

## Richland UDO

### Chapter 7: Subdivision Administration & Procedures

#### A) Residential Subdivisions – Minor.

1. In Residential Areas. The division of a tract of land into four (4) residential parcels or less may be approved as a minor subdivision one (1) time only. The minor subdivision shall be subject to the same basic procedures as set forth in the Rules and Procedures. The intent of this section is to eliminate unnecessary requirements and reduce the time and effort required by major subdivision plats. Use of this procedure shall be limited to the creation of four (4) new parcels after April 1, 2015.
  - a. Pre-application. From the standpoint of economy of time and money, the subdivider must consult informally with the Administrator for advice and assistance prior to filing. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
  - b. Concept Plan. The Concept Plan is an optional part of any application for Primary Plat approval of a minor residential subdivision. Its purpose is to bring the conceptual proposal before the PC or the Plat Committee and general public for discussion. The Concept Plan shall be prepared in accordance with standards set forth for Major Subdivisions.
  - c. Primary Plat and Secondary Plat. Application for Primary Plat for minor subdivisions shall be in accordance with standards set forth for Major Subdivisions with the exception that the Primary Plat and the Secondary Plat may be heard simultaneously by the PC or the Plat Committee.
    - i) Public Notice. Once an application has been determined to be complete and meets all of the requirements of this UDO, the Administrator shall set a date for a public hearing before the PC or the Plat Committee. Notice of public hearing shall be in accordance with *IC36-7-4-706* and with adopted Rules and Procedures. The cost of notification shall be borne by the applicant.
  - d. Secondary Plat. Application for Secondary Plat for minor subdivisions shall be in accordance with standards set forth for Major Subdivisions with the exception that the Primary Plat and the Secondary Plat may be heard simultaneously by the PC or the Plat Committee.
  - e. Decision by the PC or Plat Committee. Within thirty (30) days after application for approval of the Minor Subdivision, the PC, or the Plat Committee as appropriate, shall approve or disapprove it.
    - i) Approval. If the PC or the Plat Committee determines that the plat complies with the standards of this UDO, they shall grant primary and secondary approval to the plat. The approval shall be certified on behalf of the PC by the PC President or by the Chairman of the Plat Committee and the Administrator who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures. Approval by the Plat Committee shall be reported to the PC at the next public meeting.
    - ii) Disapproval. If the PC or the Plat Committee disapproves the Secondary Plat, it shall make written findings of fact and notify the applicant in writing within ten (10) days of

the hearing, stating the specific reasons for disapproval. This written notice shall be ratified by the PC and signed by the PC President and the Administrator.

- f. Appeals. Appeals of decisions made by the PC or the Plat Committee shall come before the PC for final decision and may be made by either the applicant or remonstrator in accordance with *IC36-7-4-708*.
  - g. Amendments.
  - h. Procedure Restrictions. An applicant shall receive approval one (1) time on a parent tract allowing a minor residential subdivision containing no more than (4) residential lots. Any further subdividing requires an application for a zoning map amendment for the entire tract to an appropriate zoning district for a major subdivision as well as major subdivision approval.
2. Minor Subdivisions and Single-family Homes in the AG - General Agricultural District. Application for Minor Residential Subdivisions and Single-family Homes are brought before the BZA and considered a Restricted Use for the purpose of thorough review on a site-by-site basis. A Variance may be requested from the requirements of the respective districts and any other sections of this UDO at the written request of the applicant at the time of filing for Special Exception or Variance before the BZA. The following procedures and restrictions shall be considered:
- a. Approval. Minor subdivision approval shall be in accordance with the applicable section of the UDO. Single-family Homes in the AG zoning district shall be in accordance with the procedure set forth for Special Exception.
  - b. Driveways. In order to prevent strip-lot development and preserve rural character, it is necessary to encourage the sharing of driveways.
    - i) New driveways for minor subdivisions in the AG zoning district shall be in accordance with *Chapter 3, Section C.3 Driveways*. Lots shall share a common driveway cut when possible.
    - ii) When applicable, new driveways in the AG zoning district shall be along the property line to make it possible to share the driveway with an adjoining lot in the future. In addition, the commitment may be required that the owner share the driveway when necessary.
  - c. Cluster Design. In order to preserve agricultural ground, minor subdivisions in the AG zoning district shall be laid out in a cluster design. This is best accomplished by contiguously grouping the lots in such a manner so as to consume the least amount of land possible given the constraints of the landscape.
  - d. Buffering. In order to protect residential uses from agricultural activities and vice-versa, the perimeter of the minor subdivision and lots for Single-family Homes in the AG zoning district shall have Bufferyard Ag.
  - e. Commitments. In order to protect residential uses from agricultural activities and vice-versa, commitments may be required by the BZA at the time of Special Exception approval in accordance with *IC 36-7-4-921*. Such commitments must be filed with the Spencer County Recorder's Office prior to the issuance of an ILP. Commitments mandated by the BZA may include, but are not limited to, the following:

- i) Right-to-Farm Law of Indiana. The applicant for the Special Exception acknowledges and/or agrees that agricultural uses are permitted in the surrounding area, no agricultural or agri-business operation in the area shall be or become a nuisance, and to not object to the continuation of any such agricultural or agri-business operation in the surrounding area as long as such operation does not constitute a nuisance.
- ii) Future Residential Subdivision. After the granting of the initial Special Exception and prior to further subdivision of the subject property beyond such approval, an application for an additional Special Exception in order that the BZA may review the request and ensure that such further subdivision is in accordance with this UDO and meets the standards for such Special Exception.

**B) Residential Subdivisions – Major.**

1. Pre-application. From the standpoint of economy of time and money, the subdivider consults informally with the Administrator for advice and assistance prior to filing. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
2. Concept Plan. The Concept Plan is required as part of any application for Primary Plat approval for major subdivisions. The applicant shall submit the Concept Plan to a public meeting of the PC prior to the Primary Plat hearing for the purpose of discussion and recommendations. The Concept Plan shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plan may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Concept Plan shall consist of a site analysis map and a site development map.
  - a. Site Analysis Map. A location map which may be prepared by indicating the required information by notation on available maps of an appropriate scale. The purpose of the site analysis map is to indicate consideration and respect for the unique features of a site. A site analysis map shall include the following:
    - i) Location of the proposed subdivision, including adjacent parcels of land;
    - ii) Existing schools, parks, fire, police, and emergency medical (EMS) facilities that will serve the subdivision;
    - iii) Public thoroughfares that will serve the subdivision;
    - iv) Water and sewer services to serve the subdivision, if applicable.
    - v) Primary Conservation Areas;
    - vi) Secondary Conservation Areas;
    - vii) Location of streets and thoroughfares including those in contiguous subdivisions or undeveloped property;
    - viii) Other unique features or characteristics of the site such as views (to and from the site), impacts (by the subdivision or by surrounding elements) and geographical features;
    - ix) Indication of the resulting prime location for houses after site analysis.
  - b. Site Development Map. The site development map shall indicate the proposed layout of the subdivision, including streets, lots, houses and common areas. In coordination with a Primary Plat application, the Primary Plat may act as the site development map.

