the back of the curb. Handicap access ramps shall be provided where sidewalks join streets and at street intersections.

INSERT

DESIGN SPECIFICATIONS FOR SUBDIVISION ENTRANCES

FIGURE 5-1 ENTRANCE ARRANGEMENT

As page 47

INSERT

FIGURE 5-2

ROADSIDE DITCH LOCATION AND DETAIL FOR ROAD WIDENING

As

PAGE 48

7. Street Identification Signs

It shall be the responsibility of the subdivider to provide and install street identification signs at all street intersections within the subdivision prior to the construction of any permanent improvements other than those specifically set forth by this Ordinance. Said signs and posts shall conform to the following standards or be of a design approved by the County Commissioners.

- a. Each signpost shall consist of a 2” galvanized Type A Post 12’- 0” long with a minimum 3’ below grade, weighing 2 pounds per foot.
- b. Meet size and color standards of the Morgan County Highway Department.
- c. Street signs shall be located within the street right-of-way, but no closer than 6’-0” from the edge of the traveled portion of the street, as shown on construction drawings.

8. Stop and Speed Limit Signs

It shall be the responsibility of the subdivider to provide and install Stop Signs and Speed Limit Signs prior to the release of the Performance Guarantees as well as other signs as required per the MUTCD. The location of the Stop and Speed Limit Signs shall be approved by the Board of Commissioners prior to installation. The maximum posted speed limit shall be by the Board of County Commissioners. Said signs and posts shall conform to the following standards or be of a design as approved by the Board of County Commissioners:

- a. Each sign post shall consist of a 2” galvanized 12’-0” Type A post, weighing 2 pounds per foot, with a minimum of 3’-0” below grade.
- b. Each stop sign shall be a minimum of 24” in sign face area, and be of engineering grade finish. No baked-on enamel finish is allowed
- c. Each speed limit sign shall be vertical rectangle with dimensions of 24” by 30” and be of engineering grade finish. No baked-on enamel finish is allowed
- d. Stop signs shall be installed so that the edge of the sign is a minimum of 2’-0’ from the edge of the traveled portions of the street. The sign height shall be a minimum of 6’-0’ from the top of the curb to the bottom of the sign
- e. Speed limit signs shall be located within the street right-of-way, but no closer than 6’-0’ from the edge of the traveled portion of the street, as shown on construction drawings

C. DRAINAGE

Drainage is governed by the Morgan County Drainage Board. Copies of Drainage Ordinance and design manual available in the Morgan County Surveyor's Office.

D. SANITARY SEWAGE DISPOSAL

A sanitary system shall be designed and constructed by the subdivider to provide adequate sewage service for all lots in a proposed subdivision. A subdivision plat shall not be considered for final approval until improvement plans for a sewage system by one of the following methods have been submitted to the Board of Commissioners for approval:

1. In all subdivisions where required by Zoning, a permanent sanitary sewer collection system, including all pipes and manholes, shall be provided and said system shall be connected to new or existing public or private sewage systems in accord with plans and specifications thereof.
2. In all subdivisions where allowed by Zoning, a private sewage disposal system for each lot shall be designed in accord with Indiana State and Morgan County Departments of Health requirements.
3. For a subdivision with greater than 20 proposed lots, and which has a proposed lot density equal to or greater than the R-3 zoning district standards of the Morgan County Zoning Ordinance, in the event that the developer provides each lot with a private sewage disposal system, the developer shall install rough-in piping and manholes at the time of construction of the roads to allow for future connection of the lots in the subdivision to a public sewage treatment system in the event that one becomes available.
4. For a subdivision with greater than 100 proposed lots, and which has a proposed lot density equal to or greater than the R-3 zoning district standards of the Morgan County Zoning Ordinance, a permanent sanitary sewer collection system, including all pipes and manholes, shall be provided and said system shall be connected to new or existing public or private sewage systems in accordance with plans and specifications thereof.

E. WATER SYSTEM

A water distribution system shall be provided by the subdivider to provide adequate water service for all lots in the proposed subdivision. A subdivision plat shall not be considered for final approval until improvement plans for a water system by one of the following methods has been submitted to the Board of Commissioners for approval except as provided below:

1. A permanent water distribution system including pipes, fire hydrants, valves and other appurtenances shall be provided, and said distribution

system shall be connected with an approved public or private water system in accord with plans and specifications therefore.

2. If the area proposed to be platted is not near adequate public or group water supply systems, before any structure is occupied, an individual water supply system for such lot shall be constructed and installed in accord with plans and specifications therefore. Lakes, ponds, and cisterns are not considered adequate private water systems. Dry hydrants will be placed in available ponds and approved by the local fire department having jurisdiction. All private water and sewage disposal systems shall be installed in compliance with Indiana State Department of Health requirements.
3. For a subdivision not served by a public water system that has fire hydrants as features, the developer shall install a dry hydrant at the roadside nearest each lake, pond, or water retention structure within or adjacent to the subdivision. The developer shall check with the appropriate local fire protection agency to determine what connection standard to install on hydrant.

F. **MONUMENTS AND MARKERS**

1. All Section corners and Quarter Section corners shall be monumented and perpetuated
2. Legal descriptions of subdivisions shall be referenced to 2 known section corners
3. One permanent monument in each section of a subdivision shall be installed by the subdivider to establish elevation control and shall have the following characteristics:
 - a. Be 4" x 4" x 48" concrete, with the top flush with grade
 - b. Contain the elevation based upon U.S.G.S. datum to the nearest one-hundredth of a foot.
 - c. Be installed prior to the acceptance of the maintenance bond on that section.
 - d. Have its location and elevation filed with the County Surveyor prior to acceptance of the maintenance bond on that section.
4. Permanent markers shall be installed at:
 - a. All new and existing street centerline intersections. Monuments at these locations shall be 10" extendible markers (Harrison or an approved equal) epoxy grouted into a 6" diameter by 12" deep core in the pavement. The markers must have a precise point marked in

the cap. The top of the monument shall be ¼” below the finish pavement surface.

