

Harrison County Subdivision Ordinance

HARRISON COUNTY SUBDIVISION CONTROL ORDINANCE HARRISON COUNTY, INDIANA

Adopted August 7, 1995

Reformatted including all amendments February 16, 2010

Amended November 19, 2012, September 8, 2015, November 6, 2017, September 15, 2025

SECTION I GENERAL PROVISIONS

1.00 TITLE

These regulations shall hereafter be known and cited as the subdivision regulations of HARRISON COUNTY.

1.01 POLICY

- a) It is hereby declared to be the policy of the county to consider the subdivision of land and the subsequent development of the subdivision plat as subject to the official Comprehensive Plan and related policies for the orderly and efficient development of the county.
- b) Land to be subdivided shall be of such character that it can be developed without peril to health or peril from flood, fire or other menace, and land shall not be subdivided until having access to available existing public facilities and improvements and proper provision has been made for drainage, water, sewerage and other improvements necessary to adequately serve the subdivision.
- c) Both existing and proposed public facilities serving the subdivision shall be properly related and conform to the official Comprehensive Plan.

1.02 PURPOSES OF THESE REGULATIONS

- a) To protect and provide for the public health, safety, and general welfare of the county.
- b) To guide the future development of the county in accordance with the Comprehensive Plan and related policies.
- c) To provide for the safety, comfort and soundness of the built environment and related open spaces.
- d) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
- e) To guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land uses, conserve natural resources such as natural beauty, woodlands, open spaces, and energy both during and after development.

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1.03 AUTHORITY AND JURISDICTION

- a) This ordinance was enacted pursuant to Indiana Home Rule and planning enabling legislation IC 36-1-3-4 and the IC 36-7-4-700 series, as amended, authorizes the HARRISON COUNTY PLAN COMMISSION to review and approve or disapprove plats for subdivision throughout the county with the exception of the Town of Corydon. (Ord. #2012-24)
- b) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction shall take place or be commenced except in conformity with the construction standards adopted by the county.

1.04 ENACTMENT

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

1.05 INTERPRETATION, CONFLICT, AND SEPARABILITY

- a) In their interpretation and application the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- b) **Conflict with Public and Private Provisions-** The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision or law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are the more restrictive or impose higher standards shall control.
- c) **Separability.** If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The county hereby declares that it would have enacted the remainder of these regulations even without such part, provision or application.

1.06 SAVING PROVISIONS.

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

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1.07 RESERVATIONS AND APPEALS

Upon adoption of these regulations according to law, the Subdivision Regulations of Harrison County, adopted on June 3, 1974, as amended, and the Private Community Development Ordinance, adopted October 15, 1984 as amended, are hereby repealed, except for such section(s) expressly retained herein.

1.08 AMENDMENTS

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

1.09 CONDITIONS

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

1.10 RESUBDIVISION OF LAND- For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the commission by the same procedure, rule, and regulations as for subdivision.

1.11 VACATION OF PLATS

- a) Any recorded plat or any part of any recorded plat may be vacated by the owner(s) of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of the plat shall be attached, declaring the same to be vacated.
- b) Such an instrument shall be approved by the Commission in like manner as plats of subdivisions. The county may reject any such instrument, which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

1.12 VARIANCES

- a) **General.** Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternate

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proposal, it may approve variances to these regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

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

1.13 ENFORCEMENT, VIOLATION, AND PENALTIES

a) General:

- 1) It shall be the duty of the Administrator to enforce these regulations and to bring any violations or lack of compliance to the attention of the Commission Attorney.
- 2) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Commission, in accordance with the provisions of this ordinance and filed with the County Recorder.
- 3) The subdivision of any lot or any parcel of land into a subdivision, as defined in this ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of two or more new building sites, within any given year, shall not be permitted. All such described divisions shall be subject to all of the appropriate requirements of this ordinance. This section does not apply to divisions, which occur in compliance with section 1.14 Exempt Divisions.

b) **VIOLATIONS AND PENALTIES.** Any person who violates a provision of this

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ordinance or any regulations herein contained, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) for each days violation.

c) RESTRAINING PROVISIONS

- 1) Any land within the participating jurisdictions subdivided in violation of the terms of this ordinance after the effective date thereof, is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.
- 2) The Commission may institute an injunction suit requesting an individual or governmental unit be directed to remove a structure in violation 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.

1.14 EXEMPTIONS

- a) **General:** The Plan Commission and County Commissioners have determined that certain types of divisions of land do not require the thorough review and plating required under the standard provisions of this Ordinance. In order to more appropriately address these types of divisions and insure that the interests of the County are served certain exemptions are hereby established.
- b) In order to be classified as an exempt division a division of land must meet one of the following criteria:
 - 1) A division of land into two (2) or more tracts all of which are at least ten (10) acres in size, have frontage on an existing County, State, or Town or privately maintained street which complies with Section 1.14(c)(1), meet all requirements of the zoning ordinance, and which maintain a width (distance between the side property lines from the road to the rear property line) no less than the minimum frontage required by the zoning district in which it is located. Divisions of this type must comply with applicable standards provided in Section 1.14(c);
 - 2) A division of land for sale or exchange of tracts to correct errors in an existing legal description, or to increase the area of an adjoining parcel provided that no further building sites are created by this division and no zoning violations result from the transfer.
 - 3) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property provided all resulting tracts comply with applicable zoning regulations.
 - 4) A division of land for the acquisition of street right-of-way, or easement.
 - 5) One division of land where the new parcel and/or parent parcel is less than ten (10) acres per calendar year. Note that all parcels must comply with the minimum standards for the zoning district. Any further division of land on either the parent parcel or new parcel within the same calendar year shall be considered a major or minor subdivision unless it qualifies as another type of exempt subdivision (both the parent parcel and new parcel cannot be re-subdivided under this exemption in the same calendar year). (Ord 2025-15)

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c) **Minimum standards required for exempt ten (10) acre divisions:** (Ord 2025-15)

- 1) In order to insure adequate access for emergency vehicles, utilities and residents to all lots created within the County, the following standards for access must be met when a private road is established to serve exempt divisions. In no case will an Improvement Location Permit be issued prior to compliance with all applicable standards.

a) **Private streets giving exempt ten (10) acre divisions.** Any proposed private street, which is to provide primary access to a lot, which is part of an exempt ten (10) acre division, must meet the following requirements.

- 1) Road bed must comply with specifications contained in Section 4.04 PAVEMENT DESIGN subsection (a), and Section 4.05 WIDTH OF PAVEMENT (application of asphalt shall not be required),
 - 2) Road bed and shoulders shall be located in the center of a separately deeded lot which shall be a minimum of sixty (60') feet in width along the entire length of the street, provide authorized direct access to a County, State, or Town maintained road and shall be held in joint ownership by all owners of lots which utilize the private street for primary access. Provisions for perpetual maintenance of the street, culverts and ditches, and enforcement of these provisions must be incorporated in the deed for the commonly owned right-of-way parcel,
 - 3) Any private street which crosses or will be located near a creek, stream, or ditch which serves as a drainage way for a square mile of land area upstream from the site or will be located within a designated Flood Hazard area shall obtain any necessary permits or determinations from the Indiana Department of Natural Resources prior to start of construction or recording of any deed.
 - 4) Street must be posted with a metal sign a minimum of three (3) square feet in size, which states that the street is private.
 - 5) Certification by a Registered Engineer, which states that the private street has been constructed in compliance with all applicable standards, shall be submitted to the Plan Commission upon completion of the private street.
 - 6) The intersection of a private street and a County, State or town maintained street must be approved by the appropriate authority prior to recording of the right of way parcel or construction of road.
- 2) **Identification of tracts** - All exempt 10 acre divisions shall identify the perimeter of the original tract with a lawful partition fence as described in Indiana Code 32 - 10 -9 -3 prior to the transfer or creation of any lot.

