Commissioner Ordinance 2012-2

SUBDIVISION CONTROL ORDINANCE

OF

GIBSON COUNTY, INDIANA

Prepared for:

The Gibson County Board of Commissioners
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ARTICLE I. GENERAL PROVISIONS

A. SHORT TITLE. This Ordinance shall be known and may be cited as the Subdivision Control Ordinance of Gibson County, Indiana.

B. AUTHORITY. This Ordinance is adopted pursuant to Indiana Code 36-7-3, *et seq.,* and all amendments thereto.

C. PURPOSE: The purpose and intent of these regulations is to serve as a guideline encouraging the proper planning and development of subdivisions in order to protect and provide for the public health, safety, and welfare of the county and ensure that public facilities and services are available to support the subdivision or that the absence of those facilities and services would be clearly disclosed on the plat (as hereinafter defined).

D. JURISDICTION. This Ordinance shall apply to all subdivisions of land within all unincorporated areas of Gibson County, Indiana as now or hereafter established. All previously recorded subdivisions will not be subject to this ordinance.

E. SEVERABILITY. If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

ARTICLE II. DEFINITIONS

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance have the meanings herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this article shall be construed to have its usual legal meaning. Words used in the present tense include the future, the singular includes the plural and plural the singular. The word "used" includes "designed" or "intended" to be used. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.

A. "Abutting property owners" means the official owners of record, whose property is contiguous to the subject property; any property which would touch any point of the subject property ignoring all rights-of-way, easements, alleys, streets and the like.

B. "Access" means the way over which traffic moves to or from the property abutting a street or alley and the way over which traffic moves to or from an arterial street to a collector street or from a street to an alley.

C. "Alley" means a permanent public service right-of-way as final access to the side or rear of those properties when principal frontage is on some other right-of-way and is not intended for general traffic.

D. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on a map and used for all surveyed monuments, markers, and benchmarks, which shall be tied into the Indiana State Plane, West Zone coordinate system whenever possible.

E. "Block" means a tract of land bounded on all sides by streets or a combination of streets and public parks, cemeteries, railroad right-of-way, etc.

F. "Bond" means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Commissioners or appropriate delegate.

G. "Building" means a structure having a roof supported by columns or walls, used or intended to be used, for the shelter or enclosure of persons, animals, or property.

H. "Building setback lines" means the lines indicating the minimum horizontal distance between the right-of-way of any street and the foundations of any building nearest the right-of-way of any street.

I. "Commissioners" means the Board of Commissioners of Gibson County, Indiana.

J. "Cul-de-sac" means a local street with only one outlet having an appropriate terminal for the safe and convenient reversal of traffic movement.

K. "Easement" means an authorization or grant by a property owner to specific persons or to the public to use land for specific purposes.

L. "Flood hazard area" means any floodplain, floodway, floodway fringe district, or combination thereof.

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

N. "Improvements" means the installation of storm sewers, sanitary sewers, public streets, curbs, gutters, sediment basins and sidewalks.

O. "Legal drain" means an open ditch or a tiled ditch, or a combination of the two, which are subject to the jurisdiction and control of the Gibson County Drainage Board and/or Drainage District Boards as regulated drains.

P. "Local Governmental Facilities" means any water line, sewer line, legal drain, or any other facility or interest owned, maintained or substantially controlled by any political subdivision or municipal corporation.

Q. "Location map" means a small inset map showing the location of a tract of land in relation to a larger area.

R. "Lot" means the tract of land within a subdivision marked by the subdivider on the plat as a numbered, lettered, or other identified tract of land to be offered for sale, dedication, or development, which is an identifiable parcel of land having frontage on a public street, or right-of-way, or acceptable easements.

1. "Corner lot" means a lot located at the intersection of two or more streets, the interior angle of such intersections not exceeding 135 degrees.

2. "Double frontage lot" means a lot other than a corner lot with frontage on more than one street or through lots abutting two streets.

3. "Interior lot" means a lot with only one frontage on a street.

S. "Plat" means a map, drawing, or chart upon which the subdivider's plan of the subdivision is presented and which he submits for approval and intends to record in the final form.

T. "PIN" means Parcel Identification Number.

U. "Regulatory flood" means the flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred (100) year period. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

V. "Replat" means a change in a recorded subdivision plat if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line, except as otherwise exempted in this Ordinance.

W. "Right-of-way" means a strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established. Dedication of public right-of-way does not necessarily mean acceptance for maintenance by the County Highway Department.

X. "Street" or "Road" means a thoroughfare within the right-of-way which affords the principal means of access to abutting property. A street may be designated an avenue, boulevard, drive, highway, land, parkway, place, road, court, or appropriate name. Streets are identified according to type of use, as follows:

1. "Arterial street" means a street which serves the major movement of traffic within or through a metropolitan area.

2. "Collector street" means a street serving internal traffic movement and provided access to arterial streets.

3. "Controlled access street" means a road fully or partially controlled by public authority.

   a. "Fully controlled" means a street where preference to through traffic is given by providing access connections with selected public roads only and by prohibiting crossings at grade.

   b. "Partially controlled" means a street where preference to through traffic is given, in addition to providing access connections with some crossings at grade.

4. "Half street" means a part of a street which is approximately equal to the remainder.

5. "Local street" means a street whose primary function is to provide access to immediately adjacent lands. It generally serves the residential and minor commercial areas of the community.

6. "Partial street" means a street which is, or will become, a part of a whole or complete street.

7. "Private road" means a local street that is not dedicated or accepted for public use or maintenance, which provides vehicle and pedestrian access.

8. "Public street" means a street dedicated, owned, and maintained by a public entity for the purpose of vehicle and pedestrian access.

   a. "Acceleration lane" means an auxiliary lane constructed as part of the driveway which enables egressing vehicles to increase speed prior to entering the through traffic stream.

   b. "Deceleration lane" means an auxiliary lane constructed as part of the driveway which is used by ingressing vehicles to reduce speed prior to entering a site. The lane may also provide some deceleration vehicle storage.

   c. "Frontage road" means a through road auxiliary to and located adjacent to a public road for service to abutting property.

   d. "Passing blister" means an auxiliary lane constructed opposite of the driveway which enables through traffic to maneuver around vehicles turning left into a site.

Y. "Sketch Plan" means an informal, informational drawing preparatory to the drawing of the preliminary plat to enable the subdivider to save time and expense in reaching a general agreement with the Commissioners as to the form of the plat and conformance to the objectives of this Ordinance.

Z. "Subdivider" means any individual, firm, association, partnership, corporation, trust or any other legal entity commencing proceedings under this Ordinance to effect a subdivision of land hereunder.

AA. "Subdivision" means any land vacant or improved which is divided or proposed to be divided into two or more lots, parcels, sites, units, plats, or interest for the purpose of offer, sale, lease, or development. "Subdivision" includes the division or development of land, whether by deed, metes and bounds description, or other recorded instruments.

1. "Major Subdivision" means all subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of six (6) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any improvements.

2. "Minor Subdivision" means any subdivision containing not more than five (5) lots fronting on, or having access to, an existing street. It shall not include the creation of any new street or road, any improvements or the extension of municipal facilities. , It may not be in conflict with any provision or portion of the thoroughfare ordinance or these regulations.