- c. Public Notice. A placard displaying the public meeting date and relevant information for the Concept Plan will be posted on the subject site in a prominent, visible location as the notice of public hearing. The non-refundable cost of the placard shall be borne by the applicant at the time of filing as noted in the Fee Schedule.
  - d. Public Meeting. The Concept Plan shall go before the PC for presentation to and suggestions by the PC. While no official action shall be taken, the PC shall mandate impact assessments to be performed prior to application for Primary Plat.
  - e. Impact Assessment. As a result of Concept Plan review, the PC may require that impact assessments be done for discussion at the time of the Primary Plat hearing. Impact assessment shall be performed by a qualified professional with training, experience, and expertise in the field relevant to the specific section of the study in which work shall be performed. The PC shall mandate such studies at the expense of the applicant and of the professional of choice of the PC. Such assessment may include any of the following: traffic and transportation; tax base; water and sewer service; fire, police, and emergency services; schools; parks. Any additional expense necessary to ensure adequate information, reports, or plans shall be met by the applicant.
3. Primary Plat.
- a. Application. A subdivider desiring approval of a Primary Plat of a subdivision of any land lying within Richland shall submit their application in accordance with the application packet adopted by the PC as part of their Rules and Procedures. The application shall be in accordance with filing deadlines outlined in the application packet. The application shall be accompanied by an application fee as indicated in the Fee Schedule. The application fee shall be non-refundable. Of the application copies submitted, the Administrator shall forward one (1) copy to each of the following:
    - i) Spencer County Surveyor
    - ii) Spencer County Health Department
    - iii) Natural Resource Conservation Service Soil Conservationist
    - iv) Richland Engineer or the town's designee
    - v) Applicable public utility which may be affected
    - vi) Applicable road or highway superintendent
    - vii) Applicable School Superintendent
    - viii) Applicable Safety Services

\*\*The above listed agencies, persons, or Town Officials shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.
  - b. Plans. The Primary Plat shall be required as part of any application for Primary Plat approval. If applicable, the applicant shall submit proof of secured municipal sewer and/or municipal water connection. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-

four (24) inches by thirty-six (36) inches in size. The Primary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. A primary subdivision plat shall be submitted showing the following, but not limited to:

- i) The proposed name of the subdivision
- ii) Names and addresses of the owner, subdivider, and consulting engineer, land surveyor, or planning firm that prepared the plan
- iii) Legend and notes including the scale, north point, and date
- iv) Tract boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners
- v) Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision
- vi) All section and municipal corporate boundaries lying within or contiguous to the tract
- vii) Topographic contours at typical intervals of one(1) foot if the general slope of the tract is less than five percent (5%), or intervals of two (2) feet if the slope is in excess of five percent(5%). Said contours shall be referenced to mean sea level elevations
- viii) Layout of lots, showing dimensions and numbers and square footage of each lot
- ix) Building lines showing setback dimensions throughout the subdivision
- x) Parcels of land proposed to be dedicated or reserved for schools, open space (indicating its use as park, playground, natural area, or other) or other public, semi-public or community purposes
- xi) Streets, rights-of-way, and driveways within five hundred (500) feet on adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and horizontal curve radii.
- xii) Existing and proposed easements including the location, width, and purpose of such easements
- xiii) Location, size, and capacity of any public sewer and/or water utilities, if such facilities are available
- xiv) Location of natural streams, regulated drains, floodplain, pipelines, power lines, etc.
- xv) A description of the surface drainage system to an approved outlet, including data showing that said outlet is adequate to accommodate the drainage requirements of the finished subdivision. Arrows designating the general drainage of all streets and lots shall be included.
- xvi) Location of any subsurface drainage required under the county's drainage ordinance and any amendments thereto, showing the location of all easements and all data pertaining to the size and capacity of such drainage
- xvii) The boundaries and numbers of sections shall be shown if the Primary Plat is to be divided into sections or phases of development.
- xviii) Protective covenants and restrictions which are properly prepared and legally sound shall, subject to the approval of the PC.
- xix) The required anti-monotony identification standards.
- xx) Bufferyard, lighting and parking plans.

- c. Public Notice. In accordance with *IC 36-7-4-705*, once an application has been determined to be complete and meets all the requirements of this UDO, the Administrator shall set a date for a public hearing before the PC. Notice of public hearing shall be in accordance with the Rules and Procedures adopted by the PC. The cost of notification shall be borne by the applicant.
  - d. Decision by the PC. Within thirty (30) days of the public hearing concerning an application for approval of a subdivision plat, the PC shall notify the applicant in writing stating whether the Primary Plat is approved or disapproved.
    - i) Approval. If the PC determines that the Primary Plat complies with the standards set forth in this UDO, it shall grant primary approval to the plat.
      - 1. The PC may introduce such changes or revisions as are deemed necessary to the best interest and general welfare of the community.
      - 2. Approval of a Primary Plat by the PC signifies the general acceptability of the layout submitted.
      - 3. Approval of a Primary Plat shall be effective for a maximum period of two (2) years unless, upon application of the applicant the PC grants an extension. The PC may extend approval of a Primary Plat to a maximum of four (4) years without further notice, public hearing, or fees.
    - ii) Disapproval. If the PC disapproves a Primary Plat application, the PC shall make written findings of fact and notify the applicant in writing within ten (10) days of the hearing, stating the specific reasons for disapproval. This written notice shall be signed by the PC President and the Administrator.
4. Secondary Plat.
- a. Application. After approval of the Primary Plat by the PC and fulfillment of the requirements of this UDO, the applicant shall submit to the Administrator a written application for Secondary Plat approval in accordance with the application packet adopted by the PC as part of their Rules and Procedures. Such application shall be filed in accordance with filing deadlines outlined in the application packet. At the time of filing, the application shall be accompanied by a non-refundable application fee as indicated in the Fee Schedule. The Administrator shall forward one (1) copy to each of the individuals and agencies indicated in the previous section regarding Primary Plat Application. Those agencies or persons shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.
  - b. Plans.
    - i) Plat. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Secondary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. The Secondary Plat may include all or only a part of the Primary Plat which has received approval. The following information shall be shown on the Secondary Plat, but not limited to:

1. Name of subdivision and section number followed by the words "Secondary Plat".
  2. Accurate boundary lines, with dimension and angles, which provide a legal survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
  3. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plan.
  4. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
  5. Accurate metes and bounds description of the tract boundary.
  6. Source of title of the applicant to the land as shown by the last entry in the books of the Spencer County Recorder's Office.
  7. Street names.
  8. Complete curve data for all curves included in the plan.
  9. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines.
  10. Lot numbers and dimensions including the square footage of each lot.
  11. Accurate locations of easements for utilities and any limitations on such semi-public or community use.
  12. Accurate dimensions and plans for any property to be dedicated or reserved for open space or other public, semi-public, or common use.
  13. Building lines and setback dimensions throughout the subdivision.
  14. Location, type, material, and size of all monuments and markers.
  15. Plans and specifications for the improvements required in this UDO.
  16. Final protective covenants and restrictions which are properly prepared and legally sound which shall be incorporated into the plat and restrictions of all types which will run with the land and become covenants in the deed for lots.
  17. The required anti-monotony identification standards.
  18. Name and address of the owner and subdivider.
  19. North point, scale, and date.
  20. Certification of dedication of streets and other public property.
  21. Final landscaping, lighting or parking plans shall be incorporated in the Secondary Plat design plans when requested by the Administrator or the PC.
  22. Certificate of approval by the PC.
- ii) Construction Plans. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared and certified by a land surveyor and/or professional engineer registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The final construction plans shall be based on preliminary plans which have been approved with the Primary Plat, and shall

be prepared, submitted, and distributed in conjunction with the Secondary Plat. The plans shall show the following:

1. Construction plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Primary Plat.
  2. Topographic contours at intervals of one (1) foot if the general slope of the tract is less than five percent (5%) or intervals of two (2) feet if the slope exceeds five percent (5%). Contours shall be referenced to mean sea level elevations.
  3. Profiles 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. Approximate radii of all curves, lengths of tangents, and central angles on all streets. Complete curve data for all curves included in the plan.
  4. Where steep slopes exist, the PC may require that cross-sections of all proposed streets at one hundred (100) foot stations shall be shown as follows: on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, points twenty-five (25) feet inside each property line, edges of pavement, curbs, break points, and ditch lines.
  5. Plans and profiles showing the location and typical cross-section of streets including curbs and gutters, sidewalks, mailboxes, rights-of-way, drainage facilities, manholes, and catch basins: 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: the location of street trees, street lighting standards, and street signs: and exact location and size of all water, gas, or other underground utilities or structures.
  6. Location, size, elevation, and other appropriate description of any other existing physical and natural features or facilities including features noted on the official maps of the Town, trees with a diameter of eight inches or more (measured four (4) feet above ground level), the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes and streams. All elevations shall be referred to the USGS datum plane.
- iii) Public Notice. Public notice for Secondary Plats shall be in accordance with the Rules and Procedures established by the PC.
- iv) Decision by the PC. Within thirty (30) days after application for approval of the Secondary Plat, the PC shall approve or disapprove it.



1. Approval. If the PC determines that the plat complies with the standards of this UDO, it shall grant secondary approval to the plat. After necessary performance surety has been posted, the secondary approval of a plat by the PC shall be certified on behalf of the PC by the PC President and the Administrator who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.
  - (i) Recording. A plat of a subdivision may not be filed with the Spencer County Auditor's Office may not record it, unless it has been granted secondary approval by the PC and has been properly signed by the PC President and the Administrator. The filing and recording of the plat is without legal effect unless approved by the PC. One copy of the recorded plat shall be forwarded to the Administrator and the Spencer County Surveyor.
  - (ii) Improvement Location Permits. No Improvement Location Permit shall be issued by the Administrator, or his agent, for any structure on any subdivision lots prior to the following:
    1. The recording of said subdivision by the Spencer County Recorder, except for the purposes of public facilities, and
    2. Installation and completion of all improvements, including grading, as shown on the development plans and approved by the PC, except that in the case of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
    3. Written certification from the appropriate Highway Department and the Spencer County Surveyor that improvements are complete.
    4. The release of necessary performance surety and the posting of necessary maintenance surety.
2. Disapproval. If the PC disapproves the Secondary Plat, it shall make written findings of fact and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the PC President and the Administrator.
5. Plats and Amendments. 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 recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the PC by the same procedure, rules, and regulations as for a new subdivision.
6. Appeals. Reserved.
7. Amendments. Reserved.
8. Restrictions. Reserved.

- a. Refiling a Primary Plat. Any applicant shall be required to observe a six (6) month waiting period before refiling a Primary Plat for all or a portion of the same property which has been disapproved by the PC.
- C) **Commercial Subdivisions.** In creating commercial subdivisions, it is recognized that the subdivider often faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the PC shall be upon street layout and lot arrangement.
1. Pre-application. From the standpoint of economy of time and money, the subdivider must consult informally with the Administrator for advice and assistance prior to filing. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
  2. Concept Plan. The Concept Plan is required as part of any application for Primary Plat approval for major subdivisions. The applicant shall submit the Concept Plan to a public meeting of the PC prior to the Primary Plat hearing for the purpose of discussion and recommendations. The Concept Plan shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plan may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Concept Plan shall consist of a site analysis map and a site development map.
    - a. Site Analysis Map. A location map which may be prepared by indicating the required information by notation on available maps of an appropriate scale. The purpose of the site analysis map is to indicate consideration and respect for the unique features of a site. A site analysis map shall include the following:
      - i) Location of the proposed subdivision, including adjacent parcels of land;
      - ii) Existing schools, parks, fire, police, and emergency medical (EMS) facilities that will serve the subdivision;
      - iii) Public thoroughfares that will serve the subdivision;
      - iv) Water and sewer services to serve the subdivision, if applicable.
      - v) Primary Conservation Areas;
      - vi) Secondary Conservation Areas;
      - vii) Location of streets and thoroughfares including those in contiguous subdivisions or undeveloped property;
      - viii) Other unique features or characteristics of the site such as views (to and from the site), impacts (by the subdivision or by surrounding elements) and geographical features;
      - ix) Indication of the resulting prime location for primary structures after site analysis.
    - b. Site Development Map. The site development map shall indicate the proposed layout of the subdivision, including streets, lots, primary structures, and common areas. In coordination with a Primary Plat application, the Primary Plat may act as the site development map.
    - c. Public Notice. A placard displaying the public meeting date and relevant information for the Concept Plan will be posted on the subject site in a prominent, visible location as the notice of public hearing. The non-refundable cost of the placard shall be borne by the applicant at the time of filing as noted in the Fee Schedule.

