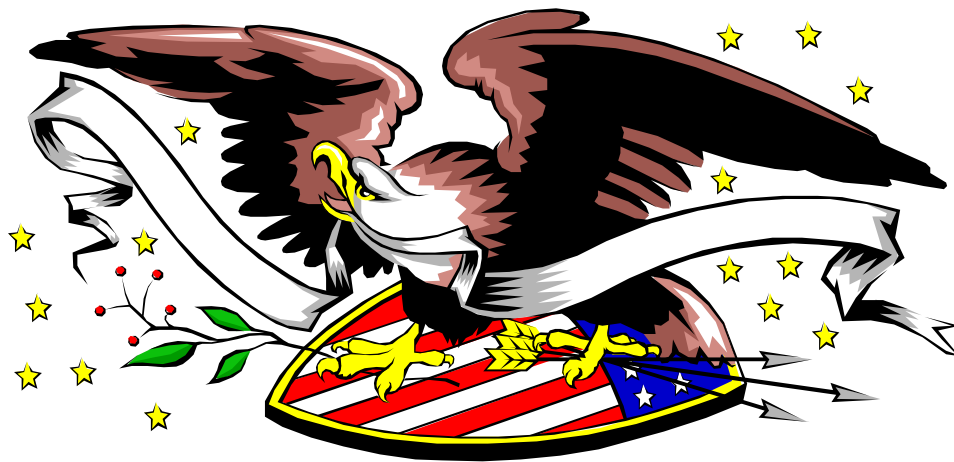


SUBDIVISION CONTROL ORDINANCE



JENNINGS COUNTY, INDIANA

September 1, 2006

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AN ORDINANCE FOR THE CONTROL OF THE SUBDIVISION OF LAND

ORDINANCE NO. 2
Jennings County
Unincorporated Territory

ORDINANCE NO. 44
Town of Vernon

ORDINANCE NO. 388
City of North Vernon

An ordinance providing for the control of land subdivision and the approval of plats and replats within the area over which the Area Planning Commission of Jennings County has jurisdiction according to the authority granted by enabling legislation of the Indiana Code, and all amendments and supplements thereto.

WHEREAS, the Indiana Code has enacted legislation which states that an Area Plan Commission shall, as soon as practicable after its establishment, recommend for adoption a Subdivision Control Ordinance for the County and any participating Cities and Towns; and

WHEREAS, such Subdivision Control Ordinance is designed to assure the promotion of public health, safety, general public welfare, efficiency, and economy in the process of development; and

WHEREAS, such provisions are essential to the proper development of Jennings County, the City of North Vernon, Town of Vernon, and any participating Towns:

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF JENNINGS COUNTY, THE COMMON COUNCIL OF THE CITY OF NORTH VERNON, AND THE TOWN BOARD OF VERNON, AS FOLLOWS:

SUBDIVISION CONTROL ORDINANCE

ARTICLE I PURPOSE AND ADMINISTRATION

Section 1 GENERAL

This ordinance is enacted for the purpose of controlling and regulating the division of any land for any purpose within the jurisdictional area of the Area Planning Commission of Jennings County. The Area Planning Commission shall have all the powers and duties with respect to preliminary and final plats and subdivisions and the procedure relating thereto which is specified by Statute and by this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare, by providing for the harmonious development of Jennings County, for the coordination of streets and with other features, for adequate open spaces for traffic, schools, and recreation, for adequate storm water drainage and sewage disposal, for the efficient and economical maintenance of streets, and for the development for public use of public lands.

Section 2 ADMINISTRATION

1. Jurisdiction

This Ordinance shall apply to all subdivisions of land within the corporate limits of the City of North Vernon, the Town of Vernon and any participating towns, and Jennings County, Indiana, as now or hereafter established.

2. Authority

Be it ordained by the _____, Indiana, under authority of the Indiana Code, that:

No plat or replat of a subdivision of land located within the corporate limits of the City of North Vernon, the Town of Vernon, any participating Towns, and Jennings County, shall be recorded until it shall have the approval of the Commission, and such approval shall have been entered upon the plat. The plat shall be accompanied by a certificate, bearing the seal of the Commission and attested to by the Secretary of the Commission. There shall be attached to the plat, or made a part thereof, a certificate disclosing that proper public notice of the hearing has been given.

3. Repealer

Upon the adoption of this Subdivision Control Ordinance according to law, the Subdivision Control Ordinance of Jennings County, City of North Vernon, & Town of Vernon, adopted July 1967, as amended are hereby repealed, except for such sections expressly retained herein.

4. Amendments

For the purpose of providing for the public health, safety, and general welfare, the County, City, or Town, on recommendation of the Commission, may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Commission and/or the County, City, or Town in the manner prescribed by law.

ARTICLE II DEFINITIONS

(The following definitions shall apply to the Zoning and Subdivision books unless the context clearly indicates or requires a different meaning.)

Accessory Building Use.

- (a) A subordinate, detached and roofed structure, not designed for human habitation, which serves a function incidental to and associated with that of the same lot and which does not change or alter the character of the premises.
- (b) Public utility communications, electric, gas, water and sewer lines, their supports and incidental equipment.

Act. Shall refer to the existing Indiana Code. (See “Indiana Code”)

Advertising Sign or Structure. (See “Sign”)

Agriculture.

- (a) The use of land for active pursuit of agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, the primary processing of products thereof produced on the premises and the necessary accessory uses for packing, treating or sorting said products.
- (b) The principal characteristic of such operations shall not include the commercial processing of agricultural products produced primarily on farms other than that on which the processing facilities are located.

Airport. Any location, including necessary buildings, either on land, water, or structure, which is designed or used for landing and taking-off of aircraft.

- (a) **Aircraft.** Any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.
- (b) **Airport.** The North Vernon Municipal Airport.
- (c) **Airport Elevation.** The highest point of an airport’s usable landing area measured in feet from mean sea level, and established to be 758 feet above mean sea level (MSL).
- (d) **Airport Hazard.** Any structure, object of natural growth, located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or take-off at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
- (e) **Airport Layout Plan.** An overall planning document geometrically establishing the horizontal and vertical locations of the ultimate runway ends at the North Vernon Municipal Airport for which is the basis for the Airport Zoning District, herein attached as Exhibit “A” – Airport Layout Plan dated may 12, 1975.
- (f) **Boundary.** The property line existing in fee simple and depicted on the Airport Zoning Map.
- (g) **Geographical Reference Point.** The airport reference point (ARP) established as a point having equal relationship to all existing and proposed landing and takeoff points, as defined in AC 150/3500-4B, as amended, and having Latitude 39° 02’ 36”N and Longitude 85° 37’ 01”W.
- (h) **Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard

surface, the primary surface ends at each end of the runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

- (i) **Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (j) **Runway 5-23, Non-Precision Instrument.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.
- (k) **Runway 15-33, Utility.** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- (l) **Runway 15-33, Visual.** A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, or by any planning document submitted to the FAA by competent authority.
- (m) **Zones.** The zones established in this ordinance are imaginary horizontal or inclined surfaces as indicated on the North Vernon Municipal Airport Zoning Map dated August 4, 1981.

Alley. A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Alteration. Any change, addition or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

Animal, Domestic. A horse, mule, swine, goat, sheep, cow, rabbit, turkey, chicken, guinea, pheasant, quail or similar animals and fowl commonly kept on farms located in the Jennings County area.

Applicant. The fee simple owner of land who makes application to the Jennings County Plan Commission for action by said commission thereby affecting that land.

Area Plan Commission. A multiple jurisdictional Plan Commission established under the area plan law as defined in the IC 36-7-4-102 (1981) as amended.

Arterial. Either a Primary Arterial or a Secondary Arterial as defined in this section.

Attached Multi-Family. A structure of multi-family use, having common or party wall or walls.

Basement. A story or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided into rooms and used for commercial or tenant dwelling purposes by other than a janitor employed on the premises.

Bed and Breakfast. A building in which one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

Billboard. (See “Sign”)

Block. A property abutting on one side of a street, and lying between the two nearest intersecting streets, or between the nearest intersecting street and railroad right-of-way, waterway or other definite barrier.

Block, Frontage. Property having frontage on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier.

Block, Residential. A block in which business or industrial uses are not permitted.

Board. The word “Board” refers to the Jennings County Board of Zoning Appeals. Also commonly referred to by the abbreviation “BZA”.

Boarding House. A building other than a hotel where, for compensation and by arrangement, meals and/or lodging are provided for three (3) or more persons but not to exceed twenty (20) persons.

Buffer Landscaping. Any trees, shrubs, walls, fences, berms, or related landscaping features required under the Subdivision Control 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. Any roofed structure built for the support, shelter, enclosure, or protection of persons, animals, chattels or moveable property of any kind (each part of such a structure that is separated from the rest by unbroken party walls is considered to be a separate building for the purposes of this ordinance). All buildings which are not accessory buildings shall have a permanent foundation. (Refer to Structure)

Building Area. The total ground area, within the lot or project, covered by enclosed residential building space plus garages, carports and other accessory buildings.

Building Code. (See “Code/Ordinance”)

Building Commissioner. For the purposes of this Ordinance, the Building Commissioner shall refer to the person employed and delegated the primary responsibility of issuing permits and may or may not conduct inspections of same.

Building, Height Of. (See “Height”)

Building Inspector.

- (a) The term “Building Inspector” shall refer to the Jennings County Building Inspector.
- (b) The person who, under the direction of the Zoning Enforcement Officer/Building Commissioner, conducts on-site inspections of buildings for compliance with the applicable codes.

Building Line. The line that establishes the minimum permitted distance on a lot between the building and the lot line.

Building Permit. A certificate issued by the Building Permit Official of a governing body 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.

Building Permit Official. That official of local government authorized to issue building permits.

Building, Principal. (See “Principal Use Building”)

Building Setback Line. A line parallel to and equidistant from the relevant lot line (front, back, side), establishing the minimum open space to be provided, between which no buildings or structures may be erected as prescribed in the County Zoning Ordinance, except an eave or cornice overhang not to exceed four feet.

Business or Commercial. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Business School. (See “Trade or Business School”)

Campground. Any site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Camping Trailer. A “Travel Trailer” as defined under “Recreational Vehicle” in this section.

Car Area. Open space area (uncovered and covered) used for car traffic, maneuvering and parking. Includes roads and right-of-way of all streets within the project, plus the area of half of any abutting alley or street right-of-way.

Carport. An area under roof which is used for off-street storage of street vehicles.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

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

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

Certificate. The signed and attested document which indicates that a subdivision has been granted secondary approval by the Commission subsequent to proper public notice of its hearing.

Certificate of Compliance. An occupancy permit, as cited in IC 36-7-4-801 and 802. A certificate of compliance is commonly understood to be final approval resulting from satisfying all the terms of the applicable permits.