The Plan Commission Administrator may waive this requirement in part or entirely.

The Administrator shall have complete discretion regarding the approval or denial of such waivers, however, prior to making a final determination the

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Administrator shall inspect the property, provide notice of the requested waiver to the property owner (s) which about the area to be waived and Plan Commission members and document all relevant factors which support his/her final decision.

In the event a waiver is approved the property boundary involved shall be identified in the same manner as required for interior lot lines of the division.

Nothing in this ordinance shall inhibit or require use of the Indiana Fence Laws to share the cost of constructing a required fence with adjoining land owners, however all required fencing must be installed prior to the recording of deeds, contracts or sale of any lots. Use of existing fencing shall be permitted provided a written statement is submitted by the property owner (s) adjoining the existing fence, which indicates that the fence is considered an acceptable partition.

- 3) **Identification of lots** - each interior lot line within an exempt ten (10) acre division shall be identified with fiberglass posts/metal "T" posts, inter-visible, spaced not more than 300 feet apart. No identification shall be required within a developed roadway however the intersection of a property line with a road right-of-way or road easement shall be identified with a post as described above.
- 4) **Identification and protection of sinkholes** - Any parcel within an exempt division on which a sinkhole or sinkhole type depression exists shall include on the deed for such parcel a restrictive easement which shall at a minimum protect all land within sixty six (66') of the center of such depression or sinkhole eye. This easement shall state that no land disturbing activities may occur, or no structures may be located within the easement and that vegetative cover shall be perpetually maintained.
- d) **Limitation on further subdivision** - Any new lot or parcel created as part of an exempt division described in subsection (b)(1) of Section 1.14, may not be divided into additional lots unless the division is approved as a minor or major subdivision. Also any new lot or parcel created as part of an exempt division described in subsection (b)(5) of Section 1.14, may not be divided into additional lots or parcels unless the division is an exempt division described in subsection (b)(5) of Section 1.14 or the division is approved as minor or major subdivision.

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SECTION II DEFINITIONS

- 2.00 LEGAL DEFINITIONS:** For the purposes of this ordinance the following terms shall have the meaning indicated unless otherwise specifically stated.
- 2.01 ADMINISTRATOR.** The officer appointed by and/or delegated the responsibility for the administration of these regulations by the Planning Commission.
- 2.02 ADVISORY PLAN COMMISSION.** A Plan Commission serving a single local government jurisdiction established as defined under IC 36-7-1-2 as amended.
- 2.03 ALLEY.** A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 2.03 APPLICANT.** The owner of land proposed to be subdivided or his agent or his legal representative.
- 2.04 APPLICATION, COMPLETE.** An application for approval of a plat under this ordinance that includes all applicable information as specified by this ordinance.
- 2.05 BLOCK.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundaries of municipalities.
- 2.06 BOND.** Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit.
- 2.07 BUFFER LANDSCAPING.** Any trees, shrubs, walls, fences, bermes or related landscaping features required under this ordinance or the Zoning Ordinance on private lots and privately maintained for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing sound and visual privacy.
- 2.08 BUILDING.** Any structure built for the support, shelter, or enclosure of persons, animals, or move able property of any kind.
- 2.09 BUILDING CODE.** That county ordinance or group of ordinances establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and installations and related matters within the county.
- 2.10 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 or convert a structure in its jurisdiction.
- 2.11 COMMISSION.** The county "advisory" Plan Commission as referred to herein.
- 2.12 COMPREHENSIVE PLAN.** Inclusive physical, social, and economic plans and policies in graphic and verbal statement forms for the development of the county and

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constituent communities within its planning area prepared and adopted by the Commission.

- 2.13 CONSTRUCTION PLANS.** 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.
- 2.14 DEVELOPER.** The owner of land to be subdivided or his representative.
- 2.15 EASEMENT.** An authorization grant by any property owner, for the use by another, of any designated part of his property for a clearly defined purpose.
- 2.16 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 filing.
- 2.17 FOUNDATION.** The supporting member of a wall or structure.
- 2.18 FRONTAGE.** That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets.
- 2.19 FRONTAGE STREET.** Any street to be constructed by the developer or any existing street in which the development shall take place.
- 2.20 FRONT YARD.** A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the sidelines of the lot. The front yard on a corner lot shall be that yard abutting the street upon which the lot has the least frontage.
- 2.21 GRADE.** The slope of a street, or other public way specified in percentage (%) terms.
- 2.22 HEALTH DEPARTMENT AND COUNTY HEALTH OFFICER.** The agency and person designated by the County to administer the health regulations within the County's jurisdiction.
- 2.23 INTERESTED PARTIES.** Those parties who are the owners of properties adjoining or adjacent to the proposed subdivision as shown on the sketch plan.
- 2.24 LOT.** A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.
- 2.25 MAJOR SUBDIVISION.** Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new streets or extension of local facilities, or the creation of

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public improvements.

- a) CLUSTER SUBDIVISION.** A type of major subdivision that sets aside a significant portion of the site as conservation land or open space and clusters housing units on the remaining portion of the site. The intent of a cluster subdivision is to allow the same number of lots as a traditional major subdivision but to cluster the lots together in a smaller area in order to provide a significant amount of open space that can retain the rural character of the area, reduce the length of roads and public infrastructure that must be maintained in the future, and provide an additional buffer between uses.

A cluster subdivision shall meet all of the following requirements:

1. The subdivision shall comply with all requirements and procedures for a major subdivision.
2. All lots shall be served by public water and sewer.
3. The subdivision shall dedicate at least 30% of the gross subdivision area as open space through a recorded conservation easement with. Open space shall meet all of the following requirements in order to fulfill requirements of the open space subdivision type.
 - a. A maximum of 50% of the required open space may include drainage areas or easements, utility easements, bodies of water, wetlands (as defined by IDEM and/or IDNR), flora or fauna (or their habitats) that are regulated by INDR, sinkholes, slopes greater than 15%, or similar unbuildable land.
 - b. Open space shall be used for one of the following:
 - i. Outdoor active recreation, such as sports fields or playgrounds
 - ii. Outdoor passive recreation, such as picnic areas, open fields, lawn, or walking paths
 - iii. Natural areas, such as wooded areas, meadows, or undeveloped similar areas
 - iv. Other similar uses approved by the Plan Commission
 - c. All open space shall be within a common area with a recorded conservation easement that cannot be developed in the future except as allowed by this section.
 - d. All open spaces shall have pedestrian access provided to all open space areas through a public road, sidewalk, or shared use path unless the Plan Commission determines this access is not necessary due to the intended use. All pedestrian access shall comply with all ADA standards.
 - e. The minimum width of any area used for open space shall be at least 30 feet for maintenance access and functionality.
4. A maintenance plan is provided for all open space indicating it shall be maintained by the homeowners association or another entity approved by the Plan Commission (the county will not maintain any open spaces).
5. A Homeowners Association (HOA) is (or will be) established with draft covenants that comply with Section 4.07: Covenants that shall be provided with preliminary plat application.