3. The following divisions of land shall not be considered a subdivision but shall be filed in the County Surveyor's office for review by the Subdivision Review Committee:

   a. A division of land of 20 acres or more which transfers property by aliquot part USPLS description (e.g. half, quarter, quarter section), assuming property lines do not run through buildings, etc., by review of the most recent aerial photo and property owner testimony.

   b. Fee simple transfers for water tanks, water towers, lift stations, substations, cell towers, and other public utilities (excluding building lots), as well as city, county, state and federal transfers for roadways. Description and exhibit (survey) of property to be transferred shall be provided.

   c. The sale, exchange or transfer of land between adjoining property owners, where such sale or exchange does not create an additional parcel.

      (1). Tracts which have been carved out of one parcel must be merged into an adjoining tract, utilizing the adjoining tract's existing PIN number.

(2). A property line adjustment plat must be filed for metes and bounds tracts and/or for property previously subdivided that does not have affected easements and/or setbacks indicated in the area of the transfer pursuant to the procedure set forth in Section Y.4. below.

The Subdivision Review Committee shall grant approval within fifteen (15) days (with at least two of the three members of the Committee signing) if the division of land meets the requirements in the exceptions set forth above in items a, b, or c and does not conflict with any other ordinance, regulation, code, rule or law.

4. Property lines between parcels that share a common property line, are commonly zoned (where applicable), and within the same taxing district can be adjusted through a property line adjustment. Persons desiring to adjust a property line which meets the requirements set forth herein may first contact the Subdivision Review Committee to review the planned property line adjustment. Property line adjustment plats which change property lines but do not increase the number of parcels, or impact existing easements and/or setbacks, must be prepared by a licensed surveyor and shall be filed in the County Surveyor's Office and recorded by the applicant with the County Recorder (the deed for the property to be transferred shall be cross-referenced to the existing adjoining tract to which it will be merged) upon approval by the Subdivision Review Committee. The property being transferred must be monumented. The newly sized parcels must meet all Subdivision Control Ordinance requirements and may not conflict with any other regulation, rule or law. Proposed property line adjustment plats which do not meet all of the conditions established for a property line adjustment herein, shall be denied by the Subdivision Review Committee. The division and conveyance of property without following the County's property line adjustment procedure as established herein is a violation of the Subdivision Control Ordinance of Gibson County, Indiana.

BB. "Subdivision Review Committee" means a technical review committee established under Article III of this Ordinance.

CC. "Thoroughfare plan" means a plan and maps established by the Commissioners pursuant to law, showing the location of streets and roads, functionally classified public facilities, utilities, and describing future infrastructure. The plan is approved, adopted, and established by law, and any amendments or additions including those resulting from filing and approval of subdivision plats, are adopted by the Commissioners as a continuous updating of the plan.

DD. "Water supply line" means a pipe for the distribution of potable water to residential, commercial, industrial, and/or institutional uses and/or other usage points such as fire hydrants.

ARTICLE III. SUBDIVISION REVIEW COMMITTEE

A Subdivision Review Committee is hereby established to assist with the technical evaluation of subdivisions and to make recommendations to the Commissioners. The Subdivision Review Committee shall consist of three (3) members being the County Assessor, County Surveyor and one (1) member selected and appointed each year by the Commissioners. The Subdivision Review Committee is hereby given the authority to grant approval for Minor Subdivisions and Property Line Adjustments as well as to assign addresses to lots created in Replats, Major and Minor Subdivisions.

ARTICE IV. ENFORCEMENT – VIOLATIONS/PENALTIES

A. Enforcement

1. No plat of any subdivision shall be entitled to record in the County Recorder's office or have any validity until approved in the manner prescribed herein.

B. Violation/Penalty

1. Any person who violates any provision of this Chapter shall be subject to a civil penalty of not less than ten dollars ($10.00) nor more than two thousand five hundred dollars ($2,500.00) for each violation. Each day a violation exists shall be considered a separate violation, and a court may assess a monetary civil penalty for each day the violation exists.

ARTICLE V. MINOR SUBDIVISION

A. Submission and Fees

1. A subdivider desiring approval of a plat for a Minor Subdivision of any land lying within the jurisdiction of Gibson County, Indiana, shall submit a plat of the subdivision in accordance with this Article to the County Surveyor.

2. A subdivider shall submit to the County Surveyor's office a plat drawn on reproducible material (Mylar or equivalent), not larger than twenty-four (24) inches by thirty-six (36) inches, at a minimum scale of 1"=100' (i.e. 1"=100', 1"=60', etc.), five (5) prints, and if available, an electronic copy, showing:

   a. Title "Minor Subdivision;"

   b. Name of subdivision, and legal boundary description;

   c. Recording data of the deed of the property being divided, including deed book and page number or document number, and tax block and lot number (a copy of the deed should be attached);

   d. Scale shown graphically, date, location map and north point;

   e. Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey in the field which has been balanced and closed, as well as physically located by monumentation or proper witnesses;

   f. When possible, the boundary survey shall be tied into the Indiana State Plane, West Zone coordinate system;

   g. Location and description of all monuments with references by distance and bearings to at least one quarter section, militia donation, location, survey (original government), or claim corner;

   h. Length of lot lines and area of lots, bearings and distances, radii, arcs, and complete curve data for all horizontal curves;

i. All lots numbered or lettered and all roads and streets with approved names;

j. Building setback of front yard lines and side yard lines for corner lots, if applicable;

k. Thoroughfare setback lines, if applicable;

l. Easements (Public Utility, Drainage, Ingress/Egress, etc.) with definitions, if applicable;

m. One hundred (100) year flood contour line from FEMA map, or statement that all areas are outside floodplain (available online or at the County Surveyor's Office) ;

n. Statement indicating how each property will access water and remove onsite sewage or a statement indicating that the lot (or lots) is not intended to be buildable;

o. Name of developer or owner, and land surveyor;

p. Names, PIN, and addresses of abutting property owners (available in the Courthouse and on the County's GIS website);

q. Any existing buildings and their placement on the lots;

r. Natural drainage easements designated with statement that no buildings, structures, fences, shrubs, or trees be placed in easements. Legal drain designated, if applicable;

(1). Interested owners may petition the Drainage Board to place a structure in a drainage easement subject to any such owner executing a Drainage Easement Encroachment Agreement in form as approved from time to time by the Drainage Board.

s. Flood Protection Grade (two foot above the elevation of the regulatory flood) on each lot that partially or completely lies within the floodplain as required by Gibson County Ordinance 2002-4. If the lot(s) is not intended to be buildable, the FPG requirement may

be waived, assuming a statement is added to the plat indicating that before a structure may be built on the lot(s) it must first submit to DNR, requesting the Base Flood Elevation in order to determine the FPG for the lot(s);

t. Verification signed by County Health Department designating potential future septic location on each lot which will not tap into existing sanitary sewers. If the lot or lots are not intended to be buildable (i.e. agricultural land within floodway), the Subdivision Review Committee may allow a statement to be added to the plat exempting this requirement;

u. All boundary surveys shall comply with the minimum standards for competent practice of land surveying as set forth in IAC 865, Rules 1 – 12;

v. Reference to a recorded survey of the parent parcel if the minor subdivision doesn't include a surveyor's report and additional items required under IAC 865, Rules 1-12;

w. Certificates by a registered land surveyor and by the owner (notarized);

x. Social security redaction statement as required by I. C. § 36-2-11-15.

y. The Subdivision Review Committee may require contours if the land has been significantly changed since 2007 (when the county obtained 2 foot contours). If required to show contours on plat, they should be shown at vertical intervals of two and one-half feet if the general slope of the site is less than two percent, and at vertical intervals of five feet if the general slope is greater than two percent as taken from available county, state, or federal maps;

3. The submission of a Minor Subdivision plat shall be accompanied by such fee(s) as may be established from time to time by the Subdivision Review Committee and approved by the Commissioners.

