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## **CHAPTER 1 PURPOSE, AUTHORITY, AND JURISDICTION**

### **1.0 TITLE**

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These regulations shall hereafter be known and cited as the White County Subdivision Control Ordinance.

### **1.1 PURPOSE AND AUTHORITY**

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#### **1.1.1 Purpose**

The purposes of these regulations are as follows:

- A. To protect and provide for the public health, safety, and general welfare of the county and participating municipalities.
- B. To guide the future development, growth and renewal in accordance with the Comprehensive Plan and related policies.
- C. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of land and undue congestion of population.
- D. To protect the character and the social and economic stability of all parts of the county and municipalities and to encourage the orderly and beneficial development of all parts of the county.
- E. To protect and conserve the value of land throughout the county and participating municipalities and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- G. To provide the most beneficial relationship between the use of land and buildings and the circulation of traffic throughout the county and participating municipalities, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- H. To establish reasonable standards of design and procedures for the subdivision, or re-subdivision of land, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumentation of subdivided land.
- I. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

- J. To encourage prevention of the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the county and participating municipalities in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- K. To preserve the natural beauty and topography of the county and participating municipalities and to insure appropriate development with regard to these natural features.
- L. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance of the County.

### 1.1.2 Authority

The adoption of this Ordinance establishes the authority of the Area Plan Commission to hereby exercise the power and authority to review, approve, and disapprove subdivisions within the limits of the participating jurisdictions.

## 1.2 POLICY

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It is hereby declared to be the policy of the Area Plan Commission to consider the subdivision of land and the subsequent development of each subdivided plat as subject to the official Comprehensive Plan, Zoning Ordinance, and related policies for the orderly and efficient development of the county and participating municipalities.

### 1.2.1 Character

Land to be subdivided shall be of such a character that it can be developed without peril to health or peril from flood, fire or other menace, and land shall not be subdivided until having access to available existing public facilities and improvements and proper provisions have been made for drainage, water, wastewater, other necessary new public improvements such as schools, parks, recreation facilities, and transportation facilities adequate for serving the subdivision.

### 1.2.2 Public facilities

Both existing and proposed public facilities serving the subdivision shall be properly related to and substantially conform to the official Comprehensive Plan and related county or municipal policies and implementation programs including the Official Zoning Map, Zoning Ordinance, and Housing and Building Codes if they have been enacted and are in force.

### 1.2.3 Land which is not considered to be subdivided

Any subdivision of property within an incorporated area, or any subdivision of property which does not meet the following requirements shall be considered a subdivision. The surveys associated with the types of property divisions described below must demonstrate compliance to all applicable subdivision developmental standards.



- A. Parcel splits from a parent tract may occur, provided that said splits are at least ten (10) acres in size and
- B. Where the parent tract remains at least ten (10 acres in size.

### 1.3 JURISDICTION

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The geographic area in which the various legislative bodies have jurisdiction, except where otherwise herein excluded, is as follows:

- A. White County Commissioners – the unincorporated areas of White County, Indiana
- B. City Council of the City of Monticello – the incorporated area of the City of Monticello, Indiana
- C. Town Council of the Town of Brookston – the incorporated area of the Town of Brookston, Indiana
- D. Town Council of the Town of Burnettsville – the incorporated area of the Town of Burnettsville, Indiana
- E. Town Council of the Town of Chalmers – the incorporated area of the Town of Chalmers, Indiana
- F. Town Council of the Town of Monon – the incorporated area of the Town of Monon, Indiana
- G. Town Council of the Town of Reynolds – the incorporated area of the Town of Reynolds, Indiana
- H. Town Council of the Town of Wolcott – the incorporated area of the Town of Wolcott, Indiana

### 1.4 APPLICABILITY

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#### 1.4.1 New improvements

Hereafter no subdivision or re-subdivision of any lot, tract or parcel of land shall be affected, nor shall any street, sanitary sewer, water main or other facility in connection therewith be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of the regulations herein set forth.

#### 1.4.2 Subdivision plan required

No lot in a subdivision shall be sold, nor shall a permit to erect, alter or repair any building upon land in a subdivision be issued, nor any building erected in a subdivision unless and until a subdivision plan has been approved and recorded, and until the improvements required by the county or participating municipalities in connection therewith have either been constructed or guaranteed, as herein provided.

### 1.4.3 Recording a subdivision plat/re-plat

No plat or re-plat of a subdivision of land located within the jurisdiction of the Area Plan Commission shall be recorded until it shall have been approved by the Area Plan Commission or as provided for by this ordinance, and such approval shall have been entered in writing on the plat as delegated by this ordinance.

### 1.4.4 Sunset Provision

Any subdivision related improvements including, but not limited to, road/street construction, alley development, utility installations, landscaping or open space, must be completed within two (2) years from the date the subdivision plat is recorded in the office of the White County Recorder. This sunset provision may be extended with approval of the Plat Committee or Area Plan Commission. Failure to complete the required improvements by the sunset date, shall constitute a default and all security bonds posted to the benefit of the Area Plan Commission shall forfeit to said Commission.

## 1.5 INTERPRETATION AND CONFLICT

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In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

### 1.5.1 Public provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations conflict with restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

### 1.5.2 Private provisions

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Area Plan Commission or the municipality in approving a subdivision or in enforcing these regulations, and such private provisions shall be operative and supplemental to these regulations and determinations made there under.

## 1.6 SEVERABILITY

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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 legislative bodies hereby declare that they would have enacted the remainder of these regulations even without any such part, provision, or application.

## 1.7 SAVING PROVISION

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

## 1.8 ADOPTION PROCEDURE

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The following is a record of the adoption procedure of the White County Subdivision Control Ordinance.

### 1.8.1 Public hearings

Per the White County Area Plan Commission

### 1.8.2 Action by the Area Plan Commission

Recommendation and certification by the Area Plan Commission

### 1.8.3 Adoption by participating legislative bodies

- A. County of White
- B. City of Monticello
- C. Town of Brookston
- D. Town of Burnettsville
- E. Town of Chalmers
- F. Town of Monon
- G. Town of Reynolds
- H. Town of Wolcott

**1.8.4 Recording**

Recorded with the White County Recorder

**1.9 EFFECTIVE DATE**

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This ordinance shall become effective on the date in which it is adopted by a given jurisdiction.

## CHAPTER 2 ADMINISTRATION

### 2.0 CONDITIONS AND COMMITMENTS

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Regulation of the subdivision of land and the attachment of reasonable conditions and/or commitments to land subdivision is an exercise of valid police power delegated by the state to the county and municipalities. The developer has the duty of compliance with reasonable conditions laid down for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the county and municipalities and to the safety and general welfare of the future plot owners in the subdivision and of the county and municipalities as a whole. Regulations for commitments are spelled out below:

- A. Commitments are subject to the following provisions:
1. A commitment must be in writing
  2. Unless modified or terminated, a recorded commitment is binding on:
    - a. The owner of the parcel;
    - b. A subsequent owner of the parcel, and
    - c. A person who acquires an interest in the parcel.
  3. Unless modified or terminated, an unrecorded commitment is binding on:
    - a. The owner of the parcel who makes the commitment; and
    - b. Subsequent owner or other person acquiring interest in the parcel if such person has actual notice of the commitment.
  4. A commitment shall be recorded in the office of the County Recorder.
  5. A commitment automatically terminates if:
    - a. The commitment contains terms providing for its own expiration;
    - b. The commitment contains terms providing for termination if the zoning district applicable to the parcel is changed;
    - c. The commitment contains terms providing for termination if the land use is changed; or
    - d. As provided for by rules of the Area Plan Commission or rules of the Area Board of Zoning Appeals, as the case may be.
  6. During the time a rezone proposal is being considered by the Area Plan Commission, a new commitment or a modification to an active commitment may be presented to the Area Plan Commission for consideration.
  7. During the time a rezone proposal is being considered by the legislative body, the owner may make a new commitment without further action required by the Area Plan Commission; and

8. During the time a rezone proposal is being considered by the legislative body, the body may consider a modification to an active commitment;
    - a. If the modification is more stringent no action is required by the Area Plan Commission;
    - b. If the modification is less stringent than the modified commitment, it must be ratified by the Area Plan Commission.
  9. With the exception of #5 above, a commitment may be modified or terminated only by a decision of the Area Plan Commission or Area Board of Zoning Appeals to which the commitment was made. The decision must be made at a public hearing after proper notice of the hearing has been provided by the Staff.
- B. The following types of conditions are not considered commitments and are not subject to the provisions of Subsection A:
1. A condition imposed upon the approval of a primary plat that must be met before secondary approval of a plat may be granted;
  2. A condition imposed upon the approval of an exception, a use, a variance or a development plan before an Improvement Location Permit may be issued;
  3. A condition imposed upon an approval relative to any other development requirement that must be met before any other secondary approval may be granted or building permit may be issued; and
  4. Covenants, easements, equitable servitudes and other land use restrictions created in accordance with law are not considered commitments and are not subject to Subsection A.

## 2.1 **APPLICABILITY TO A PUD**

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Following adoption of an ordinance by the appropriate legislative body providing for a planned unit development (PUD), the procedure for platting within the districts shall be the same as that prescribed for subdivisions in this Ordinance and in compliance with the procedures and regulations set forth in Chapter 6, Planned Unit Development of the Zoning Ordinance.

## 2.2 **APPLICABILITY TO CONDOMINIUMS**

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Condominiums regulated under the provisions of IC 32-25 as amended shall be exempt from the procedures of this Ordinance, and a plat may be recorded with the White County Recorder following administrative review for development plans as described in the Zoning Ordinance, provided the plans are in compliance with the Zoning Ordinance and other applicable ordinances.

## 2.3 **WAIVERS**

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### 2.3.1 **General**

Where the Area Plan Commission finds that unnecessary 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 alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest secured.

- A. Waivers are limited in scope to the Standards fixed in the Subdivision Control Ordinance as follows:
1. Minimum width, depth and area of lots in the subdivision;
  2. Public way widths, grades, curves and the coordination of subdivision public ways with current and planned public ways;
  3. The extension of water, sewer and other municipal services;
  4. Allocation of areas to be used as public ways, parks, schools, public and semipublic buildings, homes, businesses and utilities and any other standards related to the purposes of this chapter;

Every approved plat must meet all the minimum standards prescribed in the zoning ordinance for a similar use. Standards which are spelled out in the Subdivision Ordinance but which are not referenced in the Zoning Ordinance, may not be waived.

The Area Plan Commission shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that the following apply:

- B. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other nearby property.
- C. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.
- D. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
- E. The waiver will not in any manner go against the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Zoning Map as interpreted by the Area Plan Commission.

Each waiver shall be voted upon separately and decision included as part of the written findings of fact and decision approved by the Area Plan Commission.

### 2.3.2 Conditions

In approving waivers, the Area Plan Commission may require conditions and/or commitments as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

### 2.3.3 Procedures

A petition for any waiver shall be submitted in writing by the subdivider at the time when the primary plat is filed for consideration by the Area Plan Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The waiver shall be filed in the form prescribed by the Staff.

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## 2.4 APPEALS

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Pursuant to Indiana Code 36-7-4-1016 as amended, any person aggrieved by a final decision of the Area Plan Commission under this Ordinance may present to the, Circuit Court or the Superior Courts of White County a petition, duly verified, setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision of the Area Plan Commission.

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## 2.5 AMENDMENTS

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For the purpose of providing for the public health, safety, and general welfare, the County, on recommendation of the Area Plan Commission, may from time to time amend the provisions imposed by these subdivision regulations. All amendments shall be considered and adopted in compliance with I.C. 36-7-4-700 et. seq. as amended.

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## 2.6 TECHNICAL REVIEW COMMITTEE

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All major and minor subdivision petitions shall be reviewed by a Technical Review Committee as provided for below, following application and prior to hearing by the Area Plan Commission.

### A. Technical Review

Prior to the public hearing by the Area Plan Commission for a major or minor subdivision plat, the applicant shall meet with the Technical Review Committee to review the proposed plans. The Technical Review Committee shall meet within ten (10) days from the date the Staff receives a completed application and supporting documents. The Staff shall submit the Technical Review Committee's written comments to the applicant within seven (7) days of the Technical review meeting. The applicant shall respond to the Technical Review Committee's written comments within thirty (30) days of the Technical Review Committee's meeting. This response will be filed with the Staff.

### B. Date of public hearing

Within thirty (30) days after receipt of the application, all required documents and required fees, the staff shall set a date for the public hearing in accordance with the schedule adopted by the Area Plan Commission. The Staff shall inform the applicant fo the hearing date, give notice of the hearing by publication in accordance with IC 5-3-1 as amended, and provide for notice to interested parties at least then (10) days prior to the hearing.