- d. Public Meeting. The Concept Plan shall go before the PC for presentation to and suggestions by the PC. While no official action shall be taken, the PC shall mandate impact assessments to be performed prior to application for Primary Plat.
  - e. Impact Assessment. As a result of Concept Plan review, the PC may require that impact assessments be done for discussion at the time of the Primary Plat hearing. Impact assessment shall be performed by a qualified professional with training, experience, and expertise in the field relevant to the specific section of the study in which work shall be performed. The PC shall mandate such studies at the expense of the applicant and of the professional of choice of the PC. Such assessment may include any of the following: traffic and transportation; tax base; water and sewer service; fire, police, and emergency services; schools; parks. Any additional expense necessary to ensure adequate information, reports, or plans shall be met by the applicant.
3. Primary Plat.
- a. Format. For Primary Plats for commercial subdivisions, the subdivider need show a minimum of two (2) lots along with the street and block layout.
  - b. Application. A subdivider desiring approval of a Primary Plat of a subdivision of any land lying within Richland shall submit their application in accordance with the application packet adopted by the PC as part of their Rules and Procedures. The application shall be in accordance with filing deadlines outlined in the application packet. The application shall be accompanied by an application fee as indicated in the Fee Schedule. The application fee shall be non-refundable. Of the application copies submitted, the Administrator shall forward one (1) copy to each of the persons listed below. These agencies, persons, or Town Officials shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.
    - i) Spencer County Surveyor
    - ii) Spencer County Health Department
    - iii) Natural Resource Conservation Service Soil Conservationist
    - iv) Richland Engineer or town's designee
    - v) Applicable public utility which may be affected
    - vi) Applicable road or highway superintendent
    - vii) Applicable School Superintendent
    - viii) Applicable Safety Services
  - c. Plans. The Primary Plat shall be required as part of any application for Primary Plat approval. If applicable, the applicant shall submit proof of secured municipal sewer and/or municipal water connection. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Primary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. A primary subdivision plat shall be submitted showing the following, but not limited to:
    - i) The proposed name of the subdivision

- ii) Names and addresses of the owner, subdivider, and consulting engineer, land surveyor, or planning firm that prepared the plan
  - iii) Legend and notes including the scale, north point, and date
  - iv) Tract boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners
  - v) Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision
  - vi) All section and municipal corporate boundaries lying within or contiguous to the tract
  - vii) Topographic contours at typical intervals of one(1) foot if the general slope of the tract is less than five percent (5%), or intervals of two (2) feet if the slope is in excess of five percent(5%). Said contours shall be referenced to mean sea level elevations
  - viii) Layout of lots, showing dimensions and numbers and square footage of each lot
  - ix) Building lines showing setback dimensions throughout the subdivision
  - x) Parcels of land proposed to be dedicated or reserved for schools, open space (indicating its use as park, playground, natural area, or other) or other public, semi-public or community purposes
  - xi) Streets, rights-of-way, and driveways within five hundred (500) feet on adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and horizontal curve radii.
  - xii) Existing and proposed easements including the location, width, and purpose of such easements
  - xiii) Location, size, and capacity of any public sewer and/or water utilities, if such facilities are available
  - xiv) Location of natural streams, regulated drains, floodplain, pipelines, power lines, etc.
  - xv) A description of the surface drainage system to an approved outlet, including data showing that said outlet is adequate to accommodate the drainage requirements of the finished subdivision. Arrows designating the general drainage of all streets and lots shall be included.
  - xvi) Location of any subsurface drainage required under the county's drainage ordinance and any amendments thereto, showing the location of all easements and all data pertaining to the size and capacity of such drainage
  - xvii) The boundaries and numbers of sections shall be shown if the Primary Plat is to be divided into sections or phases of development.
  - xviii) Protective covenants and restrictions which are properly prepared and legally sound shall, subject to the approval of the PC.
  - xix) The required anti-monotony identification standards.
  - xx) Bufferyard, lighting and parking plans.
- d. Public Notice. Once an application has been determined to be complete and meets all the requirements of this UDO, the Administrator shall set a date for a public hearing before the PC. Notice of public hearing shall be in accordance with the Rules and Procedures adopted by the PC. The cost of notification shall be borne by the applicant.

- e. Decision by the PC. Within thirty (30) days of the public hearing concerning an application for approval of a subdivision plat, the PC shall notify the applicant in writing stating whether the Primary Plat is approved or disapproved.
    - i) Approval. If the PC determines that the Primary Plat complies with the standards set forth in this UDO, it shall grant primary approval to the plat.
      - 1. The PC may introduce such changes or revisions as are deemed necessary to the best interest and general welfare of the community.
      - 2. Approval of a Primary Plat by the PC signifies the general acceptability of the layout submitted.
      - 3. Approval of a Primary Plat shall be effective for a maximum period of two (2) years unless, upon application of the applicant the PC grants an extension. The PC may extend approval of a Primary Plat to a maximum of four (4) years without further notice, public hearing, or fees.
    - ii) Disapproval. If the PC disapproves a Primary Plat application, the PC shall make written findings of fact and notify the applicant in writing within ten (10) days of the hearing, stating the specific reasons for disapproval. This written notice shall be signed by the PC President and the Administrator.
4. Secondary Plat.
- a. Format. The Secondary Plat for Commercial subdivisions may be done in one of three (3) ways:
    - i) Full Plat. The subdivider may submit the Secondary Plat for the entire subdivision and then amend the Secondary Plat as may be necessary.
    - ii) Individual Lot. The subdivider may submit the Secondary Plat for each lot which will include all necessary infrastructure serving such lot.
    - iii) Individual Lot with Development Plan.
    - iv) The subdivider may submit the Secondary Plat or an individual lot along with the application for Development Plan.
  - b. Application. After approval of the Primary Plat by the PC and fulfillment of the requirements of this UDO, the applicant shall submit to the Administrator a written application for Secondary Plat approval in accordance with the application packet adopted by the PC as part of their Rules and Procedures. Such application shall be filed in accordance with filing deadlines outlined in the application packet. At the time of filing, the application shall be accompanied by a non-refundable application fee as indicated in the Fee Schedule. The Administrator shall forward one (1) copy to each of the individuals and agencies indicated in the previous section regarding Primary Plat Application. Those agencies or persons shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.
  - c. Plans.
    - i) Plat. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Secondary Plat shall be prepared and certified

by a land surveyor and/or a professional engineer registered by the State of Indiana. The Secondary Plat may include all or only a part of the Primary Plat which has received approval. The following information shall be shown on the Secondary Plat, but not limited to:

1. Name of subdivision and section number followed by the words "Secondary Plat".
  2. Accurate boundary lines, with dimension and angles, which provide a legal survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
  3. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plan.
  4. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
  5. Accurate metes and bounds description of the tract boundary.
  6. Source of title of the applicant to the land as shown by the last entry in the books of the Spencer County Recorder's Office.
  7. Street names.
  8. Complete curve data for all curves included in the plan.
  9. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines.
  10. Lot numbers and dimensions including the square footage of each lot.
  11. Accurate locations of easements for utilities and any limitations on such semi-public or community use.
  12. Accurate dimensions and plans for any property to be dedicated or reserved for open space or other public, semi-public, or common use.
  13. Building lines and setback dimensions throughout the subdivision.
  14. Location, type, material, and size of all monuments and markers.
  15. Plans and specifications for the improvements required in this UDO.
  16. Final protective covenants and restrictions which are properly prepared and legally sound which shall be incorporated into the plat and restrictions of all types which will run with the land and become covenants in the deed for lots.
  17. The required anti-monotony identification standards.
  18. Name and address of the owner and subdivider.
  19. North point, scale, and date.
  20. Certification of dedication of streets and other public property.
  21. Final landscaping, lighting or parking plans shall be incorporated in the Secondary Plat design plans when requested by the Administrator or the PC.
  22. Certificate of approval by the PC.
- ii) Construction Plans. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared and certified by a land surveyor and/or professional engineer registered in the State of Indiana, a complete set of construction plans,

including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The final construction plans shall be based on preliminary plans which have been approved with the Primary Plat, and shall be prepared, submitted, and distributed in conjunction with the Secondary Plat. The plans shall show the following:

1. Construction plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Primary Plat.
  2. Topographic contours at intervals of one (1) foot if the general slope of the tract is less than five percent (5%) or intervals of two (2) feet if the slope exceeds five percent (5%). Contours shall be referenced to mean sea level elevations.
  3. Profiles 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. Approximate radii of all curves, lengths of tangents, and central angles on all streets. Complete curve data for all curves included in the plan.
  4. Where steep slopes exist, the PC may require that cross-sections of all proposed streets at one hundred (100) foot stations shall be shown as follows: on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, points twenty-five (25) feet inside each property line, edges of pavement, curbs, break points, and ditch lines.
  5. Plans and profiles showing the location and typical cross-section of streets including curbs and gutters, sidewalks, mailboxes, rights-of-way, drainage facilities, manholes, and catch basins: 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: the location of street trees, street lighting standards, and street signs: and exact location and size of all water, gas, or other underground utilities or structures.
  6. Location, size, elevation, and other appropriate description of any other existing physical and natural features or facilities including features noted on the official maps of the Town, trees with a diameter of eight inches or more (measured four (4) feet above ground level), the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes and streams. All elevations shall be referred to the USGS datum plane.
- d. Public Notice. Public notice for Secondary Plats shall be in accordance with the Rules and Procedures established by the PC.

- e. Decision by the PC. Within thirty (30) days after application for approval of the Secondary Plat, the PC shall approve or disapprove it.
  - i) Approval. If the PC determines that the plat complies with the standards of this UDO, it shall grant secondary approval to the plat. After necessary performance surety has been posted, the secondary approval of a plat by the PC shall be certified on behalf of the PC by the PC President and the Administrator who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.
    - 1. Recording. A plat of a subdivision may not be filed with the Spencer County Recorder's Office may not record it, unless it has been granted secondary approval by the PC and has been properly signed by the PC President and the Administrator. The filing and recording of the plat is without legal effect unless approved by the PC. One copy of the recorded plat shall be forwarded to the Administrator and the Spencer County Surveyor.
    - 2. Improvement Location Permits. No Improvement Location Permit shall be issued by the Administrator, or his agent, for any structure on any subdivision lots prior to the following:
      - (i) The recording of said subdivision by the Spencer County Recorder's Office, except for the purposes of public facilities, and
      - (ii) Installation and completion of all improvements, including grading, as shown on the development plans and approved by the PC, except that in the case of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
      - (iii) Written certification from the appropriate Highway Department and the Spencer County Surveyor that improvements are complete.
      - (iv) The release of necessary performance surety and the posting of necessary maintenance surety.
  - ii) Disapproval. If the PC disapproves the Secondary Plat, it shall make written findings of fact and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the PC President and the Administrator.
- 5. Plats and Amendments. 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. Streets that have been built by following an approved set of plans on the previously approved Secondary Plat shall not have to be rebuilt because of the adoption of new criteria by the PC. This shall also apply to storm drainage facilities within said subdivision unless runoff characteristics have been changed by the newly proposed improvements or by unauthorized existing improvements.
- 6. Appeals. Reserved.
- 7. Amendments. Reserved.
- 8. Restrictions. Reserved.