B. Review Procedure

1. Upon receipt of a plat for a Minor Subdivision, the Subdivision Review Committee shall review the plat for a Minor Subdivision, within 15 days, and determine whether or not the following conditions have been satisfied:

    a. That necessary and adequate utilities and drainage facilities have been or will be provided or statement stating that they are not being provided.

    b. That adequate measures will be taken to provide ingress and egress to the remainder of the parcel and surrounding properties.

    c. That the subdivision will not be detrimental to or endanger the public health, safety, or general welfare.

2. If the Subdivision Review Committee finds that the proposed plat for a Minor Subdivision meets all the requirements as set forth in this Article, it shall approve the plat on behalf of the Commissioners along with a certificate of approval.

3. If the Subdivision Review Committee finds that the proposed subdivision does not meet all the requirements as set forth in this Article, it shall disapprove the plat, set forth the reasons in writing, and provide the subdivider with a copy. The subdivider has no more than sixty (60) days after this initial disapproval by the Subdivision Review Committee to resubmit the plat for approval. After this sixty (60) day period, the subdivider forfeits their filing fee and will be required to start the process over if he wishes to resubmit.

4. The subdivider may appeal any decision of the Subdivision Review Committee to the Commissioners at a regularly scheduled Commissioners' meeting, at which the Commissioners can approve the proposed subdivision as is or require the subdivision to be resubmitted with suggested changes.

5. Upon approval, the developer or subdivider shall record the plat with the County Recorder within six (6) months. If not recorded within this time, the approval shall be null and void unless renewed.

C. Waiver of Requirements

Upon recommendation by the Subdivision Review Committee, the Commissioners are hereby authorized to waive any or all requirements of this Ordinance when literal enforcement would result in unnecessary hardships and when such waiver will not be contrary to the public interest.

ARTICLE VI. Major Subdivision SKETCH PLAN.

Prior to submission of a Major Subdivision plat, the subdivider shall provide a sketch plan and consult informally with the county surveyor. This will enable the subdivider to become familiar with the general requirements and conditions which might affect the subdivision and thus avoid unnecessary revisions. The Sketch Plan should be in a tentative form with sufficient detail for review and comments.

ARTICLE VII. MAJOR SUBDIVISION - PRIMARY PLAT

A. Submission

1. At least fifteen (15) days prior to the regular meeting of the Commissioners, the subdivider shall submit to the County Surveyor's office a written application for primary plat approval together with the following:

2. Seven (7) copies of the primary plat drawn on reproducible material (Mylar or equivalent) not larger than twenty-four (24) inches by thirty-six (36) inches, at a minimum scale of 1"= 100' (i.e. 1"=100', 1"=60', etc.) and encompassing all contiguous parcels of property owned by or under the control of the subdivider (and, if available, electronic submission) and showing the following:

    a. Title "Major Subdivision;"

    b. Name of subdivision and legal boundary description;

    c. Location map of subdivision, north point, and graphic and written scale;

d. Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey in the field which has been balanced and closed, as well as physically located by monumentation or proper witnesses;

e. When possible, the boundary survey shall be tied into the Indiana State Plane, West Zone coordinate system;

f. Location and description of all monuments with references by distance and bearings to at least one quarter section corner, militia donation, location, survey (original government), or claim corner;

g. Length of lot lines and area of lots, bearings and distances, radii, arcs, and complete curve data for all horizontal curves;

h. All lots numbered or lettered and all roads and streets with approved names;

i. Public way widths, maximum grades, approximate curves, and coordination of subdivision public ways with current and planned public ways within the subdivision;

j. Streets adjacent to the new subdivisions with their names;

k. Building setback of front yard lines and side yard lines for corner lots;

l. Thoroughfares setback lines, if applicable;

m. Contours shown at vertical intervals of two and one-half feet if the general slope of the site is less than two percent, and at vertical intervals of five feet if the general slope is greater than two percent, as taken from available county, state, or federal maps;

n. One hundred (100) year flood contour line from FEMA map, or statement that all areas are outside floodplain;

o. Location of all existing utilities as located by Indiana Underground (including ticket number) and extension of water, sewer, and other municipal services, if applicable;

p. Name of developer or owner and land surveyor;

q. Names, addresses and PIN of abutting property owners;

r. Any existing buildings and their placement of the lots;

s. Parcels of land to be reserved for schools, parks, playgrounds, or other public purposes;

t. Location of all property that is dedicated for public use and all property that may be reserved by covenant for the common use of the property owners in the subdivision;

u. Natural drainage easements designated with statement that no buildings, structures, fences, shrubs, or trees be placed in easements. Legal drain designated, if applicable.

(1). Interested owners may petition the Drainage Board to place a structure in a drainage easement subject to any such owner executing a Drainage Easement Encroachment Agreement in form as approved from time to time by the Drainage Board.

v. Verification signed by County Health Department designating potential future septic location on each lot.

w. All boundary surveys shall comply with the minimum standards for competent practice of land surveying as set forth in IAC 865, Rules 1 – 12.

x. Reference to a recorded survey of the parent parcel.

y. Certificates by a registered land surveyor and by the owner (notarized).

z. Social security redaction statement as required by I. C. § 36-2-11-15

3. Engineering Feasibility Report. A feasibility report including but not limited to the following:

   a. Existing System. A letter from the accepting sewage and/or water authority allowing connection with the system(s) or demonstrating sufficient capacity will also meet this requirement.

   b. Community System. If connection to an existing sewage or water system is not feasible, the feasibility of constructing a community sewerage and water system shall be studied. The study shall give consideration to treatment works, receiving stream, lagoon, etc. and community water supplies.

   c. Drainage Facilities. A study of the stormwater drainage for the area, a method of dispersion or retention and adequacy of downstream facilities. This study shall give consideration to both water entering the subdivision from adjacent land and water within the boundaries of the subdivision.

   d. Street Construction. A preliminary report on the type(s) of street construction based on the specifications outlined in Resolution 1973-1, as amended.

4. Submission to Utility Companies. The subdivider shall send a copy of the plat to local utility companies, as designated by the Subdivision Review Committee, to request comments from such utilities regarding the proposed subdivision and its impact, if any, on existing utilities. A proof of mailing to each utility and all responses received shall be filed with the County Surveyor.

B. Review Procedure

1. Upon receipt of an application for primary plat approval, the Subdivision Review Committee shall review the primary plat and make a report to the Commissioners within fifteen (15) days.

a. If the Subdivision Review Committee finds that the primary plat has been prepared in accordance with the terms of this Ordinance, it shall forward a report so stating to the Commissioners for consideration.

b. If the Subdivision Review Committee finds that the primary plat has not been prepared in accordance with the terms of this Ordinance; it shall return the plat to the subdivider with a written specification of the items of non-conformance and shall submit a copy of same to the Commissioners.

2. The Subdivision Review Committee shall set a date for a hearing at which the proposed plat will be publicly examined in front of the Commissioners. Notice of such public hearing shall be given by the Subdivision Review Committee as follows:

a. By publication in accordance with the law;

b. To the applicant, in writing, by means of regular United States mail, postage prepaid, addressed to the applicant at the address listed in the application for approval; and

c. To Abutting Property Owners.

d. The Surveyor shall send a copy of the plat and written notice of the date, place and time of the public hearing thereupon, to all public agencies and governmental units having a probable interest (Assessor, Commissioners, Drainage Board, Health Department, Highway Department, etc.) in the proposed subdivision and plat, requesting their written comments with regard to the primary plat proposed by the applicant.