- b. Any change in direction of a street centerline including the beginning and ending of all curves in street centerlines. Also, a monument shall be placed at the center point of all cul-de-sacs. Monuments at these locations shall be 5/8” minimum diameter by 12” long steel rod epoxy grouted in place with the top of the rod ¼” below the finish pavement surface. Any cul-de-sacs with a center landscape island shall have the monument encased in 4” x 4” x 48” concrete with the top of the monument flush with the existing grade.
- c. All outside boundary corners and angle points of a final plat. These monuments shall be a 5/8” diameter rod set in 4” x 4” x 48” concrete with the top of the monument flush with existing grade.

- 5. All lot corners shall be marked with steel rods at least 5/8” in diameter and 30” in length, however, this is not required upon initial development, but rather said marker shall be in place in order to receive an Occupancy Permit as required in the Zoning Ordinance. All other markers shall be installed prior to the release of a performance bond or surety and an affidavit signed by the land surveyor acknowledging that the markers were in fact installed, which shall be submitted with the maintenance bond.
- 6. All U.S., state, or county or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

Section 6. COMPLETION, MAINTENANCE AND ACCEPTANCE OF OF IMPROVEMENTS

A. COMPLETION OF IMPROVEMENTS

Before the plat is executed by the designated official, the applicant, shall:

- 1. Complete all 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 approved by the Commission.
- 2. Dedicate public improvements to their respective boards, free and clear of all liens and encumbrances. Dedicate by fee, simple title all public right of ways to the Board of Commissioners,

B. MAINTENANCE OF IMPROVEMENTS

The Board of Commissioners shall not accept required public improvements until the subdivider has submitted a certificate attesting to satisfactory completion of improvements and the subdivider’s engineer or surveyor has provided the Board

with certified “as built” construction plans of the public improvements including the utilities, indicating location, dimensions, materials, and other information required by the Board of participating jurisdiction. Upon such certification and upon receipt of a maintenance bond, the Board shall thereafter accept the applicable public improvements in accordance with established procedures. Maintenance and repair shall remain the responsibility of the subdivider until the maintenance bond expires.

C. TEMPORARY PUBLIC IMPROVEMENTS

The applicant shall build and pay for all costs of temporary public improvements required by the Commission and shall maintain the same for the period specified by the Commission. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the Commission a separate suitable security for temporary facilities, which Security 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).

D. COST OF PUBLIC IMPROVEMENTS

All required public improvements shall be made by the applicant at his expense without reimbursement, unless sharing of expenses is agreed upon by the board. A non-refundable fee to cover the cost of construction inspection shall be collected by the County Engineer’s Office at a rate of \$1.50 per lineal feet of roadway.

E. MAINTENANCE OF PUBLIC IMPROVEMENTS

The subdivider shall be required to file proof of financial responsibility with the Board prior to acceptance, in an amount of twenty-five percent (25%) of the cost of all public improvements, and in a form satisfactory to the Board Attorney, in order to assure the satisfactory condition of the required public improvements, for a period of three years after the date of their acceptance by the Board.

F. WAIVER OF REQUIRED PUBLIC IMPROVEMENTS

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

Section 7. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

A. SKETCH PLAN FOR SUBDIVISIONS

Sketch plans submitted to the Commission, prepared in pen or pencil shall be drawn to a convenient scale of not more than one hundred feet (100') 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.
- c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

2. **Ownership**

- a. Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- b. Citation of any existing legal rights-of-way or easements affecting the property.
- c. Existing covenants on the property, if any.
- d. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of 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**

- a. Location of property lines, existing easements, burial grounds, railroad rights-of-ways, watercourses, and existing wooded areas or trees eight inches (8") or more in diameter, measured four feet (4') above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract, names of adjoining property owners (from the latest assessment rolls) within five 500 feet (500') of any perimeter boundary of the subdivision.
- 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 adjacent to the site and utility rights-of-way.

- c. Approximate topography, at the same scale as the sketch plan. (Normally showing two (2) foot contour intervals but the Administrator may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes.)
- d. The approximate location and widths of proposed streets.
- e. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
- f. The approximate location, dimensions, and areas of all proposed or existing lots.
- g. The approximate location, dimensions and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- h. 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.
- i. A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.
- j. In addition to the Sketch Plan, the subdivider shall submit a report from Morgan County Soil and Water Conservation District indicating any limitations of the soils in the proposed subdivision with respect to building development, road construction, drainage, sewage disposal, erosion control, or other information that might assist in the review of the subdivision.
- k. An area map showing the total drainage area.

B. PRELIMINARY PLAT FOR SUBDIVISIONS:

- 1. **General.** The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one hundred (100) feet to

the inch, may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one sheet is used.

2. **Features.** The preliminary plat shall follow the following:
 - a. The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; and the names of adjoining streets.
 - b. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
 - c. The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.
 - d. The location and width of all existing and proposed streets, alleys, and other public ways, and their rights-of-ways, and of easements and building set-back lines.
 - e. The locations, dimensions, and areas of all proposed or existing lots.
 - f. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
 - g. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
 - h. The date of the map, approximate true north point, scale, and title of the subdivision.
 - i. Sufficient data acceptable to the County Surveyor 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 to be approved by the Commission.
 - k. Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.

- l. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be 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.
 6. Explanation of site easements, if any.
 7. Explanation of site reservations, if any.
 8. Endorsement of owner, as follows:

 Owner _____ Date _____
- o. All subdivision plats containing lands identified elsewhere by Ordinance as flood prone areas shall have the elevation of the 100 year flood plain.