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The total number of lots for a cluster subdivision shall be calculated by the total area within the subdivision divided by the minimum lot area for the subject zoning district but the following dimensional standards shall apply (if a standards is not listed below the zoning district standard shall apply):

1. Minimum lot area of 4,500 sq ft
2. Minimum 50 foot lot width
3. Minimum front yard setback of 30 feet; side yard setback of 6 feet; and rear yard setback of 20 feet
4. Maximum lot coverage of 60%

(Ord. 2025-15)

- 2.26 MINOR SUBDIVISION.** Any subdivision containing not more than three (3) lots fronting on an existing street which is an improved right-of-way maintained by the county, not involving any new street or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with the Comprehensive Plan, Zoning Ordinance or this ordinance.
- 2.27 ORDINANCE.** Any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal of any ordinance.
- 2.28 OWNER.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title or sufficient proprietary interest in the land sought to be subdivided under these regulations.
- 2.29 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 easy identification.
- 2.30 PLAN COMMISSION.** The County's "advisory" planning body as established in accordance with Indiana law, referred to herein as the Commission.
- 2.31 PLAT.** A map indicating the subdivision of land filed or intended to be filed for record with the County Recorder.
- 2.32 PRELIMINARY PLAT.** The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.
- 2.33 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 lot lines of the lot. The rear lot line of a corner lot shall be that yard at the opposite end of the lot from the front yard. This area should, in the case of adjoining agricultural uses, be maintained as a buffer zone free of any plantings, etc. which may be damaged, due to agricultural spraying. An area of twenty five (25) feet should be considered as the normal minimum.

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- 2.34 RESTRICTIVE COVENANTS.** Limitations of various kinds on the usage of lots within the 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 and run with the land.
- 2.35 SECONDARY APPROVAL.** The stage of application for formal Plan Commission approval of the 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.
- 2.36 SETBACK.** A line parallel to and equidistant from the relevant lot line (front, side, rear) between which no buildings or structures may be erected as prescribed in the County Zoning Ordinance.
- 2.37 SIDE LOT LINE.** Any line separating two lots other than rear or front lot lines.
- 2.38 SKETCH PLAN.** An informal, informational drawing, as described in this ordinance, preparatory to the drawing of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Commission as to the form of the plat and conformance to the objectives of this ordinance.
- 2.39 STREET, COLLECTOR.** 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 (except if the property is to be in multi-family use for four (4) or more dwelling units).
- 2.40 STREET, CUL-DE-SAC.** A local street with only one (1) outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement including public safety vehicles.
- 2.41 STREET, DEAD END.** A street or a portion of a street with only one (1) vehicular traffic outlet.
- 2.42 STREET, LOCAL.** 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.
- 2.43 STREET, MAJOR.** A collector or arterial street.
- 2.44 STREET, PRIMARY ARTERIAL.** A street intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, etc. and similar traffic generators within the county; and/or as a route for traffic between communities; a major thoroughfare.
- 2.45 STREET, SECONDARY ARTERIAL.** A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generators and are designed to carry traffic from collector streets to primary

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arterials.

- 2.46 STREET RIGHT OF WAY WIDTH.** The distance between lines measured at right angles to the center line of the street.
- 2.47 SUBDIVIDER.** Any person who having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision.
- 2.48 SUBDIVISION.** The division of a parcel of land into two or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan, terms, and **conditions**. Subdivision includes the division or development of land zoned for residential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument.
- 2.49 SUBDIVISION, PRIVATE.** The subdividing of a tract of land into two or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development in which the proposed street **WILL NOT** be accepted into the county highway system (until such **time** as the owners in such plat bring the road to county standards). A Private Subdivision shall comply with the requirements of this ordinance in addition to the following to wit:
- a) The minimum standards for highway construction listed in the Subdivision Control Ordinance are to be complied with, with the exception of paving.
 - b) The minimum lot size for any lot in a Private Subdivision shall be five (5) acres.
 - c) The subdivider shall guarantee by performance bond or other approved instrument that the proposed improvements will be constructed as per this ordinance. The subdividers' engineer shall verify all construction and improvements by inspection and certify to the Plan Commission that all improvements comply with this ordinance.
 - d) No Improvement Location Permit will be issued until all improvements are constructed, or bond posted, and all public utilities (water and electric) are installed to serve the development. Nor will an Improvement Location Permit be issued unless there is a deed, or contract, stipulation recorded that identifies the property as in a Private Subdivision making the prospective owners aware that the subdivision street will be privately maintained. Said deed or contract shall also contain a road maintenance agreement.
 - e) The procedure for application and approval of a Private Subdivision shall be the same as for a regular subdivision.
- 2.50 ZONING ORDINANCE.** That County Ordinance setting forth the regulations controlling the use of land in the unincorporated areas and in those jurisdictions within the **county** not controlling land use through their own zoning ordinances.

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SECTION III: APPLICATION AND APPROVAL PROCEDURES

3.00 General Procedure

a) Discussion of Requirements: Pre-design Conference.

Prior to submitting any of the materials required by this ordinance, the applicant or his representative shall discuss with the Administrator the nature of the land division being proposed, so that the applicant may be instructed concerning the classification of his subdivision and what regulatory procedures apply to it. Where applicable, requirements concerning the general layout of streets and for preservation of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services should be discussed. The Administrator shall also advise the applicant, where appropriate, to discuss the proposed land division with those officials who must eventually approve those aspects of the subdivision plat coming into their area of jurisdiction. The Administrator shall make the distinction between major and minor subdivisions and exempt divisions when the applicant submits an application for sketch plan review.

b) Classification of Land Divisions.

All land to be divided shall be categorized into one of four (4) main classes of land division. These classes are:

- 1) Major subdivisions,
- 2) Minor subdivisions,
- 3) Exempt divisions, and
- 4) Private subdivisions

Exempt divisions are not subject to the requirements of this ordinance beyond the determination by the Administrator that they meet all requirements for exempt divisions set forth in section 3.08 herein.

3.01 Major, Minor, and Private Subdivisions: Sketch Plan Application Procedure for Primary Approval

a) Application Requirements. In order to begin the subdivision process the applicant shall file a complete application for review with the Administrator. An application found to be incomplete shall not be advertised for public hearing until the deficiencies are remedied. This application shall:

- 1) Be made on forms available at the office of the Commission and signed by the owner.
- 2) Be accompanied by a fee of one hundred dollars (\$100.00) plus five dollars (\$5.00) per lot in excess of four (4) lots, plus five hundred dollars (\$500.00) when new roadways are proposed.
- 3) Include a listing signed by the checkpoint agencies indicating that they have received a copy of the proposed sketch plan or a certification that it has been

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sent.