3. Following the public hearing, the Commissioners may then approve the primary plat (grant plat approval), approve subject to conditions, or refer it back to the Subdivision Review Committee for review or study on a specific technical matter, or disapprove it. The Commissioners may require such changes or revisions as are deemed necessary in the interest and needs of the community. Approval of a primary plat shall not constitute approval of a final plat. Rather, it shall be deemed an expression of approval to the layout

submitted on the primary plat as a guide to the preparation of the final plat and shall permit the subdivider to proceed with construction of improvements for which designs and specifications shall have been approved by the appropriate agencies. Approval of the primary plat will terminate two (2) years after the date of approval unless further extended by the Commissioners upon written request of the subdivider.

4. Upon approval of the plat, the Commissioners will indicate upon each copy that it has been approved. One copy shall be returned to the subdivider along with a written statement indicating the action taken by the Commissioners. If approved with conditions, a written copy of the conditions shall accompany each copy of the approved plat. If disapproved the Commissioners shall return to the subdivider three (3) copies of the plat marked "Disapproved by the Gibson County Commissioners," along with a written statement indicating the reason or reasons for its disapproval.

ARTICLE VIII. MAJOR SUBDIVISION - FINAL PLAT

A. General

The final plat will not be considered for approval until the action taken by the Commissioners on the required primary plat has been completed. When the final plat submitted does not substantially conform to the approved primary plat, the subdivider shall not file an application for final plat approval until said primary plat has been amended in accordance with the same procedure required for primary plat approval.

B. Phasing

The subdivider may request final plat approval for all or any portion of the approved primary plat, provided, however, that submission of a final plat covering only a portion of the area contained in the approved primary plat may be permitted only after consideration of the effect of the continuity of roads, utilities and services.

C. Final Plat

1. At least fifteen (15) days prior to the next regular meeting of the Commissioners, the subdivider shall submit to the County Surveyor's office for final plat approval the original ink drawing on reproducible material (Mylar or equivalent),

not larger than twenty-four (24) inches by thirty-six (36) inches, at a minimum scale of 1"=100' (i.e. 1"=100', 1"=60', etc.), five (5) prints, and if available, an electronic copy of the plat. Said plat shall include:

a. Name of subdivision;

b. Location by section, township and range, militia donation, location, survey, or claim, and the legal description of the property platted;

c. The name and certification and signature of the Land Surveyor preparing or certifying the plat (Appendix A);

d. Scale shown graphically, date, location map and north point;

e. Length of lot lines and area of lots, bearings and distances, radii, arcs, complete curve data for all horizontal curves, and lot numbers for each lot;

f. Whenever possible, the boundary survey shall be tied into the Indiana State Plane, West Zone coordinate system;

g. All lots numbered or lettered and all roads and streets with approved names; exact location, right-of-way width and name of all streets within and adjoining the plat;

h. True angles, bearings, and distances (metes and bounds) to the nearest established street lines or official monuments, which shall be accurately described in the plat. Also, the locations of the subdivision corner points and the location at the elevation benchmarks;

i. Municipal, township, county, section, militia donation, location, claim or survey lines, or previously platted land accurately tied to the lines of the subdivision by distances and bearings;

j. All easements for rights-of-way provided for public services, activities and utilities;

k. Accurate location of all monuments;

l. Accurate outlines of any area other than public ways to be dedicated or reserved for public or semi-public use, with the purposes indicated thereon; and for any areas to be reserved for use of all property owners;

m. Acknowledgment by the County Surveyor that all requirements of the Drainage Plan approved by the Gibson County Drainage Board for the subdivision have been met (Appendix B);

n. Acknowledgment, by owner, as required by I.C. § 36-7-3-2 (c), of the adoption of the plat and the dedication of streets, other public areas, and utility and drainage easements (Appendix C);

o. Each final plat submitted to the Commissioners for approval shall carry a certificate signed by the owner (Appendix D);

p. A signed and notarized statement by the owner indicating that the applicant is the owner of the land to be subdivided and that the subdivision shown on the plat to be recorded is made with his, her, or their free consent (Appendix C and D);

q. Proper form for the acceptance of dedications by the Commissioners (Appendix E);

r. Form for the approval of the Commissioners (Appendix F);

s. Restrictive covenants regulating the use and development of the lots shall be included on the plat or made a part thereof, subject to the approval of the Commissioners;

t. Flood Protection Grade (two foot above the elevation of the regulatory flood) on each lot that partially or completely lies within the floodplain as required by Gibson County Ordinance 2002-4 ;

u. Reference to a recorded survey of the parent parcel;

v. Social security redaction statement as required by I. C. § 36-2-11-15.

D. Engineering Plans and Estimates

1. Engineering plans which include, when applicable, street plans, profiles and cross-sections, sanitary sewer plans and profiles, water plans, sidewalk plans and cross-sections, along with a complete and detailed estimate of cost, prepared by the appropriate licensed professional as determined by Indiana Code, must accompany the final plat. Also include the following:

   a. Drainage Plan. A drainage plan conforming to the Comprehensive Stormwater Management Ordinance drawn at an accepted scale and showing:

      (1). Natural watercourses, marshes, etc;

      (2). Existing drainage facilities, culverts, etc;

      (3). Proposed contours and subdivision grading plan using the same contour intervals as shown on the primary plat;

      (4). Proposed drainage plan for the subdivision and analysis of existing drainage facilities to nearest watercourse, showing culverts, retention ponds, etc;

      (5). Storm sewer plan and profile.

   b. On-Lot System: If connection to a public or a private sewerage system is not feasible, a report on the feasibility of on-lot sewage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, watercourses, groundwater table elevations, and the results of soil percolation tests for each individual lot conducted in accordance with the recommended practices of the Indiana Dept. of Environmental Management.

   c. Erosion Control Plan. An erosion control plan drawn at an accepted scale showing the following:

      (1). Soil areas which, according to the soil maps and interpretations prepared by the U.S.D.A.

Soil Conservation Service, are subject to erosion by wind or water;

(2). A proposed plan for adequately controlling erosion during construction, and stabilizing these areas after construction. These erosion control measures shall be in accordance with standards and specifications on file in the Gibson County Soil and Water Conservation District Office.

E. Final Plat Approval Prerequisite

Prior to the Commissioners' action on the application for final plat approval, the Commissioners shall have received either a performance guarantee or a completion affidavit.

F. Review Procedure

1. Upon receipt of an application for final plat approval, the Subdivision Review Committee shall review the final plat and make a report to the Commissioners within fifteen (15) days after the final filing date.

   a. If the Subdivision Review Committee finds that the final plat has been prepared in accordance with the terms of this Ordinance, it shall forward a report so stating to the Commissioners for consideration.

   b. If the Subdivision Review Committee finds that the final plat has not been prepared in accordance with the terms of this Ordinance, it shall submit to the subdivider a written specification of the items of nonconformance and shall submit a copy of same to the Commissioners.