C. CONSTRUCTION PLANS FOR SUBDIVISIONS.

General Construction plans shall be prepared for all required improvements in conformance with sections 4 and 5. Plans shall be drawn at a scale of no more than one inch equals fifty feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

- a. Profiles with proper stationing showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection, shall be shown. Show radii of all horizontal and vertical curves, lengths of tangents, and central angles on all streets.
- b. The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred (100) foot stations shall be shown.
- c. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights-of-ways, 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.

- d. Location, size elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroad 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 United States Coast and Geodetic Survey 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.
- e. Topography at the same scale as the sketch plan with a contour interval of two (2) feet, referred to sea-level datum. All datums provided shall be latest applicable United States Coast and Geodetic Survey datum and should be so noted on the plan.
- f. All specifications and references required by the County's construction standards and specifications, including a site-grading plan for the entire subdivision.
- g. Notation of approval as follows: (On Title page only.)

Owner _____
Date _____
Commission Date _____
President _____
- h. Title, name, address, and signature of the professional engineer and /or surveyor, and date, including revision dates.
- i. All subdivision plats containing lands identified elsewhere by Ordinance as flood prone areas shall have the elevation of the 100 year flood plain.
- j. Location and size of all road name and traffic control devices.

D. FINAL PLAT FOR SUBDIVISIONS

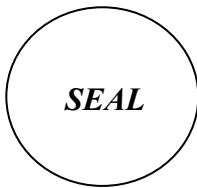
1. **General.** The final subdivision plat shall be presented in India ink on tracing cloth or reproducible mylar at an appropriate scale and contain the same information, except for any changes or additions required by the conditions of primary approval.
 - a. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Commission, in accordance with these regulations.
 - b. Endorsement of the County Health Department.
 - c. All monuments erected, corner, and other points shall be noted at the representation thereof or by legend; metal monuments shall indicate type of metal, and diameter, length, and weight per lineal foot of the monuments.
 - d. Contain a statement to the effect that the Board of Commissioners do not enforce subdivision covenants.
 - e. An electronic copy in a CAD drawing format shall be provided.
2. **Preparation.** The final subdivision plat shall be prepared by a licensed land surveyor using the following certificate:

SURVEYOR'S CERTIFICATE

SURVEYOR'S SUBDIVISION CERTIFICATION

I, name of Surveyor, an Indiana Registered Land Surveyor, hereby certify that, to the best of my information, knowledge and belief, this plat represents a subdivision of land in accordance with the County of Morgan Zoning Commission. That the perimeter of said subdivision was surveyed in accordance with Indiana Administrative Code 865-1-12 and that all information required by said rule, including surveyor's report, is shown hereon or is given in a separate boundary survey that has been recorded in the Office of the Recorder of Morgan County as Instrument Number _____. Further that all monuments required by 865 IAC 1-12 and this ordinance have been set or will be set prior to the transfer of any lot in this subdivision

Certified this _____ day of _____, 20__.



Signature of Land Surveyor

3. PLAT CERTIFICATES AND DEDICATION
The following form shall be used in platting:

COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY IC-36-7-4 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND BY AN ORDINANCE ADOPTED BY THE COUNTY COUNCIL OF THE COUNTY OF MORGAN (INDIANA), THIS PLAT WAS GIVEN APPROVAL BY THE PLAN COMMISSION OF MORGAN COUNTY AS FOLLOWS:

Adopted by the Morgan County Plan Commission at a public meeting

Held on the _____ day of _____, 20____.

Morgan County Plan Commission Primary Approval

By: _____
Chairman

Secretary

Morgan County Plan Commission Secondary Approval

By: _____

Section 8 MINOR PLATS

- A. **GENERAL**: After a determination by the Plan Commission that a new dedicated road (The County Engineer may require that parcels share an easement, in order to avoid multiple driveways on a county road.) Is not necessary and/or adequate access to a public road can be provided; the Owner or Subdivider may apply for a minor plat. A Minor Plat Subdivision shall not exceed six (6) lots, including the root or parent parcel. For Minor Plats the Commission may waive primary plat submittal and proceed with Secondary Plat (final plat) approval provided all provisions of this section have been met. All minor plat subdivisions platted, designed, intended or used for erection of a residential structure, must be zoned or be re-zoned as residential districts per the Morgan County Zoning Ordinance.

B. **PLAT REQUIREMENTS AND SUBMITTALS**

1. On the face of the plat shall appear the name and address of the Owner and Developer and the name, address and Indiana registrations number of the engineer and surveyor who prepared the plat.

2. A plat shall show accurate boundary lines, with dimensions and angles that provide a survey of the tract together with those requirements of 865 IAC 12 or a recording reference to a boundary survey of the perimeter of the minor plat performed in accordance with 865 IAC 12.
3. Accurate distances and directions to the nearest streets intersecting the boundaries of the tract that is subdivided shall be given.
4. Accurate metes and bounds, description of the boundary of the tract.
5. Show accurate locations of easements for access, utilities, drainage, signs, and landscaping together with any limitations on such easements. Easements for utilities and drainage shall be provided if required by the Commission, County Engineer, or County Surveyor.
6. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
7. Show street names with a statement that the Morgan County Highway Department or 911 Coordinator has approved names.
8. Building setback or front yard lines and dimensions. All setbacks shall be measured from the property line, or access easement line, whichever provides the greater setback.
9. Show existing: buildings; driveways; septic systems, utility transmission lines; existing easements; lakes, ponds, streams; and public streets and roads together with dedicated right-of-way.
10. Provide four copies of complete plans and specifications for the improvements that are required by this ordinance. The County Surveyor or Commission may require a topographic survey to show that there is adequate drainage, septic system sites, access or other matters that could be a concern for safety, health and welfare of the community. The County Surveyor may waive the requirement for detailed construction plans for minor plats.
11. Restrictions of all types that will run with the land and become covenants in the deeds for lots shall be shown on the plat or referenced by recording reference.
12. North point, scale and date.
13. Certification by a registered land surveyor in accordance with Section 7.D.2. of this Ordinance shall appear on the plat.
14. Certificate for approval by the Commission in accordance with Section 7.D.3 of this Ordinance shall appear on the plat.