- 4) Be accompanied by a minimum of three copies of the sketch plan.
- b) Checkpoint Submission.** In order to fulfill this application requirement, a copy of the proposed plan shall be submitted, by the applicant, to each of the agencies listed in Figure 3-1 CHECKPOINT AGENCIES, so that their comments may be made to the Administrator. The Applicant shall request that all officials and agencies to whom a request for review has been made submit a written response to the Administrator within fifteen (15) days after receipt of the request.

FIGURE 3-1 CHECKPOINT AGENCIES

- (1) County Highway Engineer
 - (2) County Surveyor
 - (3) County Soil and Water Conservation District
 - (4) County Health Department
 - (5) Local Water District
 - (6) Electrical Utility
 - (7) Servicing Fire Department
 - (8) Town Board Chairman, if located within the jurisdiction of an incorporated town or within one mile of an existing town sewer line.
 - (9) Harrison County Emergency Management Agency
 - (10) Harrison County Regional Sewer District
- (Ord. #2012-24)

- c) Classification of Subdivision.** After an application for sketch plan approval has been submitted, and at the time of sketch plan review the Administrator shall classify the proposed subdivision as major, minor, or private as defined in this ordinance.

3.02 Major Subdivisions

- a) General Procedures for Primary and Secondary Approval.** Should the Administrator, during sketch plan review, classify the subdivision as a major subdivision, the subdivider shall follow all procedures outlined in this section. In addition the developer shall prepare 17 copies of a sketch plan to be reviewed by the Administrator and checkpoint agencies. The applicant seeking approval for a major subdivision shall submit a preliminary subdivision plat to be approved, conditionally approved, or rejected by the Commission at a public hearing, and a final subdivision plat which must be found in compliance with the preliminary plat as approved by the Commission.
- b) Official Submission Dates.** The deadline for submittal of a sketch plan shall be thirty (30) calendar days prior to the date of the public meeting at which the subdivider intends to have his preliminary plat submission heard.
- c) Sketch Plan Review.** Within twenty (20) calendar days of the subdividers sketch plan application submittal, the Administrator shall have studied the proposal, reviewed checkpoint reports received, and forwarded his/her comments to the

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developer.

- d) Placement on the Commission Agenda.** Subsequent to the submission for primary approval, sketch plan review and submittal of letters of availability of service from applicable utilities, the Commission shall place the matter on its next regular meeting agenda for which all public notice requirements specified in Section 3.02(d) can be satisfied.
- e) Administrative Review.** Subsequent to placement on the agenda, and prior to the date of the public hearing, the Administrator shall review the proposal and prepare a written report to the Commission and applicant indicating a recommendation with regard to the subdivision being proposed.
- f) Public Hearing Notification and Sign Posting Requirements.** The Commission shall hold a public hearing on the preliminary plat and notice of such hearing shall be published in the local newspaper of general circulation ten (10) days prior to the public hearing (per IC 5-3-1). The Administrator shall place public notice sign(s) on the property (advising interested parties of the hearing) at the locations designated by him at least ten (10) days prior to the hearing. Interested parties shall be notified by the applicant of the date, time, place and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing by First Class mail. At the time of the public hearing the applicant shall submit a certificate of mailing, issued by the United States Postal Service, as evidence that the required notice to interested parties was mailed at least ten (10) days prior to the hearing. The Commission office shall prepare the letter, which will be signed by the applicant, and mailed to the interested parties. (Ord. 2017-25)
- g) Primary Approval of the Preliminary Plat.** After the Commission has held a hearing upon the preliminary plat, the Administrators report, checkpoint recommendations, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall at a public meeting, grant primary approval, or disapprove the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat within five (5) days of the public hearing. Primary approval by the Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of the primary approval, per IC 36-7-4-710 (b).
- h) Field Trip.** The Commission, at its discretion, upon hearing the request for primary approval, may elect to continue the matter until its next regularly scheduled public meeting, and may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative.
- i) Effective Period of Primary Approval.** Unless extended, the primary approval of a preliminary plat shall be effective for a period of two (2) years at the end of which time a secondary approval of the subdivision must have been obtained and

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certified by the designated officials. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be required to submit a new application for sketch plan review subject to all zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon request of the applicant the Commission may extend the primary approval of a preliminary plat in increments not to exceed two (2) years beyond an expiration date without further notice and public hearing.

3.03 Approval of Construction Plans.

- a) **Submission Procedure and Requirements.** Following the review of the sketch plan and prior to the submission of the final plat for secondary approval, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator before starting work on any improvements twelve (12) sets of detailed plans and specifications thereof for approval.
- b) **Review Process.** The Administrator shall immediately refer these plans to the appropriate agencies of the affected participating jurisdictions for review. Once these agencies indicate their approval of the construction plans or fourteen (14) working days have elapsed since their distribution without a written response, and after the Commission approval, the Administrator shall stamp the plans approved and return one (1) set to the applicant. In no event shall approval of the final plans be given prior to the approval of the construction plans.
- c) **Installation of Improvements.** The installation of improvements shall be inspected by the appropriate participating jurisdiction. Such inspections are required in all instances regardless of whether the work is performed before or after secondary approval. Failure to request inspection of work performed after the date of this ordinance and before secondary approval may be cause for the denial of secondary approval.

3.04 Final Plat Procedure.

- a) **Submission Requirements.** Following approval of the preliminary plat and construction plans, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator a request for approval of the final plat. The request shall:
 - 1) Be submitted on in writing to the office of the Commission.
 - 2) Include the entire subdivision, or section thereof which derives access from an existing state, county, or municipal highway.
 - 3) Be accompanied by five (5) copies of the final plat as described in this ordinance.
 - 4) Totally comply with the ordinance and conditions of the primary approval.
 - 5) Be accompanied by any restrictive covenants in a form approved by the Commission, where they have been proposed by the subdivider or required by the Commission.
 - 6) Be accompanied by a copy of all executed contracts or agreements with public utility companies to provide services to the development.

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- 7) Be accompanied by a letter of approval of construction plans, and approval of installation of improvements or proposed bond amount from the County Engineer (if applicable).
 - 8) Be accompanied by a letter from the developers' engineer certifying that the storm water drainage has been designed according to all applicable laws.
 - 9) Be accompanied by a copy of the plat signed by the County Auditor indicating that the plat is suitable for recording.
- b) **Determination of Conformance.** In order to be recorded, a final plat shall be found to be in conformance with the primary approval by the Administrator. If the subdivision substantially deviates from the preliminary plat that received approval, the Administrator shall present the plat to the Commission for a determination if the plat should be approved or resubmitted for a new preliminary hearing. Should the administrator find the plat is in compliance with the preliminary approval, the plat shall be approved and written notification shall be provided to the applicant.
- c) **Sectionalizing Plats.** Prior to granting secondary approval of a major subdivision plat, the Administrator may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deemed necessary to assure the orderly development of the plat.