Certificate of Occupancy. A certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Ordinance.

Checkpoint Agency. 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.

Child Care Center. A non-residential structure in which the operators of the structure receive compensation for caring for four (4) or more children on a regular basis. The care center must be licensed by the state, and can include “nursery schools” or “pre-schools.” This definition does not include public or private schools of general education. Generally care is provided for four (4) or more hours during the working hours of the child’s parent or guardian.

Child Care Home. A residential structure in which the resident receives compensation for the caring for at least six (6) children, for more than four (4) hours but less than twenty-four (24) hours, for ten (10) or more consecutive working weekdays (not including the children for whom the provider is a parent, step-parent, guardian, custodian, or other relative.)

Church. A building for religious worship services.

City. Any classified city or incorporated town.

Clinic. An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians.

Code/Ordinance. In subsequent sections hereof, reference may be to “Code” or to the “Ordinance.” It is intended the terms, when used herein, are interchangeable.

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

Commercial. (See “Business or Commercial”)

Commission. The word “Commission” refers to the Jennings County Plan Commission.

Comprehensive Plan. Inclusive physical, social, and economic plans and polices in graphic and verbal statement forms for the development of North Vernon, Vernon, any other participating town, and Jennings County, prepared and adopted by the Commission and indicating general locations recommended for public improvement, pursuant to the State

Acts, and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

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

Construction Plan(s). The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the plat.

Corner. The point of intersection of any public roads or easements which have been dedicated and accepted by a unit of government.

Corner Lot. (See “Lot, Corner”)

County. The word “County” refers to Jennings County, Indiana.

County Building Code. (See “Building Code”)

County Recorder. The county official empowered to record and file land description plats.

Covenant. (Deed Restriction) A private, legal restriction on the use of land contained in the deed to the property. Normally applied to all lots in any subdivision.

Coverage. The lot area covered by all buildings located thereon.

Cul-de-sac. A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

Day Care Center. (See “Child Care Center”)

Day Care Home. (See “Child Care Home”)

Dead-end Street. A street or a portion of a street with only one (1) vehicular traffic outlet, and no turnaround at the terminal end.

Designated Officials. Those officials of the Commission designated in the subdivision ordinance as required signatories for the execution of secondary approval.

Detached Building. A building that has no structural connection with another building.

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

Development Density. Number of dwelling units per gross acre. (IDEM Permit System with Sewage and Water)

- (a) Low – 1 or less dwelling units per acre.
- (b) Medium – 1 to 4 dwelling units per acre.
- (c) High – over 4 dwelling units per acre.

Development Plan. (IC 36-7-1-6) A specific plan for the development of real property that:

- (a) requires approval by a plan commission under the 1400 series of IC 36-7-4;
- (b) includes a site plan;
- (c) satisfies the development requirements specified in the zoning ordinance regulating the development; and
- (d) contains the plan documentation and supporting information required by the zoning ordinance.

District. The word “District” refers to a section of the jurisdictional area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

Drive-in. An establishment selling foods, frozen desserts, or beverages to consumers, the establishment being designed, intended or used for the consumption of such items on the premises outside of the building in which they were prepared.

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

Driveway. (See “Drives, Private”)

Dwelling Unit. One room, or rooms, connected constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Easement. An authorization grant by the property owner for the use of any designated part of his property by a corporation or persons for a specific use(s) and purpose(s) and officially recorded.

Escrow. 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.

Executive Director. The Executive Director of the Area Planning Commission of Jennings County.

Family. One or more persons sharing meals and living as a single housekeeping unit.

Farm. Land for which the primary purpose is the active pursuit of agriculture and the production of agricultural products. A farm may include dwellings for the owner of the farm and/or the operator of the farm, and the families thereof, as well as necessary buildings to house or accommodate business activities of the farm.

Fence. A structure, including entrance and exit gates, designed and constructed for enclosure or screening.

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

Flag Lot. (See “Lot, Flag”)

Flood. The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water. I.C.-1971-13-2-22 as amended by Public Law 123, Acts of 1973, defines flood as “the water of any river or stream in the State of Indiana or upon or adjoining any boundary line of the State of Indiana which is above the bank and/or outside the channel and banks of such river or stream; and also means the water of any lake which is above and outside the banks thereof. See I.C.-1971 for additional definitions.

Flood Control. The prevention of floods, the control, regulation, diversion or confinement of flood water or flood flow, and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of floods and the death, damage and destruction caused thereby, and all things incidental thereto or connected with.

Flood Hazard Area. A floodplain, or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees, reservoirs, or other works approved by the Indiana Natural Resource Commission. These areas are shown on the zoning map and/or the Flood Hazard or Floodway-Flood Boundary maps of the Federal Insurance Administration or maps provided to the Commission from the Indiana Natural Resources Commission.

Floodplain. The relatively flat or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The floodplain includes the channel, floodway, and floodway fringe.

Floodway. 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 peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Floodway Fringe. Those portions of the flood hazard areas lying outside the floodway, which is inundated by the regulatory flood.

Floor Area. The sum of the horizontal areas of the one or several floors and basements of all buildings or portions thereof, within the project, and devoted to permitted uses.

Not including, however:

- (a) Floor or basement floor area devoted to off street parking or loading facilities, including aisles, ramps and maneuvering space;
- (b) Floor or basement floor area provided for recreational uses, available to occupants of two or more living units within the project:

- (c) Basement floor area provided for storage facilities allocated to serve individual living units within the project.

Floor Area Ratio (FAR). The total area of all stories of all buildings within the project divided by the land area.

Foundation. Any structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe capacity of the supporting soil.

Free-standing Sign. (See “Sign”)

Front Line. With respect to a building, means the foundation line that is nearest the front lot line.

Front Yard. The horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the 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, except as deed restrictions specify otherwise.

Frontage. Any part of a lot that faces a street, road or public way.

Frontage Street. Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

Garage, Private. An accessory building with capacity for not more than four (4) motor vehicles per family, not more than one (1) of which may be a commercial. A garage designed to house two (2) motor vehicles for each family housed in an apartment shall be classed as a private garage.

Garage, Public. Any building, or premise, except those defined herein as a Private Garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repairs, or kept for remuneration, hire or sale.

Garage Sales. (See “Yard Sales”)

Governing Body. The body of the relevant local government having the power to adopt ordinances.

Grade. The slope of a street, or other public way, specified in percentage (%) terms.

Group Home. A residential facility licensed by the Developmental Disabilities Residential Facilities Council that profiles residential services for not more than eight (8) developmentally disabled persons, none of whom has a history of violent or anti-social behavior, and such staff as are necessary to adequately manage the home. Nothing in this ordinance shall regulate any residential facility in a residential zone within the definition of IC 12-7-2-165, as amended, or any such facility operated and existing within the applicable state and federal laws.

Hardship. A perceived difficulty with regard to one’s ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

Height.

- (a) For the purpose of determining the height limits in all zones set forth and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise stated.
- (b) With respect to a building, means the vertical distance from the lot ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof.

Home Occupation Or Home Business. Any use conducted entirely within a residential structure and participated in, principally by members of the family, which use is clearly incidental and secondary to the use of the structure for residential purpose and does not change the character thereof.

Hotel. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradiction to a boarding house or a multiple family residence which are herein separately defined.

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

IC. (See “Indiana Code”)

Improvements. (See “Lot Improvements” or “Public Improvements”)

Improvement Location Permit. A certificate issued by the Zoning Enforcement Officer/Building Commissioner permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the locality, or cause the same to be done or change the use or condition of the land.

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

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

Institution. Building(s) and/or land operated by or through various government programs designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

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

Interior Lot. (See “Lot, Interior”)

Joint Ownership. Joint ownership among persons shall be constructed as the same owner; “constructive ownership” for the purpose of imposing subdivision regulations.

Junk Vehicles. Includes any of the following criteria:

- A vehicle that is not properly licensed,
- not being operated,
- not in running condition,
- on blocks,
- dismantled or improperly stored,
- including any vehicle being “repaired” for more than a sixty (60) day period.

Junkyard. Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted; including, but not limited to, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purposes of wrecking or salvaging parts there-from.

Land Area. The total area within the legal boundaries of a parcel.

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

Landscape Screen. Any combination of fences, walls, hedges, shrubs, trees and other landscape materials which effectively provide a solid, dense opaque mass on a year-round basis, to prohibit view, absorb sound and provide site delineation.

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

Lot.

- (a) A tract, plot, or portion of a subdivision or other parcel of land, that has access to a street or thoroughfare, intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.
- (b) It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder. In determining lot area and boundary lines, no part thereof within the limits of a street shall be included.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees. A lot with streets abutting more than two (2) sides shall also be a corner lot.

Lot Coverage. The horizontal area of all buildings on a lot as a percentage of lot area.

Lot, Flag. A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot, Interior. A lot other than a corner or through lot with only one frontage on a street.

Lot, Through. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots

Lot Frontage. (See “Frontage”)

Lot Improvement. Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be provided in these regulations.

Lot Line. The property line between two (2) established parcels of land or one (1) parcel and a public right-of-way or place.

Lot Type. (See “Lot, Corner” “Lot, Interior” “Lot, Through”)

Lot Width. The dimension of a lot, measured between the side lot lines on the building line.

Marker. A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Master Plan. The words “Master Plan” refer to the complete plan, or any of its parts, for the development of areas, prepared by the Commission and adopted in accordance with IC 18-7-5-1, as amended and now known as IC 36-7-4-201 et seq. as is now or hereafter in effect. (Also see “Comprehensive Plan”)

Major Street. A collector or arterial street.

Major Subdivision. Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of more than five (5) lots of less than ten (10) acres each, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

Maneuvering Aisle. A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces and/or the driveway leading to those spaces.

Maneuvering Space. An open space in a parking area which: 1) is immediately adjacent to a parking space; 2) is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but 3) is not used for the parking or storage of motor vehicles.

Manufactured Housing. A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law 1974 (U.S.C. 5401 et seq.), and which complies with the following specifications:

- (a) shall have been constructed after January 1, 1981 and must exceed nine hundred fifty (950) square feet of occupied space per IC 36-7-4(d);
- (b) is attached to a permanent foundation of masonry construction and has a permanent perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code;
- (c) has wheels, axles and towing chassis removed;
- (d) has a pitched roof with a minimum rise of 2/12; and,
- (e) consists of two (2) or more sections which, when joined, have a minimum dimension of 20' x 47.5' in length or width enclosing occupied space.

Manufacturing, Heavy. Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light. Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; and operating and storing within enclosed structures.

Map. A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.