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## 2.7 CHANGES TO AN APPROVED PLAT

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No changes, erasures, modifications or revisions shall be made in any major or minor subdivision plat after secondary approval has been granted except as provided for below. Any changes, erasures, modifications or revisions shall be made only upon amendment plat approval by the Area Plan Commission in accordance with the provisions of the Subsection.

### A. Exclusions



The following type of subdivision modifications are allowed with approval of the Area Plan Staff following procedures established by said Staff:

1. Lots or parcels may be combined for property tax or developmental purposes as long as each lot or parcel is titled exactly the same and each lot or parcel has identical zoning;
2. Tracts may be transferred between adjoining lots or parcels as long as no additional building lots are created other than for accessory structures and each lot or parcel is zoned identically;
3. Any lots or parcels vacated in compliance with this Ordinance.

B. Major and Minor Subdivision

To amend a major or minor subdivision plat the following is required:

1. Application and Submittals
  - a. A completed Subdivision Amendment application along with the required fee, an amended plat and detailed description of the proposed changes;
  - b. An impact statement summarizing the effect of the changes on any aspect of the original submission and approval including covenants, restrictions or commitments, and
  - c. Any other reasonable information requested by the Area Plan Staff.

2. Tech Review

Review by the Technical Review Committee will be conducted according to Subsection 2.6 of this Chapter.

3. Review, Approval or Denial

Review and approval or denial may be handled at a single public and advertised meeting of the Area Plan Commission. The amendment process will follow the evaluation protocol as established by rule of the Area Plan Commission.

C. Filing & Recording

1. It shall be the petitioner's responsibility to submit to the Executive Director a mylar original of the amended plat as approved in recordable form and in compliance with the requirements of the White County Recorder.
2. Upon certification by the Executive Director, it shall be the petitioner's responsibility to file the approved amended plat with the White County Auditor's Office within sixty (60) days of the date that the plat is signed by the Executive Director. Failure to file the plat within sixty (60) days shall result in an expiration of the approval.

After updating their records, the Auditor's Office will return the plat to the petitioner who then must have the plat recorded in the Office of the White County Recorder within (7) days of receipt from the Auditor.
3. The amended plat is without legal effect unless approved by the Area Plan Commission and recorded in the Office of the White County Recorder.

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**2.8 VACATION OF A PLAT, PART OF A PLAT, IMPROVED PUBLIC WAY**

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**2.8.1 Vacation of plat or part of plat by all owners**

- A. All owners of land in the plat must declare the plat or part of the plat to be vacated in a Written Instrument.
- B. The “Written Instrument” must be executed, acknowledged and recorded in the same manner as a deed to land.
- C. Prior to recording the “written instrument”, the owner(s) must file a copy of the instrument in the county Auditor’s office and submit the instrument to the Area Plan Office for presentation to the Area Plan Commission. The owners of land in a plat that is located outside the corporate boundaries of any municipality may vacate all of the plat without the approval of the Area Plan Commission as long as no lots have been sold and no roads constructed in the plat, and all the owners of land in the plat declare the plat to be vacated in a “written instrument”. In this type of case, where Area Plan Commission Approval is not required, the vacation will be approved or denied by the Staff.
- D. The Area Plan Staff will schedule for the petition to be heard within thirty (30) days after receipt of the “written instrument”. The instrument may be approved under this section without notice or a hearing. The provisions of IC 36-7-4 concerning notice and hearing do not apply to the approval of an instrument under this section.
- E. If approved by the Area Plan Commission, the Area Plan Staff will provide a Certificate of Approval to the land owner(s) which must then be provided to the county Recorder along with the “Written Instrument” for recording. If denied by the Area Plan Commission, the Area Plan Staff will provide written findings and decision denying the “Written Instrument” signed by the Executive Director, the Area Plan Commission President or the Area Plan Commission Secretary.
- F. A copy of the written findings and decision shall be provided via US Mail to each owner included in the “Written Instrument”.
- G. If approved, the Certificate of Approval and Written Instrument must be recorded by the owner(s) within 60 days of the date the Certificate of Approval is signed by the Executive Director, the Area Plan Commission President or the Area Plan Commission Secretary.

**2.8.2 Vacation of plat or part of plat by a portion of the owners**

- A. One or more owners of land in a plat may file a petition with the Area Plan Staff, which will be presented to the Area Plan Commission, to vacate all of the plat or only that part of the plat that pertains to land owned by the petitioner or petitioners.
- B. The petition must include:
  - 1. A letter stating the reasons for and the circumstances prompting the request;
  - 2. A specific description of the property in the plat proposed to be vacated;
  - 3. The name and address of every other owner of land in the plat; and

4. Request to vacate any recorded covenants filed as part of the plat (if desired by the petitioner(s))
- C. The Area Plan Staff will within thirty (30) days after receipt of the petition announce the date for the hearing of the petition before the Area Plan Commission.
- D. The Area Plan Staff will send written notifications of the meeting to each owner of land in the plat.
- E. Area Plan Commission will approve or deny the request. Approval may only be granted upon a determination that:
  1. Conditions in the platted area have changed so as to defeat the original purpose of the plat;
  2. It is in the public interest to vacate all or part of the plat; and
  3. The value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation.
- F. Vacation of un-improved public way

Under the processes outlined in Sections 2.8.1 & 2.8.2, the vacation terminates all public rights in the public ways and public places described in the plat or part of the plat; however, a public way that has been improved, or that is part of an improved plat, may only be vacated subject to the process outlined in Section 2.8.3.
- G. Vacation of recorded covenants

A request for vacation of any recorded covenants filed with the plat may only be approved upon a determination that:

  1. The platted area is within an area needing redevelopment and the covenant vacation would promote a recovery of property values in the area needing redevelopment by allowing or encouraging normal development and occupancy of the platted area;
  2. The covenant vacation is needed to secure for the public adequate light, air, convenience of access or safety from fire, flood or other danger; or
  3. The covenant vacation is needed to lessen or avoid congestion in the public ways.
- H. Action of the Area Plan Commission
  1. The Area Plan Commission may approve the request. If approved, the Area Plan Commission Staff shall provide written findings and decision approving the petition. This decision document may be signed by the Area Plan Executive Director, the Area Plan Commission President or the Area Plan Commission Secretary.
  2. The Area Plan Commission may deny the request. If denied, the Area Plan Commission Staff shall provide written findings and decision denying the petition. This decision document may be signed by the Area Plan Executive Director, the Area Plan Commission President or the Area Plan Commission Secretary. A copy of the written decision shall be provided to each petitioner via US Mail.

3. The Area Plan Commission may impose reasonable conditions as part of any approval.

I. Recording

The Staff shall furnish a copy of the Area Plan Commission's decision to the county Recorder for recording.

J. Appeal

Within thirty (30) days after the adoption of a vacation ordinance, whether for a plat, part of a plat or covenants, any aggrieved person may appeal the ordinance to the circuit court of the county.

### 2.8.3 Vacation of an Improved Public Way or Place

A. Persons who own or are interested in any lots or parts of lots abutting an improved public way must file for a vacation with:

1. The municipality, if all or any part of the public way or public place to be vacated is located within the corporate boundaries of that municipality; or
2. The county, if all or the only part of the public way or public place to be vacated is located outside the corporate boundaries of a municipality.

B. A petition must be filed with the appropriate legislative body and include the following:

1. A statement of the circumstances of the case;
2. A specific description of the property to be vacated; and
3. A list of the names and addresses of all owners of land that abut the property proposed to be vacated.

C. The legislative body shall hold a hearing on the petition within thirty (30) days after it is received. The clerk of the legislative body shall give notice of the petition and of the time and place of the hearing.

D. The hearing on the petition is subject to IC 5-14-1.5. At the hearing, any person aggrieved by the proposed vacation may object to it as provided for in Section IV of this Chapter.

E. After the hearing on the petition, the legislative body may, by ordinance, vacate the public way or public place. The clerk of the legislative body shall furnish a copy of each vacation ordinance to the county Recorder for recording and to the county Auditor and to the Area Plan Department.

F. Within thirty (30) days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to the circuit court of the county.

### 2.8.4 Filing of remonstrance and objections

A. An objection or remonstrance may be filed or raised by any person aggrieved by the proposed vacation but only on one (1) or more of the following grounds:

1. The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
2. The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient;
3. The vacation would hinder the public's access to a church, school or other public building or place;
4. The vacation would hinder use of a public way by the neighborhood in which it is located or to which it is contiguous; or
5. Any other reasons provided for in IC 36-7-3-13 as amended from time to time.

### **2.8.5 Lots and parcels descriptions**

- A. Platted land vacated will preserve the descriptions of the lots and parcels of that land as set forth in the plat with proportionate parts of vacated streets and alleys added as provided by law, unless all the owners of the land in the vacated area consent in writing to the description of the area by:
  1. The method used before the plat was made;
  2. Metes and bounds; or
  3. Other appropriate description.
- B. Notwithstanding subsection (a), a vacated tract of five (5) acres or more that is owned by one (1) person, or jointly by two (2) or more persons, need not be described by lot number and may be described by metes and bounds or some other method.

### **2.8.6 Successive Applications**

After termination of a vacation proceeding under this chapter, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for one (1) year.

### **2.8.7 Platted easements**

Platted easements may be vacated in the same manner as public ways and public places; however, easement vacation does not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are initiated, the utility is occupying or using all or part of that public way or public place for the location and operation of facilities. The utility may waive its rights by filing its written consent in the vacation proceedings.

### **2.8.8 Zoning District**

In all cases, unless ruled differently by the authorizing body, the zoning districts in place just prior to the subdivision approval, will be restored automatically at the time the vacation is approved or recorded.

## **CHAPTER 3 MAJOR SUBDIVISIONS (RESIDENTIAL)**

### **3.0 APPLICABILITY**

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Major subdivisions are subject to a two-step approval process: primary and secondary review and approval. Recording of the plat is not authorized until after secondary plat approval is granted.

### **3.1 INITIAL CONSULTATION AND SKETCH PLAN**

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#### **3.1.1 Assistance from Staff**

Applicants are encouraged to seek advice from the Staff on site location, development programs, and technical assistance on land planning prior to submission of a primary plat application. The developer should avoid spending time and money in making detailed plans or expensive exhibits until the staff's advice has been obtained from the initial consultation. No fee is involved for this service.

#### **3.1.2 Preliminary sketch plan**

A preliminary sketch plan should be prepared and submitted to the staff at the initial consultation meeting. It is not necessary for the sketch to be prepared by a registered land surveyor as the landowner or subdivider may prepare it. The sketch must be reasonably accurate as to scale and the dimensions of the parts must add up to the dimensions of the whole. The preferred scale is one inch equals fifty feet (1" = 50').

### **3.2 PRIMARY PLAT APPLICATION, REVIEW AND APPROVAL**

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The primary and secondary plats shall be based on a boundary survey recorded in the Office of the Recorder of White County and meeting the current Indiana Administrative Code regulating the practice of land surveying. This recorded boundary survey shall be referenced on the final plat. The applicant or his authorized agent shall apply for and secure primary plat approval of such proposed subdivision in accordance with the following procedures:

#### **3.2.1 General requirements for primary plat proposals**

The applicant shall be provided an application packet by the Staff. The application packet and forms shall be provided at no cost. The applicant shall file with the Staff, a completed application, the associated fees and any other documentation required by this Ordinance or requested by the Staff in preparation of submission to the Area Plan Commission.

### 3.2.2 Primary plat application submittals

The primary plat shall show the following information. If some of the information cannot be shown, a separate written report which includes the appropriate information must be provided to the Staff.

#### A. Plans and drawings

Applicant shall submit plans drawn at a scale of one inch equals fifty feet (1" = 50' )<sup>1</sup> and showing the following:

1. The proposed name of the subdivision;
2. Names and addresses of the owner, subdivider and the engineer and/or surveyor who prepared the plan;
3. North point, scale, and date;
4. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes;
5. Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of five (5) feet if the general slope is greater than ten (10) percent;
6. Tract boundary lines showing dimensions, bearing, angles, and references to section, township, and range lines or corners;
7. Principal building and accessory structure setback specifications from each lot line; and
8. Legends and notes.
9. Statements describing the stabilization of all disturbed areas including, but not limited to, road shoulders, retention ponds, and retention dikes;
10. Description of the protective covenants or private restrictions of all types which will run with the land to be incorporated in the plat of the subdivision and in the deeds for lots; and
11. Other features which would affect the subdivision favorably or adversely.

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<sup>1</sup> A scale of one hundred feet equals one inch (100' = 1") may be used provided that the resulting drawing is no less than thirty-six inches (36") at its shortest dimensions. A scale may also be recommended by the Staff.