3.05 Signing and Recording of the Plat.

a) Signing of a Plat

- 1) Upon approval by the Administrator, the chairman and administrator of the Commission shall endorse approval of the plat by signing the Plan Commission Certificate. The Administrator shall deliver the signed Mylars of the plat to the County Auditor for placement on the County Commissioners next agenda.
 - 2) When a bond is required, the County Commissioners shall endorse approval on the plat by signing the certificate after the bond has been approved, and all the conditions of the primary approval have been met.
 - 3) When installation of improvements is required, the County Commissioners shall endorse secondary approval of the plat after all necessary improvements have been made and all conditions of the primary approval have been met.
- b) **Assurance to Subdivider.** If the subdivider elects to install all improvements before he applies for secondary approval and it is shown that the conditions of the ordinance have been met, and if the final plat completely conforms to the primary approval, the Commission shall have no other recourse than to grant secondary approval.

c) Recording of Final Plat.

- 1) The designated officials shall sign the two Mylar prints of the subdivision plat. The Mylar prints shall be returned to the Auditor for holding until recordation.
- 2) It shall be the responsibility of the subdivider to file the plat with the County Recorder within thirty (30) days of the date of the signature by County Commissioners. The developer shall provide one paper copy of the recorded plat to the Plan Commission office and one copy of the plat in CAD format (computer disk) to the Auditors Office.
- 3) Failure to record the final plat as specified shall render the plat null and void.

3.06 Minor Subdivisions

The procedures for minor subdivisions shall be the same as for a major subdivision with the exception of primary plat approval. The sketch plan serves as the primary plat for minor subdivisions. All other requirements of section 3.3 are to be followed.

3.07 Private Subdivisions

The procedure for private subdivisions shall be the same as for major subdivisions.

3.08 Exempt Divisions

In order for a land division to be considered an Exempt division the information prescribed for the applicable type of division under 6.05 shall be submitted to the Administrator so that he/she may determine whether the division meets the provisions of the definition for this classification.

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SECTION IV: REQUIREMENTS FOR IMPROVEMENTS AND DESIGN

4.00 GENERAL IMPROVEMENTS

- a) **Conformance to Applicable Rules and Regulations.** In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations:
- 1) All applicable state and local statutory provisions.
 - 2) The County Zoning Ordinance, Building Codes and all other applicable laws of the appropriate jurisdictions, including the County Flood Plain Ordinance.
 - 3) The Comprehensive Plan.
 - 4) The rules and regulations of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
 - 5) The rules and regulations of the County Health Department.
 - 6) The rules and regulations of the Indiana Department of Environmental Management.
 - 7) The County Thoroughfare Plan.
 - 8) Indiana Code regulations concerning fencing.
 - 9) All land platted immediately adjacent to agricultural lands (pasture, hay lands, cropland, feed lots, etc.) will include a twenty five foot (25) wide buffer zone of grass. Trees, ornamental flowers, vines, shrubs and vegetable gardens will not be planted within the buffer zone.
- b) **Self-imposed Restrictions.** If the owner places restrictions on any land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Commission may require that restrictive covenants be recorded with the County Recorder in the form to be approved by the Commission.
- c) **Water Supply.** All major subdivisions shall be served by a public water supply. All water lines located within the division shall be no less than six (6") inches in diameter and shall include fire hydrant taps located so that no lot in the development is more than 500 feet from a tap. In the event the water utility will permit installation of fire hydrants such hydrants shall be installed.

4.01 LOT IMPROVEMENTS

- a) **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing building permits to build on each of the created lots in compliance with the Zoning Ordinance and Health Regulations and providing driveway access to buildings on such lots from the appropriate street.

- b) **Lot Dimensions.** Lot dimensions shall comply with the minimum standards in the Zoning Ordinance. Excessive depth in relation to width shall be avoided, with a proportion of 4 to 1 normally being considered as a desirable maximum.
- c) **Double Frontage Lots and Access to Lots**
 - 1) **Double Frontage Lots.** Double frontage lots and reversed angle lots shall be avoided except where necessary to provide for the separation of residential development from the traffic on bordering arterials or to overcome specific disadvantages of topography and orientation affecting the subdivided lots.
 - 2) **Access from Primary and Secondary Arterials.** Lots shall not, in general, derive access from a primary or secondary arterial street. Where driveway access from a primary or secondary arterial street may be the only possible access for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards from multiple access from such street.
- d) **Character of the Land.** Land which the Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes (15% or greater), rock formations or topography, or other features which might reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Commission to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such permitted uses by the Zoning Ordinance as shall not involve any danger.
- e) **Subdivision Name.** The proposed subdivision name shall not duplicate, or too closely approximate the name of any other subdivision. The Commission shall have final authority to designate the name of the subdivision, which shall be determined at the time of primary approval.

4.02 STREETS

a) General Requirements.

- 1) **Frontage on Improved Streets.** No subdivision shall be approved unless the area to be subdivided shall have frontage on and/or access from an existing street or road as shown on the official county highway map.
- 2) A street shown upon the plat approved by the Commission and recorded in the office of the County Recorder must be suitably improved as required by the county highway rules, regulation specifications, or orders, or be secured by a performance bond required under these regulations with the width and right-of-way as required by these regulations.
- 3) Encourage residential development to be located in areas that have the adequate infrastructure to support the development in compliance with the

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Harrison County Comprehensive Plan.

- 4) If the proposed development occurs along an existing county road the developer shall be required to dedicate to the public real property of a width sufficient to meet 1/2 of the required right-of-way width as if constructing a new subdivision street and for the full length of the parcel to be developed.
- 5) Whenever the area to be subdivided is to use an existing road frontage, in the case of individual lot access, such street shall be suitably improved as provided herein. The improvement of the county road must meet the requirements of the Harrison County Board of County Commissioners as to the width of right-of-way, pavement type to be used and all related policies concerning highway improvements.

- b) **Grading and Improvement Plan.** Streets shall be graded and improved and conform to the county construction standards and specifications and shall be approved as to design and specifications by the County Highway Engineer, in accordance with the construction plans required to be submitted prior to secondary approval.
- c) **Topography and Arrangement.** Streets shall be related appropriately to the topography. All streets shall be so arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Specific standards are contained in the design standards of these regulations. Additional requirements are as follows:
 - 1) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as found in the Comprehensive Plan.
 - 2) The developer shall provide an engineers recommendation for speed limit signs and stop signs within the development and to furnish said signs in accordance with the engineers recommendations.
 - 3) The developer shall install road name signs with the approval of the Harrison County Board of County Commissioners and the Harrison County Highway Department as to type of sign to be erected.
 - 4) The developer shall consult the post office serving the locality involved as to the proper location of mailboxes.
- d) **Blocks.** Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand two hundred (2,200) feet nor be less than four hundred (400) feet in length.