Marker. A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Minor Subdivision. A division of land into two or more lots, but not more than five (5) lots of less than ten (10) acres each, fronting an existing street which is an improved right-of-way maintained by the County (or other local government), in one calendar year and not requiring new streets, alleys or roads, nor the extension of municipal utilities, and not affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or this ordinance.

Mobile Home. Any vehicle without motive power designated by the manufacturer or maker with hitch and undercarriage to permit attachment of axles and wheels, and so designed to permit its being used as a conveyance upon public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a single-family dwelling and not qualifying under the definition of manufactured housing.

Mobile Home Park. An area of land owned by a single user or group and used for the parking of two (2) or more mobile homes.

Monument. A physical structure which marks the location of a corner or other survey point.

Motel. A non-residential building in which lodging is provided and offered to the public for compensation on a daily or weekly basis. Generally, motels do not provide permanent living quarters or areas for cooking and eating within the rental unit.

Multi-Family, Attached. (See “Attached Multi-Family”)

Multi-Family Residence. (See “Residence, Multi-Family”)

Non-Conforming Use. Any building or land LAWFULLY occupied by a use at the time of passage of this Chapter which does not conform after the passage of this Chapter with the use regulations of the district in which it is situated. Existing improvements which do not meet required lot size, setback lines, height, intensity, off-street parking and loading, signs and other regulations for the district in which they are situated are non-conforming uses as defined herein.

Occupied Space. The total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One and Two Family Dwelling Code, Indiana. The nationally recognized model building code adopted by the Indiana Department of Fire Prevention and Building Safety as mandated by 675 I.A.C. 14, and, which includes those supplements and amendments promulgated by this agency.

Open Space. The total area of all land within parcel boundaries which is not covered by structures or pavement.

Open Space Ratio (OSR). The Open Space divided by the Floor Area of structures located on the parcel.

Open Use. (See “Use, Open”)

Ordinance. A designated legislative action, however denominated, of a local government body having the force of law, including an amendment or repeal of any ordinance.

Outside Storage.

- (a) The presence of equipment, materials, goods, or other articles outside of commercial or industrial structures.
- (b) Outside storage does not include off street parking, but does include abandoned vehicles, unregistered vehicles, salvage vehicles, and vehicles awaiting repair if any of the above are left outside overnight.

Overhang. Any portion of a building structure that extends beyond the exterior wall of the building without support. Overhangs shall not project more than three (3) feet from the building, and in no case shall be used to shelter an automobile.

Owner. Any person, group of persons, firm(s), corporation(s), or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Parcel. 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.

Parking Area, Public. An open area, other than a street or alley, designed for use or used for the temporary parking of motor vehicles, whether free or for compensation, or as an accommodation for clients, customers, or employees.

Parking Garage. A garage, where parking but not repairs are available to the public.

Parking Space. An open space, and portion of the Car Area, exclusive of maneuvering aisle and driveway for the parking of a motor vehicle.

Pavement Width. The pavement width is measured from far edge of outside travel lane to the opposite edge of the outside travel lane.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one side.

Permanent Foundation. Any structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe capacity of the supporting soil.

Permanent Perimeter Enclosure. A permanent perimeter structure system completely enclosing the space between the floor joists of the home and the ground, except for necessary openings, constructed in accordance with the One and Two Family Dwelling Code.

Person. A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a human being.

Place. An open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting/adjoining property.

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

Plat. A map or chart indicating the subdivision or re-subdivision of land, either filed or intended to be filed for record.

Preliminary plat. A tentative map indicating the subdivision or resubdivision of land, prepared in accordance with the requirements of this Ordinance as a basis for consideration prior to the preparation of the final plat.

Primary Approval. 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 IC 36-7-4-700 series: Subdivision Control).

Primary Arterial. A street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the county; and/or as a route for traffic between communities; a major thoroughfare.

Primary Structure. (See “Principal Use Building”)

Principal Use. The primary use to which the premises are devoted, and the main purpose for which the premises exist.

Principal Use Building. A building in which is conducted the main or principal use of the lot on which said building is situated. 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.

Private Garage. (See “Garage, Private”)

Private School. Private pre-primary, primary, grade, high or preparatory school or academy approved and licensed by the State of Indiana for educational purposes.

Professional Office. An office of a member of a recognized profession, such as an architect, attorney, dentist, engineer, physician, surgeon, or other such professional person.

Project. A lot or parcel of contiguous land to be developed for use or uses permitted in accordance with the Zoning Ordinance.

Public Agency. 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 Building. Any building owned, leased or held by the United States, the state, the county, a city, town township, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.

Public Garage. (See “Garage, Public”)

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

Public Right-Of-Way. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to a transportation or transmissions facility.

Public Uses. Public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

Public Utility. Any person, firm or corporation duly authorized to furnish electricity, gas, telephone, telegraph, water or sewage systems to the public under public regulation.

Rear Lot Line. For an interior or corner lot, this means the lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot it means the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

Rear Yard. 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 the 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.

Recreational Vehicle (RV). A temporary dwelling for travel, recreation and vacation use including, but not limited to:

- (a) Travel Trailer – A vehicle identified by the manufacturer as a travel trailer built on a chassis, designed to move on the highway, and not designed or approved for permanent residence, but designed for vacation or travel purposes.
- (b) Pick-up Coach – A structure designed to be mounted on a truck chassis or cut-down car.
- (c) Motor Home – A self-propelled vehicle with living accommodations constructed as an integral part of the vehicle and used for vacation or travel purposes.
- (d) Camping Trailer – A collapsible or folding structure, built on a chassis with wheel and designed to move on the highway and used for vacation or travel purpose.

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

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

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

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

Regulatory Floodway. (See “Regulatory Flood”)

Residence. A building or portion thereof, used primarily as a place of abode for one (1) or more human beings, but not including hotels, lodging or boarding houses or tourist homes.

Residence, Single Family. A building, on a separate lot, containing one dwelling unit with a nine hundred and fifty (950) square foot minimum main floor area exclusive of garages, carports, and open porches, and has a minimum width of twenty-four (24) feet.

Residence, Two Family. A detached residential building containing two living units, designed for occupancy by not more than two families.

Residence, Multi-Family. A residential building designed for three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Residence, Resort. A resort area established for temporary or permanent living.

Residential Block. (See “Block, Residential”)

Resort Residence. (See “Residence, Resort”)

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

Resubdivision. 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. (See “Public Right-Of-Way”)

Road(s). (See “Street”)

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Screening. Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except as permitted or required under the Zoning Ordinance. Where required by the 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. The stage of application for formal Plan Commission approval of a final plat of a subdivision the construction of which has been completed or substantially

completed which, if approved and signed by the designated officials may be submitted to the County Recorder for filing.

Secondary Arterial. A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

Section. A unit of a manufactured home at least ten (10) feet in width and thirty (30) feet in length.

Sectional Home or Modular Home.

- (a) A structure manufactured in two (2) or more sections or modules and transported to its permanent location as separate sections or modules. A sectional/modular home must be installed on a permanent foundation with no rolling chassis components, and must be at least 24' in width.
- (b) A Sectional/Modular Home is distinguished from a Mobile Home in that the running gear, including springs, wheels, axles, and other rolling suspension parts remain a part of a Mobile Home residence. Such parts have been removed from a Sectional/Modular Home at the time of placement onto a permanent foundation.
- (c) For matters of Zoning Policy, Sectional/Modular Homes shall be considered equal to stick built homes.

Setback. 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 County Zoning Ordinance.

Show Cause Hearing. Hearing before the Area Plan Commission members to present a violation and "Show Cause" as to why legal action should or should not be taken.

Side Lot Lines. Any lines separating two lots other than front or rear lot lines.

Side Yard. The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty-four (24) inches into that space. The width of the required side yard is measured horizontally at 90° with the side lot line, from the nearest part of the main building.

Sign. Any outdoor announcement, declaration, device, demonstration, or insignia used for directions, information, identification or to advertise or promote any business, product, activity, services or interests.

- (a) Advertising Sign – Any cloth, card, metal, glass, wooden, plastic, plaster, or stone sign or any other sign, device or structure of any character whatsoever including a statuary, or on any tree, wall, bush, rock, post.

1. The term “placed” shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.
 2. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure.
 3. Neither directional warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of the Ordinance.
 4. A sign which directs attention to any business, product, activity, or service which may or may not be located in the same place as the sign.
- (b) **Billboard** – An off-premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.
 - (c) **Business Sign** – A sign which identifies a building or directs attention to a business product, activity or service manufactured, sold, or offered upon the premises where such sign is located.
 - (d) **Facing** – The surface of the sign upon, against or through which the message of the sign is exhibited.
 - (e) **Free-standing Sign** - Any sign supported by structure or supports that are placed on or anchored in the ground and that are independent from any building or other structure.
 - (f) **Incidental Sign** – A name plate or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information or real estate for sale, rent or lease.
 - (g) **Portable Sign** – A sign which is designed to be transportable.
 - (h) **Projecting Sign** – A sign suspended from or supported by a building structure, or column and projecting out more than eighteen (18) inches from the building.
 - (i) **Sign Structure** – The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides, where the angle formed between and of the sides (or projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.
 - (j) **Sign Surface** – The entire area within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the display.

Single Family Residence. (See “Residence, Single Family”)

Soil Survey, General. A survey done by a combination of visual inspection and utilization of existing information about the area which is sufficiently detailed to delineate soil area of questionable suitability as an adequate foundation for structures or of questionable suitability for on-site sewage disposal and areas subject to flooding.

Soil Survey, Operational. A highly detailed analysis of soil characteristics (e.g., texture, structure, acidity or alkalinity, permeability, moisture capacity) and identification of kinds of soil as described and named in a nationwide system.

Special Exception Permit. A special permit issued upon application by the Board of Zoning Appeals for conducting activities which do not conform to the zoning for the site.

Special Use. The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized.

State Acts. Such legislative acts of the State of Indiana as they affect these regulations.

State Plane Coordinate System. A system of plans co-ordinates, based upon the Transverse Mercator Projection for the Eastern Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

Stick-Built Home or Custom-Built Home. A permanent residential structure constructed of building materials at its site, and built on a permanent foundation.

Storage Warehouse. A structure or room for the storage of commodities, materials or goods.

Street. A dedicated public right-of-way, other than an alley, intended for vehicular traffic, including expressways, parkways, collector streets, primary thoroughfares, local streets, cul-de-sacs, marginal access streets, roads, lanes and other public ways.

Street, Dead End. (See “Dead End Street”)

Street Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels. (Refer to “Building”)

Structural Alteration. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or in the dimensions or configuration of the roof or exterior walls.

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

Subdivision. The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of ten acres or more and not involving a new street shall not be deemed a

subdivision. The term includes resubdivision and, when appropriate to the contest, shall relate to the process of subdividing or to the land subdivided.