B. Location map

The subdivider shall provide a location map that shows the following information: subdivision name and location; thoroughfares related to the subdivision; physical features such as wooded areas, swamps, wetlands, and marshes; future access plans for the entire property which is being subdivided; existing elementary and high schools, parks and playgrounds serving the area proposed to be subdivided, and other community facilities; title, scale, north point, and date; and the location of any recorded subdivision plats on adjacent property.

C. Roads and drainage

The applicant shall provide a detailed plan of proposed roads and drainage improvements showing the location of the improvements, including a reasonable number of cross-sections, as determined by the Technical Review Committee.

D. Water and sewer

The applicant shall provide a water supply and sewage disposal report showing the following information: distance and location of existing public sewer and water mains if such facilities exist within a one-half (1/2) mile radius of the proposed subdivision; Natural Resources Conservation Service soil information with soil boundaries, soil identification codes and soil names, clearly marked on the primary plat; types of water supply to be used, public or private systems; types of sewage disposal systems to be used, public or private systems.

E. Watershed map

The applicant shall provide a watershed map showing the following information: location of the subdivision within the watershed; intermediate streams, drainage courses, and reaches within the total watershed; delineation of the watershed flowing into the proposed subdivision and the number of acres within the watershed; delineation of the watershed flowing out of the proposed subdivision and the number of acres within the watershed; and flood plains and floodways as shown on maps published by the National Flood Insurance Program. If the subdivision falls within a designated flood hazard area, the staff shall forward the proposal to the Department of Natural Resources for their review and comment. The staff shall review the proposal to assure that it is consistent with the need to minimize flood hazards; all public facilities are located, elevated and constructed so as to minimize or alleviate flood damage; and adequate drainage is provided so as to reduce exposure to flood hazards. The Registered Land Surveyor preparing the subdivision shall certify compliance with the National Flood Insurance Program.

F. Waivers

Primary subdivision applications which do not meet the standards of this Ordinance will be required to submit requests for waivers to any standards which the subdivider proposes cannot be met. The waiver requests will be heard at the same hearing as the primary plat and be regulated by Section 2.3 of this Ordinance.



### 3.2.3 Primary plat application review

#### A. Area Plan Commission Staff Review

Following submission of a properly completed application for primary plat approval, the application and associated documents shall be reviewed by the Staff in accordance with IC 36-7-4-705 as amended.

#### B. Technical Review

Prior to the public hearing by the Area Plan Commission for a primary plat, the applicant shall meet with a Technical Review Committee to review the proposed plans as provided for in Section 2.6 of this Ordinance.

#### C. Date of public hearing

Within thirty (30) days after receipt of an application for primary plat, the Staff shall set a date for the public hearing in accordance with the schedule adopted by the Area Plan Commission. The Staff shall inform the applicant in writing of the hearing date, give notice of the hearing by publication in accordance with IC 5-3-1 as amended and provide for due notice to interested parties at least ten (10) days prior to the hearing.

### 3.2.4 Primary plat approval

Primary plat approval shall be considered after the Area Plan Commission has reviewed the primary plat and plans, reports from the Technical Review Committee, and heard testimony presented by the staff, the applicant, and the public at an advertised public hearing.

#### A. Presentation

The applicant or a designated representative shall be present at the public hearing.

#### B. Summary of the Technical Review Committee Meeting

The Staff shall present to the Area Plan Commission for their consideration, a summary of recommendations and actions resulting out of the Technical Review Committee Meeting..

#### C. Findings of Fact and Decision by the Area Plan Commission

After the Area Plan Commission has reviewed the subdivision plat and plans, considered recommendations and actions resulting from the Technical Review Committee, and heard testimony presented by the Staff, the applicant, and the public at an advertised public hearing, reviewed and voted on all waivers, the Area Plan Commission shall make a written findings of fact and decision on the petition. The Area Plan Commission may approve the plat, approve the plat with conditions and/or commitments, or disapprove the plat.

1. Approve

If it grants primary approval, the Area Plan Commission shall make written findings of fact and decision granting approval to the plat which will be confirmed by signature of the Executive Director.

2. Approve with conditions

The Area Plan Commission may impose conditions on the approval, or may subject the approval to recorded written commitments. Conditions or commitment requirements shall be made as a part of the motion to approve and recorded in the findings of fact and decision and confirmed by signature of the Executive Director.

3. Disapprove

The Area Plan Commission may disapprove the plat. If the Area Plan Commission disapproves a primary plat, it shall prepare written findings of fact that set forth its reasons and a decision denying primary approval and provide the applicant with a copy. The findings of fact and decision shall be confirmed by signature of the Executive Director.

- D. Surety for improvements

The Area Plan Commission may, if necessary, require that a bond be posted by the applicant, which shall: be in an amount determined by the Area Plan Commission to be sufficient to complete the improvements and installations in compliance with this ordinance; be with surety satisfactory to the Area Plan Commission; and, specify the time for the completion of the improvements and installations.

### 3.2.5 Expiration and extensions

An approved preliminary plat shall expire five (5) years from the date in which it was approved. The applicant may request an extension by the Area Plan Commission at a public hearing held during a regularly scheduled Area Plan Commission meeting. An extension shall not be granted if the proposed subdivision does not comply with the existing standards in effect at that time.

## 3.3 SECONDARY/FINAL PLAT APPLICATION, REVIEW AND APPROVAL

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The applicant or his authorized agent shall apply for and secure secondary plat approval of such proposed subdivision in accordance with the following procedures.

### 3.3.1 General requirements for secondary plat proposals

After receiving primary approval, the subdivider shall prepare and submit to the Staff a completed application and required supporting documentation for secondary approval. Applications for secondary plat approval can be submitted no earlier than thirty (30) days after primary approval.

### 3.3.2 Secondary plat application submittals

After approval of the Primary Plat by the Area Plan Commission and fulfillment of the requirements of this Ordinance, the applicant shall submit to the Staff a written application for Secondary Plat approval, a secondary plat, construction plans, landscape plans, final covenants and restrictions of the subdivision, and all approved required state and federal permits. Applications for Secondary Plat approval can be submitted no earlier than thirty (30) days after Primary Plat approval and shall be made in the form and number determined by the Staff.

#### A. Plans and drawings

The original drawing of the secondary plat of the subdivision shall be drawn to a scale of fifty feet equals one inch (50'=1")<sup>2</sup> and showing the following:

1. The proposed name of the subdivision;
2. Names and addresses of the owner, subdivider and the engineer and/or surveyor who prepared the plan;
3. North point, scale, and date;
4. Accurate boundary lines showing dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in ten thousand (10,000) feet and references to section, township, and range lines or corners;
5. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat;
6. Accurate locations of all existing improvements and recorded streets intersecting the boundaries of the tract;
7. Accurate legal description of the boundary;
8. Layout of lots showing dimensions and numbers;
9. Principal building and accessory structure setback specifications from each lot line; and
10. Legends and notes.

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<sup>2</sup> A scale of one hundred feet equals one inch (100' = 1") may be used provided that the resulting drawing is no less than thirty-six inches (36") at its shortest dimensions. A scale may also be recommended by the Staff.

11. Complete curve notes for all curves included in the plan;
12. Existing street lines, if any, with accurate dimensions in feet and hundredths of feet, with angles to street, alley, and lot lines;
13. Accurate locations of easements for utilities and any limitations on such easements;
14. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use;
15. Locations, type, material and size of all monuments and lot markers;
16. Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of five (5) feet if the general slope is greater than ten (10) percent;
17. Plans and specifications for the improvements and lot markers;
18. Statements describing the stabilization of all disturbed areas including, but not limited to, road shoulders, retention ponds, and retention dikes; and
19. Other features which would affect the subdivision favorably or adversely.

B. Road and drainage

A detailed final plan and profile (full construction drawings) of all proposed roads and drainage improvements showing the layout and gradients shall be filed along with the secondary plat.

C. Restrictions

Description of the protective covenants or private restrictions of all types which will run with the land to be incorporated in the plat of the subdivision and in the deeds for lots.

D. Certifications

1. Certification by a registered land surveyor.
2. Certificate of dedication of streets and other property to a public body.
3. Certificates for approval for the Area Plan Commission certified by the Executive Director.

### 3.3.3 Secondary plat review

A. Technical Review

Prior to the public hearing by the Area Plan Commission for a subdivision plat, the applicant shall meet with the Technical Review Committee to review the proposed plans. The Technical Review Committee shall meet within 10 (ten) days from the

date the Staff receives completed application and supporting documents. The Staff shall submit the Technical Review Committee's written comments to the applicant within seven (7) days of the Technical review meeting. The applicant shall respond to the Technical Review Committee's written comments within thirty (30) days of the Technical Review Committee's meeting. This response will be filed with the Staff.

B. Plan Commission Review

Following submission of a properly completed application for secondary plat approval, the application shall be reviewed by the Area Plan Commission in accordance with IC 36-7-4-710 as amended.

**3.3.4 Secondary plat approval**

Secondary Plat approval shall be granted only after it has been determined by the Area Plan Commission or Staff that all improvements and installations have been constructed and completed as required in this Ordinance or that a bond for said improvements and installations has been posted in such amount as determined by the Area Plan Commission. Alternative proof of financial responsibility as provided for in IC 36-7-4-709 as amended, may be accepted in lieu of a bond if approved by the Area Plan Commission.

A. Presentation

The applicant or a designated representative shall be present at the hearing.

B. Recommendations from the Technical Review Committee

Recommendations from the Technical Review Committee shall be presented to the Area Plan Commission for their consideration.

C. Findings of Fact and Decision by the Area Plan Commission

After the Area Plan Commission has reviewed the subdivision plat and plans, considered recommendations and actions resulting from the Technical Review Committee and heard testimony presented by the staff, the applicant, and the public at an advertised public hearing, reviewed and voted on all waivers, the Area Plan Commission shall make written findings of fact and decision on the petition. The Area Plan Commission may approve the plat or disapprove the plat.

1. Approve

If the Area Plan Commission determines that the secondary plat complies with the standards of this Ordinance, it shall make written findings of fact and a decision granting secondary approval to the plat. The findings of fact and decision shall be certified by the Executive Director.

2. Disapprove

If the Area Plan Commission disapproves the secondary plat, it shall make written findings of fact and decision and notify the applicant in writing, stating the

specific reasons for disapproval. This written notice shall be certified by the Executive Director.

D. Certification of Approval

After necessary performance surety has been posted, the secondary approval of the plat by the Area Plan Commission shall be certified on behalf of the Area Plan Commission by the Executive Director who shall affix his/her signature to the plat original and all other relevant documents which also may require such signature.

E. Forwarding

One (1) copy of a certified plat shall be forwarded to each of the following persons:

1. Applicable legislative body
2. White County Surveyor
3. White County Auditor and Recorder
4. Appropriate public utility that may be affected
5. Subdivider or applicant
6. File of the Area Plan Commission

### 3.4 RECORDING A MAJOR SUBDIVISION

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#### 3.4.1 Secondary plat approval required

A plat of a subdivision may not be filed with the White County Auditor and the White County Recorder may not record it, unless it has been granted secondary approval by the Area Plan Commission and has been properly signed by the Executive Director for the Area Plan Commission. The filing and recording of the plat is without legal effect unless both approved by the Area Plan Commission and recorded in the Office of the White County Recorder.

#### 3.4.2 Responsibility

It shall be the applicant's responsibility to file the approved secondary plat with the White County Auditor's Office and Recorder's Office.

#### 3.4.3 Submission of a mylar original required

Within thirty (30) days of Area Plan Commission approval, the applicant shall file with the Executive Director a mylar original of the secondary plat in recordable form and in compliance with the requirements of the White County Recorder. Following a review of the submitted plat, if acceptable, the Staff shall certify the plat with the signature of the Executive Director. Once the plat has been certified, the Staff shall return it to the applicant. The applicant shall then file the plat with White County Auditor within sixty

(60) days from the date the plat is signed by the Executive Director. Failure to file the plat within sixty (60) days shall result in an expiration of the secondary approval.

#### 3.4.4 **Recording a plat**

Once the Auditor's Office has completed updating their records, the plat will be returned to the applicant. The applicant must have the plat recorded in the Office of the White County Recorder within seven (7) days of receipt of the plat from the Auditor's Office. Failure to record the plat in the time frame required will result in an expiration of the secondary approval. The plat is without legal effect until properly recorded.

### 3.5 **AS-BUILT PLANS REQUIREMENT**

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Where upon completion of all development, the exact measurements of the location of: building footprints; roads; utility lines; easements; dedicated parks, open spaces, and facilities; etc. erected during the development are necessary for public record and shall therefore be recorded. The developer shall submit a copy of the approved Construction Plans (as-built plans), as amended, to the Executive Director with the exact measurements thereon shown. The Executive Director, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s), shall approve, date and sign said Construction Plans for the project, which the developer shall then record.