- D) **Industrial Subdivisions.** In creating industrial subdivisions, it is recognized that the subdivider often faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the PC shall be upon street layout and lot arrangement.
1. Pre-application. From the standpoint of economy of time and money, the subdivider must consult informally with the Administrator for advice and assistance prior to filing. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
  2. Concept Plan. The Concept Plan is required as part of any application for Primary Plat approval for major subdivisions. The applicant shall submit the Concept Plan to a public meeting of the PC prior to the Primary Plat hearing for the purpose of discussion and recommendations. The Concept Plan shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plan may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Concept Plan shall consist of a site analysis map and a site development map.
    - a. Site Analysis Map. A location map which may be prepared by indicating the required information by notation on available maps of an appropriate scale. The purpose of the site analysis map is to indicate consideration and respect for the unique features of a site. A site analysis map shall include the following:
      - i) Location of the proposed subdivision, including adjacent parcels of land;
      - ii) Existing schools, parks, fire, police, and emergency medical (EMS) facilities that will serve the subdivision;
      - iii) Public thoroughfares that will serve the subdivision;
      - iv) Water and sewer services to serve the subdivision, if applicable.
      - v) Primary Conservation Areas;
      - vi) Secondary Conservation Areas;
      - vii) Location of streets and thoroughfares including those in contiguous subdivisions or undeveloped property;
      - viii) Other unique features or characteristics of the site such as views (to and from the site), impacts (by the subdivision or by surrounding elements) and geographical features;
      - ix) Indication of the resulting prime location for primary structures after site analysis.
    - b. Site Development Map. The site development map shall indicate the proposed layout of the subdivision, including streets, lots, primary structures, and common areas. In coordination with a Primary Plat application, the Primary Plat may act as the site development map.
    - c. Public Notice. A placard displaying the public meeting date and relevant information for the Concept Plan will be posted on the subject site in a prominent, visible location as the notice of public hearing. The non-refundable cost of the placard shall be borne by the applicant at the time of filing as noted in the Fee Schedule.
    - d. Public Meeting. The Concept Plan shall go before the PC for presentation to and suggestions by the PC. While no official action shall be taken, the PC shall mandate impact assessments to be performed prior to application for Primary Plat.

- e. Impact Assessment. As a result of Concept Plan review, the PC may require that impact assessments be done for discussion at the time of the Primary Plat hearing. Impact assessment shall be performed by a qualified professional with training, experience, and expertise in the field relevant to the specific section of the study in which work shall be performed. The PC shall mandate such studies at the expense of the applicant and of the professional of choice of the PC. Such assessment may include any of the following: traffic and transportation; tax base; water and sewer service; fire, police, and emergency services; schools; parks. Any additional expense necessary to ensure adequate information, reports, or plans shall be met by the applicant.
3. Primary Plat.
- a. Format. For Primary Plats for Industrial subdivisions, the subdivider need show a minimum of two (2) lots along with the street and block layout.
  - b. Application. A subdivider desiring approval of a Primary Plat of a subdivision of any land lying within Richland shall submit their application in accordance with the application packet adopted by the PC as part of their Rules and Procedures. The application shall be in accordance with filing deadlines outlined in the application packet. The application shall be accompanied by an application fee as indicated in the Fee Schedule. The application fee shall be non-refundable. Of the application copies submitted, the Administrator shall forward one (1) copy to each of the following:
    - i) Spencer County Surveyor
    - ii) Spencer County Health Department
    - iii) Natural Resource Conservation Service Soil Conservationist
    - iv) Richland Engineer or the town's designee
    - v) Applicable public utility which may be affected
    - vi) Applicable road or highway superintendent
    - vii) Applicable School Superintendent
    - viii) Applicable Safety Services

\*\*The above listed agencies, persons, or Town Officials shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.
  - c. Plans. The Primary Plat shall be required as part of any application for Primary Plat approval. If applicable, the applicant shall submit proof of secured municipal sewer and/or municipal water connection. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Primary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. A primary subdivision plat shall be submitted showing the following, but not limited to:
    - i) The proposed name of the subdivision

- ii) Names and addresses of the owner, subdivider, and consulting engineer, land surveyor, or planning firm that prepared the plan
  - iii) Legend and notes including the scale, north point, and date
  - iv) Tract boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners
  - v) Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision
  - vi) All section and municipal corporate boundaries lying within or contiguous to the tract
  - vii) Topographic contours at typical intervals of one(1) foot if the general slope of the tract is less than five percent (5%), or intervals of two (2) feet if the slope is in excess of five percent(5%). Said contours shall be referenced to mean sea level elevations
  - viii) Layout of lots, showing dimensions and numbers and square footage of each lot
  - ix) Building lines showing setback dimensions throughout the subdivision
  - x) Parcels of land proposed to be dedicated or reserved for schools, open space (indicating its use as park, playground, natural area, or other) or other public, semi-public or community purposes
  - xi) Streets, rights-of-way, and driveways within five hundred (500) feet on adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and horizontal curve radii.
  - xii) Existing and proposed easements including the location, width, and purpose of such easements
  - xiii) Location, size, and capacity of any public sewer and/or water utilities, if such facilities are available
  - xiv) Location of natural streams, regulated drains, floodplain, pipelines, power lines, etc.
  - xv) A description of the surface drainage system to an approved outlet, including data showing that said outlet is adequate to accommodate the drainage requirements of the finished subdivision. Arrows designating the general drainage of all streets and lots shall be included.
  - xvi) Location of any subsurface drainage required under the county's drainage ordinance and any amendments thereto, showing the location of all easements and all data pertaining to the size and capacity of such drainage
  - xvii) The boundaries and numbers of sections shall be shown if the Primary Plat is to be divided into sections or phases of development.
  - xviii) Protective covenants and restrictions which are properly prepared and legally sound shall, subject to the approval of the PC.
  - xix) The required anti-monotony identification standards.
  - xx) Bufferyard, lighting and parking plans.
- d. Public Notice. Once an application has been determined to be complete and meets all the requirements of this UDO, the Administrator shall set a date for a public hearing before the PC. Notice of public hearing shall be in accordance with the Rules and Procedures adopted by the PC. The cost of notification shall be borne by the applicant.