15. A statement in writing from the Morgan County Health Department of Indiana State Department of Health, if the proposed subdivision would be served by individual sewage systems. The statement shall indicate that the minimum requirements for approval of Septic systems by the Health Department can be met for the individual lots in the subdivision.
16. Notice to the public shall be made in compliance with Section 9.F to J. At the hearing, the Plan Commission may make Secondary Plat (final plat) approval or, if additional time is needed, the public hearing can be continued, as the Plan Commission deems necessary.
17. The original drawing of the plat of the subdivision shall be drawn to an appropriate scale provided that if the resulting drawing would be over 36 inches in longest dimension a scale of 100 feet per 1 inch may be used and filed in sections. Four blue or black line prints and a reproducible velum or mylar shall be submitted.
18. If construction drawing or minor plat plan requires improvements on public right-of-way or other infrastructures, improvements that will be dedicated to the County or if such improvements are required by the Commission, then surety must be provided in accordance with this Ordinance.
19. The application shall be accompanied by the non-refundable fee prescribed in the Fee Table. Said fee shall be paid to the Auditor of Morgan County.
20. The subdivision, which has a common drive, shall have a covenant for perpetual maintenance shown on the face of the plat that will be presented for approval of the Plan Commission.
21. A statement certified by a registered engineer or registered land surveyor stating that the development has been designed in accordance with IN Code 36-9-27-69.5 and submitted to the Morgan County Drainage Board.
22. All drainage and utility easements shall be separate if open drainage is being used. Where a county road is involved or a road not dedicated to the County, then the County Engineer may require separate easements for future sanitary sewers in addition to other utility easements.
23. Any minor plat that adjoins a county road must designate and grant a dedicated right-of-way to Morgan County. Width of the right of way to be dedicated shall be determined by the Morgan County Highway Engineer. In no case shall the dedicated right-of-way be less than 25 feet. Developer shall provide a letter from the Morgan County Highway Engineer stating the required right-of-way width to be dedicated. Proof shall be submitted of having obtained a drive permit from the Morgan County Highway Department for each proposed street that is to be connected to an existing county road.

24. Any minor plat that is not recorded in the records of Morgan County within one-year from date of approval by the Commission is void.
25. No construction on any tracts or lots shall begin until the economic development fee is paid to the office of the Auditor of Morgan County, so long as that fee is in effect.
26. Final plats submitted for approval shall bear street addresses, as assigned by the Morgan County E-911 Coordinator (or authorized representative), for each lot, site, parcel, or unit designed or intended to be used for erection of a structure.

Section 9 ADMINISTRATION

- A. **AMENDMENT.** In accord with state law, the Board of Commissioners may consider amendments to this Ordinance as proposed by the Board of Commissioners, the Commission, or by citizen's petition. Any proposed amendment shall be referred to the Commission for public hearing, consideration and report before final action is taken by the Board of Commissioners
- B. **ENFORCEMENT.** No plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until approved in the manner prescribed herein. It is recognized that there was no county-wide planning and zoning within Morgan County for several years prior to the adopting of the Morgan County Zoning Ordinance of 2001. During that period, many developers recorded perimeter descriptions and plats of proposed interior lots without approval by the Board of Commissioners. These developers did not deed and record interior lots. Enforcement of this ordinance shall be suspended, as against such developments for a period of six months following date of adoption, provided the owners of record as of 1-1-03, record deeds with interior lot descriptions within 6 months. Areas within such platted perimeters not so deeded and recorded shall be subject to the future enforcement of the ordinance. All developers so recording interior lots remain subject to any applicable zoning requirements contained elsewhere in this ordinance.

Enforcement of the ordinance shall be suspended only in favor of owners of record as of 1-1-03. Transferees taking ownership subsequent to 1-1-03 shall not be eligible for this suspension of enforcement.
- C. **RECORD OF PLATS** All plats of subdivisions, which have been submitted and approved, shall be copied in the Morgan County Plat Book and be kept among County records, by the County Recorder.
- D. **VALIDITY.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is adjudged invalid, such decision shall not affect the validity of remaining portions of this Ordinance.
- E. **VIOLATION PENALTY.** Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, be fined not less than Ten Dollars

(\$10) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), and for violations continued or renewed after one violation, each day's violation shall constitute a separate offense. In addition, action may be taken pursuant to IC 36-7-4-1013 through IC 36-7-4-1015 to enforce provisions of this Ordinance.

- F. **APPEAL.** Any person feeling himself aggrieved by action of the Commission may appeal to the Commission, in writing, within ten (10) days of receiving notice of said action, for modification of the action. Such appeal shall be considered at a public hearing, after compliance by said person with requirements of this Ordinance. Every decision of the Commission shall be subject to judicial review by certiorari.
- G. **REPEALING PROVISION.** All Ordinances or parts of Ordinances in conflict with provisions herewith shall be repealed by the passage of this Ordinance, except where such repeal is specifically not designated by this Ordinance.
- H. **ECONOMIC DEVELOPMENT FEE** No construction on any tracts or lots shall begin until the economic development fee is paid to the office of the Auditor of Morgan County, so long as that fee is in effect.