### 3.6 **CHANGES TO AN APPROVED PLAT**

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No changes, erasures, modifications, or revisions shall be made to any plat of a subdivision after secondary approval has been granted, unless said plat receives plat amendment approval in accordance with Subsection 2.7 of this Ordinance.

## **CHAPTER 4 MINOR SUBDIVISIONS (RESIDENTIAL)**

### **4.0 APPLICABILITY**

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Minor subdivisions are subject to a simplified approval process. These are subdivisions of land which do not qualify for the Administrative Subdivision procedure and which are limited to the creation of no more than ten (10) parcels and which do not involve the construction of any new street or road.

### **4.1 INITIAL CONSULTATION AND SKETCH PLAN**

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#### **4.1.1 Assistance from Staff**

Applicants must seek advice from the Executive Director on site location, development programs and technical assistance on land planning prior to submission of a minor plat application. The landowner and/or subdivider should avoid spending time and money in making detailed plans or expensive exhibits until the staff's advice has been obtained from the initial consultation. No fee is involved for this service.

#### **4.1.2 Preliminary sketch plan**

A preliminary sketch plan should be prepared and submitted to the Executive Director at the initial consultation meeting. It is not necessary for the sketch to be prepared by a registered land surveyor as the landowner or subdivider may prepare it. The sketch must be reasonably accurate as to scale and the dimensions of the parts must add up to the dimensions of the whole and clearly delineate the proportions and major attributes of the proposed project.

#### **4.1.3 Review**

The Executive Director will provide an informal (verbal or written) review of issues which should be addressed and/or clarifications which should be made before a formal plat application and submission is made.

### **4.2 APPLICATIONS AND HEARINGS**

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For purposes of this Chapter, if, for any reason, a Plat Committee has not been formed, is not active or cannot convene a quorum in a timely manner, all Plat Committee functions will be transferred to the Area Plan Commission.

The applicant, or his authorized agent, shall apply for and secure approval of any minor subdivision in accordance with the following procedures.



#### 4.2.1 Date of Public Hearing

Within five (5) days after the Staff receives a properly completed application, plat and any requested associated documents and payment has been made of all required permit and filing fees, the application will be assigned for hearing with the Plat Committee for a date not to exceed sixty (60) days after the application, plat, requested associated documents and payments have been accepted as sufficient. The Staff shall inform the applicant of the meeting date and, at least ten (10) days in advance of such meeting, issue notice as provided for in IC 5-3-1, as amended from time to time.

#### 4.2.2 Application requirements

The applicant shall be provided an application packet by the Staff. The application packet and forms shall be provided at no cost. The applicant shall file with the Staff, a completed application, the associated submission fees and any other documentation required by this Ordinance or requested by the Staff in preparation of submission to the Plat Committee.

#### 4.2.3 Application submittals

All minor subdivision applications and plats shall be submitted to the Staff and shall include the following:

Plans and drawings

The original drawing of the minor plat of the subdivision shall be drawn to a scale of one-inch equals fifty feet (1" = 50')<sup>1</sup> and showing the following:

1. The proposed name of the subdivision;
2. Names and addresses of the owner, subdivider and the engineer and/or surveyor who prepared the plan;

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<sup>1</sup> A scale of one hundred feet equals one inch (100' = 1") may be used provided that the resulting drawing is no less than thirty-six inches (36") at its shortest dimensions. An alternative scale may be requested with the Executive Director having the sole discretionary authority to accept reject or modify the alternate scale.

3. North point, scale, and date;
4. Accurate boundary lines showing dimensions and angles, which provide a perimeter survey of each lot, closing with an error of not more than one (1) foot in ten thousand (10,000) feet.
5. Show the commencement point via references to section, township, and range lines or corners and the mapping to the point of beginning for the plat;
6. Accurate locations of all existing improvements and streets intersecting or bordering the boundaries of the tract;
7. Accurate legal description of the perimeter boundary of the plat area;
8. Layout of lots showing dimensions and numbers;
9. Principal building and accessory structure setback specifications from each lot line;
10. Legends and notes.

If applicable, the following information shall also be included on the plat and drawings:

11. Complete curve notes for all curves included in the plan;
12. Accurate locations of easements for utilities and any limitations on such easements;
13. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use;
14. Locations, type, material and size of all monuments and lot markers; and,
15. Other features which would affect the subdivision favorably or adversely.

#### Drainage

Primary plat approval cannot be granted without a letter of approval or waiver from the County Surveyor's Office. Such approval or waiver is required prior to the Primary Plat approval hearing date.

#### Restrictions

Copy of the protective covenants or private restrictions of all types which will run with the land shall be provided prior to the Primary Plat approval hearing date.

Plat Certification blocks may be provided with the Primary Plat submittal or may be delayed until Secondary Plat submission to the Staff.

1. Certification by a registered land surveyor.
2. Certificate of dedication of property for public use, if applicable.
3. Certification of approval by the Staff.

## Waivers

Minor subdivision plats which do not meet the standards of this Ordinance will be required, prior to the scheduled meeting, to submit requests for waivers to any standards which the applicant proposes cannot be met or from which relief is desired. The waiver requests will be heard at the same meeting as the one where the plat is considered for approval. All waivers shall be regulated by Chapter 2, Section 2.3 Waivers of this Ordinance as amended from time to time. A waiver will not be required for setbacks if an applicant elects to use Zoning Ordinance Bulk Use Standards, Zoning Ordinance Appendix B, vs those required by this Ordinance.

### **4.2.4 APPLICATION STANDARDS REVIEW**

#### Standards Review

Prior to the public hearing by the Plat Committee, the Executive Director will supervise a Staff standards review of the proposed plans and administer the generation of a standards review report. The standards review shall be initiated no later than ten (10) days after the date the Staff receives a completed application, associated filing fees, a plat and any supporting documents required by the Executive Director and/or Staff. The Executive Director shall make available a standards review report to the applicant at the same time the report is provided to the Plat Committee, at least ten (10) days prior to the Plat Committee meeting. If the applicant responds to the standards review report and files their response with the Staff, the Staff will make the response available to the Plat Committee either before or at the Plat Committee meeting.

### **4.2.5 MINOR SUBDIVISION PLAT APPROVAL AUTHORITY**

#### Authority – Primary Plat Approval

The Plat Committee will serve as the Primary Plat approval authority for all Minor Subdivision Plats (IC 36-7-4-701 (e)). Any necessary changes, modifications or clarifications will be properly documented in the minutes and Findings of Facts of the meeting.

#### Authority – Secondary Plat Approval

As provided for in IC 36-7-4-710 (d), the Executive Director, or his/her designee, is hereby given the authority to grant Secondary Plat approval of a minor subdivision plat. The Executive Director, or his/her designee, must confirm the secondary plat satisfies all applicable Subdivision requirements as well as any changes, modifications and/or clarifications of the Plat Committee prior to granting Secondary Plat approval.

#### Authority – Plat Certification

The Executive Director, or his/her designee, will certify the Secondary Plat as provided for in IC 36-7-4-710 (d). A plat may not be filed with the Auditor and the Recorder may not record it unless the plat has been granted Secondary approval and is certified by the Executive Director or his/her designee.

#### 4.2.6 PRIMARY PLAT REVIEW & DECISION

The applicant or a designated representative shall be present at the Plat Committee meeting where plat approval will be considered.

The Staff shall present to the Plat Committee, for their consideration, a summary of recommendations and/or actions resulting out of the Executive Director's Standards Review Report.

After the Plat Committee, has reviewed the subdivision plat and plans, considered recommendations and actions resulting from the Executive Director's Standards Review Report, and heard testimony presented by the Staff, the applicant and the public, reviewed and voted on all waivers, the Committee shall make a written Findings of Facts and decision on the petition, regardless of the decision made. The Plat Committee may approve the plat, approve the plat with conditions and/or commitments, or disapprove the plat.

1. Approve

If the plat is found to be consistent with the requirements and standards of the White County Indiana Subdivision Control Ordinance, the plat shall be approved. The Plat Committee shall generate Findings of Facts and decision which shall include any conditions or commitments assigned or made to achieve plat approval. The Plat Committee, either at their next meeting or via electronic certification, shall approve, modify and approve or reject the Findings of Facts. The Findings of Facts and decision shall be certified by signature of the Executive Director prior to their recording in the office of the White County Recorder.

2. Approve with conditions

If the plat is found to be acceptable, but only by being subject to changes, modifications and/or clarifications, the Plat Committee shall attach those changes, modifications and/or clarifications as a condition to Secondary Plat approval. Any change, modification, clarification, condition or commitment designated by the Plat Committee shall be made as a part of the motion to approve and be recorded in the Findings of Facts. The Findings of Facts and decision shall be certified by signature of the Executive Director prior to their recording in the office of the White County Recorder.

### 3. Disapprove

If the plat is determined to not meet the standards of the White County Indiana Subdivision Control Ordinance, the Plat Committee may disapprove the plat. If the Plat Committee disapproves a plat, it shall prepare written Findings of Facts that set forth its reasons for their decision denying approval and provide the applicant with a copy. The Findings of Facts and decision shall be certified by signature of the Executive Director prior to their recording in the office of the White County Recorder.

Commitments and/or Conditions may be attached by the Plat Committee to any approval or conditional approval decision in accordance with IC 36-7-4-1015.

### Waivers

Subdivision applications which do not meet the standards of the Subdivision Control Ordinance will be required to submit requests for waivers to any standards which the subdivider proposes cannot be met or which are considered too restrictive for the proposed development. The waiver requests will be heard at the same hearing as the Primary Plat and shall be regulated by Chapter 2, Section 2.3 of this Ordinance, as amended from time to time.

### Surety for improvements

The Plat Committee may, if necessary, require that a bond or proof of financial responsibility be provided by the applicant or developer in accordance with IC 36-7-4-709 to cover improvements and utility infrastructure installation.

### **4.2.7 SECONDARY PLAT APPROVAL**

#### **4.2.8 Secondary Plat approval required**

There is a five (5) day appeal period after Primary Plat approval during which Secondary Plat approval may not be granted.

Within thirty (30) days, or such time frame as approved by the Plat Committee, of Primary Plat approval, the applicant shall file with the Staff an original plat in recordable form and in compliance with the requirements of the White County Recorder. The Executive Director or his/her designee shall review the submitted plat and assure compliance with the modifications, additions and/or alterations assigned to the approval, if any. Upon acceptance, the Executive Director or his/her designee, will provide secondary approval and certification of the plat and return it to the applicant.

#### **4.2.9 Recording after Secondary Plat approval and Certification**

It shall be the applicant's responsibility to file the approved secondary plat with the White County Auditor's Office and Recorder's Office.

The applicant shall file the plat with the White County Auditor within sixty (60) days from the date the plat is certified. Failure to file the plat within sixty (60) days shall result in an expiration of the secondary approval and void the certification. A plat of a subdivision may not be filed with the White County Auditor and the White County Recorder may not record it, unless it has been granted secondary approval by the Executive Director, or his/her designee, and has been properly certified by same. The filing and recording of the plat is without legal effect unless both approved and certified by the Executive Director, or his/her designee.

Once the Auditor's Office has completed updating their records, the plat will be returned to the applicant. The applicant must have the plat recorded in the Office of the White County Recorder within seven (7) days after receipt of the plat from the Auditor's Office. Failure to record the plat in the time frame required will result in an expiration of the Secondary Plat approval and void the certification. The plat is without legal effect until properly recorded within the time frames stipulated above.

#### **4.2.10 Changes to an approved plat**

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been granted except as directed by the Plat Committee or unless determined by the Executive Director to be incidental to the effect of the subdivision. All other changes proposed to said plat must receive plat amendment approval in accordance with Chapter 2, Subsection 2.7 of this Ordinance.

## **CHAPTER 5 NON-RESIDENTIAL SUBDIVISIONS**

### **5.0 APPLICABILITY**

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Non-residential subdivisions shall follow the same procedural requirements as major residential subdivisions. Non-residential subdivisions shall be subject to a public hearing for primary approval. Non-residential subdivisions are not eligible for the minor subdivision process, regardless of the size of the subdivision.

### **5.1 INITIAL CONSULTATION AND CONCEPTUAL PLAN**

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The initial consultation and sketch plan requirements shall be the same as those established in Chapter 3, Major Subdivision. The sketch plan should include the proposed layout of any buildings or structures on the site.

### **5.2 APPLICATIONS AND HEARINGS**

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The application and hearing process shall be the same as outlined in Chapter 3, Major Subdivisions. The Area Plan Commission may establish a separate application form for non-residential subdivisions.

