

TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: BUILDING CODE

Section

GENERAL REQUIREMENTS

General Requirements

§ 150.01 TITLE.

- 150.01 Title
- 150.02 Purpose
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This chapter and all material included herein by reference shall be known as the *Building Code of Warrick County, Indiana*.
(BC Ord. 2003-14, passed 7-15-03)

Building Permits

§ 150.02 PURPOSE.

- 150.15 Building permit required
- 150.16 Application for building permit
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- 150.20 Contractor listing
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The purpose of this chapter is to protect the life, public safety, health and general welfare of the citizens of the county and shall be construed in such a manner to effectuate this purpose.
(BC Ord. 2003-14, passed 7-15-03)

§ 150.03 DEFINITIONS.

Investigation and Inspections of Construction Activities

Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings.

- 150.30 General authority to make inspections and investigations
- 150.31 Inspections by Fire Department

BUILDING COMMISSIONER. Includes individuals employed by the Building Department that are authorized to represent the Building Commissioner.

Minimum Construction Standards

- 150.40 Adoption of rules by reference
- 150.41 Lifting devices located within a private residence

CLASS 1 STRUCTURE. Pursuant to I.C. 22-12-1-4, has the following definition:

(1) **CLASS 1 STRUCTURE.** Any part of the following:

Enforcement

- 150.50 Withhold issuance of permits
- 150.51 Permit revocation
- 150.52 Stop-work order
- 150.53 Right to appeal

- 150.99 Penalty

(a) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

1. The public.
2. Three or more tenants.

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3. One or more persons who act as the employees of another.

(b) A site improvement affecting access by persons with physical disabilities to a building or structure described in division (a).

(c) Any class of buildings or structures that the commission determines by rules to affect a building or structure described in division (a), except buildings or structures described in divisions (3) through (5).

(2) Division (1)(a) includes a structure that contains three or more condominium units (defined in I.C. 32-25-2-9) or other units that:

(a) Are intended to be or are used or leased by the owner of the unit: and

(b) Are not completely separated from each other by an unimproved space.

(3) Division (1)(a) does not include a building or structure that:

(a) Is intended to be or is used only for an agricultural purpose on the land where it is located; and

(b) Is not used for retail trade or is a stand used for retail sales of farm produce for eight or less consecutive months in a calendar year.

(4) Division (1)(a) does not include a Class 2 structure.

(5) Division (1)(a) does not include a vehicular bridge.

(6) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

CLASS 2 STRUCTURE. Pursuant to I.C. 22-12-1-5, has the following definition:

(1) **CLASS 2 STRUCTURE.** Any part of the following:

(a) A building or structure that is intended to contain or contains only one dwelling unit or two dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.

(b) An outbuilding for a structure described in division (a), such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

(2) Division (1) does not include a vehicular bridge.

(3) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

CONSTRUCTION. Pursuant to I.C. 22-12-1-7, means any of the following:

(1) Fabrication of any part of an industrialized building system or mobile structure for use at another site.

(2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.

(3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used.

(4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure.

(5) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

GENERAL CONTRACTOR. Any person, firm or corporation engaged in the business of or holding

themselves out to the public as engaged in the business of constructing, installing, repairing, remodeling, or servicing any structural part or non-structural part of any one and two family or multi-family residential, commercial, or industrial building.

INDUSTRIALIZED BUILDING SYSTEM.

Pursuant to I.C. 22-12-1-14, means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

MANUFACTURED HOME. Pursuant to I.C. 22-12-1-16, has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 1984. This definition is as follows: **MANUFACTURED HOME** means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this 42 U.S.C. 5402.

MOBILE STRUCTURE. Pursuant to I.C. 22-12-1-17, has the following definition:

(1) **MOBILE STRUCTURE.** Any part of a fabricated unit that is designed to be:

(a) Towed on its own chassis; and

(b) Connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

(2) The term includes the following:

(a) Two or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.

(b) Two or more units that are separately towable but designed to be joined into one integral unit.

PERSON. Pursuant to I.C. 22-12-1-18, means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

STRUCTURE. Both Class 1 and Class 2 structures, unless specifically stated otherwise.

VEHICULAR BRIDGE. Pursuant to I.C. 22-12-1-26, means any bridge that is neither:

(1) A pedestrian walkway; nor

(2) A passageway for light vehicles; suspended between two or more parts of a building or between two or more buildings.
(BC Ord. 2003-14, passed 7-15-03)

§ 150.04 SCOPE.

(A) All construction shall be accomplished in compliance with the provisions of this chapter.

(B) Pursuant to I.C. 22-13-2-6, this chapter shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4; however, the provisions of this chapter and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under I.C. 22-15-4.

(C) Pursuant to I.C. 22-13-2-9, this chapter is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.
(BC Ord. 2003-14, passed 7-15-03)

§ 150.05 AUTHORITY.

The Building Commissioner is hereby authorized and directed to administer and enforce the following:

(A) All of the provisions of this chapter.

(B) Variances granted in accordance with I.C. 22-13-2-11.

(C) Orders issued under I.C. 22-12-7.
(BC Ord. 2003-14, passed 7-15-03)

BUILDING PERMITS**§ 150.15 BUILDING PERMIT REQUIRED.**

Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commission prior to commencement of construction. A permit shall be required before beginning any new construction of any building or structure or before beginning any structural improvement to any building or structure not hereinafter exempted, the cost of which construction or improvements exceeds \$2,500; or is more than 200 square feet; or before beginning construction of any improvement to any building or structure involving modification, changing or new installation of any electrical, plumbing or mechanical improvement, the cost of which exceeds \$750, including installation of any furnace, hot water heater, new meter base, meter base relocation, panel upgrade; load control device or before electrical meter is installed following a fire; an in-ground swimming pool, an above ground swimming pool deeper than 3 1/2 feet, hot tubs, spas, demolition of any structure over 200 square feet tanks, communication towers and co-locates on existing towers, and signs. (See § 150.17 for more specific definitions). However, a person desiring to make an improvement which would be exempt from permit requirements under this chapter, either by cost or square footage, may voluntarily apply for a permit, pay the required fee, and secure the inspection(s) provided for under this chapter. All permits shall be

issued by the Building Commissioner and all fees provided for herein shall be paid to the County Building Commission Fund.