Section 10 HEARING NOTICE REQUIREMENTS

- A. **NOTICE OF PUBLICATION FOR PRIMARY PLAT HEARING:** After notification by the Commission of the date of public hearing for the Primary Plat the applicant shall place legal notice, in a newspaper of general circulation in the County of Morgan, which shall be published at least **fifteen (15) days** prior to the hearing date and proof of publication shall be made by an affidavit of the publisher attached to a copy of the notice taken from the paper in which it was published. Such affidavit shall include the name of the newspaper and the time of publication. Proof of publication shall be returned to the County Planning Administrator not less than **two (2) business days** prior to the public meeting.
- B. **NOTICE TO ADJACENT OWNERS OF PRIMARY PLAT HEARING:** additional notice shall be given to all adjacent landowners who are within two parcels in depth or six hundred sixty (660) feet from the subject property, whichever is least. Such notification shall be made at least **fifteen (15) days** prior to the hearing date and be made by certified or registered mail, return receipt requested. For purposes of this notice requirement, where the petitioner owns any of the adjoining parcels of ground, the subject property shall be deemed to include such adjoining land owned by the petitioner. For the purpose of determining the names and addresses of the legal adjacent property owners the records of the most recent tax assessment records as they appear in the offices of the Morgan County Auditor shall be deemed to be the true names and addresses of persons entitled to be notified.

PUBLICATION AND NOTICE TO ADJACENT LAND OWNER SHALL STATE:

1. The location, by address with distance and direction to nearest intersecting streets, together with legal description of the land involved in the petition.

2. That the petition may be examined in the County Planning Office, during regular business hours at 180 South Main Street, Suite 204, Martinsville, IN.
3. The docket number and the specific request set out in the petition with sufficient detail for the public to determine the extent of the proposed development. At a minimum, the acreage to be developed, number of lots and typical lot size shall be included.
4. The time and location that said petition has been set for public hearing by the Commission.

C. NOTICE SHALL ALSO BE PROVIDED TO THE PLAT COMMITTEE

D. NOTICE TO COMMISSION & BOARD MEMBERS Each member of the Plan Commission or Board of Zoning Appeals, as the case may be, shall be sent by regular mail at their address as provided by the Commission, not less than **fifteen (15) days** prior to the hearing a notice per Section B. above.

E. AFFIDAVIT OF NOTICE: The Petitioner shall furnish evidence of compliance of the notice requirements by filing a notarized statement with the Board or Commission as is appropriate. Said notice shall list names and addresses of the property owners to whom the notices sent out and the return receipts of postal registrations shall be attached to the affidavit in the same order as the property owners are listed on the affidavit and returned to the Office of the City Superintendent not less than **two (2) business days** prior to the Public Meeting.

Section 11 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law. Passed and adopted by the Board of Commissioners of Morgan County of Indiana on _____.

APPENDIX

Forms

APPLICATION FOR SKETCH PLAN REVIEW AND CERTIFICATE

CASE #: _____

DATE RECEIVED: _____

RECEIPT: _____ BY: _____

TECH REVIEW DATE: _____

NAME OF SUBDIVIDER: _____

STREET ADDRESS: _____

CITY, STATE, ZIP _____

PHONE: _____ (____) _____

I do hereby apply for Sketch Plan Review and Certificate of Approval of the following described subdivision in accordance with the provisions of the Comprehensive Plan. I am the owner(s) or the agent of the owner(s) of the real estate included in said subdivision.

NAME OF SUBDIVISION _____

CIVIL TOWNSHIP _____

SECTION _____ TOWNSHIP _____ RANGE _____ AREA (ACRES) _____ # OF LOTS _____

Will there be public improvements other than sidewalks? _____

I HEREBY AFFIRM, UNDER PENALTIES OF PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT.

SIGNATURE OF SUBDIVIDER(S)

Sign Here

Print Name Here

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, ON THIS _____ DAY OF _____, 20__

Notary Public, _____
Resident of Morgan County, Indiana

My Commission Expires: _____
10-01

APPLICATION FOR PRIMARY APPROVAL OF A SUBDIVISION PLAT

CASE #: _____

DATE RECEIVED: _____

RECEIPT NO.: _____ BY: _____

TECH REVIEW DATE: _____

NAME OF SUBDIVIDER: _____

STREET ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: _____ (____) _____

I do hereby request primary approval of the following described subdivision in accordance with the provisions of the Comprehensive Plan. I am the owner or agent of the owner(s) of the real estate included in said subdivision.

NAME OF SUBDIVISION _____

CIVIL TOWNSHIP _____

SECTION _____ TOWNSHIP _____ RANGE _____ AREA (ACRES) _____ # OF LOTS _____

Miles of new streets to be dedicated to the public (in hundredths):

Full Width _____ Half Width _____

I HEREBY AFFIRM, UNDER PENALTIES OF PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT.

SIGNATURE OF SUBDIVIDER(S)

Sign Here

Print Name Here

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, ON THIS _____ DAY OF _____, 20____.

Notary Public, _____
Resident of Morgan County, Indiana

My Commission Expires: _____
10-01

NOTICE OF PUBLIC HEARING ON SUBDIVISION PLAT

(TO BE RUN IN THE NEWSPAPER AND SENT TO ADJOINING PROPERTY OWNERS)

Notice is hereby given that the Morgan County Plan Commission, on the _____ day of _____, 20____ at _____ P.M., in the Public Hearing Room of the Morgan County Administration Building, 180 South Main Street, Martinsville, Indiana, will hold a public hearing on a request by (Subdivider) _____, for preliminary approval of (Subdivision) _____. Said subdivision involves the following described real estate in (Name of Township) _____ (Address) _____, to wit:

DESCRIPTION
(Both Legal and General Terms)

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

Interested persons desiring to present their views on said request, either in writing or verbally, will be given the opportunity to do so at the above mentioned time and place. Copies of the petition may be examined at the Morgan County Department of Planning & Zoning Office, 180 South Main Street, Suite 204, Martinsville, Indiana.