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

Subdivision, Major. (See “Major Subdivision”)

Subdivision, Minor. (See “Minor Subdivision”)

Swimming Pool. A pool, pond, lake or open tank containing at least eighteen (18) inches of water at any point and maintained by the owner or manager.

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

Thoroughfare Plan. That part of the Comprehensive Plan for the County now or hereafter adopted, which included a Major Thoroughfare Plan and sets forth the general or approximate location, alignment, dimensions, identifications, and classifications of existing and proposed highways and other thoroughfares, located within the jurisdiction of the Commission.

Through Lots. (See “Lots, Through”)

Total Car Ration (TCR). The total number of parking spaces divided by the number of living units.

Tourist Home or Bed & Breakfast. (See “Bed & Breakfast”)

Trade or Business School.

- (a) A secondary or higher education facility teaching usable skills that prepares students for jobs in a trade, business, or vocation.
- (b) Secretarial or Business School or College conducted as a commercial enterprise for teaching trades or technical vocations such as instrumental music, dancing, barbering or hair dressing, drafting, industrial and/or technical arts.

Tree. Any object of natural growth.

Two Family Residence. (See “Residence, Two Family”)

Unnecessary Clutter. Items, junk, or debris littered or strewn in a heap, or in a confused and disorderly manner.

Use. The nature of employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Use, Open. The use of land principally for purposes that do not require a building, or including a building (1) whose use is unconnected with the use of the remaining land, or (2) which is incidental to the use of the open land. This definition shall include, but not be limited to, the following: parking facilities, storage, open space, and natural areas.

Use Variance. The approval of a use other than that prescribed by this zoning ordinance. Changes of allowed uses are not permitted by this ordinance except by zoning map amendment.

Variance. A modification of the specific requirements of this Chapter granted upon request and application by the Board of Zoning Appeals.

Vehicles, Junk. (See "Junk Vehicles")

Vision Clearance on Corner Lots. A triangular space at the street corner of a corner lot, free from any kind of visual obstruction between the heights of three (3) and twelve (12) feet above the established street grade for the purpose of observing activity which might obstruct or endanger traffic safety.

Yard. A space of a lot which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Chapter.

Yard, Front. (See "Front Yard")

Yard, Rear. (See "Rear Yard")

Yard, Side. (See "Side Yard")

Yard Sales. A sale of items belonging to the resident of the household or multi-family households.

Zone Map. The words "Zone Map" refer to the current editions of maps entitled "Jennings County, Indiana Zone Map", and "Jennings County, Indiana Jurisdictional Area and Zone Map", with amendments, and are on file and available for public inspection in the Area Plan Commission Office of Jennings County.

Zoning. A police power measure, enacted by the governing body of local governments, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building standards, placement, and other development standards. Requirements vary from district to district, but they must be uniform within zoning districts. The Zoning Ordinance consists of two parts: a narrative text and a map.

Zoning Enforcement Officer. The person employed and delegated the primary responsibility of enforcing this Ordinance and issuing relevant permits.

ARTICLE III PROCEDURE

Section 1 PRE-APPLICATION

Previous to the filing of an application for conditional approval of a Preliminary Plat, the subdivider is encouraged to consult informally with the Executive Director as provided in Article VI.

Section 2 PROCEDURE FOR CONDITIONAL APPROVAL OF PRIMARY (PRELIMINARY) PLAT

1. A subdivider desiring conditional approval of a Preliminary Plat of any land lying within the jurisdiction of the Commission shall submit to the Executive Director a written application for a certificate of approval and nine copies of the Preliminary Plat. The application shall specify the intent of the subdivider with respect to land use, drainage, sewage disposal, water supply, street improvements, the manner in which the proposed subdivision is coordinated with the Comprehensive Plan and its provisions and specifically with the requirements of the Thoroughfare Plan; school and recreation sites and other developments existing and proposed in the vicinity; what, if any, restrictions exist or are to be placed on the property to be subdivided and the expected dates of development of the subdivision or sections thereof. No land shall be subdivided unless it is in conformance with a land use control resolution or with the Zoning Ordinance as now or hereafter adopted. (Refer to Zoning Ordinance Chapter VI for Residential Zoning and Regulations.)

2. At the time of filing an application for tentative approval of a plat, the application shall be accompanied by cash, check, or money order, for each lot in the proposed subdivision, payable to the Jennings County Area Plan Commission Non-Reverting Funds, to cover the cost incurred by the Commission in checking and verifying the plat. Minor subdivision may be reviewed “in house” by the Executive Director without advertisement, public notice, or the need to be brought before the Board. The individual parcels in minor subdivision can be described by metes and bounds description. A Minor Subdivision (Preliminary and Final) that goes before the Jennings County Area Plan Board has a charge for each lot in the proposed subdivision. See attached Permit Fee Schedule in the Appendix for the latest Fee Structure.

3. Upon receipt of the application, the Executive Director, if he/she determines that the standards and requirements of this Ordinance have been met, shall:

- a. Under Article III, Section 4, a Minor Subdivision plat may be reviewed “in house” by the Executive Director, unless they are required to go before the Area Plan Board.
- b. Set a date for a hearing before the Commission or with the Executive Director for “in house” approval.
- c. Notify the applicant in writing, and
- d. Notify by general publication, any person or governmental unit having a probable interest in the proposed plat.

The cost of publishing the notice of hearing shall be paid by the applicant prior to the approval of the Preliminary Plat. At least ten days before the date of the hearing, the Executive Director shall refer three copies of the Preliminary Plat to the Commission, one copy to the County Surveyor, one copy to the Clerk-Treasurer of North Vernon or one copy to the Clerk-Treasurer of Vernon as applicable, one copy to the Superintendent of the Consolidated School Corporation, and one copy to the Board of County Commissioners.

4. If the Executive Director determines that the standards in this Ordinance have not been met, he shall reject the application and provided the petitioner with a written specification of the items of non-compliance. If, upon a second submission, made not sooner than thirty days after the first, the application is again rejected by the Executive Director, the applicant may request a hearing before the Commission.

If, after the hearing, the Commission determines that the application and plat comply with the standards set forth in this Ordinance, they shall approve and fix the Commission's seal upon the plat, together with a certificate disclosing that proper public notice of the hearing has been given and that a majority of the Commission members concur in its approval. The certificate shall be signed by the President of the Commission and be attested to by the Secretary of the Commission. The plat shall be submitted to the appropriate governing body, being Jennings County, the City of North Vernon, or the Town of Vernon for their review before the final plat process.

If the Commission disapproves the plat, it shall set forth its reasons in its own records and provide the applicant with a copy.

Section 3 SECONDARY (FINAL) PLAT APPROVAL PROCEDURE

The Commission shall consider approval of a Final Plat only after:

1. A determination by the Commission that the Final Plat substantially conforms with the Preliminary Plat as approved and with all changes permitted and all requirements imposed as a condition of its approval.
2. An accurate survey of the subdivision has been made and marked on the ground so that streets, blocks, and lots and other divisions may be identified.
3. Sewer and water mains to serve each lot, or in lieu of water main installation, a contract between the subdivider and the City of North Vernon or the Town of Vernon, or a Rural Water Authority, for said installation, and grading to the full width of all streets and alleys shall have been accomplished.
4. If municipal sewer and water are not required, the installation of all other improvements as required in this ordinance.
5. Or, in lieu of items 3 and 4 of this Section, a bond, provided by the subdivider which:
 - a. Runs to Jennings County

- b. Is in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Ordinance.
- c. Provides surety satisfactory to the Commission.
- d. Specifies the time for the completion of the improvements and installations.

6. Any funds received from these bonds shall be used by the County only for the purpose of making the improvements and installations for which the bond was provided. The proceeds of the bond may be used for these purposes without appropriation. If the improvements or installations are to be made within the City of North Vernon, the Town of North Vernon, or a participating town, the County shall transmit the proceeds of the bond to such City or Town which shall complete the improvements and installations in conformance with this Ordinance and with plans and specifications approved by the Commission. Cash, surety, or irrevocable letters of credit are all acceptable. Property bonds will not be acceptable.

7. If the subdivider elects to provide the improvements and installations required in this Ordinance before he applies for final plat approval and it is shown to the satisfaction of the Commission that all applicable conditions and requirements of this Ordinance have been met, and if the Final Plat conforms substantially to the Preliminary Plat as approved, the Commission shall have no other course than to give Final Plat approval within 30 days after application.

8. Upon the completion of all required improvements and installations, and prior to the acceptance thereof for public maintenance by the County or Participating City or Town, the subdivider shall provide a three-year bond, with himself or some other person satisfactory to the Commission as principal, which shall:

- a. Run to the County, or the participating City or Town having the legal responsibility for the maintenance of said improvements and installations.
- b. Be in an amount equal to ten percent of the cost, as estimated by the Commission, of all improvements, and installations as required by this Ordinance excluding however, the cost of the public, group and individual water supply improvements and installations required by this Ordinance. Nothing contained in this paragraph shall, however, exclude any of the said improvements and installations from requirements and coverage of this bond as specified in paragraphs "d" and "e" hereof.
- c. Provide surety satisfactory to the Commission.
- d. Warrant the workmanship and all materials used in the construction, installation and completions of said improvements; warrant the installations to be of good quality and to have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this Ordinance and with plans and specifications approved by the Commission.
- e. Provide that for a period of three years after the date of the acceptance of the improvements, the applicant will, at his own expense, make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including any damage to said improvements and installations resulting from forces or circumstances beyond the control of the applicant or occasioned by

the inadequacy of the standard specifications or requirements of this Ordinance.

9. Installation of improvements shall be inspected by the County or the participating City or Town within whose territorial boundaries the subdivision is located. Each participating City or Town may designate by resolution that the Executive Director inspect, on their behalf, said installations and improvements. Such inspections shall be required in all instances regardless of whether the work is performed before or after the Final plat approval. Failure of the subdivider to request inspection at proper and reasonable intervals during construction of the improvements and installations as required may be cause for either denial of Final Plat approval and/or denial of acceptance for maintenance by the County or the participating City or Town.

10. As built plans of all underground public utilities shall be filed by the subdivider with the appropriate utility and/or governmental agency and the fact of said filing certified in writing to the Executive Director.