(BC Ord. 2003-14, passed 7-15-03; Am. BC Ord. 2010-19, passed 12-20-10) Penalty, see § 150.99

§ 150.16 APPLICATION FOR BUILDING PERMIT.

(A) Any person required to have a building permit shall submit a complete application to the Building Commissioner.

(B) This application shall be submitted on a form prepared by the Building Commissioner and shall contain the following:

(1) Information that the Building Commissioner determines to be necessary to locate and contact the applicant.

(2) A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished.

(3) A plot plan drawn to scale. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.

(4) If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a Design Release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3.

(5) Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.17 FEE SCHEDULE.

The fee schedule established by the County Building Commission and approved by the County Commissioners, at their regularly scheduled meeting on March 19, 2003 and effective April 7, 2003:

<i>BUILDING/STRUCTURE TYPE</i>	<i>DESCRIPTION</i>	<i>FEEES</i>
<i>Residential Uses:</i>		
Single Family Dwelling	Including manufactured housing	\$.08 per square foot or minimum of \$200
	Includes mechanics and certificate of occupancy	
Two-Family Dwelling	Includes mechanics and certificate of occupancy	\$.08 per square foot or minimum of \$200 plus \$25.00 per unit
Multi-Family Dwelling (rental/apartments, condominiums, and the like)	Includes mechanics and certificate of occupancy	\$.08 per square foot or minimum of \$200, plus 2 to 10 units, \$25 per unit. Over 10 units, \$20 per unit
Mobile Homes		\$100
<i>Accessory Uses:</i>		
Garages, Pole Barns, Storage Structures on a permanent foundation	Less than 200 square feet: no charge	\$.05 per square foot or minimum of \$50
Additions	Additional square feet	\$.05 per square foot or minimum of \$50
Interior remodeling		\$.05 per square foot or minimum of \$50
Exterior remodeling	Re-roofing, windows, siding, doors, guttering, foundations and the like	\$30
Swimming pool (in-ground)		\$100
Swimming pool (above ground)	Deeper than 3 1/2 feet	\$50

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<i>BUILDING/STRUCTURE TYPE</i>	<i>DESCRIPTION</i>	<i>FEEES</i>
Electrical, Plumbing or Heating Ventilation and Air Conditioning	Any electrical, plumbing or mechanical improvement, the cost of which exceeds \$750; including installation of any furnace, hot water heater, spa, hot tub, new meter base, meter base relocation, panel upgrade; load control device, or before electrical meter is installed following a fire	\$30
Demolition	Any structure over 200 square feet	\$25
Re-inspection fee (each additional inspection)	Re-inspection fees are assessed when an additional inspection is required, which deviates from the normal sequence of inspections	\$25
	All fees for permits and inspections shall be paid to the County Building Commission.	
<i>Commercial Uses:</i>		
Principal Use	includes mechanics and certificate of occupancy; hotels, motels, business, commercial, public buildings, educational, churches, industrial, institutional, warehouse and bulk storage building	\$.10 per square foot or a minimum of \$250
<i>Accessory Uses:</i>		
Storage, Garage or other structure on a permanent foundation		\$.10 per square foot or minimum of \$150
Additions	Additional square feet	
Interior Remodeling	No additional square feet	
Exterior Remodeling:	Re-roofing, windows, siding, doors, guttering, foundations, and the like	\$100
Swimming pool (in-ground)		\$200
Electrical, plumbing or heating, ventilation and air-conditioning	Any electrical, plumbing or mechanical improvement, the cost which exceeds \$750 or installation of any furnace, hot water heater, new meter base, meter base relocation, panel upgrade; load control device, or before electrical meter is installed following a fire	\$ 50

<i>BUILDING/STRUCTURE TYPE</i>	<i>DESCRIPTION</i>	<i>FEES</i>
Demolition	Any structure over 200 square feet	\$ 50
Tanks		\$100
Communication towers and co-locates on existing towers		\$200
Signs: Temporary or portable signs		\$50
Permanent Signs:	6 to 100 square feet	\$50
	101 to 300 square feet	\$200
	301 to 1,001 square feet and up	\$500
Billboards and signs (Multi-faced)		Charged for each face

(BC Ord. 2003-14, passed 7-15-03; Am. BC Ord. 2010-19, passed 12-20-10) Penalty, see § 150.99

§ 150.18 EXEMPTIONS.

(A) *Signs.* The following signs are exempt from the requirements of this chapter:

(1) Signs not exceeding two square feet in area which identify the names and occupants but do not denote commercial activity.

(2) Flags and insignias of a governmental unit, church, organization or political entity except in connection with a commercial promotion.

(3) Legal notices, identification, informational, warning, trespassing, or directional or architectural features of buildings.

(4) Memorial plaques and historical markers.

(5) Integral decorative or architectural features of buildings.

(6) One real estate sign for each frontage, not exceeding six square feet, indicating the sale, rental, or lease of the premises.

(7) Traffic or directional signs placed by a municipality or state. An exempt sign may be illuminated but may not be flashing or animated.

(B) *Temporary, portable, or moving signs.* Issuance of the permit shall be for a maximum of 90 days. A portable sign may not be placed in a street or highway right-of-way or sidewalk or where it blocks traffic vision. All temporary signs must conform to the requirements of this chapter and are subject to the inspection, removal, and penalties provided by this chapter.

(C) *Agricultural uses.*

(1) All structures located on 20+ acres that are used for agricultural purposes are exempt from permit fees.

(2) All taxpayers that file an Agricultural Section F with their taxes are exempt from permit fees.