4.03 DEDICATION OF RIGHT-OF-WAY FOR NEW STREETS

- a) The dedication of right-of-way, measured from lot line to lot line, for new streets shall be as follows:

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STREET TYPE	MINIMUM DEDICATED RIGHT-OF-WAY
Arterial	80'
Collector	70'
Local	60'
Local, if curb and gutters and Storm sewers are installed	50'

4.04 PAVEMENT DESIGN

- a) Pavement base shall consist of not less than two (2) courses of dense graded aggregate laid and rolled separately to at least 90% maximum density, each having a compacted thickness of at least four (4) inches for the full width of the pavement. Subgrade shall have been rolled to 90% of maximum density prior to laying the first course of aggregate.
- b) A prime coat of cut back asphalt emulsion primer, type "L" or equivalent shall be applied to the finish base course at the rate of approximately .40 gallons per yard.
- c) An asphaltic concrete base course shall be applied and shall be class I compacted to a total depth of at least two (2) inches. An asphaltic concrete surface course shall be applied and shall be class I, type A compacted to a total depth of at least one (1) inch.
- d) Concrete pavement shall be considered as an alternative pavement design provided the specifications for such are prepared by a registered civil engineer and be submitted for review as part of the construction plans.

4.05 WIDTH OF PAVEMENT. The minimum pavement width for subdivision streets without curbs shall be twenty-two (22) feet with six (6) foot shoulders. Minimum pavement radii at intersections shall be twenty (20) feet. Where rolled curbs are installed, the minimum face-to-face width of curb shall be eighteen (18) feet. Pavement width of cul-de-sacs shall be thirty-five (35) feet.

4.06 SUBDIVISION PERIMETER FENCES. A perimeter fence, that complies with this section, shall be installed and paid for by the subdivider along all exterior boundaries of a new subdivision that abuts a parcel that is zoned A-R or a parcel that is currently used for growing crops, raising livestock, or reserved for conservation. This applies to all major subdivision types, including residential, commercial, and industrial.

1. **Written Agreement.** Per IC 32-26-3-1, there shall be a written agreement between the subdivider and adjoining property owner outlining that the subdivider will pay for and erect a fence that complies with this section and that the fence will be maintained equally by both property owners in perpetuity. This written agreement shall be recorded in the Harrison County Recorder's Office prior to the secondary plat being executed/signed.

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- a. If the adjoining property owner is not willing to sign or has signed a written agreement as required by this section within 90 days of being provided with an agreement by the subdivider (or within an alternative, reasonable timeframe as determined by the Plan Commission), then the subdivider is not required to install a perimeter fence. If the adjoining property owner requests a fence at a later date, installation and costs for the fence shall be governed by Indiana Code.

2. **Fence Type & Design.** The fence shall be sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep and meet the standards of a partition fence as outlined by IC 32-26-9-3(f) unless both adjoining property owners agree in the written agreement on an alternative fence type or that no fence should be provided.

- a. Any fence that exists at the time that either the primary plat or secondary plat is approved that is used by adjoining property owners as a partition fence shall be considered a perimeter fence and used to meet the requirements of this section if it is in good repair. The existing fence shall be specified in the written agreement.

3. **Fence Location.** The fence shall be located on the property line. However, if any of the following occur, the subdivider shall erect the fence on the subdivision lot(s) or within a common area in the subdivision instead of the property line, in which case no structures shall be located between the fence and adjoining property line.

- a. If both adjoining property owners agree to placing the fence on the lot(s) within subdivision instead of the property line.
- b. If there is reasonable or significant existing vegetation along the property line, as determined by the Administrator, where installation of a fence would require its removal.
- c. If there is another circumstance where the Plan Commission determines alternative placement of the fence will better serve the both the subdivision and abutting property owner.

4.07 (Ord. 2025-15)SIDEWALKS & STREETLIGHTS. Sidewalks and streetlights are not required in major residential subdivisions. However, if sidewalks and/or streetlights are voluntarily provided by a subdivider within the right-of-way, they shall be approved by the County Engineer (or Town if located within an incorporated town) prior to secondary plat approval. All maintenance and/or expenses related to electric service shall be paid by the Homeowners Association (or subdivider until the HOA is established) unless the subdivision is located within an incorporated town and the town has agreed, in writing, to provide maintenance. In the event that the HOA is not active or has been dissolved, all parcels within the subdivision shall be equally responsible for maintenance and/or expenses related to sidewalks, streetlights, and/or electric service, even if located within the right-of-way. (Ord. 2025-15)

4.08 COVENANTS. Residents within a subdivision typically expect many common public services that are not able to be provided by a county, such as sidewalks, streetlights, trash collection, and snow removal. Covenants shall be required for all new major residential subdivisions within the R-1, R-1a, R-2, and R-3 zoning districts that are located within the unincorporated areas of the county in order to address these expectations and shall be submitted with all preliminary plat

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applications. Because the county cannot maintain these desired amenities or services, the following minimum elements shall be included in the covenants:

1. Requirement that all maintenance of sidewalks and streetlights (if voluntarily provided by the subdivider) will be the responsibility of the Homeowners Association (HOA) as outlined in Section 4.07.
2. Requirement that all maintenance of all storm drains, if required by the County Engineer, will be the responsibility of the Homeowners Association (HOA) or shared equally by all parcels within the subdivision if the HOA does not exist.
3. Requirement that the Homeowners Association (HOA) will provide snow removal and trash collection as necessary or desired.
4. Requirement that the HOA will define and enforce property maintenance standards, such as grass height.

(Ord. 2025-15)

SECTION V. ASSURANCE OF COMPLETION OF IMPROVEMENTS

5.00 Improvements and Performance Bond

a) Completion of Improvements

- 1) Before the plat is signed by the designated officials all applicants shall be required to complete, in accordance with the Commissions decision and to the County Commissioners' satisfaction, all of the streets and other public improvements, specified in the construction plans and on the final subdivision plat, and as approved by the Commission and to dedicate the improvements to the county, free and clear of all liens and encumbrances on the property and improvements thus dedicated.

2) Performance Bond

- a) The Board of County Commissioners, at their discretion, may waive the requirements that the applicant complete all public improvements prior to the approval of the final subdivision plat, and that, in lieu thereof, the applicant shall post bond securable to HARRISON COUNTY, hereinafter referred to as performance bond, in an amount equivalent to one hundred percent (100%) of the estimated cost of the completion of the required public improvements, which shall be sufficient to secure the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of these required improvements.
- b) That in lieu of such bond the subdivider may submit a certified check made payable to HARRISON COUNTY in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the improvements. Any such check shall be held by the Harrison County Auditors Office.
- c) That in lieu of such bond the subdivider may submit an irrevocable letter of credit in behalf of the subdivider and securable to the county in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the improvements. In the event that a letter of credit is used it shall be written for a maximum length of one year.
- d) That in lieu of such bond the subdivider may submit a certificate of deposit made out to either HARRISON COUNTY and/or the subdivider, to be held by the County Auditor and in the amount equal to one hundred percent (100%) of the cost of the completion of the improvements.
- e) Such performance bond, irrevocable letter of credit, certified check, or certificate of deposit shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency, and manner of execution as set forth in this ordinance.

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- b) **Failure to Complete Public Improvements.** Where a performance bond, etc. has been posted and the required improvements have not been installed within the terms of such instrument, the County may thereupon declare the instrument to be in default and cause all public improvements to be installed according to the secondary approval regardless of the extent of the building development at the time the bond is declared to be in default.
- c) **Acceptance of Dedication Offers.** The approval by the Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the County of any street, easement or other improvement shown on the plat. The acceptance is that of only the real property itself.