Petitioner _____
10-01

REQUEST FOR SECONDARY APPROVAL OF SUBDIVISION PLAT

CASE #: _____

DATE RECEIVED: _____

RECEIPT No.: _____ BY _____

TECH REVIEW DATE: _____

NAME OF SUBDIVIDER: _____

STREET ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: _____

I do hereby request determination of conformance with the preliminary plat for the following subdivision in accordance with provisions of the Comprehensive plan. I am the owner(s) or agent(s) of the owner(s) of the real estate included in said subdivision.

NAME OF SUBDIVISION _____

CIVIL TOWNSHIP _____

SECTION ____ TOWNSHIP ____ RANGE ____ AREA (ACRES) ____ # OF LOTS ____

Miles of new streets to be dedicated to the public (in hundredths):

Full Width _____ Half Width _____

I HEREBY AFFIRM, UNDER PENALTIES OF PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT.

SIGNATURE OF SUBDIVIDER(S)

Sign Here

Print Name Here

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, ON THIS _____ DAY, OF _____, 20____.

Notary Public, _____
Resident of Morgan County, Indiana

My Commission Expires: _____
10-01

CERTIFICATE OF APPROVAL

(All subdivisions)

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

MORGAN COUNTY PLAN COMMISSION

CHAIRMAN _____

ATTEST: SECRETARY _____

10-01

LAND SURVEYOR'S CERTIFICATE

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

I, _____, hereby certify that I am a registered land surveyor in the State of Indiana; that this plat correctly represents a survey completed by me on _____, 20____; that all monuments shown thereon actually exist, and that their location, size, type, and material are accurately shown; and that the computed error of closure of the boundary survey is not more than one foot in ten thousand feet; and that this plat complies with provisions of the subdivision Ordinance.

Signature: _____

DEDICATION CERTIFICATE

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

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

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

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

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

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

The foregoing covenants and restrictions are to run with the land and shall be binding on all parties and persons claiming under them until January 1, 20____, (twenty-five (25) year period is suggested), at which time said covenants and restrictions shall be automatically extended for successive ten-year (10) periods, unless by a majority vote of the then current owners of the sites, it is agreed to change such covenants and restrictions in whole or part.

Invalidation of any of the foregoing covenants and restrictions by judgment or court order shall in no way affect remaining portions not so affected.

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

Witness our hands and seals this _____ day of _____, 20____.

State of Indiana
County of Morgan

Before me, the undersigned Notary Public, in and for Morgan County, Indiana personally appeared

_____, and each separately and severally acknowledged execution of the foregoing instrument as his/her voluntary act and deed, for the purpose expressed herein.

Witness my hand and seal this _____, day of _____, 20____.

Notary Public _____
Morgan County, Indiana

My Commission Expires: _____

SUBDIVISION PERFORMANCE BOND

(TO BE ISSUED ON BONDING COMPANY STATIONARY)

Know all men by these presents that we, _____, as Principal,
and _____ as Surety, are held and firmly bound
unto Morgan County, Indiana, in the sum of _____
(\$ _____), for payment of which we firmly bind ourselves, our heirs, executors,
administrators and assigns.

The condition of this bond is such that if the Principal shall complete construction of
(complete description of improvements and property location): _____

according to the approved plans and specifications on file with the Morgan County Plan
Commission, on or before (not more than two (2) years from date of bond issue) _____,
then this obligation is null and void, otherwise to remain in full force and effect.

In witness whereof, we have hereunto set our hands and seal this _____ day of
_____, 20____.

Name of Principal _____

Signature _____

Attest _____

Name of Surety _____

Signature _____

Approved by _____

MORGAN COUNTY PLAN COMMISSION

Executive Director _____

PERFORMANCE BOND – SECURED BY DEPOSIT

Know all men by these presents:

That we) _____, in Morgan County, am held and bound and bind and obligate myself and my successors, assigns, executors, administrators, heirs and devisees to Morgan County in the sum of _____ Dollars (\$ _____) and have secured my compliance with this obligation by the deposit with the County Auditor of said sum of money, savings bond books duly assigned, or negotiable securities, in an amount satisfactory to the Morgan County Plan Commission.

The condition of the obligation is such that the undersigned or his/her successors, assigns, executors, administrators, heirs, or devisees shall have, within the time specified in the order of the Plan Commission, fully and satisfactorily performed in the manner specified all conditions, covenants, terms, agreements and provisions contained in the application signed by _____ and dated _____, 20____, and in the approval of a definitive plan of a certain subdivision entitled _____ and drawn up by _____ and dated _____, 20____, which was granted on _____, 20____, or is hereafter granted by the Plan Commission, then this obligation shall be null and void; otherwise, it shall remain in full force and effect and the aforesaid security for the payment of said sum shall be and become the sole property of Morgan County as liquidated damages.

In witness whereof, the obligator has hereunto set his/her hand and seal this _____ day of _____, 20____.

MORGAN COUNTY
IRREVOCABLE LETTER OF CREDIT

Bank _____

Date _____

Morgan County
Indiana

Dear Sirs:

We hereby open irrevocable credit in your favor, available by sight drafts for a sum not exceeding \$ _____ for the account of _____ (purchaser), to be accepted by your signed statement that draw is due to default or failure to perform by Purchaser, the following improvements on or before (insert date 24 months from date of this letter) _____:

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

in _____, a subdivision of Morgan County, Indiana. Acting through its Board of Commissioners, you will notify us when either (1) the improvements have been timely completed and credit may be released, or (2) the purchaser has failed to perform or is in default thereunder.