### **5.3 PRIMARY PLAT AND PLANS REVIEW AND APPROVAL**

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Primary plat and plan review and approval procedures shall be the same as those established for Chapter 3, Major Subdivisions. The preliminary plans shall include the proposed layout and approximate size (in square feet) of any buildings or structures on the site. The primary plans shall also provide details for compliance with Chapter 8 and Chapter 9 of the White County Indiana Zoning Ordinance.

### **5.4 SECONDARY PLAT AND PLANS REVIEW AND APPROVAL**

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Secondary plat and plan review and approval procedures shall be the same as those established in Chapter 3, Major Subdivisions. The secondary plans shall include the layout and size (in square feet) of any buildings or structures on the site. The secondary plans shall also provide details for compliance with Chapter 8 and Chapter 9 of the White County Indiana Zoning Ordinance.

### **5.5 AS-BUILT PLANS REQUIREMENT**

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Where upon completion of all development, the exact measurements of the location of: building footprints; roads; utility lines; easements; dedicated parks, open spaces and facilities; etc. erected during the development are necessary for public record and shall therefore be recorded. The developer shall submit a copy of the approved Construction Plans (as-built plans), as amended, to the Executive Director with the exact measurements thereon shown. The Executive Director, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s), shall approve, date and sign said Construction Plans for the project, which the developer shall then record.

## **CHAPTER 6 ADMINISTRATIVE SUBDIVISIONS**

### **6.0 APPLICABILITY**

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An administrative subdivision is a subdivision of land that is specifically exempted from the primary and secondary plat approval procedures and requirements of this Ordinance, except that which is identified in this Chapter or unless determined by the Staff to be relevant to the requests. An administrative subdivision must be one of the following types of divisions:

- A. A division of land, within a residential or agricultural district, into no more than four (4) additional tracts from the parent tract of which all tracts are in compliance with the minimum lot size of the applicable zoning district classification and with the parent tract remaining at least five (5) times the minimum parcel size of the respective zoning district. In addition, the category of subdivision shall not be allowed if the result includes a need to establish a new road/street, a new road/street section (extension of a current road). Tracts created by this subsection are subject to drainage approval by the County Surveyor.
- B. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description.
- C. A realignment of property line boundaries to correct record keeping errors, errors in legal descriptions or similar type of administrative or technical errors.
- D. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property.
- E. A division of land for federal, state, or local government to acquire street right-of-way.
- F. A division of land for the transfer of a tract or tracts between adjoining lots which, unless incidental to the area, must have a common zoning district.
- G. A division of land into cemetery plots for the purpose of burial of corpses.
- H. A division of land requested by any local government legislative body or utility operating within the county limits.
- I. A division of land for the purposes of retaining two or more previously established zoning districts (split zoned parcel) within a single parcel of land.
- J. A division of land located entirely within a B-4, General Business Dense Development District.

### **6.1 ADMINISTRATIVE SUBDIVISION REVIEW**

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The applicant must submit a properly completed application, an original certified survey, any associated fees and any additional information required by the Executive Director, Assistant Director or Office Administrator, hereinafter referred to as Manager for purposes of this Chapter, in order for the applicant's plat to be considered for approval. In the case of subdivisions under categories (D), (E) and (F), the Manager may waive the original certified survey requirement if, at the sole determination of the Manager, an



acceptable alternative document is provided. The Manager shall review the application and associated materials and either approve, approve with conditions, require further review, or deny the application (Ref IC 36-7-4-710).

When applicable to the approval of any lot split of vacant land, the property owner shall provide the Manager with the following, prior to review and approval by Manager:

- A. Approvals from the White County Health Department, appropriate municipality, or the Twin Lakes Regional Sewer District for septic system or sewer hook up.
- B. Approvals from the White County Highway Department, appropriate municipality, or Indiana State Highway Department for the driveway location.

Bulk Use Standards applicable to Administrative Subdivisions are Appendix B of the White County Indiana Zoning Control Ordinance unless the subdivision effects property of an approved Subdivision Plat which has its own setback standards, then the Plat Standards apply.

## **6.2 RECORDING AN ADMINISTRATIVE SUBDIVISION**

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Upon approval of the Administrative Subdivision, the Manager will mark the approved survey with a notation that in essence reads, "Parcel created through the Administrative Subdivision Procedure". This notation shall then be signed and dated by the Manager. Approval of the survey is required prior to submission to the Auditor's Office and is considered null and void if not filed with the Auditor within sixty (60) days of the approval date noted on the approval stamp.

Once the Auditor's Office has completed updating their records, the plat will be returned to the applicant. The applicant must then have the plat recorded in the Office of the White County Recorder within ten (10) days of the plat being "Entered For Taxation" by the Auditor's Office. Failure to record the plat in the time frame required will result in an expiration of the plat approval. The plat is without legal effect until properly recorded within the time frames specified in this Chapter.

## CHAPTER 7 DESIGN STANDARDS

### 7.0 GENERAL GUIDELINES

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#### 7.0.1 Relationship to the Comprehensive Plan and Zoning Ordinance

In determining whether an application for approval shall be granted to a Major, Minor or Non-Residential Subdivision, the Area Plan Commission shall determine that the plat is in harmony with the Comprehensive Plan and conforms to the principles and standards required in this Ordinance. Whenever the applicable requirements of the Zoning Ordinance or the requirements of any other governmental unit or agency thereof are higher or more restrictive, those requirements shall control any application for plat approval.

#### 7.0.2 Development names

Subdivision or project names shall not duplicate or too closely resemble, phonetically or in spelling, the name of any existing subdivision or development project in White County. The Executive Director shall have final authority to designate the name of a subdivision.

#### 7.0.3 Preservation of natural features

Due consideration shall be given to the preservation of natural features, including large trees, forests, waterways, farmland, scenic and historic points of interest and other community assets.

#### 7.0.4 Unsuitable land

Land subject to flooding or otherwise unsuitable for development shall not be platted for any use or in any manner tending to increase the danger to the public health, safety or welfare. Specifically, land which contains steep slopes, water bodies, or flood hazards shall meet the following conditions:

A. Steep slopes

Each lot shall contain a contiguous land area with slopes of adequate percentage so as to provide a building site.

B. Water bodies

Each lot shall contain a contiguous land area providing a suitable building site which is at least seventy-five percent (75%) of the minimum lot size established by Appendix A: Subdivision Bulk Use Standards. The remaining twenty-five percent (25%) of the required minimum lot size may contain permanent or seasonal water bodies, with the exception of detention and retention ponds.

C. Flood hazard areas

Each lot shall contain enough land which is not located in a floodway as defined by this Ordinance to accommodate the permitted use(s) of the property. In general, lots consisting entirely of land located in a flood hazard area shall not be approved for subdivision.

**7.0.5 Extension of public improvements**

All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The Area Plan Commission may request the petitioner of a subdivision to extend offsite improvements or to oversize required public facilities to serve future development.

**7.0.6 Self-imposed restrictions**

If an owner of property places restrictions on any land contained in a subdivision greater than those required by the Zoning Ordinance or this Ordinance, such restrictions shall be indicated on the subdivision plat. The Area Plan Commission may also require that all restrictive covenants be recorded with the County Recorder.

**7.0.7 Traffic impact**

No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial, collector, or its nearby intersection so that the street does not function at a reasonable level of service, or has a substantial adverse affect on public safety. The petitioner may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development.

**7.0.8 Landscaping**

All subdivisions of land, whether residential or non-residential, shall meet the landscaping requirements as set forth in Chapter 9, Landscape Standards of the Zoning Ordinance of White County, Indiana.

**7.0.9 Easements**

Easements for the purpose of Ingress/Egress shall be prohibited except where their maintenance is defined in a manner approved by the Staff, Plat Committee or Area Plan Commission.

Easements pertaining to ingress/egress or to utility infrastructure including, but not limited to gas, electric, telecommunications, water or sewer, shall meet the standards provided below.

A Utility Easement shall be a minimum of twenty (20) feet wide. This easement may be split between two adjoining parcels as long as the easements are contiguous along a common property line.

A Pedestrian Easement shall be a minimum of ten (10) feet wide, the survey for which will include maintenance responsibility in a manner approved by the Staff, Plat Committee or Area Plan Commission.

All Plat Ingress/Egress Easements shall be identified with an "Ingress/Egress Easement" label on the plat.

Ingress/Egress easement widths for an Administrative Subdivision shall be determined and approved by the Executive Director but in no case shall such easement be less than twenty (20) feet in width.

Ingress/egress easements applicable to a minor, major or non-residential subdivision shall be fifty (50) feet which may be reduced to no less than twenty (20) feet at the discretion of the Plat Committee or Area Plan Commission.

#### **7.0.10 Detention and retention ponds: Bodies of Water**

If a tract being subdivided contains a water body, or portion thereof, used for scenic environmental preservation or recreational purposes only, the responsibility and ownership of such water body or portion thereof, shall be deeded in the name of one or more owners of land within the subdivision and must be provided for on the final plat in a manner acceptable to the Area Plan Commission.

If a tract being subdivided contains a detention or retention pond, the tract of land which includes the detention or retention pond must be assigned ownership to one or more adjoining property owners. If the pond is to be assigned ownership to multiple lot owners, the final plat must divide the pond tract and create those assignments as part of the final plat submission.

At the time of final plat submission to the Area Plan Staff, the subdivider must provide to the Staff a copy of the documents approved by the White County Drainage Board, which in cases as determined by the Drainage Board, may include documents for the creation of a legal drain as well as establishing maintenance responsibilities and maintenance funding provisions. The Drainage Board may also provide a waiver from the County Drainage Ordinance at the sole discretion of the Drainage Board.

#### **7.0.11 Building setbacks**

Building setbacks for new plats shall be regulated by Appendix A: Subdivision Bulk Use Standards of this Ordinance. All principal and accessory structure setbacks shall be clearly specified on the primary and secondary plat as required by Chapters 2 and 3 of this Ordinance.

### **7.1 BLOCKS**

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#### **7.1.1 Determination of block dimensions**

The lengths, widths, and shapes of blocks shall be determined with due regard for the following:

- A. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- B. Appendix A: Subdivision Bulk Use Standards as to lot sizes and dimensions.
- C. Needs for convenient access, circulation, control and safety of street traffic.
- D. Limitations and opportunities of the site topography.

### 7.1.2 Block length

Blocks for residential use shall not be longer than twelve hundred fifty (1,250) feet, measured along the center line of the block. When a block exceeds eight hundred (800) feet in length, the Area Plan Commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk not less than five (5) feet in width to provide pedestrian access across the block. Blocks intended for business and industrial use should be of a length suitable for the intended use with due allowance for off-street parking and loading facilities.

### 7.1.3 Block depth

Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use with due allowance for off-street parking and loading facilities.

## 7.2 LOTS

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The Auditor, upon receipt of a properly approved Subdivision plat or amended plat shall assign each lot within the subdivision their own separate parcel ID number. Subdivision lots shall be adequate for the type of development and land use proposed and shall be in conformity with **Appendix A: Subdivision Bulk Use Standards** applicable thereto. Lots may only be combined when in conjunction with a permit for site development.

### 7.2.1 Relationship to the street

The lot size, width, depth and shape, grade, location and orientation, shall be in proper relation to street and block design and to existing and proper topographical conditions.

### 7.2.2 Frontage

Every lot or parcel shall have sufficient frontage and access to a public street designated, designed, and improved in accordance with the terms of this chapter, provided, however, the Area Plan Commission may modify this requirement to include a private street. Double frontage lots shall be discouraged, except where the purpose, according to this chapter, is to buffer residential development from adverse influences or to minimize the number of intersections with arterial streets. A screen planting buffer strip, across which there shall be no right of access, shall be provided along the lot lines adjoining the adverse influence.

### 7.2.3 Lot layout

#### A. Side lot lines

Side lot lines shall be approximately at right angles or radial to street lines.

#### B. Corner lots

Corner lots shall be of sufficient size to permit required front building setback and orientation to both streets.

C. Lot depth

Excessive lot depth in relation to width or more than a proportion of three (3) to one (1) shall be avoided.

#### 7.2.4 Driveways

Lot driveways shall be so located, designed, and constructed as to provide a reasonable sight distance at intersections with streets and a relatively level stopping space the length of a car behind the right-of-way line. Where difficult problems of driveway curvature excessive grades are likely to be present, the petitioner shall submit for the Area Plan Commission approval details of driveway location and grade before lines and building sites are finally determined.

### 7.3 STREETS AND ALLEYS

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The arrangement, character, extent, width, grade, and location of all streets shall conform to the design standards of the Thoroughfare Plan and the standards and specifications of this Ordinance<sup>1</sup>.

#### 7.3.1 Street names

A list of street names shall be submitted to the Staff for approval prior to platting.

A. Extension of existing streets

Streets which are logical extensions or continuations of, or obviously in alignment with any existing streets, either constructed or appearing on any validly recorded plat, shall bear the same names of the existing streets.