5.01 Inspection of Public Improvements

- a) **General Procedure.** If the county (or in the case of a private subdivision the inspecting engineer) finds upon inspection that any of the improvements have not been constructed in accordance with the approved construction plans, the applicant shall be responsible for completing the improvements according to such plans.
- b) **Release of Performance Bond- ~~Certificate of Satisfactory Completion~~.** The County shall not accept required improvements, nor the Commissioners release or reduce a performance bond, until the County has submitted a certificate stating that all improvements have been satisfactorily completed. Upon such certification, the County shall thereafter accept the improvements for maintenance in accordance with established procedures.

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SECTION VI: SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

6.00 Sketch Plan. Sketch plans submitted to the Commission, prepared in pen or pencil, shall be drawn to a scale of one hundred (100) feet to an inch and shall show the following:

a) Name

- 1) Name of the subdivision if property is within an existing subdivision.
- 2) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any previously recorded subdivision.

b) Ownership

- 1) Name and address, including telephone number, of legal owner or agent of the property.
- 2) Citation of any existing legal rights-of-way or easements affecting the property.
- 3) Existing covenants on the property, if any.
- 4) Name and addresses, including telephone number, of the professional person responsible for the design of the subdivision.

c) Description. Location of property, name of any local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.

d) Features

- 1) Location of property lines, existing easements, burial grounds, railroad rights-of-ways, watercourses, and woodlands; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract, names of all adjoining property owners abutting any perimeter boundary of the subdivision.
- 2) Approximate location and sizes of existing water mains, culverts, and other underground structures within the tract and immediately adjacent thereto.
- 3) Approximate topography, as derived from U.S.G.S. quadrangle maps.
- 4) The approximate location and widths of proposed streets.
- 5) Preliminary proposals for connection with existing water supply, sanitary sewer (if any) and electrical utility.
- 6) The approximate lot sizes, dimensions, and areas of all proposed or existing lots.
- 7) The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park and playground use or other public use, or for the use of the property owners in the proposed subdivision.
- 8) Approximate location of soil types.
- 9) A vicinity map showing streets or other general development of the surrounding area.

6.01 Preliminary Plat

- a) General.** The preliminary plat shall be prepared by a licensed land surveyor at a scale of one hundred (100) feet to an inch.
- b) Features.** The preliminary plat shall show the following:
 - 1) The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, names of all adjoining developments, if any, and names of all adjoining streets or roads.
 - 2) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
 - 3) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.
 - 4) The location and width of all existing and proposed streets, alleys, and other public ways, and their rights-of-ways, and of easements and building setback lines.
 - 5) The locations, dimensions, and areas of all proposed and/or existing lots.
 - 6) The location and dimensions of all property proposed to be set aside for park or playground use.
 - 7) The name and address of the owners of land to be subdivided, the name and address of the subdivider, if other than the owner, and the name of the land surveyor.
 - 8) The date of the map, approximate true north point, scale, and title of the subdivision.
 - 9) Sufficient data acceptable to the Commission to determine readily the location, bearing, and length of all lines along with the location of all monuments.
 - 10) Names of the subdivision and all new streets to be approved by the Commission, and all lot numbers.
 - 11) Topography at the same scale as the sketch plan with a contour interval of two (2) feet.
 - 12) Location of any proposed /required fencing to be installed to separate agricultural uses from residential uses.

6.02 Construction Plans

- a) General.** Construction plans shall be prepared for all required improvements. Plans shall be drawn to a scale of not more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:
 - 1) Profiles showing existing and proposed elevations along the centerlines of all streets. Where a proposed street intersects an existing street or streets,

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the elevation along the centerline of the existing street or streets, within 100' (feet) of the intersection shall be shown. Approximate radii of all curves, length of tangents, and central angle of streets shall be included.

- 2) The Commission or County Engineer may require, where steep slopes exist, (those areas of 15% or greater slope) that cross-sections of all streets at one hundred (100) foot stations shall be shown at five (5) points as follows: On a line at right angles to the center line, and points twenty five (25) feet inside each property line.
- 3) Plans and profiles showing locations and typical cross-sections of street pavements, drainage easements, manholes, and catch basins; the location, size, and invert elevations of existing or proposed sewers, storm water drains, and fire hydrants, and exact location and size of all water, gas, or other underground utilities or structures.
- 4) All specifications and references required by the County's construction standards and specifications, including a site grading plan for the entire subdivision.
- 5) Certification that all improvements have been submitted to the Indiana Department of Environmental Management as to compliance with the erosion control measures required as per Rule 327 IAC 15 (commonly know as "Rule 5").
- 6) Notation of approval as follows:

Owner _____ Date _____
Commission President _____
Date _____

- 7) Title, name, address, and signature of the professional engineer and/or surveyor, and date, including revision dates.

6.03 Final Subdivision Plat

- a) **General.** The final subdivision plat shall be presented in india ink on tracing cloth or reproducible mylar at a scale of one hundred(100) feet to an inch and contain the same information, including certifications, as on the preliminary plat, except for any changes or additions required by the conditions of the primary approval . The plat to be submitted for recording purposes must be no larger than 18" by 24".
- b) **Utility Services.** Before the Final Plat is approved, or alternatively before the bond,(etc.) is released, the subdivider shall obtain installation of all utility services required to serve the subdivision.

6.05 EXEMPT DIVISIONS.

The information that must be provided in order for the decision to be made that a division is an exempt division varies as follows according to the definition for each type of exempt division listed under subdivision in section 1.14(b) of this ordinance

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thus:

- a) For type "1" division a metes and bounds legal description of the exempt division and the land from which it is being divided must be provided;
- b) For type "2" divisions the old legal and the new legal descriptions must be provided;
- c) For type "3" divisions a copy of the court decree showing by legal description how the land is to be divided must be provided;
- d) For type "4" divisions a legal description and plot plan showing the parcel and the location of the street right-of-way or easement must be provided;
- e) For a type "5" division a legal description and documentation to show that the the parcel has not be subdivided during the same calendar year. (Ord. 2025-15)

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SECTION VII: VALIDITY AND ADOPTION

7.00 EFFECTIVE DATE

This Ordinance shall take effect upon its passage and approval by the Harrison County Board of County Commissioners and publication according to law.

Adopted August 7th 1995.

Reformatting including all amendments February 16th 2009.