- e. Decision by the PC. Within thirty (30) days of the public hearing concerning an application for approval of a subdivision plat, the PC shall notify the applicant in writing stating whether the Primary Plat is approved or disapproved.
    - i) Approval. If the PC determines that the Primary Plat complies with the standards set forth in this UDO, it shall grant primary approval to the plat.
      - 1. The PC may introduce such changes or revisions as are deemed necessary to the best interest and general welfare of the community.
      - 2. Approval of a Primary Plat by the PC signifies the general acceptability of the layout submitted.
      - 3. Approval of a Primary Plat shall be effective for a maximum period of two (2) years unless, upon application of the applicant the PC grants an extension. The PC may extend approval of a Primary Plat to a maximum of four (4) years without further notice, public hearing, or fees.
    - ii) Disapproval. If the PC disapproves a Primary Plat application, the PC shall make written findings of fact and notify the applicant in writing within ten (10) days of the hearing, stating the specific reasons for disapproval. This written notice shall be signed by the PC President and the Administrator.
4. Secondary Plat.
- a. Format. The Secondary Plat for Industrial subdivisions may be done in one of three (3) ways:
    - i) Full Plat. The subdivider may submit the Secondary Plat for the entire subdivision and then amend the Secondary Plat as may be necessary.
    - ii) Individual Lot. The subdivider may submit the Secondary Plat for each lot which will include all necessary infrastructure serving such lot.
    - iii) Individual Lot with Development Plan.
    - iv) The subdivider may submit the Secondary Plat or an individual lot along with the application for Development Plan.
  - b. Application. After approval of the Primary Plat by the PC and fulfillment of the requirements of this UDO, the applicant shall submit to the Administrator a written application for Secondary Plat approval in accordance with the application packet adopted by the PC as part of their Rules and Procedures. Such application shall be filed in accordance with filing deadlines outlined in the application packet. At the time of filing, the application shall be accompanied by a non-refundable application fee as indicated in the Fee Schedule. The Administrator shall forward one (1) copy to each of the individuals and agencies indicated in the previous section regarding Primary Plat Application. Those agencies or persons shall forward any comments or recommendations concerning said plat to the Administrator prior to the date of the scheduled TAC meeting.
  - c. Plans.
    - i) Plat. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. The Secondary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. The

Secondary Plat may include all or only a part of the Primary Plat which has received approval. The following information shall be shown on the Secondary Plat, but not limited to:

1. Name of subdivision and section number followed by the words "Secondary Plat".
  2. Accurate boundary lines, with dimension and angles, which provide a legal survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
  3. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plan.
  4. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
  5. Accurate metes and bounds description of the tract boundary.
  6. Source of title of the applicant to the land as shown by the last entry in the books of the Spencer County Recorder's Office.
  7. Street names.
  8. Complete curve data for all curves included in the plan.
  9. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines.
  10. Lot numbers and dimensions including the square footage of each lot.
  11. Accurate locations of easements for utilities and any limitations on such semi-public or community use.
  12. Accurate dimensions and plans for any property to be dedicated or reserved for open space or other public, semi-public, or common use.
  13. Building lines and setback dimensions throughout the subdivision.
  14. Location, type, material, and size of all monuments and markers.
  15. Plans and specifications for the improvements required in this UDO.
  16. Final protective covenants and restrictions which are properly prepared and legally sound which shall be incorporated into the plat and restrictions of all types which will run with the land and become covenants in the deed for lots.
  17. The required anti-monotony identification standards.
  18. Name and address of the owner and subdivider.
  19. North point, scale, and date.
  20. Certification of dedication of streets and other public property.
  21. Final landscaping, lighting or parking plans shall be incorporated in the Secondary Plat design plans when requested by the Administrator or the PC.
  22. Certificate of approval by the PC.
- ii) Construction Plans. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared and certified by a land surveyor and/or professional engineer registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all

required public streets, utilities, and other facilities. The final construction plans shall be based on preliminary plans which have been approved with the Primary Plat, and shall be prepared, submitted, and distributed in conjunction with the Secondary Plat. The plans shall show the following:

1. Construction plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Primary Plat.
  2. Topographic contours at intervals of one (1) foot if the general slope of the tract is less than five percent (5%) or intervals of two (2) feet if the slope exceeds five percent (5%). Contours shall be referenced to mean sea level elevations.
  3. Profiles 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. Approximate radii of all curves, lengths of tangents, and central angles on all streets. Complete curve data for all curves included in the plan.
  4. Where steep slopes exist, the PC may require that cross-sections of all proposed streets at one hundred (100) foot stations shall be shown as follows: on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, points twenty-five (25) feet inside each property line, edges of pavement, curbs, break points, and ditch lines.
  5. Plans and profiles showing the location and typical cross-section of streets including curbs and gutters, sidewalks, mailboxes, rights-of-way, drainage facilities, manholes, and catch basins: 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: the location of street trees, street lighting standards, and street signs: and exact location and size of all water, gas, or other underground utilities or structures.
  6. Location, size, elevation, and other appropriate description of any other existing physical and natural features or facilities including features noted on the official maps of the Town, trees with a diameter of eight inches or more (measured four (4) feet above ground level), the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes and streams. All elevations shall be referred to the USGS datum plane.
- d. Public Notice. Public notice for Secondary Plats shall be in accordance with the Rules and Procedures established by the PC.

- e. Decision by the PC. Within thirty (30) days after application for approval of the Secondary Plat, the PC shall approve or disapprove it.
  - i) Approval. If the PC determines that the plat complies with the standards of this UDO, it shall grant secondary approval to the plat. After necessary performance surety has been posted, the secondary approval of a plat by the PC shall be certified on behalf of the PC by the PC President and the Administrator who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.
    - 1. Recording. A plat of a subdivision may not be filed with the Spencer County Recorder's Office may not record it, unless it has been granted secondary approval by the PC and has been properly signed by the PC President and the Administrator. The filing and recording of the plat is without legal effect unless approved by the PC. One copy of the recorded plat shall be forwarded to the Administrator and the Spencer County Surveyor.
    - 2. Improvement Location Permits. No Improvement Location Permit shall be issued by the Administrator, or his agent, for any structure on any subdivision lots prior to the following:
      - (i) The recording of said subdivision by the Spencer County Recorder's Office, except for the purposes of public facilities, and
      - (ii) Installation and completion of all improvements, including grading, as shown on the development plans and approved by the PC, except that in the case of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
      - (iii) Written certification from the appropriate Highway Department and the Spencer County Surveyor that improvements are complete.
      - (iv) The release of necessary performance surety and the posting of necessary maintenance surety.
  - ii) Disapproval. If the PC disapproves the Secondary Plat, it shall make written findings of fact and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the PC President and the Administrator.
- 5. Plats and Amendments. 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. Streets that have been built by following an approved set of plans on the previously approved Secondary Plat shall not have to be rebuilt because of the adoption of new criteria by the PC. This shall also apply to storm drainage facilities within said subdivision unless runoff characteristics have been changed by the newly proposed improvements or by unauthorized existing improvements.
- 6. Appeals. Reserved.
- 7. Amendments. Reserved.
- 8. Restrictions. Reserved.