(3) All structures located on 20+ acres that are used for personal/residential storage require a

building permit as per the residential accessory permit fees.

(4) All electrical services for agricultural structures require a building permit as per the residential electric permit fee.

(D) *Governmental uses.* All structures constructed for the county, or for any town, city, township, school corporation, or public library, or any department and agency thereof, located within the county and funded at least 75% by county taxes, are exempt from permit fees.

(BC Ord. 2003-14, passed 7-15-03; Am. BC Ord. 2006-11, passed 7-26-06)

§ 150.19 WRITTEN AUTHORITY.

Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The Building Commissioner may require that such an employee or agent provide written authority to apply for a permit. (BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.20 CONTRACTOR LISTING.

Contractors working in the jurisdiction of the County Building Department, who wish to be able to apply for building permits must be listed by the county. In order to obtain a listing the following must be provided:

(A) A completed Contractor Listing Application form, containing the following information:

- (1) Name;
- (2) Address;
- (3) Phone number;

(4) Individuals authorized to secure permits under this listing; and

(5) Legal business status of the listed contractor.

(B) Proof of a public liability and property damage insurance policy insuring the listed contractor and naming the Board of County Commissioners as "additional insured" in an amount of not less than \$500,000. (A 15-day notification of cancellation).

(C) Property owners' exception. A private property owner shall be able to obtain a permit to perform work in or about his/her own property for a new or remodeled building or structure without the insurance. Any contractors hired shall provide all insurance and the property owner shall have proof of public liability insurance and property damage insurance in hand and available to responsible officials of the county and/or the County Building Department. All work shall be permitted and inspected the same as other permits, and shall adhere to all other state and local requirements.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.21 ISSUANCE OF BUILDING PERMIT.

The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.22 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this chapter. It shall be unlawful to occupy any such building or structure unless a full or conditional certificate of occupancy has been issued by the Building Commissioner. A conditional certificate of occupancy is issued only in cases where yard work cannot be completed because of weather conditions.

Anyone occupying any such building or structure prior to securing a full or conditional certificate of occupancy as hereinabove set forth shall be guilty of a violation of this chapter and shall be subject to a penalty as set forth in § 150.99.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.23 EXPIRATION OF BUILDING PERMIT.

(A) If the work described in a building permit application has not been started within six months from the date it was issued, the permit shall expire and written notice thereof shall be given to the person submitting the permit application.

(B) If the work described in any building permit application has not been substantially completed within two years of the date it was issued, the permit shall expire. Written notice thereof shall be given to the persons affected, together with notice that all work shall cease until a new permit has been obtained.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

§ 150.30 GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.

(A) All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.

(B) The Building Commissioner, subject to the provisions of this chapter or to the rules of the Fire Prevention and Building Safety Commission, at any reasonable time go in, upon, around or about the premises where any structure is located for the purposes of inspection and investigation of such structure. Such inspections and investigations may be

made before, during and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this chapter and the rules of the Fire Prevention And Building Safety Commission. The Building Commissioner may notify the general contractor and/or any other person or persons or entities who may be the owner or entitled to the lawful possession of such building or structure of a schedule of inspections to be performed by the Building Inspector; and require the general contractor and/or the owner or any other person or persons or entities who may be the owner or entitled to the lawful possession of such building or structure of a duty to report to the Building Commissioner or whoever he designates; certain stages of completion of the building or structure after which time the Building Inspector may conduct his or her periodic inspections.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.31 INSPECTIONS BY FIRE DEPARTMENT.

The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (The Fire Department has independent authority to conduct inspections and take enforcement actions under I.C. 36-8-17).

(BC Ord. 2003-14, passed 7-15-03)

MINIMUM CONSTRUCTION STANDARDS

§ 150.40 ADOPTION OF RULES BY REFERENCE.

(A) Pursuant to I.C. 22-13-2-3(b) , the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.

- (1) Article 13 - Building Codes
 - (a) Fire and Building Safety Standards.
 - (b) Indiana Building Code.
- (2) Article 14 - Indiana Residential Code
- (3) Article 16 - Indiana Plumbing Code
- (4) Article 17 - Indiana Electrical Code
- (5) Article 18 - Indiana Mechanical Code
- (6) Article 19 - Indiana Energy Conservation Code
- (7) Article 20 - Indiana Swimming Pool Code
- (8) Article 22 - Indiana Fire Code

(B) Two copies of the above building rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by I.C. 36-1-5-4.

(C) The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this chapter. Pursuant to I.C. 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission.

(BC Ord. 2003-14, passed 7-15-03)

§ 150.41 LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.

(A) Pursuant to I.C. 22-12-1-22(b)(12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:

(1) Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(2) Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.12000, Safety Codes for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(3) Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016

(4) Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(5) Section 7, Private Inclined Stairway Lifts, ASME A18.1 a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(B) Two copies of the above lifting device standards incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by I.C. 36-1-5-4.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

ENFORCEMENT.

§ 150.50 WITHHOLD ISSUANCE OF PERMITS.

(A) Whenever a person which is either an applicant for a building permit or an obtainer of a

building permit owes fees (including checks returned for insufficient funds, or permit fees owed pursuant to the County Building Commission) the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.

(B) Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

(C) Wherever a person applies for a building permit for any structure pursuant to this chapter, the owner of the real estate upon which said structure is to be constructed and the general contractor, if said structure is being constructed by someone other than the owner shall agree in writing in the application for building permit that the said owner and contractor, if there is a contractor, shall hold the county, its County Commissioners and its other agents, servants or employees harmless and indemnify the above from any damages which may result from or because by the construction of the aforesaid building upon said real estate, including, but not limited to subsidence or sinkage of the earth upon which the building or structure is placed.
(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.51 PERMIT REVOCATION.

The Building Commissioner may revoke a building permit when any of the following are applicable:

(A) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.

(B) The application, plans or supporting documents reflect a lack of compliance with building standards and procedures.