Section 4 MINOR SUBDIVISION PLAT

A minor subdivision plat, as defined in this Ordinance and which complies in all other respects with the provisions of this Ordinance, may be reviewed “in house” by the Executive Director without advertisement, public notice, or the need to be brought before the Board. The individual parcels in minor subdivision can be described by metes and bounds description. A Minor Subdivision (Preliminary and Final) that goes before the Jennings County Area Plan Board has a charge for each lot in the proposed subdivision. See attached Permit Fee Schedule in the Appendix for the latest Fee Structure

ARTICLE IV DESIGN STANDARDS

Section 1 GENERAL

1. No land shall be subdivided for residential use, if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, or objectionable earth or rock formations, topology or other features harmful to the health, safety and welfare of future residents and the community as a whole. (Refer to Zoning Ordinance Chapter VI for residential regulations)

2. The Commission may require either a General or Operational Soil Survey, with interpretations, where it is not readily apparent from existing information that the land to be subdivided is not subject to flooding or does not contain poor drainage characteristics. If required, the survey shall be conducted by a qualified person or agency acceptable to the Commission. In the event that the Commission finds the land to be subdivided unacceptable due to results of the soils survey, the Commission shall not approve the plat. The Commission may, however, prescribe conditions that the subdivider must meet to obtain approval and these conditions may be incorporated into an agreement between the Commission and the subdivider.

3. All proposed subdivisions shall conform to the Major Thoroughfare Plan as is now or may be set forth hereafter. Whenever any tract to be subdivided embraces any part of the Major Thoroughfares Plan, that part of such public way shall be platted by the subdivider in the location and of the width indicated on the Major Thoroughfares Plan, or as the Commission may require. Where streets are not shown in the Major Thoroughfares Plan, the arrangements of streets in a subdivision shall provide for the continuation or projection of existing principal streets in surrounding areas or conform to a plan of the neighborhood approved and adopted by the Commission.

4. Spite strips of a non-build area to prevent adjacent property owners from connecting to rights-of-way, roads, utilities, or easements shall not be allowed in any existing or new development.

Section 2 STREETS

1. All streets and alleys shall be completed to grades shown in plans, profiles and cross-sections provided by the subdivider, prepared by a Registered Professional Engineer or Registered Land Surveyor and approved by the Commission. Street width shall be measured from gutter line to gutter line where curbs or curb and gutter are provided.

2. The streets shall be graded, surfaced and improved to the dimensions shown in approved cross-sections. The work shall be performed as prescribed in “Standard Specifications for Road and Bridge Construction and Maintenance,” current issue, of the State Highway Commission of Indiana.

3. The arrangement, character, extent, width, grade and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience

and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.

4. No major subdivision shall be constructed off of a non-paved or gravel road. (See Comprehensive Plan Chapter VI Land Use Patterns)

5. Base blacktop shall be installed prior to 20% completion of the subdivision and the final surface shall be laid out before 80% completion of the subdivision. Sidewalks may be built along with construction of houses until 75% of the houses have been built, and then the sidewalk must be completed throughout the development.

6. Minor streets shall be laid out so that their use by through traffic will be discouraged.

7. Where a subdivision abuts or contains an existing or proposed thoroughfare, a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations. The Commission may require that control of said intervening land strips be dedicated to Jennings County or to participating Cities or Towns under conditions approved by the Commission. The said strips shall be maintained by the involved governmental unit from the date of dedication.

8. Where a subdivision abuts or contains an existing or proposed street as shown in the Major Thoroughfares Plan, the Commission may require marginal access streets; reverse frontage with screen planting contained in a non-access reservation along the rear property line having a minimum width of ten feet; deep lots with rear service ways, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

9. A tangent at least 100 feet long shall be introduced between reverse curves on major, secondary, and collector streets. All minor streets shall have a tangent of at least 50 feet long on reverse curves.

10. Half-streets and half-alleys shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

Section 3 ALLEYS

1. Alleys shall be provided in commercial and industrial districts except that the Commission may waive this requirement if other provisions are made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

2. Alleys shall be discouraged in residential areas except where topographical or other conditions may necessitate their use.

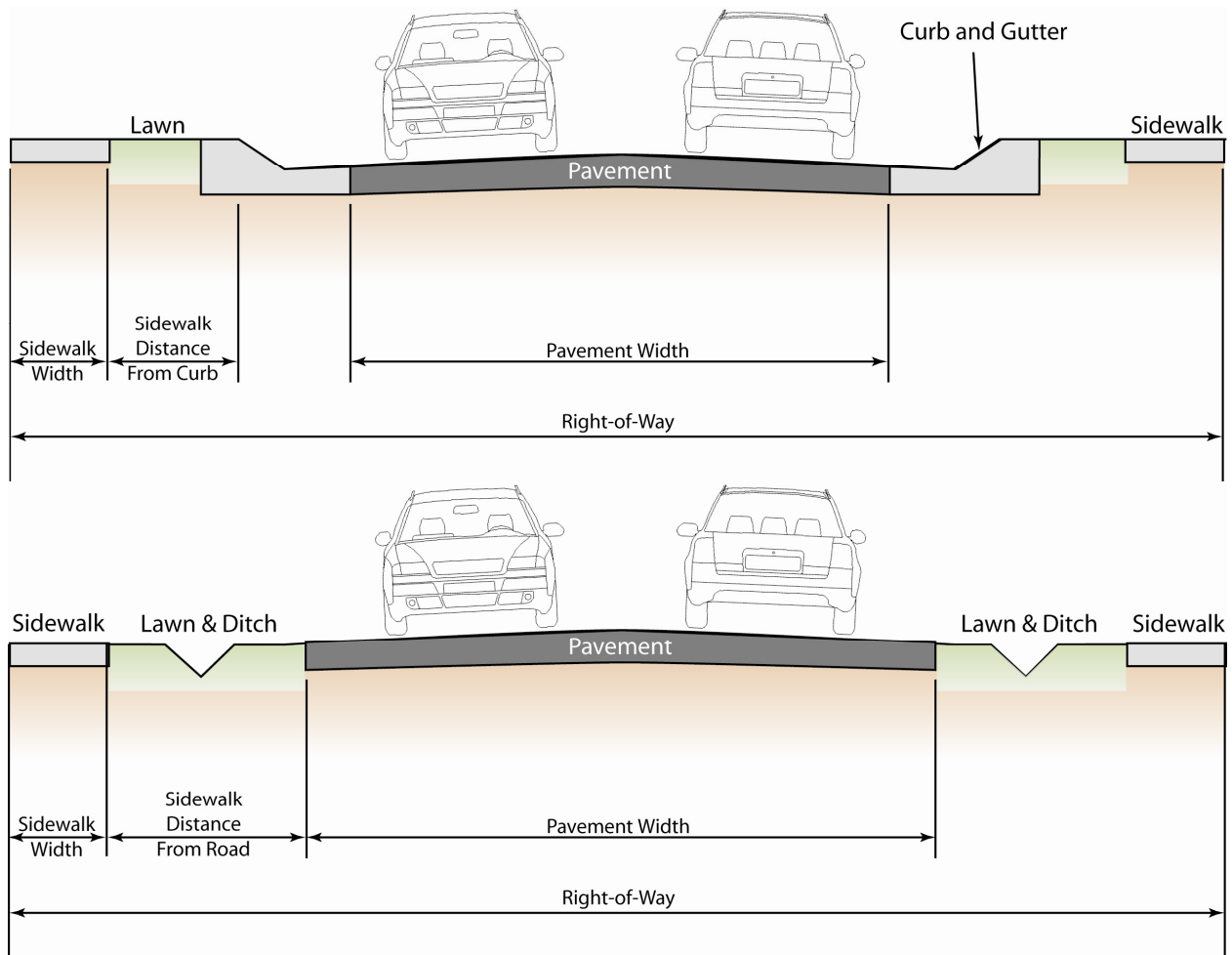
3. Alley intersections with sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Minimum radius at street intersections shall be 20 feet.

4. Dead end alleys shall be prohibited except when provided with a 40 foot outside turning radius at the dead end.

Section 4

In addition, streets and alley design standards shall conform to the requirements of Tables 4-1, 4-2 and 4-3 as shown on the following pages. (Refer to figure 4-1 below for a graphical interpretation of a street design section)

Figure 4-1: Street Design Section



**TABLE 4-1
STREET DESIGN STANDARDS**

TYPE OF STREET ARTERIAL, MAJOR, MINOR, AND LOCAL COLLECTORS	DESIGN STANDARDS Plans profiles and cross-sections in accordance with the Road Classification, or as determined by the Commission		
	DEVELOPMENT DENSITY		
	LOW	MEDIUM	HIGH
Residential Collector (Arterial/Major):			
Right-of-way (ft.) (Min.)	60	70	80
Pavement Width (ft.) (Min. 12 ft. Lanes)	24	24	24
Type of Curb (V-Vertical Face)	V	V	V
Sidewalk Width (ft.)	5	5	5
Sidewalk distance from curb face(ft.)	10	10	10
Minimum Sight Distance (ft.)	300	300	300
Minimum Centerline Radius	350	350	500
Residential Collector (Minor/Local):			
Right-of-way (ft.)	50	60	60
Pavement Width (ft.) (Traveled Way) (1)	20	24	24
Type of Curb (2)	O	R	R
V-Vertical Face			
R-Roll Type			
O-None			
Sidewalk Width (ft.) *	4	5	6
Sidewalk Distance from curb face(ft.)	0 or 4	4	6
Minimum Sight Distance (ft.)	200	200	300
Maximum Grade	Level 8%, Rolling 10%	8%	8%
Minimum Grade	0.5%	0.5%	0.5%
Maximum Cul-de-sac Length (ft.)	800	600	500
Minimum Cul-de-sac Radius (right-of-way ft.)	50	50	50
Minimum Cul-de-sac Curb radius(ft.)	40	40	40
Minimum Centerline Radius (ft.)	250	350	350
Alley Right-of-way & Pavement Width (ft.)	25/12	30/16	50/20

* Installation of paved sidewalks on at least one side of the street shall be required, in all major subdivisions. The park, railroad or other use makes a sidewalk non-essential. (See Article V, Section 9 for sidewalk improvements)

NOTE: Pavement widths are measured from face of gutter to face of gutter (or from the edge of the travel lane to the edge of travel lane).

(1) On street parking – Increase ten (10) ft. on each side.

(2) Per design – Rural areas may use shoulder and open drainage ditches.