2. The Commissioners shall, upon the filing of an application for final plat approval, review the final plat along with the accompanying data, hear the report of the Subdivision Review Committee, and determine whether or not the final plat meets all minimum requirements and standards of this Ordinance and of all other applicable Ordinances in the County. The Commissioners shall then take one of the following actions on the final plat within thirty (30) days after its submission or a mutually agreed upon extension (between Commissioners and Subdivider).

a. Conditional Approval: If the Commissioners determine that upon the satisfactory completion of one or more specified conditions consistent with the requirements, standards and specifications of this ordinance, said final plat would comply with the terms of this Ordinance, the Commissioners may give conditional approval to said plat. Conditional approval of a final plat shall include satisfaction by the Commissioners that all contacts for subdivision improvements shall be in accord with the aforementioned requirements, standards and specifications. Written notices of such conditional approval shall constitute formal authorization to the subdivider to construct and install all or a part of the required improvements, subject to inspection and acceptance procedures required by this Ordinance. The subdivider shall furnish sufficient evidence to the Commissioners of the satisfactory completion of such conditions before said plat will be deemed suitable for Final Approval for Record.

b. Final Approval for Record: The Commissioners shall approve the final plat for record only after it is determined that the final plat meets the minimum requirements of this Ordinance and all applicable ordinances in the County and that sufficient performance guarantees have been submitted in accordance with this Ordinance.

c. Disapproval. Should the Commissioners decide to disapprove the plat, written notice of such action, together with reasons therefore, shall be transmitted to the subdivider. Such action shall also be entered in the minutes of the meeting of the Commissioners at which the decision was made; provided, however, that nothing contained therein shall prejudice the subdivider's ability to make reapplication for final plat approval according to the terms of this Ordinance.

d. Refer to Subdivision Review Committee. Should the Commissioners have a question regarding a specific technical aspect of the plat which had not previously been studied by the Subdivision Review Committee, the Commissioners may refer the plat along with a

detailed statement of the question to the Subdivision Review Committee for further review and a finding.

3. Upon Final Approval of the final plat, the Commissioners shall indicate upon each copy that it has been approved. One copy shall be returned to the subdivider, along with the written statement indicating the action taken by the Commissioners if approved with conditions, a written copy of the conditions shall accompany each copy of the Approved Final Plat.

4. Approval of a final plat by the Commissioners shall not be construed as an acceptance by the public of the offer of dedication of any street improvement, way, place, structure, utility improvement, or open space improvements, within such areas shown upon the plat unless such acceptance is endorsed by the Commissioners by written notice of approval then added to the original tracing of the final plat.

5. After the Commissioners have granted approval of the final plat for record, the Commissioners shall affix their signatures to the original tracing. The Subdivision Review Committee will then record the plat with the Recorder of the County. One reproducible print of the plat, as recorded, shall be filed and retained in the Office of the Gibson County Surveyor along with any references to restrictive covenants (if applicable).

G. Performance Guarantee

1. If the subdivider files a performance guarantee (Appendix G) to the Commissioners for approval, with the subdivider or some other person satisfactory to the Commissioners as principal, the performance guarantee shall:

   a. Run to the Commissioners.

   b. Be in an amount equal to one hundred twenty percent (120%) of the cost, as certified by the developer's engineer and verified by the County Engineer, of all improvements and installations as required by this Ordinance, excluding, however, the cost of any said required improvements and installations which have been constructed, installed and complete in compliance with the requirements of this Ordinance prior to the providing of this bond and for which

sufficient written proof of such construction, installations and completion and acceptance has been furnished by the Commissioners.

c. Be with surety satisfactory to the Commissioners.

d. Run until and terminate sixty (60) days after the filing with the Commissioners of the completion affidavit obtained from the County Surveyor's Office.

2. Any funds received from the performance guarantees required by this Ordinance shall be used only for the purposes of making the improvements or installations for which said guarantees were provided and in accordance with the standards, specifications and requirements of this Ordinance.

H. Completion Affidavit

If the subdivider files a completion affidavit (Appendix H) to the Commissioners for approval, the subdivider shall certify to the effect that the public streets, public sewers, public water facilities, monuments and other public utilities and facilities that have been required as a precedent to approval have been accepted for public maintenance by appropriate entity and public streets have been graded, improved and installed in accordance with the specifications of this Ordinance. Survey monuments shall be set or verified by the developer's surveyor after the installation of all utilities.

I. Maintenance Guarantee

1. Acceptance of said improvements, whether before or after Final Plat Approval, shall be conditional and is based upon the posting of a maintenance guarantee (Appendix I) with the Commissioners, with the subdivider or some other person satisfactory to the Commissioners as principal, which shall:

a. Run to the Commissioners;

b. Be in an amount equal to twenty-five percent (25%) of the cost, as estimated by the Commissioners, of all improvements and installations as required by this Ordinance;

c. Be with surety satisfactory to the Commissioners;

d. Warrant the workmanship and all materials used in the construction, installation and completion of said improvements, and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this Ordinance and the satisfactory plans and specifications therefore submitted and satisfactory to the Commissioners;

e. Provide that for a period of not less than three (3) years after said installations and improvements have been completed or are accepted for public maintenance by the Commissioners, the applicant will, at his own expense, make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including damage to said improvements and installations resulting from forces or circumstances beyond the control of said applicant or occasioned by the inadequacy of the standards, specifications, or requirements of this Ordinance.

2. Any funds received from the maintenance guarantee required by this Ordinance shall be used only for the purpose of making repairs for which said guarantees were provided and in accordance with the standards, specifications and requirements of this Ordinance.

ARTICLE IX. RESUBDIVISION AND/OR REPLATTING OF LAND

A. Procedure for Resubdivisions/Replatting

If any change in an approved or recorded subdivision plat affects street layout (shown on such plat), areas reserved thereon for public use, or lot lines (including the division of any lot by plat or otherwise that creates an additional building site within a previously approved subdivision plat), such change shall be considered a replat of the lots affected within the previously approved plat. Replats shall be approved by the Commissioners by the same procedure, rules, and regulations as for subdivisions. Such change also must be made in conformity with the statutes governing platting and vacating of public ways (I.C. § 36-7-3, et seq., as amended). The replat shall be titled as follows: Original Plat Name – Replat of Lots X, Y, Z (e.g. Original Plat of the Town of Princeton

– Replat of Lots 147 and 148). The Replat shall be recorded and cross-referenced to the original plat in the County Recorder's office.

B. Procedure for Subdivisions Where Future Subdividing is Indicated

Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commissioners may require that such parcel of land allow for the future opening of roads and the ultimate extension of adjacent roads. Easements providing for the future opening and extension of such roads may be made a requirement of the plat.

C. Vacation of Plats

Any recorded plat or part of any recorded plat may be vacated only in accordance with I.C. § 36-7-3, as amended.

ARTICLE X. DESIGN PRINCIPLES AND STANDARDS

A. General

1. In determining whether an application for approval shall be granted, the Commissioners shall determine that the plat conforms to the principles and standards required in this Article, which shall be deemed as minimal; and whenever the applicable requirements of other County or Town Ordinances are more restrictive, those requirements shall control any application for plat approval.

2. Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics.

3. The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the County and its residents.

4. In designing a street system, the subdivider shall be guided by the following principles:

    a. Adequate vehicular and pedestrian access shall be provided to all parcels.

b. Local or residential street systems shall be designed to minimize through traffic movement, but street connections into and from adjacent areas may be required.

c. Local street patterns shall provide reasonable direct access to the primary circulation system.

d. Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.

e. Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.

f. Traffic generators within residential areas shall be considered in the design of the circulation pattern.

g. The planning and construction of residential streets shall clearly relate to their local function.

h. Local streets shall be designed to discourage excessive speeds.

i. Pedestrian-vehicular conflict points shall be minimized.

j. The number of intersections shall be minimized.

k. Local streets shall be related to the topography.