(C) There is failure to comply with this chapter.

(D) The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.
(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.52 STOP-WORK ORDER.

(A) The Building Commissioner may issue an order requiring suspension of the pertinent construction (stop-work order) in accordance with this section.

(B) The stop-work order shall:

(1) Be in writing.

(2) State with specificity the construction to which it is applicable and the reason for its issuance.

(3) Be posted on the property in a conspicuous place.

(4) If practicable, be given to:

(a) The person doing the construction;
and

(b) To the owner of the property or the owner's agent.

(5) The stop-work order shall state the conditions under which construction may be resumed.

(C) The Building Commissioner may issued a stop-work order if:

(1) Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this chapter or any state law pertaining to safety during construction.

(2) Construction is occurring in violation of this Building Ordinance or in such a manner that if

construction is allowed to proceed, there is a reasonable probability that it will substantially be difficult to correct the violation.

(3) Construction for which a building permit is required is proceeding without a building permit being in force.

(D) The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this chapter.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.53 RIGHT OF APPEAL.

Any person aggrieved by an order issued under this chapter shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

(A) Appeal to the Fire Prevention and Building Safety Commission.

(1) A person aggrieved by an order issued under this chapter may submit a petition for review to the Fire Prevention and Building Safety Commission, in accordance with I.C. 22-13-2-7.

(2) The Commission may modify or reverse any order that covers a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, I.C. 22-15, a fire safety rule, or a building rule.

(3) The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 Structure if the person aggrieved by the order petitions for review under I.C. 4-21.5-3-7 within 30 days after the issuance of the order.

(4) The Fire Prevention and Building Safety Commission may review all other orders issued under this chapter that cover a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, I.C. 22-15, a fire safety rule, or a building rule.

(5) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

(B) Appeal to an established local administrative body or court. Pursuant to I.C. 36-7-8-9, a person aggrieved by a decision of the Building Department may appeal as in other civil actions. The appellant must, by registered mail, give the county executive a 15-day written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to I.C. 36-1-6-9, the county has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinances. If no such administrative body exists, then the person may petition a court for judicial review of the order.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter may be subject to a fine in any sum not exceeding \$2,500. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this chapter.

(B) If any person, firm or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein, or shall fail to perform any duty lawfully required within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this ordinance for each such violation, failure or refusal, such person, firm or corporation shall be fined a sum as hereinafter set forth.

(1) The sum of \$250 for failure to correct such violation after such person, firm or corporation

shall have been given written notice of such violation which notice shall state the items to be corrected, and that said correction shall be completed within ten days following delivery of notice to such person, firm or corporation.

(2) The sum of \$500 in addition to the initial sum of \$250 as hereinabove set forth if such correction is not made within 20 days following the receipt of such initial notice.

(3) The sum of \$750 in addition to the aforesaid \$250 and \$500 if said correction is not made within 30 days following the receipt of such initial notice.

(4) The Building Commissioner may, for good cause, extend the above ten-day, 20-day, and 30-day periods for achieving such corrections, but in no event shall the time be shortened for making such corrections which shall subject the person, firm or corporation to the aforesaid civil fines.

(C) In addition to the above fines, the Commissioners and/or the Building Commissioner may maintain a civil action in a Court of competent jurisdiction to seek a Court Order removing any person or persons from occupying any building or structure contrary to this chapter to stop work upon any building or structure which is proceeding in violation of this chapter.

(BC Ord. 2003-14, passed 7-15-03)

CHAPTER 151: ECONOMIC REVITALIZATION AREAS

Section

151.01 General standards and requirements

151.02 Application process

Cross-reference:

Specific areas designated, see T.S.O. III

§ 151.01 GENERAL STANDARDS AND REQUIREMENTS.

(A) Application for designation as an economic revitalization area shall meet at least one of the following criteria:

(1) The property is or has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired the values or prevent a normal development of property or use of property.

(2) The property includes a facility or group of facilities that are technologically, economically, or energy obsolete and where said obsolescence may lead to a decline in employment and tax revenues.

(B) Applications shall also address at least one of the following development objectives for real property development:

(1) The generation of use of vacant or under-utilized land;

(2) The rehabilitation or replacement of obsolete, deteriorated, vacant or under-utilized buildings;

(3) The retention or expansion of job opportunities; or

(4) The preservation of historically or architecturally significant property.

(C) Tax abatement may be allowed for projects in the following categories:

(1) Manufacturing: property consisting of new, improved, or expanded building or structure but not including land.

(2) Warehousing as a part of the renovation of vacant manufacturing structures or the construction of a new facility.

(3) New research and/or high technology facilities.

(4) Renovation of vacant manufacturing structures.

(D) Tax abatement shall not be available to retail businesses.

(E) Tax abatement may be granted for new manufacturing equipment as defined in I.C. 6-1.1-12.1-1 and as described in I.C. 6-1.1-12.1-4.5. Tax abatement for new manufacturing equipment may be granted for a period of ten years which:

(1) Is used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property;

(2) Was acquired by its owner for the use described under division (E)(1), above, and was never before used by its owner for any purpose in Indiana; and

(3) Is installed in an economic revitalization area.

(F) Tax abatement will not be granted for a project that does not meet the qualifications of I.C. 6-1.1-12.1.

(G) The project must begin within 12 months of the date of passage of the tax abatement resolution.

(H) The value of real estate improvements or new manufacturing equipment must be at least \$50,000.

(I) Data relating to current taxes, projected taxes with and without tax abatement, and the tax deferral shall be provided as a part of the application.

(J) For a real property tax abatement application, a site plan must be submitted with the application. For new manufacturing equipment tax abatement, the application must include information concerning the new manufacturing equipment specific enough to allow the equipment to be identified.

(CC Res. 1994-5, passed 6-2-94)

§ 151.02 APPLICATION PROCESS.