All drafts drawn hereunder must be marked: "Drawn under (name of Bank) _____, Credit Number _____, and dated _____."

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

We hereby agree with the drawer(s), endorser(s) and bona fide holder(s) of drafts under and in compliance with the terms of this credit that same shall be honored on presentation and delivery of documents as specified if negotiated on or before _____.

Very truly yours

Bank _____

By _____

MAINTENANCE BOND

(TO BE ISSUED ON BONDING COMPANY STATIONERY)

Know all men by these presents that we (Developer) _____, as Principal, and _____, as Surety, are held and firmly bound to Morgan County, Indiana in the full and just sum of _____ Dollars (\$_____), for the payment of which we bind ourselves and our heirs, executors, administrators and assigns jointly and severally, firmly by these presents, this _____ day of _____, 20___. The conditions of this obligation are such that if the Principal well maintains (description of items to be maintained)

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

=====

Signed and sealed this _____ day of _____, 20__.

Principal _____ Surety _____

Signatures _____

Witnesses _____

AGREEMENT BETWEEN OWNER AND MORGAN COUNTY
FOR TESTING SERVICES

Project Name _____ Project No. _____

The Board of Commissioners of Morgan County, Indiana agrees to provide all materials testing services, including transportation and testing equipment required to assure subject project is constructed in accordance with approved plans and specifications.

Such testing services will be in accordance with Morgan County policies and procedures and will ensure acceptance of the project into the County Highway Street System for maintenance, providing policies and procedures are adhered to by the owner or his representative.

The Engineer shall save Morgan County harmless from any claim for liability arising out of any act of the Engineer in executing provisions of this agreement. This agreement does not include construction engineering or construction stake out.

The Board of Commissioners agrees to perform such testing services for a fee set by Morgan County and/or an authorized representative of Morgan County for inspection or testing services to be complete on the project.

Estimated time for completion of the project is _____ weeks. Estimated cost for testing services is \$_____. The owner agrees to include ninety percent of the total estimated cost (nearest dollar \$_____) with this agreement, in the form of a check made payable to the Morgan County Department of Planning and Zoning.

The fee shall be based on the actual number of hours of testing required to complete the project. The balance of the total fee is to be paid upon acceptance of the completed work by the County prior to acceptance of the streets into the maintenance system of the Board of Commissioners.

In testimony whereof, the Owner has hereunto set his hand this _____ day of _____, 20 ____.

Owner _____

Contractor _____

Company _____

Company _____

Attest _____

Attest _____

In testimony whereof, the Board of Commissioners of Morgan County, Indiana hereby accepts the foregoing agreement and has herewith set its hand this _____ day of _____, 20 ____.

Chairman

Member

Member

Approved by the Morgan County Department of Planning and Zoning

_____, Director

AGREEMENT BETWEEN OWNER AND MORGAN COUNTY
FOR INSPECTION SERVICES

Project Name _____ Project No. _____

The Board of Commissioners of Morgan County, Indiana agrees to provide all inspection services, including transportation required to assure subject project is constructed in accordance with approved plans and specifications.

Such inspection services will be in accordance with Morgan County policies and procedures and will ensure acceptance of the project into the County Highway Street System for maintenance, providing policies and procedures are adhered to by the owner or his representative.

The Engineer shall save Morgan County harmless from any claim for liability arising out of any act of the Engineer in executing provisions of this agreement. This agreement does not include construction engineering or construction stake out.

The Board of Commissioners agrees to perform such inspection services for a fee of \$_____ per hour of actual time spent on the project by Morgan County and/or an authorized representative of Morgan County in performing such inspection services.

Estimated time for completion of the project is _____ weeks. Estimated cost for inspection and testing services is \$_____. The owner agrees to include ninety percent of the total estimated cost (nearest dollar \$_____) with this agreement in the form of a check made payable to the Morgan County Department of Planning and Zoning.

The fee shall be based on the actual number of hours of inspection required to complete the project. The balance of the total fee is to be paid upon acceptance of the completed work by the County prior to acceptance of the streets into the maintenance system by the Board of Commissioners.

In testimony whereof, the Owner has hereunto set his hand this _____ day of _____, 20____.

Owner _____

Contractor _____

Company _____

Company _____

Attest _____

Attest _____

In testimony whereof, the Board of Commissioners of Morgan County, Indiana hereby accepts the foregoing agreement and has herewith set its hand this ____ day of _____, 20__.

_____ Chairman ... _____ Member _____ Member

Approved by the Morgan County Department of Planning and Zoning

_____, Director

AGREEMENT BETWEEN MORGAN COUNTY AND ENGINEER
FOR INSPECTION AND TESTING SERVICES

Project Number _____ Description _____

Whereas the Board of Commissioners of Morgan County, Indiana hereinafter referred to as County, has hitherto contracted with the Owner of the property involved in the above project, whereby the County will perform inspections and testing services, either through its employees or through other authorized representatives.

Now therefore it is agreed by and between the County and the undersigned Engineer that County does hereby retain said engineer to do such work for the above project and engineer hereby accepts such employment.

It is agreed between the parties hereto that all provisions of the contract between the County and Owner shall be deemed incorporated herein as far as applicable, and engineer hereby acknowledges receipt of a copy of said contract.

The engineer shall save the County harmless from any claim for liability arising out of any act of the engineer in executing the terms of this agreement.

Engineer's compensation for work done pursuant to this contract shall be computed as follows:

SUBDIVIDER’S CONTRACT FOR PUBLIC IMPROVEMENTS

This contract, executed this _____ day of _____, 200____, by and between _____ Subdivider(s), as evidenced by a plat of a subdivision which is on file in the Office of Morgan County Planning and Zoning, referred to as _____ Subdivision, Morgan County, Indiana, and the Board of County Commissioner’s of Morgan County, Indiana.