TABLE 4-2

INTERSECTION DESIGN STANDARDS

INTERSECTION DESIGN	ALL DEVELOPMENT DENSITIES
Clear Sight Distance (Length along each approach leg-ft.)	30 mph = 200' 40 mph = 300' Others per A.A.S.H.T.D. Design
Vertical Alignment within Area	2% Maximum
Minimum Angle of Intersection	80 degrees (90 degrees preferred)
Minimum Curb Radius (ft.)	
A. Arterial/Major Collector	50'
B. Minor Collector	40'
C. Local Collector	25'
Minimum Centerline Offset of Adjacent Intersections (Street Jogs-ft.)	
A. Local Collector	150'
B. Minor Collector	200'
C. Arterial/Major Collector	300'

TABLE 4-3**DESIGN CHARACTERISTICS OF STREET AND ALLEY PAVEMENTS**

Pavement Type & Materials *	Arterial/Major Collector	Minor Collector	Rural/Local Collector	Alley
<u>Rigid:</u>				
Portland Cement Concrete	8"	7"	6"	6"
Sub-base (Aggregate)	4"	4"	4"	4"
Total Thickness	12"	11"	10"	10"
<u>Flexible:</u>				
HMA Asphalt – Surface	1 ½"	1 ½"	1"	1 ½"
HMA Asphalt – Intermediate	2 ½"	2 ½"	2 ½"	0"
HMA Asphalt – Base or Compacted Aggregate (#53)	12"	8"	8"	6"
Total Thickness **	16"	12"	11 ½"	8"

* Materials per current Indiana Department of Transportation specifications and interim specifications.

** Roadway section to be constructed on approved compacted sub-grade.

Section 5 EASEMENTS

1. Easements centered on rear or side lot lines shall be provided for drainage and utilities where necessary and shall be at least five feet wide on both sides of the property lines. Easements shall generally be continuous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided an adequate storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width of construction, or both, as will be adequate for the purpose. Minimum easement width shall include the 100 year flood area per FIRM maps.
3. The use of an easement to get to any tract of land divided off of another shall be discouraged. Any tracts created off of an easement shall be reviewed by the Area Plan Commission and not solely by the Executive Director. All easements shall be a minimum of 50 feet wide and the Area Plan Commission may require that no other tracts may be created off of an existing easement.

Section 6 BLOCKS

1. The width of blocks shall be sufficient to allow two tiers of lots, except where reverse frontage on a Major Thoroughfare is required.
2. Where effective use of land does not require otherwise, blocks in residential subdivisions shall not exceed 1600 feet in length.
3. In the event of block length exceeding 1000 feet where the blocks are not arranged in the direction of natural pedestrian and traffic flow, a crosswalk or pedestrian way not less than ten feet in width may be required near the center and entirely across any block to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. The pedestrian way shall be dedicated and paved to a width of at least five feet.

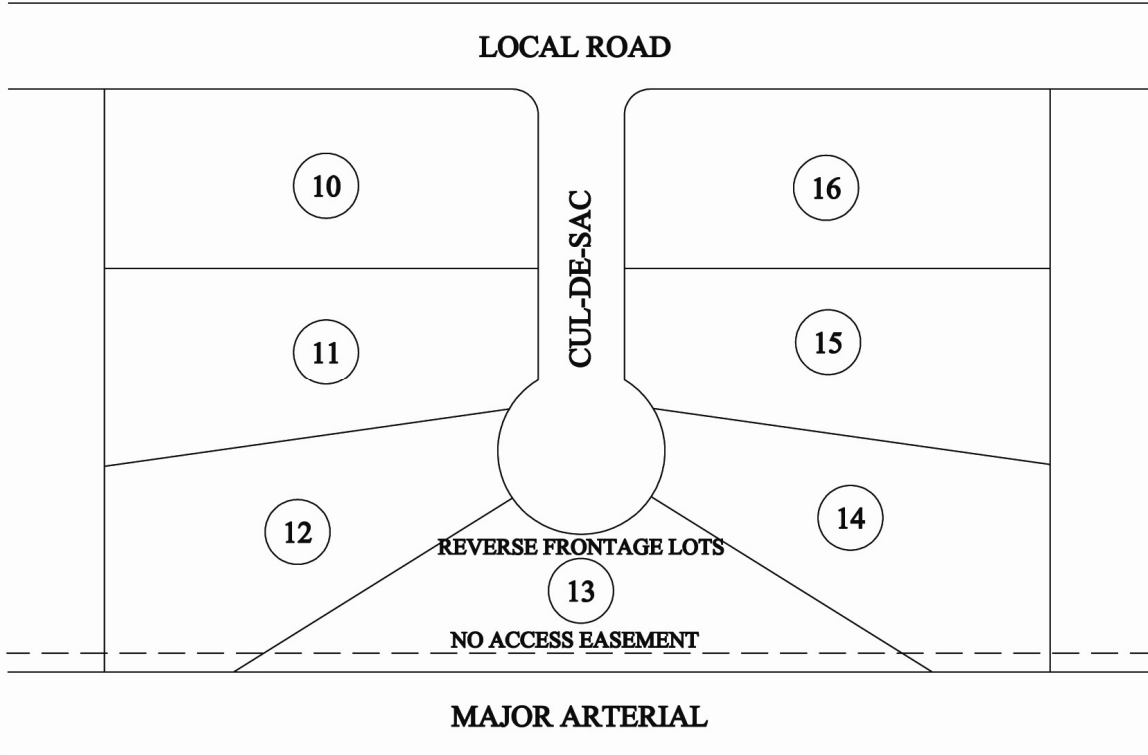
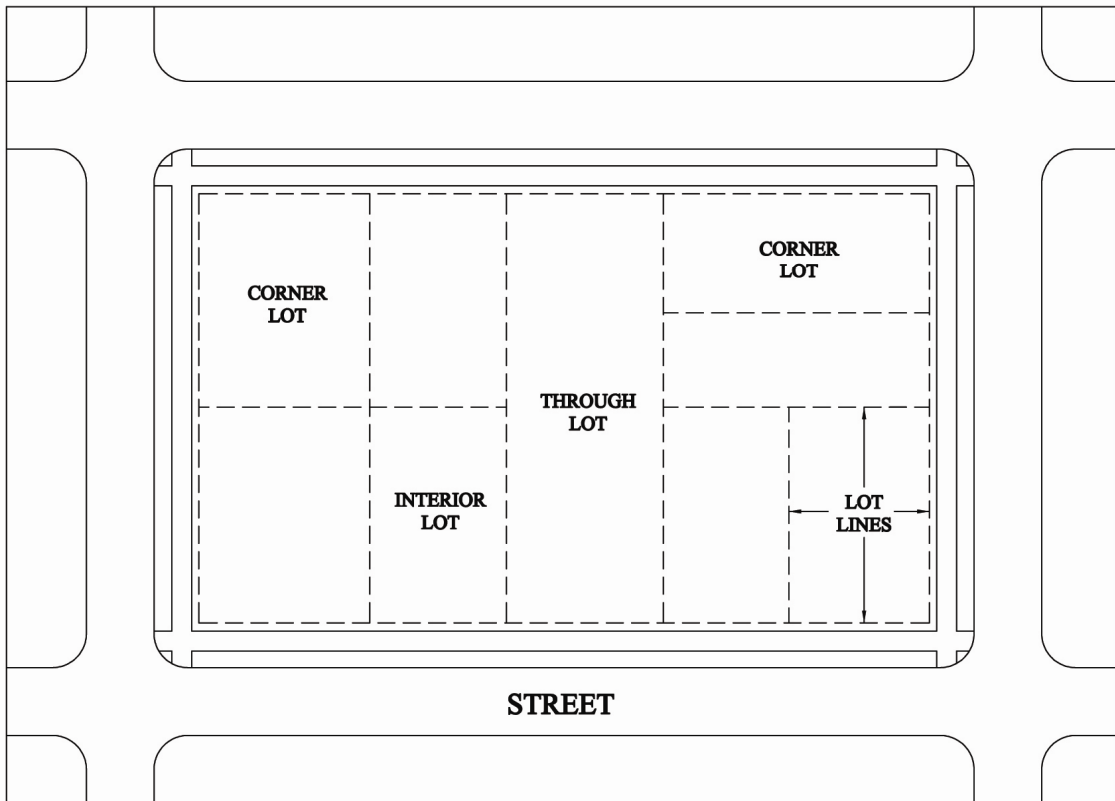
Section 7 LOTS

1. Residential lots shall in no case be less than 80 feet in width at the building line, nor contain less than 10,000 square feet in area. (See Zoning Ordinance Chapter VI table 6-1 for detailed lot information.)
2. Corner lots shall be 15 feet wider than the minimum required or 20% larger in total area. (See figure 6-4 in the Zoning Ordinance for a visual of a corner lot)
3. Residential lots not served by public sewer and water shall be not less than 150 feet in width at the building line nor less than 1 acre (43,560 Sq. Ft.) in area. Where there is no public sewer but public water is provided, residential lots shall be not less than 150 feet in width and shall contain not less than 1 acre (43,560 Sq. Ft.) in area.

Larger lots may be required. The Commission may approve the granting of exceptions to this provision where lots are to be used for commercial or industrial purposes.

4. The depth to width ratio of the useable area, i.e., the remainder of the lot after the exclusion of the area which is not unusable for normal building service, recreational, or similar activities by reason of the existence of geologic, topography drainage, or other similar conditions of a lot in a residential district shall be a maximum of 6.0 to 1.0 and a minimum of 2/3 to 1 except where a variance becomes necessary for the purpose of using odd shaped parcels (See Chapter VI. "Residential Zoning" in the Zoning Ordinance). Depth and width of properties reserved for commercial and industrial purposes shall be adequate to provide for off-street service and parking facilities required by the type of use and development contemplated (See Chapters VII. "Commercial Zoning" and VIII. "Industrial Zoning" for detailed lot ratios) (See "Figure 4-1: Depth to Width Ratio" in the zoning ordinance for an example).
5. Side lines of all lots, so far as possible, shall be at right angles or ratios to the street line.
6. Every lot shall abut on a public street.
7. Double frontage (through) lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet in width, across which there shall be no access, shall be provided along the line of lots abutting such traffic arteries or other disadvantageous use. (See Figure 4-2 for a visual of a through lot)
8. Where larger than normal lots are proposed, they shall be of such shape and dimensions that future streets may be platted along lot lines.
9. Lots shall be numbered consecutively throughout the entire subdivision. (See Figure 4-2 for a visual of lot numbering)

Figure 4-2: Lot and Frontage Examples



Section 8 PUBLIC SITES AND OPEN SPACES

1. Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, the Commission may require the reservation of such area for a period of time not to exceed five years from the date of recording.
2. Where deemed essential by the Commission upon consideration of a particular type of development proposed in the subdivision and especially in large-scale Neighborhood Unit developments not anticipated in the Comprehensive Plan, the Commission may require the reservation for a reasonable period of time, not to exceed five years from the date of recording, of such areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood and community purposes.