(A) An application seeking designation of an area as an economic revitalization area shall be filed with the County Auditor on forms furnished by the County Department of Economic Development. Such application must contain supporting documentation relative to the matter set forth in § 151.01.

(B) The application for tax abatement shall also contain all information as required by I.C. 6-1.1-12.1.

(C) The County Auditor, upon receipt of application, shall forward it to the Department of Economic Development which shall review the application for completeness and accuracy, gather and provide additional information needed by the County Council to make an appropriate informed decision, analyze the application and supplemental material and submit such comments and recommendation on the acceptability or unacceptability of the request for economic revitalization area designation.

(CC Res. 1994-5, passed 6-2-94)

CHAPTER 152: LEASING OF REAL PROPERTY

Section

- 152.01 Definitions
- 152.02 Terms and conditions of lease
- 152.03 Prohibited use of property
- 152.04 Termination of lease
- 152.05 Compliance with zoning regulations required
- 152.06 Application for lease
- 152.07 Renewal of lease
- 152.08 Buildings or improvements to be approved prior to construction

Cross-reference:

County policies generally, see Ch. 39

§ 152.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DELIVERY OF NOTICE. In all cases where notice, other than published notice is required to be given, it shall be given either by personal delivery to the effected party or by United States Mail, return receipt requested.

INSURANCE. A comprehensive general liability insurance policy, or other insuring agreement, providing coverage for bodily injury and property damage in such amount as may be fixed by the lease, and, where appropriate, such other insurance as is necessary to indemnify for loss by fire of a building and its contents and other customarily insured against perils.

LESSOR BODY. Either the Board of County Commissioners, if the real property at issue is administered by that Board or is held in the name of the county by the Board of County Commissioners,

or a department or board of the county, if the real property at issue is held in the name of, or is administered by, that department or board.

LONG TERM LEASE. Any written agreement between the county or its departments, and a qualified lessee, which leases real property for a period of time fixed in excess of six months.

PROOF OF STATUS. Proof by such corporation of its qualified status shall be such documentation as shall be adequate to establish that it meets the definition of a qualified lessee.

PUBLISHED NOTICE. In all cases requiring published notice of any event, such publication shall be in a local newspaper of general circulation in the county seat, which notice shall contain a description, by common location, of the property proposed to be leased; a recitation of the proposed use to which the property will be put; the name of the proposed lessee; and, fixing a date for a hearing on the proposed lease together with the last date for filing competing lease applications on the same property.

QUALIFIED LESSEE. A qualified lessee shall mean any Indiana not-for-profit corporation organized under any Indiana not-for-profit corporation act, which is in good standing and exempt from federal income taxation pursuant to Section 501 of the Internal Revenue Code, being 29 USC 501.
(BC Ord. 1994-13, passed 6-27-94)

§ 152.02 TERMS AND CONDITIONS OF LEASE.

(A) The Commissioners, or a department or board, may lease to a qualified lessee, such real property as may be leased and as deemed expedient by the particular body. Such lease may be either, for a fee or at no consideration, except that all leases shall require the lessee to insure, at its cost, the

leased property. In all cases, the county and where appropriate, a department or board, shall be named as insureds on such policy or policies of insurance or other insuring agreement. Before execution of any such lease, the Commissioners, or other lessor body shall conduct a public hearing on the application to lease and determine whether the proposed lease is in the best interest of the county or lessor body.

(B) The lessor body to whom the lease is proposed shall determine the terms and conditions of any lease under this chapter. Such lease may include an option or options to renew upon such terms and conditions as the lessor body shall determine are in the best interest of the public.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.03 PROHIBITED USE OF PROPERTY.

No lessee shall use such leased property for any purpose prohibited by law, its corporate charter, in violation of any valid restrictive covenants running with the land or in violation of any ordinance of the county. Upon proof of any such prohibited use, the lessor body shall give notice to the lessee of such violation, and conduct a hearing to determine if the lease should be terminated. In the event that such lease is terminated, possession of the leased property shall immediately revert to the lessor body.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.04 TERMINATION OF LEASE.

In the event that a lessee ceases to be a qualified lessee during the term of the lease, upon notice from the lessor body, the lease shall terminate and possession of such property shall revert to the lessor body, unless, within 30 days after notice to such lessee of such termination, under this section, it produces adequate proof that it has regained its qualified status.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.05 COMPLIANCE WITH ZONING REGULATIONS REQUIRED.

In the event that the use for which the lessee proposes to acquire the property is prohibited by any zoning ordinance, such lease may be executed upon condition that the lessee shall, within 120 days thereafter, take the necessary steps to acquire proper variances, use exceptions or rezoning. In the event that such variance, use exception or rezoning is not acquired by the lessee by the end of such period, the lease shall terminate. During such period lessee shall do no act in violation of such ordinance. Where necessary the lessor body may be a co-petitioner for such variance, use exception or rezoning, however, all costs, fees or expenses therefor shall be borne by the lessee.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.06 APPLICATION FOR LEASE.

(A) Any corporation seeking to lease real property under this chapter shall:

(1) File an application for lease, on forms provided by the Auditor, with the County Auditor.

(2) Provide all documentation necessary to establish its qualified status.

(3) Pay to the Auditor a fee of \$50, as a processing fee and for the cost of publication of the notice required by this chapter.

(4) Attend the public hearing on its application for a lease.

(B) Upon proper application and payment of the required fee, the Auditor shall publish the notice required by this chapter and set the application for a public hearing on the agenda of the appropriate lessor body. However, such public hearing may not be set less than ten days after publication of the first notice, and, in the event there are competing applications, shall be on the date as set by the presiding officer of the lessor body.

(C) No competing application may be considered by the lessor body unless it was filed on or before the

date set out in the published notice regarding the original application or any renewal thereof. In the event a competing application is filed timely, such application shall be heard at the same time as the original application for the lease or any request for renewal thereof.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.07 RENEWAL OF LEASE.