B. New street names

All new public and private streets shall be given a name in accordance with the provisions of this Section. The following procedures shall be used for authorizing new street names:

1. Petitioner shall submit in writing a name, or list of proposed street names, and their location as shown on the proposed subdivision plat; and any applicable fee or fees as prescribed by the Official Fee Schedule, to Area Plan Commission staff. In general, there are no additional fees when a new street is constructed as part of a new subdivision or PUD;

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<sup>1</sup> All roads shall be functionally classified as shown on the Thoroughfare Plan contained in the Comprehensive Plan.

2. There shall be no re-use of former or discontinued street names. With the exception of street extensions, there shall be no duplication of street names by sound or spelling. No street name shall duplicate or too closely resemble, phonetically or in spelling, the name of any existing street anywhere else within the jurisdiction of the White County Area Plan Commission. Differentiation shall not be by the addition of suffixes such as road, street, land, trail, way or any such suffix.
  3. New names shall not be identical or similar sounding to any existing street name within the jurisdiction of the White County Area Plan Commission, nor shall they be previously rejected names, names reserved for subdivisions not yet completed and phonemes.
  4. Staff shall check all submissions for compliance to #2 and #3 above and reject any names that violate any condition of either #2 or #3.
  5. The proposed name or names will be circulated by the Staff to all relevant agencies; in particular the United States Postal Service, Emergency 911 and the Monticello Fire Department. Disapproval by any of the above or the Staff shall result in a denial for the proposed street name.
  6. In the event that all of the proposed street names are acceptable to all parties, Staff will certify approval of the selected names to the Area Plan Commission and the petitioner.
  7. Approved new names should be placed on the primary plat or preliminary planned unit development district ordinance. The Staff shall notify all necessary agencies and update the Area Plan database.
- C. Changing an existing public street name
1. The renaming of an existing street within a subdivision shall follow the Zoning Ordinance regulations spelled out in Section 12.17.7 B (2).
- D. Private Streets
- Private streets may be named or re-named by the Staff. Private streets shall be subject to the same street name standards as public streets.

### 7.3.2 Traffic circulation

Circulation within the County and municipalities shall be provided in accordance with the following design criteria:

A. Pedestrian ways

Pedestrian ways should be separated from roadways used by vehicular traffic and to provide anticipated pedestrian traffic within all residential building sites with access to neighborhood facilities, such as schools, parks and playgrounds, churches, and shopping centers.

B. Local streets

Ingress and egress to residential properties should be provided only to local streets.

Local streets should be designed to provide access to each parcel of land within a subdivision or development, to adjoining undeveloped tracts, and in a manner that will discourage use by through traffic. They should be planned so that future urban expansion will not require the conversion of minor streets to arterial routes.

C. Collector streets

Collector streets should be designed to provide a direct route from other local streets to the major street system. Each subdivision shall provide for the continuation of collector streets as shown on the White County Thoroughfare Plan Map or the appropriate Municipal Thoroughfare Plan Map.

D. Arterial streets

Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the White County Thoroughfare Plan Map or the appropriate Municipal Thoroughfare Plan Map.

### 7.3.3 General guidelines

A. Layout

The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.

B. Adjust for land contour

Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

C. Stub streets

Certain proposed street, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

D. Street extension

Wherever a dedicated or platted portion of a street or alley is adjacent to a road right-of-way within a proposed subdivision, the remainder of the street or alley shall be platted within the proposed subdivision. Said road right-of-way shall meet the current roadway standards of this Ordinance, as amended from time to time.

E. Arrangement

The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The Area Plan Commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties or to facilitate future improvement or expansion of streets in accordance with the Comprehensive Plan. Right-of-way provided for the future opening and extension of streets shall be made a requirement of the plat whenever any of the following conditions exist:



1. The plat of the parcel of land being subdivided shows one (1) or more lots containing more than one (1) acre of land and there are indications that the lots will eventually be re-subdivided into smaller building sites.
2. Adjacent parcels of land have existing or proposed streets abutting or stubbing toward the parcel being subdivided.
3. The parcel of land being subdivided lies adjacent to undeveloped land to which future street connections should be extended.

F. Arterial streets

Whenever a subdivision abuts or contains an existing or proposed arterial street, the Area Plan Commission may require frontage streets, reverse frontage with screen planting contained in non-access reservation along the rear property lines, or other treatment as may be necessary for adequate protection of the adjacent properties and to afford separation of through and local traffic.

G. Cul-de-sacs and local streets

Local residential and cul-de-sac streets shall be laid out so that their use by through traffic will be discouraged. Where there is concern that residential streets will become higher speed thoroughfares, the Area Plan Commission may require that the subdivision street design incorporate traffic calming measures including, but not limited to, traffic circles, roundabouts, and chicanes. Where proposed, such measures shall also receive design approval from the Fire Department and the School Corporation as it relates to the maneuvering of fire trucks and school buses. In no instance shall a cul-de-sac exceed eight hundred (800) feet in length.

H. Half streets

Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the other requirements of these regulations, and provided that the Area Plan Commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract.

I. Large lot subdivisions

When a tract is subdivided into larger than normal building lots or parcels, the lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate subdivision, with provision for adequate utility easements and connections for re-subdivision.

#### 7.3.4 Transfer of jurisdiction

Any street brought in to the county or a participating municipality shall be brought up to county or municipal standards. For developments improving these streets both sides of the street accessing the developments shall match the width as specified in this Ordinance. Once the street width has been upgraded a top coat / finish coat shall be placed over the entire width of the road to create one (1) consistent road. Streets within municipal jurisdictions shall meet the municipal street standards or the county street standards, whichever are more restrictive.

#### 7.3.5 Alleys

##### A. Width

Alleys shall be not less than twenty (20) feet in width, regardless of the type of property they serve.

##### B. Alignment

Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided with sufficient radius to permit safe vehicular movement.

##### C. Dead-end alleys

Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end, as determined by the Area Plan Commission.

#### 7.3.6 Private streets

It is the intent and purpose of this Ordinance to encourage streets and rights-of-way to be dedicated to the proper governmental agency for ownership and maintenance whenever possible. It is a long-range benefit to the entire community for streets and rights-of-way to be owned and maintained publicly rather than privately. There may be, however, situations in which privately-owned and maintained streets are a more reasonable alternative. In any development in which private streets are allowed, the streets shall conform to the following requirements:

- A. A private street shall meet or exceed the minimum width, depth, and other construction standards and specifications for the residential road classifications.
- B. The right-of-way width of a private street shall not be less than fifty (50) feet.
- C. Private streets shall not be permitted which interfere or conflict with the Thoroughfare Plan.
- D. Higher road classification standards and specifications than those in sub-sections 7.3.6(A) and 7.3.6(B), above, may be applied at the discretion of the Area Plan Commission if the street is of a length or of a design as to actually serve as a higher classified street, or in order to assure continuity with the Thoroughfare Plan.

- E. The covenants of a plat shall contain the following statement: “The streets and public rights-of-way shown hereon are to be privately-owned and maintained by the homeowner’s association pursuant to the articles of incorporation of the association. The streets and rights-of-way shown hereon may become publicly-owned and maintained streets only upon the express written consent by the governmental body having jurisdiction.”
- F. A performance bond and inspection agreement shall be executed by the developer with the County in the same manner as for a public street. A maintenance bond shall not be required for an approved private street.

## 7.4 INTERSECTIONS

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### 7.4.1 Street curbs

Street curbs shall be rounded by radii of sufficient length to permit the smooth flow of traffic, but in no case shall the radii, to the back of the curb, be less than twenty (20) feet for local or cul-de-sac streets, or twenty-five (25) feet for collector streets, or forty (40) feet for non-residential and arterial streets.

### 7.4.2 Street angle

Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty degrees (60°).

### 7.4.3 Simultaneous intersections

Street intersections shall be designed to avoid the simultaneous intersection of more than two (2) streets carrying traffic from more than four (4) directions.

### 7.4.4 Distance to centerline

Street intersections shall not be closer than one hundred eighty-five (185) feet from centerline to centerline.

### 7.4.5 Sight distance at intersections

The following paragraphs shall be required as a provision of the covenants of all secondary plats:

#### A. Obstructions

No fence, wall, hedge, tree, shrub, planting or other similar item which obstructs sight lines at elevation between two and one-half (2.5) and twelve (12) feet above the crown of a street shall be permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersection of the street right-of-way lines; or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.

B. Alleys and driveways

The same sight line limitations shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. For corner lots, no driveway shall be located within seventy (70) feet of the intersection of two (2) street centerlines.

## 7.5 RESIDENTIAL SUBDIVISIONS

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The design quality of White County as a whole is dependent on the quality of design of the individual subdivision and other developments that compose it. Good community design requires the coordination of the efforts of each petitioner and developer of land within the County. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the Comprehensive Plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles.

### 7.5.1 Integrated design

It is intended that White County shall be designed as a group of integrated residential neighborhoods and appropriate commercial and industrial and public facilities. The neighborhood, as a planning unit, is intended as an area principally for residential use. Space for religious, recreational, and educational facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood.

### 7.5.2 Lots and blocks

A. Size

The size of lots and blocks and other areas for residential, commercial, industrial and public uses should be designed to provide adequate light, air, open space, landscaping, and off-street parking and loading facilities.

B. Arrangement

The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved. The system of sidewalks and roadways and the lot layout should be designed to take advantage of visual qualities of the area.

### 7.5.3 Residential open space requirements

Except as exempted below, the following regulations shall apply to any major subdivision located within an R1, R2, R3, RR or R4 District. The Open Space standards may be waived or modified by the Plat Committee or Area Plan Commission under the request and approval procedures found in Chapter 2, Section 2.3 of this Ordinance.

Exceptions: the standards of this Section do not apply to:

1. A development within a Planned Unit Development (PUD) district;

2. A Subdivision which is located wholly or partially within the boundaries of any municipality; and
3. A Subdivision with any part of the subdivision within one (1) mile of any municipality boundary line.

B. Open space plan required

An open space plan shall be submitted along with an application for primary plat approval. All open space shall be labeled according to its class (natural area, water body, active recreation or passive recreation). If a subdivision is to be developed in sections, the open space plan shall show each section, and each section shall be in compliance with the requirements of subsection B **below**.

C. Dedication of land

All residential subdivisions that meet the aforementioned applicability standard must dedicate land within the subdivision according to the following requirements. Bodies of water may have fifty (50) percent of their total acreage counted as open space.

**Single Family and Two-Family Projects**

Average Lot Size (square feet)	Percentage (%) of Total Acreage
Over 43,560	3.0
35,001-43,560	3.5
25,001-35,000	5.0
15,001-25,000	8.0
12,501-15,000	10.0
6,001-12,500	12.0
Under 6,000	14.0

**Multi-Family Projects**

Number of Dwelling Units	Number of Acres
Under 40	1.0
41-60	1.5
61-80	2.0
81-100	2.5
101-120	3.0
121-140	3.5
141-150	4.0
Over 150	Each additional 20 dwellings, add an additional 0.5 acres

**D. Open space criteria**

All open space shall be accessible to the residents of the neighborhood by way of road, bikeway, sidewalk, or foot path. Such access shall not be through private property or by way of an easement over private property. In its review of a residential development, the Area Plan Commission shall consider how well the location of open space within the subdivision meets the following criteria:

1. The protection of unique topographical features such as slopes, streams, and other natural water bodies;
2. The buffering of uses from scenic streams and creeks (where applicable);
3. The protection of wooded areas, individual trees of significant size, wetlands or other environmentally sensitive features;
4. A more efficient use of the land, including the reduction of land area disturbed for utility lines and motor vehicle access;
5. The minimization of the alteration of the natural site features through the design and situation of individual lots, streets, and buildings;

6. Diversity and originality in lot layout; and
  7. The relationship of the development to the surrounding properties.
- E. Design standards
1. All lots within a subdivision should be within a one thousand (1,000) foot radius of an area dedicated to open space.
  2. Areas dedicated as open space shall be a minimum of twenty (20) feet wide in their smallest dimension.
  3. Areas dedicated as open space shall be free of all structures and buildings except for structures directly related to the purpose of the open space such as swimming pools, clubhouses, gazebos, picnic shelters, park benches, decks and bridges.
  4. Areas dedicated as open space may be one of two types: areas left in a natural state or areas used for recreation. Recreation areas may be designed for either passive or active recreation.
    - a. Open space intended for passive recreational use shall be suitable for such use without posing interference with adjacent dwelling units, parking, driveways and roads.
    - b. Open space intended for active recreational use shall be suitable for use as a playground, playfield or other recreational purposes and shall be relatively level and dry.
- F. Ownership and Maintenance of Open Space

Unless otherwise agreed to by the Area Plan Commission, the cost and responsibility of land dedicated as open space shall be borne by the property owner or the homeowners' association. Ownership methods of common open space within a subdivision shall conform to one (1) of the following:

1. Fee Simple Sale or Dedication to the appropriate Park and Recreation Board  
The Park and Recreation Board may, but shall not be required to, purchase or accept the dedication of any portion of the open space facilities. Where a subdivision's open space areas are contiguous to an existing public park or trail or is contiguous to an area identified as a park (or trail), such open space shall initially be offered for dedication to, or purchase by, White County Park and Recreation Board or the appropriate municipal park board. The Park and Recreation Board (or municipal park board) shall have the first and last offer of dedication or sale should the open space transfer ownership.
2. Homeowners' Association  
Open space within a subdivision may be held in common ownership by a homeowners' association. Where open space is held by a homeowners' association, the following regulations shall be met:

- a. The petitioner shall provide the Area Plan Commission with a description of the organization of the proposed association, including its by-laws and all documents governing ownership, maintenance, and use restrictions for open space and other common facilities. This information shall be submitted prior to primary plat approval.
  - b. The proposed association shall be established by the owner or petitioner and shall be operating (with financial subsidization by the owner or petitioner, if necessary) before the sale of any dwelling units in the development.
  - c. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.
  - d. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
  - e. The association shall have adequate staff to administer, maintain, and operate such common facilities.
3. Developer  
The developer of a residential subdivision may choose to retain ownership and maintenance responsibility of the open space.
  4. Not-for-profit Organization  
A not-for-profit organization may take ownership and maintenance responsibility of the open space.