Section 9 NON-RESIDENTIAL SUBDIVISIONS

1. The street and lot layout of a non-residential subdivision shall conform generally to the Comprehensive Plan as is now or hereafter adopted, in whole or in part, and specifically with that part of the plan which deals with zoning, land use and thoroughfares. (Refer to Zoning Ordinance Chapter VII for commercial zoning and regulations, and Chapter VIII for industrial zoning and regulations.)
2. Non-Residential subdivisions shall include industrial tracts, and may include neighborhood and community commercial tracts.
3. In addition to the principles and standards in this Ordinance which are appropriate to the planning of all subdivisions, the following principles and standards shall be observed.
 - a. Proposed industrial parcels shall be suitable in area and dimension to the types of industrial development anticipated.
 - b. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
 - c. Special requirements may be imposed by the Commission for street, curb, gutter and sidewalk design and construction and for the installation of public utilities, including water, sewer and storm drainage.
 - d. Every effort shall be made to protect adjacent residential areas from the proposed non-residential subdivisions, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip where necessary.
 - e. Subdivisions for proposed commercial development shall take into account and specifically designate all areas proposed for vehicular circulation and parking, for pedestrian circulation, and for buffer strips and other landscaping.

ARTICLE V REQUIRED IMPROVEMENTS

Section 1 MONUMENTS AND MARKERS

Monuments shall be of stone, recast concrete, or concrete poured in place with minimum dimensions for four inches by four inches by 30 inches. They shall be marked on top with an iron or copper dowel set flush with the top of the monument and deeply scored on top with a cross. Markers shall consist of galvanized iron pipes or steel bars at least 30 inches long and not less than 5/8ths inches in diameter.

Monuments and markers shall be placed so that the center of the bar or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision and at the intersection of street property lines.

Markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear, at all angles in property lines of lots, and at all other lot corners not established by a monument.

Section 2 STREETS AND ALLEYS

1. Streets and alleys shall be completed to grades shown on plans, profiles, and cross-sections prepared by a Registered Professional Engineer or Registered Land Surveyor, and approved by the Commission. Elevations shall be based on the State Plane Coordinate System.

Section 3 STORM AND SURFACE WATER DRAINAGE

1. General Requirements. The Commission shall not recommend for approval any subdivision plat, rezoning, or site development permit which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by methods approved by the Commission, and a copy of the design computations shall be submitted along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. Construction activities that result in the disturbance of one (1) or more acres of land will be required to obtain a rule 5 permit from IDEM.

2. Nature of Storm Water Facilities

a. Location. The applicant may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as a result of the subdivision. Such drainage facilities shall

- be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the County's construction standards and specifications.
- b. Accessibility to Public Storm Sewers
 - i. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance adequate provision shall be made for the disposal of storm water, subject to the specifications of the Commission. However, in subdivisions containing lots of less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of the facilities shall be conducted upon completion.
 - ii. If a connection to a public storm sewer will be provided eventually, as determined by the Commission, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision(s) for such connection(s) shall be incorporated by inclusion in the amount of the performance bond or equivalent required for the subdivision plat.
 - c. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The commission shall determine the necessary size of the facility, based on the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
 - d. Effect on Downstream Drainage Areas. The Commission shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies together with such other studies as may be available and appropriate, shall serve as a guide to needed improvements. All costs that may be needed for any studies required by the commission shall be provided by the developer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission may withhold secondary approval of the subdivision until provisions (such as a storage facility) has been made for the improvement of said potential condition in such sum as the Commission shall determine. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate drainage water course or facility.
 - e. Areas of Poor Drainage. Areas which are not in the Flood Plain but contain soils which are subject to flooding may be approved for subdivision by the Commission, provided that the subdivider fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two (2) feet above ponding levels.
 - f. Areas of High Seasonal Water Tables. In areas characterized by soils having a high seasonal water table as determined by the Jennings County Soil and Water Conservation District, lots shall be limited to slab type construction

unless the Commission determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.

- g. Drainage Design Criteria. The subdivider shall size all storm sewers, culverts, ditches and other drainage structures based on runoff from a ten (10) year storm event using the appropriate intensity/duration curve for the area and a minimum time of concentration of five minutes. The drainage calculations shall also include the effect of the subdivision on the existing downstream drainage facilities outside the subdivided area. The Plan Commission shall also require detention facilities adequate to reduce runoff from proposed development to the extent that the 50 year post development flow is stored and the 10 year pre-development flow may be released.
- h. Floodway Areas. If a subdivision of land is proposed within the Flood Plain, Floodways shall be preserved and not diminished in capacity by filling or obstruction, except as approved by the Commission. No residential building site may be located within the Floodway.
- i. Floodway Fringe Areas. Where a subdivision is proposed within an area of the Flood Plain designated as Floodway Fringe, the Commission may approve such subdivision provided that: all streets are elevated sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade two (2) feet above the Regulatory Flood elevation; where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by, flood water; and, approval to fill the area from the Commission. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
- j. Flood Plain Areas. Where a subdivision is proposed within an area of the Flood Plain for which Floodway and Floodway Fringe designations have not been made, the Commission shall not approve such a subdivision unless all streets are raised sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade of two (2) feet above the Regulatory Flood elevation; where provided, public water and sanitary sewer facilities are constructed to eliminate contamination of or by floodwater; and, filling to achieve the above will not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream. All filling in the Flood Plain must be approved in writing by the Indiana Natural Resources Commission. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
- k. Recording of Plats in the Flood Plain and Floodway Fringe. All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn, on the final plat for recording.

3. Dedication of Drainage Easements

- a. General Requirements. Where a subdivision is traversed by a drainage course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, granted or dedicated to the county conforming substantially to the lines of such watercourse, and of such width

an construction or both as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

b. Drainage Easements

- i. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street right-of-ways, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
- ii. The applicant shall dedicate, either in fee or by drainage or conservation, easement land on both sides of existing watercourse of a width to be determined by the Commission.
- iii. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- iv. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures no for computing the area requirement for any individual lot.

Section 4 SEWAGE DISPOSAL

1. If, in the judgment of the Commission, a public sanitary sewer main is reasonably accessible, a complete sanitary sewer system including a lateral connection to each lot in the subdivision shall be installed and connected to the main. The system shall be provided with all necessary supplemental equipment or machinery (including, but not limited to, lift stations) and be in such lengths, sizes, dimensions, and specifications as shall be required by the Commission. The plans for the installation of a sanitary sewer system shall be prepared by a Registered Professional Engineer, be provided by the subdivider and approved by the Indiana State Board of Health (Regulation H.S.E. 14, L.S.B.H.). Upon completion of the sewer installation, the plans as built shall be filed with the City Engineer of North Vernon if within the corporate limits of North Vernon, the Town Board of any participating Towns, and the County Surveyor if within the unincorporated area of Jennings County and with the Commission.

2. If a sanitary sewer system is to be installed, it may be desirable that sewer mains of a larger size than needed to serve the immediate subdivision be installed. If this occurs, the Commission may recommend that the participating city, town and/or county join with the subdivider in the installation of the sewer system.

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

- a. The subdivision may be provided with a complete sanitary sewer system, with lateral connections to each lot and a common treatment plant, each meeting the standards of the Indiana State Board of Health and/or the Indiana Stream Pollution Control Board.
- b. The subdivision may be provided with a private sewage disposal system on individual lots consisting of a septic tank and soil absorption field, or other approved sewage disposal system, provided such disposal systems are installed in accordance with at least the minimum standards of the Indiana State Board of Health and provided that the soil in the subdivision will properly absorb sewage effluent as determined by percolation tests, performed in accordance with the procedure on pages 17, 18, and 19 of the Indiana State Board of Health Bulletin, No. S.E. 8, 1967, or as determined by such other comparable test approved by the Commission. Regardless of the tests used, the following shall apply:

An adequate number of tests (at least one to an acre) to clearly indicate the soil conditions throughout the subdivision shall be provided by the subdivider.

These tests shall be performed by a licensed engineer, licensed surveyor, qualified sanitarian or professional consulting soil scientist acceptable to the Commission. Additional tests may be required by the Commission at their discretion.

The results of the tests shall be keyed to the plat map and certified as being true and performed according to the required procedure by the person performing the tests.

Section 5 STREET SIGNS

1. The subdivider shall provide street signs to meet the standards of the County or any participating Cities or Town at all intersections.

Section 6 WATER

Where public water supply is available within 2000 feet of any boundary of the proposed subdivision, the subdivider shall construct a system of water mains, connected with such public water supply and provide a connection with each lot. The work shall be done in accordance with the plans, profiles and specifications prepared by a Registered Professional Engineer and shall be approved by the City or Town Engineer of any participating City or Town and be in conformance with at least the minimum requirements of the State Board of Health, Regulation H.S.E., 5, I.S.B.H.

1. Distribution System

No pipe smaller than six inches in diameter shall be permitted. Six inch pipe shall be limited to lengths of not over 800 feet unless looped. In high value districts, so designated for purposes of fire protection and prevention, distributors shall be not less than eight inches and cross-connected within 800 feet. On primary streets and for all long lines, distributors shall be 12 inches or larger.

2. Valves

Valves shall be installed so that no single accident, break repair or extension will necessitate shutting down a length of pipe greater than 500 feet in high value districts or greater than 1,000 feet in other districts so that flows may be maintained through arterial mains.

3. Where public water supply is not available within 200 feet of any boundary of the proposed subdivision, and where the Commission determines that connection thereto would create a hardship for the subdivider, the subdivider may provide each lot with a community or individual water supply provided that installation conforms to at least the minimum requirements of the Indiana State Board of Health Bulletin No. S.E. 7, Safe Water Supply, Current Issue, Upon the completion of the Water Supply System, the plans for such system as built shall be filed with the Commission, the County Surveyor if the installation is within the unincorporated area of Jennings County, with the City Engineer if within the North Vernon corporate limits, with the Town Board of Vernon, or any participating Town.

Section 7 CURB AND GUTTER

1. The Commission shall require, regardless of development density, curb and gutter on the down-slope side of the street surface in a hillside subdivision to assist in erosion control. The curb system on the down-slope side shall be provided with catch basins and culverts as necessary to carry run-off waters to the natural drainage course.

2. Curb and gutter shall be constructed to the following specifications:

- a. The base for the curb and gutter shall be well compacted on the existing base.
- b. Curb and gutter shall be Portland Cement concrete meeting Indiana Highway Commission specifications.

Section 8 DRIVEWAYS AND PARKING LOT ENTRANCES

Entrances and exits of parking spaces and private driveways are critical points at which accidents occur. Blind corners shall be prohibited and entrances to large parking areas shall be given the same design consideration as street intersections. The minimum distance of private driveways from curb intersection at street corners shall be 30 feet. The minimum distance of driveways to parking areas designated to accommodate more

than 20 cars shall be 60 feet. (Refer to Zoning Ordinance Chapter XV for off-street parking regulations)

Obtaining a driveway permit:

- From the County garage if the drive comes off of a county road and there is no existing culvert. (346-2967)

- From the Indiana Dept. of Transportation (Madison Sub-District Office) if drive comes off of a state highway. (812-574-4368)

- From the City if the drive comes off a city street, at the City Street Department (346-1616) or the City Clerk Treasurer (346-5907).