In the event that any lease executed by a lessor body shall provide for a period, or periods, of renewal, published notice of a public hearing regarding such renewal shall be given at least ten days prior to the date of a public hearing to consider such renewal. The cost of such notice shall be borne by the lessee.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.08 BUILDINGS OR IMPROVEMENTS TO BE APPROVED PRIOR TO CONSTRUCTION.

Any building proposed to be erected by the lessee or improvements to the real property, shall be first approved by the lessor body, and, in addition thereto, all such plans and specifications for such building or improvement must be approved by all necessary state and county agencies prior to construction thereof. Copies of "as built" drawings, blueprints and other like documents shall be provided to the lessor body upon completion of such construction.

(BC Ord. 1994-13, passed 6-27-94)

CHAPTER 153: PLANNING

Section

- 153.01 Area Planning Department
- 153.02 Comprehensive Plan adopted
- 153.03 Area Plan Commission approval required prior to public works construction

§ 153.01 AREA PLANNING DEPARTMENT.

(A) The county hereby adopts the provisions of I.C. 36-7-7-1 *et seq.*

(B) An Area Planning Department is created effective on August 6, 1962.

(C) The Board of Commissioners shall select the representatives of the county who are to be members of the Area Plan Commission, pursuant to I.C. 36-7-7-4.

(BC Ord. passed 8-6-62)

§ 153.02 COMPREHENSIVE PLAN ADOPTED.

(A) The document consisting of text, maps and charts entitled *Warrick County, Indiana, Comprehensive Plan* and dated 1993, is hereby adopted as the comprehensive plan of the county, and is hereby made a part of this code the same as if set forth in full herein.

(B) In order that the comprehensive plan shall at all times be current with the needs of the towns of Elberfeld, Tennyson and Lynnville and Warrick County, and shall represent the best thinking of the County Commissioners, Area Plan Commission, Town Boards, Commissions, and departments of the county and towns in light of changing conditions, the County Commissioners and Town Boards may direct the Area Plan Commission to prepare amendments

from time to time to the Comprehensive Plan and recommend to the Town Boards and County Commissioners extensions, changes, or additions to the plan which the Commission considers necessary.

(C) The Comprehensive Plan shall be the policy guide for decision making that affects the physical development of Warrick County (unincorporated areas) and the Towns of Elberfeld, Tennyson and Lynnville.

(BC Res. 1993-7, passed 4-26-93; Am. BC Res. 2009-14, passed 10-19-09)

§ 153.03 AREA PLAN COMMISSION APPROVAL REQUIRED PRIOR TO PUBLIC WORKS CONSTRUCTION.

(A) Prior to the commencement of any public works program listed below in any unincorporated area written approval must be obtained from the County Area Plan Commission.

(1) In order to secure such approval the engineer, surveyor, consulting engineer, or the owner shall submit to the Area Planning Commission complete plans and specifications for the construction of:

- (a) Any public water system.
- (b) Any sanitary storm sewer system.
- (c) Any gas distribution system.
- (d) Any street or highway system.

(2) In any unincorporated area in which the construction of the above is contemplated and by this construction it is necessary to connect to or extend any existing or proposed system lying outside the

corporate limits of all towns and cities, the Clerk-Treasurer of the town or city must file the above construction plans with the Area Plan Commission.
(BC Ord. passed 9-6-66)

(B) The Clerk-Treasurer of all towns and cities now participating in the County Master Development Plan are hereby required to furnish the Area Plan Commission with a complete copy of all plans for the establishment or extension of any and all public utilities within such participating town or city upon final approval thereof by the governing unit of such participating town or city.
(BC Ord. passed 9-6-66)

CHAPTER 154: SUBDIVISION CONTROL

Section

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GENERAL PROVISIONS**§ 154.001 PURPOSE.**

(A) This chapter is enacted for the purpose of adopting subdivision regulations to control and regulate the division of land for any purpose whatsoever within the jurisdiction of the Area Plan Commission. The Area Plan Commission shall have all the powers and duties with respect to primary and secondary plat approvals and subdivisions, and the procedures relating thereto which are specified by law and by this chapter. In their interpretation and application, the provisions of this chapter shall be held

to be the requirements adopted for the protection of the public health, safety and welfare, by providing for the harmonious development of Warrick County, for the coordination of streets within subdivisions with other existing or planned streets or with other features, for adequate open spaces for traffic, schools, recreation and air, for adequate storm water drainage and sewage disposal, for the efficient and economical maintenance of streets, and for the development for public use of public grounds.

(B) Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the Warrick County Zoning Ordinance and approved by the Health Department. (BC Ord. 2006-05, passed 3-20-06)

§ 154.002 JURISDICTION.

This chapter shall apply to all subdivisions of land within the corporate limits of Elberfeld, Lynnville, Tennyson and any other participating cities or towns, and the unincorporated areas of Warrick County, Indiana, as now or hereafter established. (BC Ord. 2006-05, passed 3-20-06)

§ 154.003 AUTHORITY.

Be it ordained by the Board of Commissioners, under authority of I.C. 36-7-4-700 *et seq.*, as amended, that:

(A) No plat or replat of a subdivision of land as defined herein located within the corporate limits of the towns of Elberfeld, Lynnville, and Tennyson, any other participating cities or towns, and the unincorporated areas of Warrick County, shall be recorded until it shall have the approval of the Commission, and such approval shall be entered upon the plat. The plat shall be accompanied by a certificate bearing the seal of the Commission, signed by the President of the Commission, and attested to by the Executive Director of the Commission disclosing that proper public notice of the hearing has been given and that a majority of the members of the Commission concur in its approval.

(B) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Area Plan Commission, in accordance with the provisions of these regulations and filed with the County Recorder. (BC Ord. 2006-05, passed 3-20-06)

§ 154.004 DEFINITIONS.

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, the singular number includes the plural and the plural the singular. The word "shall" is mandatory and the word "may" is permissive.