B. Geometric Street Standards

All dedicated rights-of-way shall conform to the Ordinance Designating Procedures for use of Gibson County Road Easements and Rights-of-Way in Gibson County, Indiana, as amended, and Resolution 1973-1, as amended.

C. General Street Standards and Requirements

1. Road Entrance locations must be approved by the Subdivision Review Committee.

2. No street names may be used which will duplicate, or be confused with, the names of existing streets, unless for

special reasons to be considered as exceptions by the Commissioners. The 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 names of such existing streets.

3. No subdivision shall be designed so as to create or perpetuate the land-locking of adjacent undeveloped land.

4. A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for turn-around shall be provided for any such temporary dead-end street which extends 200 feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.

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

    a. No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between 2.5 and 8 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 40 feet from the intersection of said street lines (40 feet for local streets and 75 feet for collector or arterial streets), or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.

    b. Sight line limitations shall also apply within 10 feet of the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within 70 feet of the intersection of two street lines.

D. Block Standards

1. Block length and width or acreage within bounding streets shall be such as to provide for convenient access, circulation control, and safety of street traffic.

2. The maximum block length shall be 1,200 feet. In the design of blocks longer than 800 feet, the Commissioners may specify the provision of pedestrian crosswalks near the center, or wherever most useful to facilitate pedestrians' circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination.

3. Residential blocks shall be of sufficient depth to accommodate two tiers of lots of minimum depth, except where reverse frontage lots bordering a freeway, arterial street, or floodplain are used.

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

E. Lot Standards

1. Subdivision lots shall be adequate for the type of development and land use proposed.

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

3. Every lot or parcel shall have access to a public street designated, designed and improved in accordance with the terms of this Ordinance.

4. Side lines of lots shall be approximately at right angles or radial to the street line.

5. Lots abutting a watercourse, drainageway, channel or stream shall have additional width or depth as required to provide an adequate building site and provide the minimum usable area for front, rear and side yards.

F. Easements

1. Adequate areas of suitable size and location shall be allocated for utility easements. As a general principal, such easements shall be at least fifteen (15) feet in width, shall provide reasonable continuity from block to block, and shall be located at rear lot lines and along side and front lot lines when deemed necessary.

2. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, adequate areas for stormwater or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said watercourses in accordance with the requirements of the County Drainage Board.

3. Whenever practicable, the subdivider shall design for the placement of utility lines underground, following the required standards and specifications established by each utility company. The location of each underground utility system shall be shown by appropriate easement lines on the proposed plat.

G. Commercial and Industrial Subdivisions

1. It is recognized that the subdivider, in creating commercial and industrial subdivisions, faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Commissioners shall be upon street layout and block arrangement. Generally, the procedure requirements shall be for the owner to follow the regular procedure outlined in these regulations; however, the subdivider need show only two lots along with the street and block layout. Then, from time to time, as prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded subdivision plat for consideration. Regular procedural requirements of the Commissioners following the receipt of a subdivision plat shall then apply, except those streets that have been built by following an approved set of plans on the previously approved plat, shall not have to be rebuilt because of the adoption of new criteria by the County. This shall also apply

to storm drainage facilities within said subdivision unless runoff characteristics have been changed by the newly proposed improvements or unauthorized existing improvements.

ARTICLE XI. IMPROVEMENTS AND INSTALLATIONS

A. General

1. Subdivision improvements shall be designed, furnished and installed by the subdivider in accordance with requirements of this Article, State, County or Town Road Standards, and other requirements of the State, County, or Town, and whatever the applicable requirements of any other governmental unit are higher or more restrictive, those requirements shall control any application or plat approval. No subdivision plat shall be approved by the Commissioners unless the following improvements have been completed as herein specified and required, or the subdivider provides a performance guarantee therefore as specified in Article 4 of this Ordinance.

2. Prior to any construction in the subdivision, the subdivider shall submit copies of the construction drawings for streets and drainage facilities to the Commissioners and County Surveyor.

3. The Subdivider shall provide written notice to the County Engineer at least two (2) weeks prior to commencing construction.

4. Supervision and inspection of construction of all required improvements shall be under the direction of the Commissioners' appointee.

B. Streets

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

   Paved Surface Dimensions. (Minimum Requirements)

   a. Local and Cul-de-Sac Streets:

Width with curb and gutter.....24' back to back of curb
Width without curb and gutter.....20' edge to edge of pavement
Terminus dia. on cul-de-sac.....80' back to back of curb
Radius at intersections.....20' back to back of curb

   b. Collector Streets:

Width with curb and gutter.....24' back to back of curb
Width without curb and gutter.....20' edge to edge of pavement
Radius at intersections.....35' back to back of curb

   c. At an intersection of a subdivision collector street with an arterial or major collector street or road, the Commissioners may require the subdivider to install deceleration and passing lanes along the arterial or collector street in accordance with the graphical specifications shown on the following page.

2. Pavement Construction: Shall conform to Road Standards Ordinance 2011-5 .
   a. Higher standards than indicated may be required by the Commissioners to provide adequately for unusual soil conditions, extraordinary traffic volumes, or other abnormal characteristics.

   b. All materials, mixtures and workmanship shall conform to Indiana State Highway Specifications except those modified by County Specifications.

   c. If a subdivider wishes to not dedicate a road for public maintenance, it may be maintained as a private road and is not subject to the requirements set forth above. However, all private road within a subdivision must be twenty (20) feet in width and have a fifty (50) foot ingress/egress easement width, with the property lines extending to the centerline of the road. The subdivider shall place a statement of private

maintenance of private roads on the plat and install a sign at the entrance (approved by the Gibson County Highway Department) of the road giving the name of the road and labeling the road as "Privately Owned and Maintained Road". The subdivider must demonstrate to the reasonable satisfaction of the Subdivision Review Committee that the private roads will be properly maintained. Further, the seller shall furnish the initial purchaser of a newly created lot served by a private roads with a disclosure statement outlining the maintenance responsibilities for the road.

3. Curb and Gutter: Whenever a proposed subdivision contains more than two (2) lots per acre of land platted into lots; the curbs shall be a combined curb and gutter type twenty-four (24) inches from front to back of a type approved prior to use by the Gibson County Highway Engineer or a representative designated by the Board of County Commissioners of Gibson County. Twenty-four (24) feet overall.
4. Roadside Street Swales. Streets not having curb and gutter shall conform to Road Standards Ordinance 2011-5 and provide the following:

    a. Side ditch swales measuring 12 inches deep at a point 5 feet inside the right-of-way line

    b. Culverts under the roadway, where necessary size of culvert to be according to amount of stormwater flow but not less than 15 inches (all culverts shall extend at least 5 feet beyond either edge of the paved roadway) and

    c. Relief of side ditches and swales along the roadway through the use of off-street retention basins or existing County drainage channels.

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

a. Each sign post shall consist of a 2-inch galvanized pipe 10 feet long weighing 2 pounds per foot.

b. Each sign shall be of a metal double blade design, white reflectorized with 3-inch black gothic letters, mounted at the top of the post with the street name on both sides at an elevation of 7 feet above the paved street.

c. All signs shall be located within the street right-of-way but no closer than 6 feet from the edge of the traveled portion of the street.

C. Drainage

1. A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. The system shall be constructed and installed in accordance with the Comprehensive Stormwater Management Ordinance of Gibson County.