**E) Waivers**

1. Subdivisions.

- a. Where the subdivider can show that a provision of this UDO would cause unnecessary hardship if strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the PC may authorize a waiver, pursuant to *IC 36-7-4-702(c)*. Any waiver must be requested at the time of Primary Plat or Secondary Plat application. Any waiver thus authorized is required to be entered in writing in the minutes of the PC and the reasoning on which the departure was justified shall be set forth.
- b. Pursuant to *IC 36-7-4-702(c)*, the standards for subdivisions may be waived at the discretion of the PC; however, to be approved, the plat must still meet all applicable standards prescribed in the UDO (other than standards modified by variance by the BZA). As a condition of granting a waiver, the PC may allow or require a commitment(s) to be made under the Rules Governing Commitments.

**F) Performance and Maintenance Sureties**

1. Performance Surety. Before the plat is signed by the officers of the PC or is recorded, the subdivider shall file a performance bond or irrevocable letter of credit with the Administrator.

- a. Letter of Credit or Bond. The performance bond or letter of credit shall:
  - i) Cover one hundred percent (100%) of the installation costs of the streets, surface swales, subsurface and storm drainage systems, and seeding/erosion control.
  - ii) Run to the Town Council.
  - iii) Be in an amount determined by the Town Council to be sufficient to complete the improvements and installations in compliance with this UDO. The subdivider's engineer shall supply an estimate of the cost of improvements and installations on the project to aid in determination of the amount of surety. The engineer's estimate, however, shall not be binding.
  - iv) Be with surety satisfactory to the Town Council. Comply with all statutory requirements and shall be satisfactory to the counsel for the Town Council as to form, sufficiency, and manner of execution as set forth in these regulations.
- b. Responsibility of the Subdivider. All required improvements shall be made by the applicant, at his expense, without reimbursement by the Town.
  - i) In those cases where performance surety has been posted and required improvements have not been installed within the terms of such performance surety, the Town may thereupon declare the surety to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the surety is declared to be in default.
  - ii) Any money received from the surety or otherwise shall be used only for making the improvements and installations for which the surety was provided.
  - iii) The subdivider shall be required to maintain at his expense a certified civil engineer or engineering firm on the job site to manage the construction of the subdivision improvements. The on-site engineer shall certify that the subdivision construction is in compliance with the detailed construction plans submitted to the PC during the review



of the Secondary Plat. The on-site engineer shall submit weekly progress reports to the Administrator during construction and should notify the Administrator, Richland Engineer, and other appropriate officials when important work has been scheduled so that the Town may conduct an inspection. A final report shall be submitted to the PC and the Town Council by the engineer or his firm. If the Richland Engineer (or the town's designee) finds upon inspection that any of the required improvements have not been constructed in accordance with the Town's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by performance surety, the applicant and the bonding company shall be severally and jointly liable for completing the improvement according to specifications.

- iv) The Town Council shall not accept any of the required improvements nor release the performance surety until the applicable officials have submitted a final inspection report. Such a report shall state that all required improvements have been satisfactorily completed and that the layout of all public improvements is in accordance with the construction plans submitted by the subdivider's engineer for the development. Only after this step should the Town Council consider acceptance of the improvements and the release of the performance surety.
- c. Affidavit Requirement for Residential Subdivisions. An owner of a single family lot shall be required to submit an affidavit at the time of application for an Improvement Location Permit. The affidavit must provide the following requirements on the signed document:
  - i) A narrative portion which describes the developer's responsibility to disclose to all builders the platting requirements of the anti-monotony zoning provisions which will be enforced by the PC;
  - ii) A detailed list of all pre-conditioned platting requirements that are required for the intended residential lot; and
  - iii) A narrative portion which discloses the anti-monotony platting requirements will not be subject to change, unless a plat amendment is filed with the PC.
- d. Inspections.
  - i) Road Inspection. It shall be the duty of the subdivider to notify the appropriate Highway Department before any construction commences on the curbs, gutters, public walks, or roads in the subdivision, such that the inspector may run any and all tests required during the construction period.
  - ii) Sewer and Water Inspection. It shall be the duty of the subdivider to notify the applicable sewer utility and water utility, before any construction commences such that the Sanitarian may run any and all tests required on the sewage disposal and water supply facilities in said subdivision.
  - iii) Drainage Inspection. It shall be the duty of the subdivider to notify the Spencer County Surveyor before commencing construction so that any and all tests may be run on the drainage structures and the grading of the subdivision during the entire construction period.

- e. Completion Period. The period within which required improvements must be completed shall not in any event exceed two (2) years from date of final approval.
  - f. Extension. The Town Council may, upon proof of difficulty, extend the completion date set forth in such surety for a maximum period of one (1) additional year. The Town Council may at any time during the period of such surety accept a substitution of principal or sureties on the surety upon recommendation of counsel for the Town Council.
2. Maintenance Surety. Upon completion of all subdivision improvements and the release of the performance surety and prior to acceptance of these improvements into the Richland maintenance system, the subdivider shall provide a three (3) year maintenance bond or irrevocable letter of credit. Upon completion of all infrastructure installation, the plans for such systems as built shall be filed with the office of the PC.
- a. Letter of Credit or Bond. The maintenance bond or letter of credit shall:
    - i) Be in an amount equal to twenty percent (20%) of the cost of said improvements and installations as indicated in establishment of the performance surety.
    - ii) Cover any necessary maintenance needed for the streets, surface swales, subsurface and storm drainage systems, and seeding/erosion control during the three (3) year maintenance period.
    - iii) Run to the Town Council.
    - iv) Provide surety satisfactory to the Town Council.
  - b. Responsibility of the Subdivider.
    - i) The subdivider shall warrant the workmanship and all materials used in the construction, installation, and completion of said improvements and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications, and requirements of this UDO and the satisfactory plans and specifications for the subdivision by the PC.
    - ii) Any money received from the surety or otherwise shall be used only for making the improvements and installations for which the surety was provided.
  - c. Affidavit Requirement for Residential Subdivisions.
  - d. Inspections. Near the end of the three (3) year maintenance period and before the maintenance surety is scheduled to expire, the Administrator shall schedule an inspection of the subdivision. If the applicable officials find upon inspection that any of the required improvements are in need of repair, he shall notify the Administrator, the Town Council, and subdivider of those items in need of repair, and he shall prepare a report documenting such items. The subdivider shall be required to complete the repairs and upon the satisfactory completion of such repairs may request that the Town Council assume maintenance of all subdivision improvements and release the maintenance bond. Until acceptance of the subdivision improvements by the Town, it shall be the responsibility of the subdivider to maintain the subdivision to the standards of the Town.