EXHIBITS

Harrison County Subdivision Ordinance

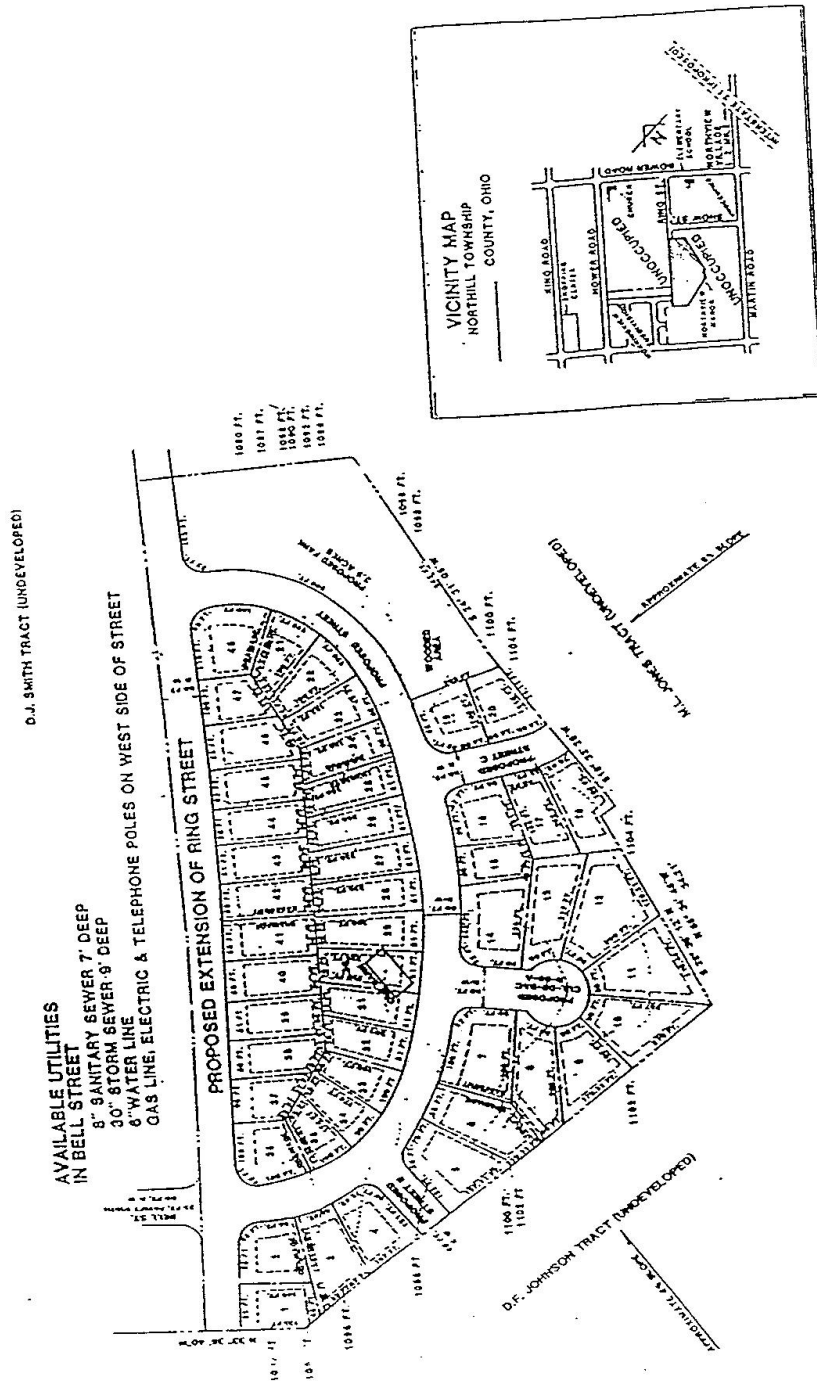


FIGURE 6-2 PRELIMINARY SUBDIVISION PLAT

Harrison County Subdivision Ordinance

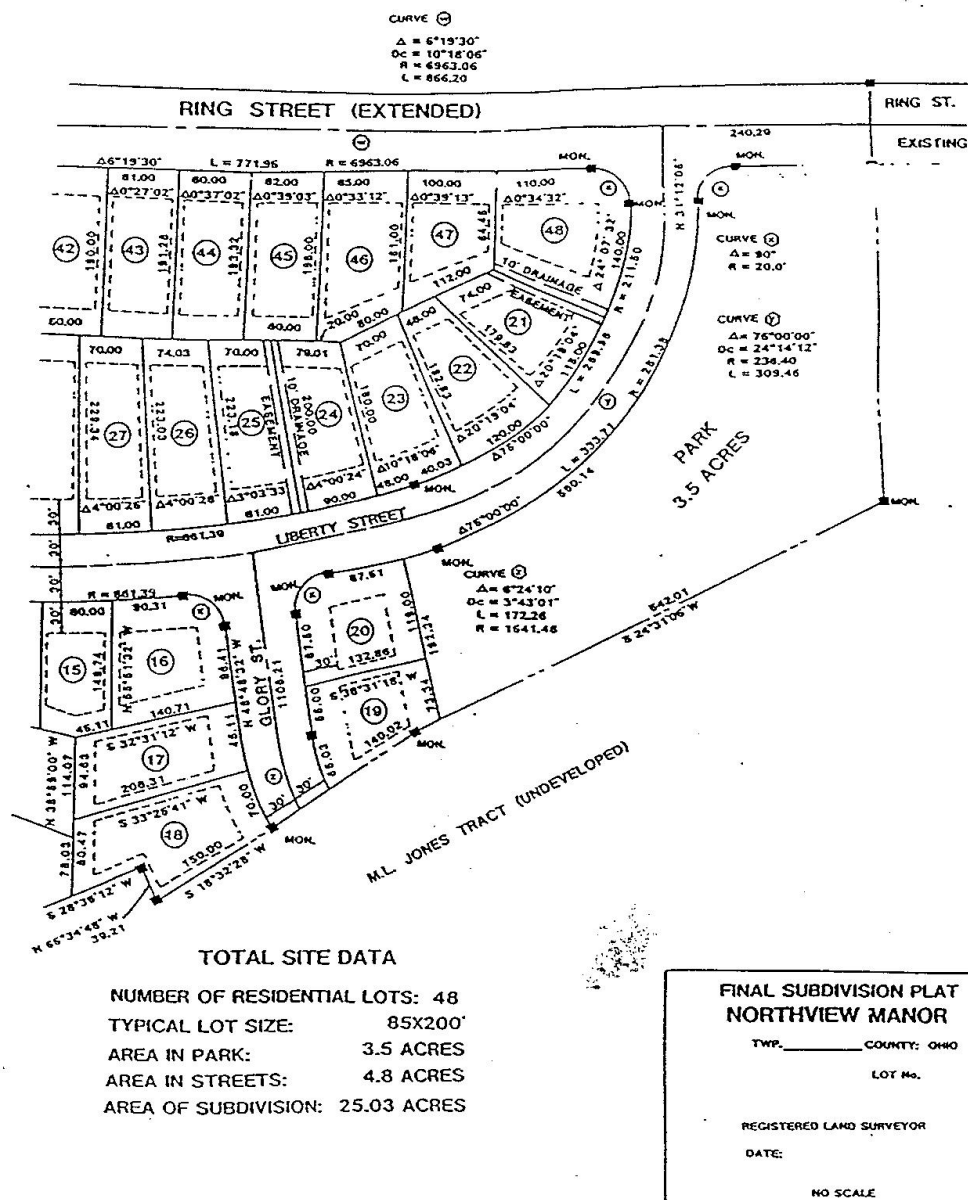


FIGURE 6-3 FINAL SUBDIVISION PLAT

Harrison County Subdivision Ordinance