## **7.6 NON-RESIDENTIAL SUBDIVISIONS**

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Any proposed subdivision containing land that is zoned or otherwise intended to be used for commercial or industrial uses is subject to the design standards contained in this section, in addition to those standards applying to all subdivisions of land.

### **7.6.1 Frontage**

Each lot or parcel shall have the full required frontage on a public road meeting the minimum standards of the Zoning Ordinance.

### **7.6.2 Streets and alleys**

If access will be required for large trucks and/or heavy loads, the Area Plan Commission may increase the construction and design requirements for such streets and alleys. Roads serving primarily non-residential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent tracts used or zoned for residential purposes, nor shall primarily residential roads be used for access to industrial subdivisions.

### **7.6.3 Alleys**

The Area Plan Commission may permit alleys for access only to loading and service areas. Such alleys shall have a right-of-way width of at least twenty (20) feet and a pavement width of at least sixteen (16) feet.



#### 7.6.4 **Drainage**

A storm water management plan shall be approved by the appropriate governing authority prior to approval of the final plat. Such systems shall be designed so as to maximize the disposal of storm water into the storm sewer system. Such systems may also make maximum use of on-site retention ponds or detention basins, as needed, to minimize the downstream impact of drainage from the site.

### 7.7 **PLANNED UNIT DEVELOPMENT**

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Whenever a Planned Unit Development is created, wherein adequate park or playground area is provided, and through traffic is cared for adequately, the Area Plan Commission may vary the requirements of this Chapter in order to allow the applicant more freedom in the arrangement of streets and lots. However, no alteration from these standards shall be permitted which fails to protect the convenience, health, safety, and welfare of the future residents of the Planned Unit Development, the character of the surrounding property, or the general welfare of the entire community.

## **CHAPTER 8 IMPROVEMENT STANDARDS**

### **8.0 APPLICABILITY**

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All Major, Minor and Non-Residential subdivision plats and plans shall conform to the following standards of design in order to qualify for primary approval.

### **8.1 INCORPORATION OF STANDARDS BY REFERENCE**

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Throughout this Chapter and other sections of this Ordinance, where reference is made to other regulations and specifications of the State of Indiana, White County, or a participating municipality. Each regulation or specification referenced is hereby incorporated into this Ordinance.

### **8.2 PERMANENT MARKERS AND MONUMENTS**

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Placement of monuments and markers indicated below shall be in accordance with the Indiana Administrative Code, as amended from time to time, which regulates the practice of land surveying.

#### **8.2.1 Markers**

A. Markers shall set at the following locations:

1. At the point of beginning and ending of all curves along street property lines;
2. At all points where lot lines intersect curves, either front or rear;
3. At all angles in property lines of lots;
4. At all other lot corners not established by a monument; and
5. At all street intersections, the point of beginning and ending of all curves along street center lines, and center of cul-de-sacs.

B. Markers shall be of a consistent nature and in accordance with the Indiana Administrative Code, as amended from time to time, which regulates the practice of land surveying.

#### **8.2.2 Monuments**

A. Placement

Monuments shall be placed at all exterior corners of a major subdivision so that the center of the marked point coincides 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.

**B. Materials**

Monuments shall be of pre-cast concrete, or concrete poured in place with minimum dimensions of four (4) inches by four (4) inches by thirty (30) inches, or four (4) inch diameter by thirty (30) inches. They shall be marked on top with an iron dowel (9 iron pipe, rebar, or pin) set flush with the top of the monument and with the appropriate markings in accordance with the Indiana Administrative Code, as amended from time to time, which regulates the practice of land surveying.

**8.3 GENERAL STREET IMPROVEMENT STANDARDS**

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The applicant of any subdivision designed to be used for residential, commercial, industrial, or other purposes shall layout, grade, and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision. Said streets shall be improved in accordance with the following provisions.

**8.3.1 Federal and state highways**

The design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications of the Indiana Department of Transportation. All driveways which connect with federal or state streets shall be constructed in accordance with the standards and regulations of the Indiana Department of Transportation.

**8.3.2 Rural highways and urban streets**

An applicant shall make improvements to a half width of the existing county or urban street which borders a subdivision (or continue into or through a subdivision) to the extent necessary to bring the street into compliance with the right-of-way and pavement standards established in these regulations. Appropriate entry ways and acceleration/deceleration lanes shall be provided. In lieu of installing the improvements, an escrow account may be established with the appropriate legislative body and their highway/street superintendent in an amount determined by an engineer's estimate.

**8.3.3 Materials**

Materials used for street construction shall be certified in writing by an appropriate licensed professional and shall meet or exceed the current standards of the Indiana Department of Transportation.

**8.3.4 Street grade**

Streets (and alleys where provided) shall be completed to grades shown on plans, profiles, and cross-sections, provided by the applicant, and prepared by a registered professional engineer or registered land surveyor and approved by the Area Plan Commission.

### 8.3.5 Construction Certification

Any road, street or alley platted as part of a subdivision on or after January 1, 2009, requires a Construction Certification as described hence. Upon completion of all roads, streets or alleys, the applicant shall present to the Staff, a certification from the respective legislative body Highway or Street Department or official designated by the legislative body, that such improvements are acceptable as constructed.

### 8.3.6 Acceptance of road improvements

Acceptance of roads, streets and alleys require a road certification and a letter of recommendation signed by the appropriate Street Superintendent and Area Plan Executive Director to the appropriate legislative body that all roads and improvements have been completed in accordance with the requirements of this Ordinance. The legislative body may approve, reject or approve with conditions this recommendation.

## 8.4 STREET DESIGN AND CONSTRUCTION STANDARDS

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Street right-of-way widths shall be not less than the following:

### 8.4.1 Street signs

The applicant shall provide the subdivision with standard county or urban street signs at the intersection of all streets.

### 8.4.2 Street lights

Street lights shall be installed in accordance with the appropriate municipal standards.

### 8.4.3 Minimum right-of-way width

#### A. Urban streets

##### 1. Arterial

Primary Street - 100 feet

Secondary Street - 80 feet

##### 2. Non-Residential

Collector Street - 70 feet

Local Street - 60 feet

##### 3. Residential

Local Street - 50 feet, with side-street, or no on-street parking; 60 feet with on-street parking

- B. Rural highways
  - 1. Arterial
    - Primary Street - 100 feet
    - Secondary Street - 80 feet
  - 2. Non-Residential
    - Collector Street - 70 feet
    - Local Street - 60 feet
  - 3. Residential
    - Local Street - 60 feet

#### 8.4.4 Lane width

The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the facility. Lane widths for streets shall be as follows:

##### A. Arterial Streets

All arterial streets shall have lanes for traffic movement of not less than twelve (12) feet in width, and lanes for parallel parking of not less than eight (8) feet in width.

##### B. Residential Streets

All residential streets shall have lanes for traffic movement of not less than ten (10) feet in width and lanes for parallel parking of not less than eight (8) feet in width.

#### 8.4.5 Street grade

The minimum street grade shall not be less than five-tenths of a percent (0.5%). The grades of all streets shall not exceed the following except where unusual topographic conditions justify, in the opinion of the Area Plan Commission, a modification of these standards:

##### A. Urban streets

- 1. Arterial
  - Primary Street - 6%
  - Secondary Street - 6%
- 2. Non-residential
  - Collector Street - 6%
  - Local Street - 6%
- 3. Residential
  - Local Street - 7%

- B. Rural highway
  - 1. Arterial
    - Primary Street - 6%
    - Secondary Street - 6%
  - 2. Non-residential
    - Collector Street - 7%
    - Local Street - 7%
  - 3. Residential
    - Local Street - 7%

#### 8.4.6 Road alignment

The horizontal and vertical alignment for all streets shall not be less than the following, except in cases of unusual topographic conditions:

A. Horizontal alignment – centerline radius

1. Urban streets

a. Arterial

Primary Street - per the most recent AASHTO standards, as amended from time to time.

Secondary Street - per the most recent AASHTO standards, as amended from time to time.

b. Non-residential

Collector Street - 300 feet

Local Street - 300 feet

c. Residential

Local Street - 100 feet

2. Rural highway

a. Arterial

Primary Street - per the most recent AASHTO standards, as amended from time to time.

Secondary Street - per the most recent AASHTO standards, as amended from time to time.

b. Non-residential

Collector Street - 300 feet

Local Street - 300 feet

c. Residential

Local Street - 100 feet

B. Horizontal visibility – minimum sight distance

Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center line as follows:

1. Urban streets

a. Arterial

Primary Street - 500 feet

Secondary Street - 500 feet

- b. Non-Residential
  - Collector Street - 300 feet
  - Local Street - 300 feet
- c. Residential
  - Local Street - 100 feet
- 2. Rural highway
  - a. Arterial
    - Primary Street - 500 feet
    - Secondary Street - 500 feet
  - b. Non-Residential
    - Collector Street - 300 feet
    - Local Street - 300 feet
  - c. Residential
    - Local Street - 100 feet
- C. Vertical visibility – minimum sight distance

Sight distance for vertical alignment shall be determined by measuring from a point three and one-half (3.5) feet above the roadway surface along a line of sight to a point four and one-quarter (4.25) feet above the roadway surface.
- D. Horizontal curves

Between horizontal curves on primary and secondary streets there shall be tangent of not less than one hundred (100) feet and on collector and local streets such tangent shall be not less than forty (40) feet. Roundabout sections shall be exempt from this requirement. Reversed curves shall be prohibited.



**Table 8.1: Roadway Dimensions**

Roadway Type		Minimum R-O-W Width (ft)	Minimum Pavement Width* (ft)	Minimum Shoulder Width (ft)	Maximum Grade (%)	Horizontal Alignment (ft)	Horizontal Visibility (ft)	
Urban	Residential without on-street parking	Local	50	20	N/A	7	200	150
	Residential with on-street Parking	Local	60	36	N/A	7	200	150
	Non-residential	Local	60	30	N/A	7	300	300
		Collector	70	40	N/A	6	300	300
	Arterial	Secondary	80	44	N/A	6	500	500
		Primary	100	54	N/A	6	500	500
Rural	Residential	Local	60	24	5	7	200	150
	Non-residential	Local	60	30	6	7	300	300
		Collector	70	40	6	6	300	300
	Arterial	Secondary	80	24	8	6	500	500
		Primary	100	48	10	6	500	500

\* Curb and gutter is in addition to the Urban Cross Sections (combined 2 feet minimum on each side)

**8.4.7 Cul-de-sac design**

**A. Maximum length**

A cul-de-sac shall not exceed eight hundred (800) feet in length, measured from the entrance to the center of the turnaround, and if more than one hundred fifty (150) feet in length, shall be provided with a turnaround as prescribed by this Ordinance. The entire turnaround of the cul-de-sac shall be paved.

**B. Minimum diameter**

A residential cul-de-sac shall have a minimum turnaround diameter of one hundred twenty (120) feet as measured from the center point of the turnaround.

All other cul-de-sacs shall have a minimum turnaround diameter of two hundred (200) feet as measured from the center point off the turnaround.