2. In designing a drainage system, the subdivider shall be guided by the following standards:

   a. All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters and storm sewers or side ditches and culverts as determined by the Subdivision Review Committee per the Comprehensive Stormwater Management Ordinance of Gibson County.

   b. Street drainage shall serve as the primary drainage system, and it shall be designed to carry at least the street, adjacent land, and house stormwater drainage in accordance with the Comprehensive Stormwater Management Ordinance of Gibson County.

   c. Whenever the evidence available to the Commissioners indicates the natural surface drainage is inadequate, the subdivider shall provide the subdivision with an adequate stormwater sewer system. When the surface drainage is adequate, easements for such surface drainage shall be provided.

3. When topsoil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose materials, the subdivider shall be required to seed or provide other means to prevent the wash from damaging adjacent property or accumulating on street surfaces. These erosion control measures shall be in accordance with standards and specifications on file in the Gibson County Soil and Water Conservation District office.

4. In order to insure the maintenance of a properly designed and installed drainage system, the following paragraphs shall be required as a provision of the restrictive covenants of all final plats and shall be included in all deeds written relative to said plats. The proposed owner shall sign, and such signed copy of this covenant shall be filed with the County Surveyor.

   a. Drainage swales (ditches) along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the Gibson County Commissioners. Property owners must maintain these swales as sodded grassways, or other non-eroding surfaces. Water from roofs or parking areas must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriately sized culverts or other approved structures have been permitted by the County Commissioners.

   b. Any property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for such action and will be given 10 days notice by registered mail to repair said damage, after such time, if no action is taken, the Gibson County Surveyor will cause said repairs to be accomplished, and the bill for such repairs will be sent to the affected property owners for immediate payment.

D. Sanitary Sewage Disposal

Sanitary sewage system shall be designed and constructed by the subdivider to provide adequate sewage service for all lots in the proposed subdivision. A subdivision plat shall not be considered for final approval

until improvement plans for a sewage system by one of the following methods have been submitted:

1. A permanent sanitary sewer collection system including all pipes and manholes shall be provided, and said collection system shall be connected to a new or existing public or private sewage system in accordance with satisfactory plans and specifications therefore.

2. A private sewage disposal system for each lot shall be designed in accordance with the minimum requirements of the County Health Department and the Indiana Department of Environmental Management (IDEM). In no case will any part of the private system, including seepage field or leaching field, be located closer than 10 feet to a property line or within 50 feet of a private well.

E. Water System

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

1. A permanent water distribution system including all pipes, fire hydrants, valves and other appurtenances shall be provided, and said distribution system shall be connected with an approved public or private water system in accordance with the satisfactory plans and specifications therefore.

2. If the area proposed to be platted is not so located with regard to such an adequate public or group water supply system, before any structure on any lot therein is occupied, an individual water supply system for such lot shall be constructed and installed in accordance with the satisfactory plans and specifications therefore. In no case will any part of the private water system be located closer than 10 feet to a property line or within 50 feet of a private sewage disposal system and shall be in compliance with current regulations of the County Board of Health and IDEM.

F. Monuments and Markers

1. Monuments and markers shall be installed by a registered land surveyor.

2. The boundary survey shall be tied into the Indiana State Plane, West Zone coordinate system whenever possible.

3. All U.S., State, County or other official benchmarks, monuments, triangulation stations, or private property corners in or adjacent to the property shall be preserved in precise position.

ARTICLE XII. MODIFICATIONS AND EXCEPTIONS

A. Intent

The Commissioners are hereby authorized and empowered to grant such modifications and exceptions to the terms of this Ordinance, as will not be contrary to the public interest, where owing to special conditions, fully demonstrated an the basis of the facts presented, strict compliance with specific provisions of the Ordinance will result in extreme practical difficulties or undue misuse of property.

1. In the exercise of this authorization, the Commissioners shall grant said modification or exception only upon the determination that:

    a. The grant will not be detrimental to the public health, safety, and general welfare of the community.

    b. The grant will not adversely affect the reasonable development of adjacent property.

    c. The grant is justified because of topographic or other special conditions unique to the property involved, in contradistinction to mere inconvenience or financial disadvantage.

    d. The grant is consistent with the objectives of this Ordinance and will not have the effect of nullifying the intent and purpose of this Ordinance.

2. A written application for modifications or exceptions shall be submitted by the subdivider indicating the specific section of this Ordinance under which the modification or exception is sought and stating the grounds on which it is requested. After said application has been docketed for hearing, proper publication of notice has been published, and due consideration has been given, the Commissioners shall render a decision which shall be:

   a. Recorded in the minutes of the Commissioners, which minutes shall include the reasoning on which the modification or exception was disapproved.

   b. Transmitted to the subdivider and applicable governmental units in accordance with the terms of this Ordinance.

   c. Attached with such conditions as will in the Commission's judgment secure substantially the objectives of the requirements, standards and specifications of this Ordinance so modified or excepted.

   d. Attached with such covenants or other legal provisions as will in the Commissioners' judgment assure general conformity to and achievement of the subdivision plan.

3. Before any modification or exception shall be granted, the Commissioners shall determine that satisfactory provision and arrangement has been made concerning the following, where applicable:

   a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety, convenience, and access in case of fire or catastrophe.

   b. Automotive and pedestrian traffic flow with reference to adequacy, circulation and function within the broader planning unit.

   c. Off-street and on-street parking and loading areas with reference to the needs of adjoining land uses.

   d. Utilities, with reference to locations, availability and comparability.

e. Clear identification of property for land records.

f. Screening and buffering with reference to type, dimensions, and character of materials.

ARTICLE XIII. ADMINISTRATION

Amendment

In accordance with State statutes, the Board of County Commissioners may introduce and consider amendments to the Ordinance as proposed by the County Commissioners, or by a citizen's petition.

Record of Plats

All plats of subdivision, after the same have been submitted and approved, as provided in this Ordinance shall be copied upon a book of plats of said County of Gibson and shall be filed and kept by the said County among the records of the County.

Effect

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance shall not be repealed by the passage of this Ordinance except where such repeal is specifically designated by Ordinance, but the Ordinance with the more restrictive applicable provisions shall be the Ordinance that applies.

Appeal

Any person feeling himself aggrieved at any action of the Commissioners, or Commissioners' staff, or lack of action of the Commissioners, or Commissioners' staff, upon a proposed plat or replat, may apply in writing to the Commissioners, prior to the next regular meeting, for modification of the action complained of, or lack of action, on the proposed plat or replat. Such application shall be considered by the Commissioners at such time in such manner as it may determine, but within seventy (70) days following the regular meeting.

Fees

Applications filed pursuant to the provisions of this Ordinance requiring Commissioners' approval shall be accompanied by the filing fees specified

by the fee schedule adopted by Commissioners' resolution. The fee schedule shall not be a part of this Ordinance and may be revised annually by Commissioners' resolution. These fees are defined by the Commissioners.

ARTICLE XIV. ORDAINING CLAUSE

A. This Ordinance shall take effect upon its passage and publication as required by law.

B. All ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Gibson County, Indiana, that this Subdivision Control Ordinance be passed and enacted on this 17th day of JANUARY, 2012, as General Ordinance numbered 2012-2.

THE BOARD OF COMMISSIONERS OF
GIBSON COUNTY, STATE OF INDIANA

Gerald L Bledsoe

Gerald Bledsoe, President

Alan Douglas

Alan Douglas, Vice-President

Bob Townsend

Attest:

C.T. Montgomery

C.T. Montgomery, Auditor

APPENDIX A

Land Surveyor's Certificate

I hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that this plat depicts a survey made by me or under my supervision, and to the best of my knowledge and belief, conforms with the requirements as set forth in Indiana Surveying Law (IAC 865) and complies with all requirements of the Gibson County Subdivision Control Ordinance. Signed this _____ day of _____, 20___.