ABUTTING PROPERTY OWNERS. Record title owners whose property is contiguous to the subject property, including any property that would touch at any point the subject property, ignoring all rights-of-way, easements and alleys, including property owned by a governmental body for the primary purpose of a road way. However, record title owners of property separated from the subject property by a freeway or expressway are not considered **ABUTTING PROPERTY OWNERS**, and need not be notified as **ABUTTING PROPERTY OWNERS**. For the purpose of notifying abutting property owners if only a portion of a parcel of real estate is being considered at the public hearing, and with the remaining portion owned by the same property owner, then the abutting property owner to the entire parcel shall be notified, except that when the abutting property owner's real estate is 500 feet or more distant from the part of the real estate being considered, no notification shall be required.

ACKNOWLEDGMENT OF SIDEWALKS. Acknowledgment of completion of sidewalk construction in accordance with primary plat.

ACT. I.C. 36-7-4-700 *et seq.* as added by Acts of 1981, P.L. 309, Section 23, and amended by Acts of 1982, P.L. 211, Section 4 and all future acts amendatory thereto.

ALLEY. A strip of land dedicated to public use and providing a permanent secondary means of access to abutting property at the rear or sides thereof.

APPLICANT. The person or persons who apply for approval of a subdivision by the Area Plan Commission under this chapter. This person or persons are also known as the **SUBDIVIDER**.

BASIC IMPROVEMENTS. See **IMPROVEMENTS - BASIC**.

BENCH MARK. A monument for which an accurate elevation has been established and recorded on the plat, using the National Geodetic Vertical Datum of 1929.

BUILDING SETBACK LINE. The line indicating the minimum horizontal distance between the right-of-way of any street, and the foundation of any buildings, except designated projections as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, and participating jurisdictions.

COMMISSION. The Warrick County Area Plan Commission.

COMPREHENSIVE PLAN. The complete development plan, or any of its parts, for the development of Warrick County prepared by the Area Plan Commission and adopted in accordance with Chapter 138, Acts of 1957, General Assembly of Indiana, and all amendments thereof and supplement thereto as is now or may hereafter be in effect, as found in I.C. 36-7-1-500 *et seq.*

COUNTY. Warrick County, Indiana

CUL-DE-SAC. Local street with only one outlet having an appropriate terminus for the safe and convenient reversal of traffic movement.

DRAINAGE BOARD. Warrick County Drainage Board.

EASEMENT. Authorization or grant by a property owner to specific persons or to the public to use the land for specific purposes.

EXECUTIVE DIRECTOR. The duly appointed head of the staff of the Area Plan Commission.

FIRM. Federal Insurance Rate Map as prepared by Federal Emergency Management Agency (FEMA) for Warrick County, Indiana unincorporated areas plus participating towns.

FLOOD HAZARD AREA. 100-year flood contour line from FIRM (or FEMA maps for Warrick County).

IMPROVEMENTS – BASIC. The installation of sanitary sewers and water supply lines.

IMPROVEMENTS – STREET. The installation of streets, street signs, storm sewers, curbs, gutters and sidewalks when required by the Area Plan Commission.

LEGAL DRAIN. An open or tiled ditch, or combination of the two, which are subject to the jurisdiction and control of the Drainage Board.

LETTER OF CREDIT. A legally binding instrument, such as an Irrevocable Letter of Credit or cashiers check, from a duly chartered financial institution or insurance company providing surety satisfactory to the Area Plan Commission that all improvements and installations (required as a condition of primary plat approval) will be constructed in accordance with the standards of this chapter. The Area Plan Commission no longer accepts a bond as surety that the applicant or subdivider will complete all improvements in accordance with the primary plat approval.

LOCAL HEALTH DEPARTMENT. Warrick County Board of Health.

LOT. The tract within a subdivision marked by the subdivider (or applicant) as a numbered, lettered or other identified tract to be offered as a unit of land for transfer of ownership or for development which is an identifiable parcel of land having frontage on a public street or right-of-way.

LOT, CORNER. A lot located at the intersection of two or more streets.

LOT, DOUBLE FRONTAGE. A lot other than a corner lot with frontage on more than one street or through lots abutting two streets.

MAINTENANCE, ACCEPTANCE OF. Official recognition by the Board of Commissioners that streets in a subdivision have been constructed in accordance with the requirements of this chapter and approved construction plans for a specific subdivision and acceptance by the Board of Commissioners of responsibility for ongoing maintenance of the streets.

MUNICIPAL FACILITIES. This is the basic infrastructure provided by a jurisdiction to support the development of land. This basic infrastructure provides for the movement of motor vehicles, bicycle and pedestrians, the disposal of liquid waste, the provision of potable water for drinking, and the conveyance of stormwater. Accordingly, municipal facilities include streets (including bicycle and pedestrian facilities), sanitary sewers, waterlines, and stormsewers or drainage ditches. Where sanitary sewers or a public liquid waste disposal system does not exist, a private liquid waste disposal system (such as a septic system) must be provided as approved by the Health Department. Where a public water supply system does not exist, a private source of potable water (such as a well) must be provided as approved by the Health Department. In this chapter, **MUNICIPAL FACILITIES** do not include electric, gas, telephone and other telecommunication facilities although easements may be requested by providers of such utilities for the provision of such facilities to the development.

ORDINANCE. This chapter and all subsequent additions or amendments thereto.

OWNER. The individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

PARCEL. An area of land that is:

- (1) Under common fee simple ownership;

(2) Contained within a continuous border;
and

(3) A separately identified parcel for property tax purposes.

PARTICIPATING CITIES AND TOWNS. The towns of Elberfeld, Lynnville, Tennyson and any other general purpose unit of government located within Warrick County that freely chooses by official act of its legislative body to submit itself to the provisions of this chapter and to the administration of zoning and other planning, related studies and ordinances administered by the Area Plan Commission.