Cul-de-sac diameters may be reduced by the Plat Committee or Area Plan Commission if, in the sole opinion of the Plat Committee or Area Plan Commission, the applicant has justified a smaller diameter; however, in no case may a residential cul-de-sac be reduced to a diameter of less than eighty (80) feet and any other cul-de-sac be reduced to a diameter of less than one hundred twenty (120) feet.

C. **Obstructions**

There shall be no obstructions within the radius of a residential cul-de-sac unless specifically approved by the Area Plan Commission. Neither shall the radius of any non-residential cul-de-sac be obstructed, except for the placement of “no parking” signs which shall be required along all commercial and industrial streets within business parks, in accordance with the appropriate Municipal or county Code, as amended.

**8.4.8 Curb and Gutter**

All applicants shall provide curb and gutter per the requirements of the appropriate jurisdiction. This does not apply to County roads previously in existence prior to the development of a subdivision.

**8.4.9 Roads and streets**

Roads and streets shall be built in accordance with the current cross sections acceptable to the governing jurisdiction.

**8.5 SIDEWALKS**

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Sidewalks shall be labeled upon the construction plans and installed by the applicant in subdivisions in compliance with the appropriate jurisdiction or as follows:

**8.5.1 Installation**

Sidewalks shall be installed in all subdivisions per the requirements of the appropriate jurisdiction.

A. **Distance from curb**

Sidewalks shall be placed a minimum of three (3) feet from the curb. The area between the curb or street pavement and the sidewalk shall constitute the “green strip”. Trees shall not be planted in the green strip. Where trees are planted, they shall be placed in a manner which prevents the drip line of the tree to cross the right-of-way.

B. **Mid-block locations**

In mid-block locations, for purposes of pedestrian circulation, as required by the Area Plan Commission.

**8.5.2 Access to public facilities and institutions**

In instances where pedestrian access to schools, parks or other community facilities is necessary, as required by the Area Plan Commission.

**8.5.3 Planned Unit Developments**

In a planned unit development, sidewalk location may be adjusted to the pedestrian circulation element of the design, as approved by the Area Plan Commission.

A. The Area Plan Commission may require sidewalks along an existing street bordering a subdivision.

- B. The Area Plan Commission may modify the requirements of this subsection in instances where a park, railroad, extreme topographical conditions, or other unusual conditions make sidewalk installation difficult on both sides of the street.
- C. Minimum sidewalk width shall be four (4) feet, regardless of land use. Additional widths may be required by the Area Plan Commission for schools, churches, and other areas of heavy pedestrian traffic. Minimum sidewalk thickness shall be four (4) inches on compacted sub-grade.
- D. All sidewalks shall be installed within three (3) months from the date of the first Certificate of Occupancy for residential developments and six (6) months from the date of the issuance of the first Building Permit for commercial developments. Installation shall include backfilling within ten (10) days from the pour date.

## **8.6 UTILITIES**

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### **8.6.1 Sanitary waste**

#### **A. General Requirements**

The applicant shall install sanitary sewerage facilities in a manner prescribed by the construction standards and specifications of the participating jurisdiction. All plans shall be designed in accordance with the rules, regulations, and standards of the participating jurisdiction, County Health Department, and appropriate State and Federal regulating agencies. Plans shall be approved by the above agencies where required by those agencies.

#### **B. Sanitary Sewerage System Requirements**

Where provided, sanitary sewerage facilities shall connect with public sanitary sewerage systems, and shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the participating jurisdiction, and appropriate State agency.

#### **C. Individual Disposal System Requirements**

If the public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the White County Zoning Ordinance and any ordinance of any participating jurisdiction establishing lot areas for individual sewerage disposal systems.

### **8.6.2 Water**

#### **A. General Requirements**

Where a public water main is within one-half (1/2) mile and of ample capacity the applicant shall install adequate water facilities (including fire hydrants) as shown in the approved construction plans. The location of all fire hydrants and all water supply improvements shall be shown on the preliminary plat.

B. Individual Wells and Central Water Systems

If a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. The results of water samples shall be submitted to and approved by the appropriate health authority.

C. Fire Hydrants

Fire hydrants shall be required for all subdivisions utilizing a public water system. Fire hydrants shall be located no more than one thousand (1,000) feet apart and within five hundred (500) feet of any structure and shall be approved by the applicable fire protection unit. The actual placement of the hydrants shall be approved by the supplier of the water in cooperation with the affected Fire Department.

## 8.7 FLOOD AREAS

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### 8.7.1 Floodway fringe areas

Where a subdivision is proposed within an area of the Floodplain designated as a Floodway Fringe, the Area Plan Commission may approve such subdivision provided that: all streets are elevated sufficiently to be above the Regulatory Flood; 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 Natural Resources Conservation Service has been obtained in writing. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.

### 8.7.2 Floodway areas

Subdivisions may not be approved in a designated floodway if such floodway occupies more than 25% of the area of any planned lot.

### 8.7.3 Recording of plats in the floodway and floodway fringe

All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood 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.

## 8.8 STORM WATER

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Storm waters are regulated by the White County Drainage and Sediment Control Ordinance.

## 8.9 CONSTRUCTION SITES

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Trash and Fire Prohibited. Developers and/or builders shall provide a trash and debris containment area or vessel for each lot under construction. This area shall be cleaned or dumped when full or at least bi-monthly, whichever occurs first. Burying or burning trash or debris on construction sites shall be strictly prohibited.

**8.10 EROSION AND SEDIMENT CONTROL STANDARDS**

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The final construction plans for each secondary plat shall include an erosion control plan that meets or exceeds local, state, and federal standards for erosion and sediment control. Developers and/or builders shall be responsible for keeping public streets clear of excessive mud and debris during development of a subdivision, including construction of homes or other buildings.

## **CHAPTER 9 ENFORCEMENT**

### **9.0 GENERAL**

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#### **9.0.1 Duty of the Executive Director**

It shall be the duty of the Executive Director to enforce these regulations and to bring any violations or lack of compliance to the attention of the Area Plan Commission.

#### **9.0.2 Transfer or sale of a parcel before plat prohibited**

No owner or agent of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of the subdivision has been approved by the Area Plan Commission, in accordance with the provisions of these regulations, and filed with the White County Recorder.

#### **9.0.3 Metes and bounds descriptions prohibited**

The division of any lot or parcel of land into a subdivision, as defined in these regulations, by the use of metes and bounds description for the purpose of sale, transfer, or lease resulting in the creation of one (1) or more new building sites shall not be permitted. All described divisions shall be subject to all of the requirements of these regulations.

#### **9.0.4 Failure to comply**

No Improvement Location Permit or Building Permit required under the Zoning Ordinance or other applicable ordinances, or this Ordinance, shall be issued for any real property which is subject to these regulations if said property is in violation of this Ordinance.

### **9.1 RESTRAINING PROVISIONS**

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#### **9.1.1 Restraining, enjoining and abating a common nuisance**

Any land within the participating jurisdictions subdivided in violation of the terms of these regulations after the effective date hereof is declared to be a common nuisance, which may be restrained, enjoined, or abated in any appropriate action or proceeding.

#### **9.1.2 Injunctive relief**

The Area Plan Commission may institute an injunction suit requesting any individual, corporation, or governmental unit be directed to remove a structure erected in violation of these regulations, or to make the same comply with its terms. If the Area Plan Commission is successful in that suit, the respondent shall bear the costs of this action. The Area Plan Commission may institute a suit for mandatory injunction requesting an individual, corporation, or governmental unit be directed, where the individual or governmental unit has violated any provision of these regulations, to comply with the regulations of these regulations.

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**9.2 PENALTY**

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Any individual, corporation, or governmental unit who violates a provision of this Ordinance or any regulations herein contained or who builds, reconstructs, or structurally alters any building in violation of any detailed statement or plans submitted and approved there under shall be guilty of infraction and, upon conviction, shall be fined in accordance with the White County Zoning Ordinance Fine Schedule for each violation. Each day that a violation continues shall constitute a separate offense.

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**9.3 CONSTRUCTION WITHOUT A PERMIT**

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Any individual, corporation, or governmental unit who initiates construction prior to obtaining an Improvement Location Permit or any other associated Area Plan permit required by the Area Plan Office shall pay twice the amount of the filing fee set forth in the Official Fee Schedule.

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**9.4 FAILURE TO PROVIDE AS-BUILT PLANS**

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Failure to provide as-built plans to the Staff within sixty (60) days of the completion of the public improvements shall be considered a violation of this Ordinance. Petitioners who fail to provide these plans within the specified time period shall be guilty of infraction and subject to any and all applicable penalties and fines.

## APPENDIX A SUBDIVISION BULK USE STANDARDS

Bulk Use Standard Applicable to All New Plats	Zoning District															
	C-1	L-1	A-1	A-2	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2	AED	
<b>Minimum Lot Size</b>																
Single-family with sewer (sq ft)	65,340	10,000	43,560	-	21,780	10,000	7,500	7,500	5,000	5,000	10,000	25,000	25,000	25,000	7,500	
Per unit with sewer (sq ft)	-	-	-	-	-	-	5,000	*	-	-	-	-	-	-	-	
Without sewer (sq ft)	65,340	65,340	43,560	217,800	43,560	65,340	65,340	65,340	65,340	-	130,680	130,680	130,680	130,680	-	
<b>Minimum Building Size</b>																
Total building (sq ft)	-	1,200	1,200	1,500	1,200	1,200	1,000	1,000	1,000	-	-	-	-	-	-	
Minimum per dwelling unit (sq ft)	-	-	-	-	-	-	800	700	700	-	-	-	-	-	-	
<b>Minimum Lot Dimensions</b>																
Width (feet)	150	60	150	500	150	80	60	60	50	50	70	125	250	250	50	
<b>Minimum Yard Setback Requirements</b>																
<b>Minimum Front Yard Setbacks*****</b>																
Adjacent to a Federal or State Highway (feet)	80	80	80	100	80	80	80	80	80	80	80	80	80	80	80	
Adjacent to a Rural Highway (feet)	35	35	60	75	35	35	35	35	35	35	35	35	35	35	35	
Adjacent to an Urban Street (feet)	30	30	30	75	30	30	30	30	30	0	30	30	30	30	**	
From waterside (ft)	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	
<b>Minimum Rear Yard Setbacks</b>																
Principal Structure (feet)	30	20	30	50	30	30	30	30	30	10	30	30	30	30	30	
Accessory Structure (feet)	6	20	6	6	6	6	6	6	6	6	6	6	6	6	6	
<b>Minimum Side Yard Setbacks*****</b>																
Principal Structure (feet)	10	See Below	10	50	10	10	10	10	10	***	10	10	10	10	10	
Principal structure located on a 70' lot or smaller (ft)	-	6 w/min sum of 14	-	-	-	-	-	-	-	-	-	-	-	-	-	
Principal structure located on a 71' to 80' lot (ft)	-	7 w/min sum of 16	-	-	-	-	-	-	-	-	-	-	-	-	**	
Principal structure located on a 81' to 90' lot (ft)	-	8 w/min sum of 18	-	-	-	-	-	-	-	-	-	-	-	-	-	
Principal structure located on a 91' lot or greater (ft)	-	9 w/min sum of 20	-	-	-	-	-	-	-	-	-	-	-	-	-	
Principal structure located on a irregular lot (excluding triangular lots)	-	8 w/min sum of 18	-	-	-	-	-	-	-	-	-	-	-	-	-	
Accessory Structure (feet)	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	
<b>Maximum Structure Height****</b>																
Principal Structure (feet)	35	35	35	35	35	35	35	35	75	35	45	45	45	55	55	45
Accessory Structure (feet)	19	19	****	****	****	19	19	19	19	19	19	19	19	55	55	-
<b>Maximum Lot Coverage</b>																
Primary & Accessory Structures (% of gross lot area)	-	60	-	-	-	60	60	60	60	90	80	80	-	-	-	

\* R-3 Minimum Lot Size per Unit - 7,500 sq ft minimum plus an additional 2,000 sq ft for each dwelling unit

\*\* There shall be no less than ten (10) feet between any structures.

\*\*\* When adjoining a business or industrial district, the minimum setback shall be zero. When adjoining any other district, the minimum setback shall be equal to that of the adjacent district

\*\*\*\* .All WECS and Meteorological Towers are hereby exempt from the height requirement prescribed by this table, but are subject to all height requirements pursuant to Chapter 7.4.2 of this Ordinance.

\*\*\*\*\* There shall be no height limit, provided that for every foot in height the structure is over 19', it shall be set back from the side and rear yard property lines by an additional foot.

\*\*\*\*\* Any lot determined to be in a lake area which has a side yard abutting a road shall require the applicable side yard meet a minimum 20 foot setback.

\*\*\*\*\* Any deck built on a lake property shall have no front setback requirement. It is the owner's responsibility to determine the front property line location.

7/11/2011