_____
Land Surveyor's Signature

_____
Typed or Printed Name

(SEAL)

APPENDIX B

County Surveyor's Certificate

I hereby certify that I am the County Surveyor of Gibson County, Indiana; and I do hereby further certify that this plat conforms with the requirements as set forth in a Drainage Plan for this plat that was approved by the Gibson County Drainage Board.
Signed this _____ day of _____, 20___.

_____
County Surveyor's Signature

_____
Typed or Printed Name

(SEAL)

APPENDIX C

Dedication Certificate

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

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

This subdivision shall be known and designated as _____ _____, an addition to the City, Town, Township, Gibson County, State of Indiana. All streets and public open spaces shown and not heretofore dedicated, are herein dedicated to the public. Note: Dedication does not mean the county accepts the road for maintenance.

Building setback lines are hereby established as shown on this plat. There shall be no building or structure erected within these lines.

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

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

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

_____
Signature

_____
Signature

APPENDIX D

Acknowledgment Certificate

State of Indiana)
) SS
County of Gibson)

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

Witness my hand and Notarial Seal this _____ day of _____, 20___.

(SEAL)

_____
Notary Public

My Commission Expires _____, 20___.

APPENDIX E

Acceptance of Dedications

The following certificate shall appear on all Final Plats and Certified Surveys including an Acceptance of Dedication:

"Be it resolved by the Board of Commissioners of Gibson County, Indiana that the dedications shown on this plat are hereby approved and accepted this _____ day of _____, 20___.

_____
Commission President

_____
Typed or Printed Name"

APPENDIX F

Approval of the Commissioners

Approved by the Board of County Commissioners of Gibson County, Indiana, this _____ day of _____, 20___.

BOARD OF COMMISSIONERS

_____
President

_____
Vice President

_____
Member

ATTEST:

_____
Auditor

APPENDIX G

Sample Performance Guarantee Form – Irrevocable Letter of Credit
Financial Institution Letterhead

Date

Board of Commissioners of Gibson County
_____
_____
Address

Re: _____

Commissioners:

Please be advised by this letter that we, the undersigned, agree to act as surety for *Name of Developer/Owner* in performing the work required by the Gibson County Subdivision Control Ordinance's specifications for the above named project. The total amount for this Letter of Credit is $_____.00.

Said moneys are available to you at any time subject to our receipt of your signed statement that *Name of Developer/Owner* has failed to perform the work indicated above according to specifications. All of the moneys shall be available until we receive a written notification from you that the moneys may be released.

This Letter of Credit is effective as of *current date*, and shall expire on *expiration date (at least one (1) year from the effective date)*, but such expiration date shall be automatically extended for a period of one (1) year and one each successive expiration date, unless a release is received from the Board of Commissioners of Gibson County at the address listed above and *Name of Developer/Owner* by certified, return receipt mail at least ninety (90) days before the current expiration date that we have decided not to extend this Letter of Credit beyond the current expiration date. In the event of such notification by us, the credit established by this letter shall be available to the Board of Commissioners of Gibson County upon demand for payment for ninety (90) days, as shown on the signed return receipt after receiving such notice.

Sincerely,

Financial Institution Agent

APPENDIX H

SAMPLE COMPLETION AFFIDAVIT

This is to certify:

A. That the following improvements as shown in the approved plans and specifications for _____ Subdivision are complete and that inspection reports attested by a Professional Engineer or Land Surveyor approved by the Gibson County Commissioners show them to be in substantial accordance with the specifications and requirements of Gibson County's Subdivision Control Ordinance;

B. That surety has been posted to guarantee all materials and workmanship and to guarantee repair of any damage that may be inflicted upon the improvements listed in the course of completion of the Subdivision; and

C. That the Board of Commissioners of Gibson County, Indiana, has accepted these improvements and will henceforth be responsible for all maintenance on them, subject to the terms of the maintenance agreement with the Subdivider dated _____.

[List Improvements]

GIBSON COUNTY, INDIANA
BOARD OF COUNTY COMMISSIONERS

_____ _____
President Date

_____
Member

_____
Member

ATTEST:

_____
Gibson County Auditor

APPENDIX I

Sample Maintenance Guarantee Form – Irrevocable Letter of Credit
Financial Institution Letterhead

Date

Board of Commissioners of Gibson County
_____
_____
Address

Re: _____

Commissioners:

Please be advised by this letter that we, the undersigned, agree to act as surety for *Name of Developer/Owner* in maintaining the work required by the Gibson County Subdivision Control Ordinance's specifications for the above named project. The total amount for this Letter of Credit is $_____.00.

Said moneys are available to you at any time subject to our receipt of your signed statement that *Name of Developer/Owner* has failed to maintain the work indicated above according to specifications. All of the moneys shall be available until we receive a written notification from you that the moneys may be released.

This Letter of Credit is effective as of *current date*, and shall expire on *expiration date (at least three (3) years from the effective date)*, but such expiration date shall be automatically extended for a period of one (1) year and one each successive expiration date, unless a release is received from the Board of Commissioners of Gibson County at the address listed above and *Name of Developer/Owner* by certified, return receipt mail at least ninety (90) days before the current expiration date that we have decided not to extend this Letter of Credit beyond the current expiration date. In the event of such notification by us, the credit established by this letter shall be available to the Board of Commissioners of Gibson County upon demand for payment for ninety (90) days, as shown on the signed return receipt after receiving such notice.

Sincerely,

Financial Institution Agent

Minor Subdivision Checklist

Required Items

___ - Title "Minor Subdivision"

___ - Name of subdivision

___ - Legal boundary description

___ - Recording data of property being divided (include copy of deed)

___ - Graphic scale

___ - North arrow

___ - Location map

___ - Date

___ - Boundaries of the tract with accurate dimensions and bearings

___ - Location of monumentation or proper witnesses

___ - Reference to at least one quarter section, militia donation, location, survey (original government) or claim corner

___ - Lot dimensions and acreages

___ - All lots numbered or lettered

___ - One hundred (100) year flood contour line from FEMA map (or statement indicating that all areas are outside of floodplain

___ - Statement indicating how each property will access water and remove onsite sewage

___ - Name of developer, owner, and land surveyor

___ - Names, PINs, and addresses of abutting property owners

___ - Any existing buildings and their placement on the lots

___ - In compliance with IAC 865, Rules 1-12

___ - Notorized land surveyor certificate

___ - Notorized owner certificate

___ - Social security redaction statement

Items that may be required

___ - Tied to Indiana State Plane Coordinates (when possible)

___ - Building setbacks

___ - Thoroughfare setbacks

___ - Necessary easements with definitions

___ - Verification signed by County Health Department designating potential future septic location on each lot (or statement that the lots are not intended to be buildable)

___ - Natural drainage easements

___ - Flood Protection Grade

___ - Reference to a previously recorded survey of the parent parcel

___ - Contours

Addendum:

The Commissioners do hereby grant the Subdivision Review Committee the right to approve minor variances until June 30, 2012 in order to assist with the transition of this ordinance.

THE BOARD OF COMMISSIONERS OF
GIBSON COUNTY, STATE OF INDIANA

Gerald Bledsoe, President

Alan Douglas, Vice-President

Bob Townsend

Attest:

C.T. Montgomery, Auditor