WITNESSETH:

1. The Subdivider(s) herein above set forth are/is the owner(s) in fee simple of the real estate known as _____ Subdivision, located in Section(s) _____, Township _____, Range _____, of the Second Principle Meridian, Morgan County, Indiana.
2. It is the purpose and intention of this agreement to have the Subdivider(s) agree in writing to the performance and completion of certain work in connection with improvements necessitated by the division of land in the Subdivision, including roadway and right-of-way improvements. It is further purpose of this agreement to enter into a contract obligating the Subdivider(s) to perform as hereinafter set forth, which contract may be secured by a Security attached hereto and made a part hereof. It is further purpose of this agreement to obligate the Subdivider(s) to make repairs of existing roadways that have incurred damage that can be directly attributed to the construction that has taken place in the Subdivision.

NOW, THEREFORE, IT IS AGREED:

- A. Subdivider(s), as herein before described, do (does) herewith agree to construct, install, and provide without variation all public improvements as established on the Construction Plans on file with the Office of Morgan County Engineer, including specifically the following work which has been determined by the Engineer of Morgan County, Indiana, to be performed:

- B. Subdivider(s) further agree(s) to perform, complete, and undertake all improvements necessary and required to obtain the acceptance of the Board of County Commissioners of Morgan County.
- C. The Subdivider(s) agree(s) to make repairs to the existing roadways in the vicinity of the new Subdivision that can be shown to be a result of the addition of heavy loads upon the road that would not have occurred without the construction within the new Subdivision. The Subdivider(s) recognize(s) that this requirement puts the burden of controlling loads of all vehicles which deliver products or materials to the Subdivider or any lot owner within the Subdivision upon the Subdivider(s) and authorizes the use of the Security for the guarantee of repairs.
- D. The subdivider(s) agree to perform any and all improvements within existing County Right-of-way in a timely manner. The subdivider(s) shall provide traffic control devices as needed to complete the construction in a safe manner.
- E. The Subdivider(s) further agree to do all that is necessary to accomplish the acceptance of the road(s) within two years from the date of this contract. The two-year period is hereby fixed by the Board of Commissioners as a reasonable length of time for completion of all work. A Subdivider(s) may request an extension by formally petitioning the Board of Commissioners, whom may grant an extension thereof. If an extension is granted, all bonds shall be extended in like manner.
- F. The Subdivider(s) shall be responsible for all maintenance work necessary during the Security and the Maintenance Bond period including ditch and or storm sewer maintenance, snow removal and ice removal.
- G. The Subdivider shall hold Morgan County, the Board of Commissioners and any and all County Employees harmless for all claims, torts or litigation arising out of or as a result of his construction and maintenance of lack thereof while this contract is in effect.
- H. The Subdivider(s) recognize and grant the right of Morgan County to limit or stop the future sell of lots in this subdivision and all others by this (these (Subdivider(s) if the Subdivider(s) fail to timely and properly construct to the approval of the Morgan County Engineer all proposed roadway elements relative to this Subdivision.

- I. Subdivider(s) do hereby and herewith agree to execute a Security Bond in the sum of _____ (\$ _____) dollars to insure the faithful performance of this contract.
- J. The subdivider agrees to provide a three-year Maintenance Bond upon acceptance of the improvements by the County.

IN WITNESS WHEREOF, the parties have set their hands this ____ day of _____, 20__

Subdivider(s)

WITNESS:

MORGAN COUNTY BOARD OF COMMISSIONERS:

ANTICIPATED CONSTRUCTION SCHEDULE

The following work items are to be performed by Subdivider(s) and anticipated start dates are as shown:

	<u>Item</u>	<u>Estimated Start Date</u>
1)	Clearing	_____
2)	Strip topsoil	_____
3)	Compact sub-grade	_____
4)	Install storm sewers	_____
5)	Install Concrete curb	_____
6)	Install compacted aggregate base	_____
7)	Install asphalt or concrete paving	_____
8)	Seed and sod	_____
9)	Anticipated completion date	_____

PROCEDURES FOR PLAT APPROVAL

Application for Review of Sketch Plan

(61 days prior to public meeting; 31 days prior to prelim plat deadline)

Include: Proper form in duplicate
 Land ownership
 Three (3) sketch plans
 Fee
 Agent information
 Check point agency list

Check Point Submission

Plans to all review agencies
15 days to review

If Classified as a Subdivision

Submit preliminary plat
Submit final plat

Review of Plat

Sketch Plan Review Meeting

Within 20 days by administrator
Checkpoint agencies invited

Primary Approval

(Submit within 30 days prior to regular meeting)

Include: Proper form in duplicate
 Plat of all surrounding land and owners
 Include eight (8) copies of plat
 Drainage Board approval

Administrative Review

By Plat Committee
At regular technical committee meeting
Provide written report

Public Hearing

Subdivider:
20 days prior: Publish legal notice
 Provide consent letters from utilities
 Provide notification to property owners

Commission

Grant or Disapprove
Return copy of preliminary plat--within five (5) days

Continue

Field Review

Valid for two (2) years (five (5) years for sectionalized subdivision). May be extended in one (1) year increments.

Secondary Approval

(Minimum 30 days after primary approval)

Include: Proper forms
Plat to include road frontage
10 copies
Performance bond
Signed subdividers agreement
Restrictive covenants
Fees
Electronic copy of plat

Administrator

Approve within ten (10) days
Deviates will require reapproval

Signing of Plat

Signed after bond approved
Signed after approval of installation of improvements

Recording Plat

Within 30 days of signing of plat

Submission Checklist for Secondary Approval

Homeowners' Association acceptance of drains
Maintenance Bond
Ten (10) copies of plat
Electronic copy of plat