Section 9 SIDEWALKS

All major subdivisions shall be required to have a paved sidewalk installed on at least one side of the street.

1. Required Improvements

- a. Sidewalks shall be included within the dedicated, unpaved portions of the right-of-way of all streets within the subdivision.
- b. Concrete curbs shall be installed as required in table 4-1 or required at the discretion of the Commission.
- c. All sidewalk widths and setbacks as required in table 4-1. Any sidewalk that requires a setback from the road shall have a grassed or landscaped median strip between them.
- d. All sidewalks installed shall have ramps that are handicap accessible.
- e. (5) Concrete shall be 4"x4' min. on 4" of stone or Asphalt shall be 3"x6' min. on 6" of stone.

2. Pedestrian Access. In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Commission may require perpetual unobstructed easements. Such easements shall be indicated on both the preliminary and final plats.

ARTICLE VI PLATS AND DATA

Section 1 PRE-APPLICATION PLANS AND DATA

1. General Subdivision Information

General Subdivision Information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, and other public areas, proposed protective covenants and proposed utilities and street improvements.

2. Location Map

The location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it; development name and location; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; title; scale, north arrow; and date.

3. Sketch Plan

The sketch plan on a topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free hand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include existing topographic data, and such data as the Commission determines is necessary.

Section 2 PLATS AND DATA FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT

The preliminary plat shall be prepared in accordance with the provisions of this Ordinance and shall be presented as follows:

1. The plat shall be drawn at a scale of 50 feet to one inch on a sheet, or sheets, 24 inches by 36 inches in size, except that when the drawing at that scale requires more than two sheets, the plat may be drawn at a scale of 100 feet to one inch.

The plat shall include a vicinity key map at an appropriate scale with a layout of the proposed subdivision and all existing subdivision, street and tract lines, and acreage parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing thoroughfares. It shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in the contiguous subdivisions or in undeveloped property to produce the most advantageous development of the entire neighborhood.

The plat shall contain the following information:

- a. General

Proposed name of subdivision

Location by section, township and range, or by other legal description.

Name and address of subdivider

Name and address and seal of Registered Land Surveyor preparing the plat.

Scale of plat, graphic scale, north point and date.

b. Existing Conditions

Boundary line of proposed subdivision indicated by solid heavy line.

Location, width and names of all existing or prior platted streets or other public ways; railroad and utility right-of-ways, parks and other public open spaces, location of permanent buildings or structures, and section and municipal corporation lines within or adjacent to the tract.

In case of replat, all descriptive lines of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines.

Location, size and invert elevation of sanitary storm and combine sewers; location and size of water mains, location of gas lines, fire hydrants; if water mains and sewers are not on or adjacent to the tract, the direction, distance to and size shall be shown.

The location, width and purpose of easements.

Existing zoning on proposed subdivision and adjacent tracts.

If deemed necessary by the Commission, contours based on not more than five foot nor less than one foot vertical intervals.

Sub-surface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water (unless test pits are dry to a depth of seven feet), location and result of soil percolation tests if individual sewage disposal systems are proposed. Percolation tests as described in Bulletin No. S.E. 8, Current issue, Indiana State Board of Health, shall be made as directed by the Commission and the results, certified by a Registered Professional Engineer, Sanitarian or professional consulting Soil scientist, shall accompany the plat.

Other conditions on the tract such as water courses, marshes, rock outcroppings, wooded areas including intermittent streams and drainage ways.

c. Proposed Conditions

Layout of streets, their names and widths and widths of alleys, crosswalks and easements. The names of streets shall conform so far as practicable to the names of streets on the same approximate alignments existing in the vicinity of the subdivision.

Layout, dimensions, and number of lots, gross acreage, total acreage of lots, lineal feet of streets.

Parcels of land to be dedicated or temporarily reserved for public use or set aside for the use of property owners in the subdivision. Land dedicated or reserved for parks or other public uses shall be set forth and described in the articles of dedication or reservation and shall also be shown on the plat under the appropriate heading, such as "Park Land" or "Out lot for Public Use" on the plat thereof.

Building setback lines.

d. Other Preliminary Plans

When required by the Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extension for a reasonable distance beyond the limits of the proposed subdivision; typical cross-sections of the proposed grading, roadway and sidewalk; and preliminary plans of proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be on the State Plane Coordinate System.

Section 3 PLATS AND DATA FOR FINAL APPROVAL

1. After approval of the Preliminary Plat and the fulfillment of all the requirements and standards of this Ordinance, the Final Plat shall be drawn in ink on tracing cloth, Mylar, or equal, on sheets of the same size and scale as required for the Preliminary. Six black-line or blueprint reproductions and the reproducible transparency of the Final Plat shall be submitted to the Executive Director at least 14 days prior to the date of the Commission meeting at which it is to be considered.

2. The Final Plat may include all or part of the approved Preliminary Plat and shall show the following:

Preliminary control points, approved by the Commission, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.

Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, deflections angles, or bearings, and radii, arcs, and central angles of all curves.

Name and right-of-way width of each street or other right-of-way.

Location, dimensions and purpose of any easements.

Number to identify each lot or site.

Purpose for which sites, other than residential lots, are dedicated or reserved.

Minimum building setback line on all lots and other sites.

Location and description of monuments.

Reference to recorded subdivision plats of adjoining platted land by record name, date and number.

Certification and seal by Registered Land Surveyor certifying to accuracy of survey and plat.

Certification of title showing that applicant is the land owner.

Statement by owner dedicating streets, rights-of-way and any sites for public uses.

Title, scale, north arrow and date.

A certificate for execution by the Commission.

An acknowledgment certificate signed by a Notary Public.

Cross-sections and profiles of streets showing grades approved by the Commission. Profiles shall be drawn to standard scales and elevations and shall be based on the State Plane Coordinate System.

Protective covenants in form for recording.

Such other certificates, affidavits, endorsements, or dedications as may be required by the Commission in the enforcement of this Ordinance.

ARTICLE VII

VARIANCES AND MODIFICATIONS

Section 1 HARDSHIP

Where the Board of Zoning Appeals finds that extraordinary hardships may result from strict compliance with these regulations, it may vary or modify the regulations so that substantial justice may be done and the public interest served; provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this Ordinance. (Refer to Zoning Ordinance Chapter II Section N for variances)

Section 2 CONDITIONS

In granting variances and modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 3 LARGE SCALE DEVELOPMENTS

The standards and requirements of those regulations may be modified by the Commission in the case of a plan and program for a complete community, or a neighborhood unit, which, in the judgment of the Commission, provide adequate public spaces and improvement for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.

**ARTICLE VIII VALIDITY
 REPEAL OF CONFLICTING ORDINANCES
 ENFORCEMENT**

Section 1 VALIDITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of County Commissioners of Jennings County, the Common Council of the City of North Vernon, and the Town Board of Vernon hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared invalid.

Section 2 REPEAL OF CONFLICTING ORDINANCE

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

Section 3 ENFORCEMENT

1. Any land within the jurisdiction of the Commission subdivided in violation of the terms of this Ordinance is declared to be a common nuisance and the owner of such land shall be liable for maintaining a common nuisance which may be restrained, enjoined or abated in any appropriate action or proceeding.
2. The Commission may institute an injunction suit in the Circuit Court of Jennings County to restrain any person or governmental unit from violating the provisions of this Ordinance.
3. The Commission may institute an injunction suit requesting an individual or governmental unit to be directed to remove a structure erected in violation of the provisions of this Ordinance, or to make the same comply with its terms. If the Commission is successful in its suit, the respondent shall bear the costs of the action.

ARTICLE IX CERTIFICATES

Each Final Plat submitted to the Commission for approval shall contain or be accompanied by the following certificate, acknowledgements and descriptions in substantially the following terms:

Section 1 CERTIFICATE OF APPROVAL

UNDER THE AUTHORITY PROVIDED BY THE INDIANA CODE AND AFTER PROPER PUBLIC NOTICE OF THE HEARING WAS PUBLISHED, THIS PLAT WAS GIVEN FINAL APPROVAL BY A MAJORITY OF THE MEMBERS OF THE AREA PLANNING COMMISSION OF JENNINGS COUNTY AT A MEETING HELD _____, _____.

AREA PLANNING COMMISSION OF JENNINGS COUNTY

_____ President

SEAL

_____ Secretary

Section 2 LAND SURVEYOR'S CERTIFICATE

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

“I, _____ herby certify that I am a Registered Professional Land Surveyor of the State of Indiana; that this plat correctly represents a survey completed by me on _____, _____; that all the monuments shown thereon actually exist, and that their location, size, type and material are accurately shown, and comply with the provisions of the Subdivision Control Ordinance.”

SEAL _____

Section 3 LEGAL DESCRIPTION CERTIFICATE

The Final Plat submitted to the Commission for the approval shall contain a metes and bounds Legal description prepared by the Registered Professional Land Surveyor of the outside boundary of the completed survey.

Section 4 ACKNOWLEDGMENT CERTIFICATE

State of Indiana
County of Jennings

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

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

SEAL

Notary Public

My Commission Expires _____, _____.

Section 5 DEDICATION CERTIFICATE

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

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

This subdivision shall be known and designated as _____, an addition to the City – Town – Township, Jennings County, State of Indiana. All streets and 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 streets, there shall be erected or maintained no building of structures.

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

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, or any structure or part thereof erected or maintained in violation hereof, is 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 _____, _____.

Signature

Signature

Signature

Section 6 OTHER CERTIFICATES

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

ARTICLE X ENACTMENT

This Subdivision Control Ordinance shall be in full force and effect from and after its passage and approval by the Board of County Commissioners of the County of Jennings, State of Indiana, and the filing with the County Recorder of a certified copy thereof. The effective date of this ordinance shall be: September 1st, 2006

APPROVED THIS 14th day of August, 2006

/s/ _____, President

/s/ Richard Schneider VICE President, Commissioner

/s/ [Signature], Commissioner

ATTEST:

/s/ [Signature]

This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of North Vernon, Indiana, and the filing with the County Recorder of a certified copy thereof.

APPROVED THIS July 24, 2006

/s/ [Signature], Mayor - City of North Vernon, Indiana

ATTEST

/s/ Roger W. Short

Prepared By:
[Signature]

This Ordinance shall be in full force and effect from and after its passage and approval by the Town Board of Vernon, Jennings County, Indiana, and the filing with the County Recorder of a certified copy thereof.

APPROVED THIS 1st day of June 2006

/s/ [Signature], Mayor - Town of Vernon, Indiana

ATTEST:

/s/ Marietta Jaworsky

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."

NAME: [Signature]