PERSON. A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

PLAT or PRIMARY PLAT. A map or drawing prepared in accordance with the requirements of this chapter upon which the subdivider's plan of the subdivision is presented and which he or she submits for approval of the Area Plan Commission and intends to record in the final form.

PLAT RELEASE. The release of a "major" subdivision final plat for the purpose of recordation effected by the execution of the plat by the Executive Director and President of the Area Plan Commission.

PRIMARY APPROVAL. An approval (or approval with conditions imposed) granted to a "major" subdivision by the Plan Commission after having determined in a public hearing that the subdivision complies with this chapter.

PROOF OF FINANCIAL RESPONSIBILITY. An irrevocable letter or cashier's check in an amount and form satisfactory to the Area Plan Commission providing surety that all improvements and installations, required as a condition of "major" subdivision primary plat approval, will be constructed in accordance with the standards of this chapter.

PUBLIC IMPROVEMENTS. In addition to **MUNICIPAL FACILITIES** as defined above, public

improvements may include ditches, drainage ways, legal drains, stormwater retention or detention facilities, public trails and paths, parks, recreation areas, nature conservation areas, or other public improvements for the enjoyment of the general public or those who reside on the land to be subdivided.

RECORDER. The County Recorder of Warrick County, Indiana.

REPLAT. A change in a recorded subdivision plat if such change affects any street layout on such plat, or area reserved therein for public use, or any lot line, with the following exception: in case of a division of a single lot in a recorded subdivision to be added to the adjacent lot for additional acreage without affecting any street layout or area reserved for public use, the replat is exempt from the subdivision process. The replat shall be prepared by a licensed land surveyor with a legal description, submitted to the Area Plan Commission for information purposes, and recorded in the Office of the County Recorder.

RIGHT-OF-WAY. 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.

SECONDARY APPROVAL. The stage of application for formal Plan Commission approval of a final plat of a subdivision the construction of which has been completed or guaranteed in accordance with the provisions of this chapter which, if approved and signed by the designated officials may be submitted to the County Recorder for filing.

SECONDARY or FINAL PLAT. The map, drawing, or plan described in this chapter of a subdivision and any accompanying material submitted to the Commission for secondary approval, and which, if approved and signed by the designated officials, may be submitted to the County Recorder for filing.

STATE BOARD OF HEALTH. Indiana State Board of Health.

STREET. A public right-of-way, intended for vehicular traffic, including expressways, parkways, primary thoroughfares, collector streets, local streets, cul-de-sacs, marginal access streets, avenues, boulevards, roads, lanes, ways, courts and other public ways, with the exception of alleys and as now or hereafter or otherwise designated.

(1) **FREEWAYS** and **EXPRESSWAYS.** Major streets and highways used primarily for through traffic, mixed traffic or fast or heavy traffic, generally including interstate, U.S. and/or state routes. Freeways are facilities with full access control and grade separation (or interchange) of all crossing transportation facilities. All facilities with a federal functional classification of interstate are freeways. Expressways are facilities with partial access control. Access points to expressways are generally not less than 1,200 feet in rural areas and 600 feet in urban areas. All facilities with a federal functional classification of principal arterial that are on the National Highway System (but not interstates) are expressways. These facilities have minimum right-of-way widths in excess of 150 feet.

(2) **ARTERIALS.** Streets designed, planned and intended for through vehicular traffic in conformance with the Warrick County Comprehensive Plan. All facilities with a federal functional classification of minor arterial are arterials. The arterial designation corresponds to the dual roadway portion of the previous primary thoroughfare class (and may also be known as primary arterials). These facilities are eventually intended to have four through traffic lanes with access controlled by permit.

(3) **URBAN MAJOR COLLECTOR.** Streets designed, planned and intended to serve as collectors and distributors of through vehicular traffic in urban areas. All facilities with a federal functional classification of urban collector are urban major collectors. The urban major collector designation corresponds to the single roadway portion of the previous primary thoroughfare class (and may also be known as secondary arterials). These facilities are generally intended to have two through traffic lanes with access controlled by permit. On occasion, four through traffic lanes may be necessary to the magnitude of abutting development.

(4) **RURAL MAJOR COLLECTOR.** Streets designed, planned and intended to serve as collectors and distributors of through vehicular traffic in rural areas. All facilities with a federal functional classification of rural major collector are rural major collectors. The rural major collector designation corresponds to the single roadway portion of the previous primary thoroughfare class (and may also be known as secondary arterials). These facilities are generally intended to have two through traffic lanes with access controlled by permit. On occasion, four through traffic lanes may be necessary to the magnitude of abutting development.

(5) **RURAL MINOR COLLECTOR.** Streets designed, planned and intended to serve as collectors and distributors of through vehicular traffic in rural areas. All facilities with a federal functional classification of rural minor collector are rural minor collectors. The rural minor collector designation corresponds to the previous secondary thoroughfare class. These facilities are generally intended to have two through traffic lanes with access controlled by permit.

(6) **RESIDENTIAL COLLECTOR STREETS.** Streets designed, planned and intended to carry intermediate volumes of traffic within residential areas and from the minor streets to the arterial, primary and secondary streets.

(7) **MINOR STREETS.** Streets that carry low volumes of traffic and are used primarily to provide access to the abutting properties.

(8) **MARGINAL ACCESS** or **SERVICE STREETS.** Minor streets parallel with and adjacent to arterial, primary and secondary streets which provide access to abutting properties and protection from rapid through traffic.

(9) **CUL-DE-SACS.** Short streets having one end open to traffic, the other end being permanently terminated by a vehicle turn around.

(10) **RURAL ROAD.** Any county road five miles or more from any incorporated city or town boundary or any existing county right-of-way open for public use.

(a) Rural roads shall be allowed only at the discretion of the Board of Commissioners in new subdivisions which must be located in "A" Agriculture and/or "CON" Recreation and Conservancy zoning districts with minimum lot sizes of two and one-half acres.

(b) Prior to the filing of a subdivision for primary plat where rural rock roads are requested a written request to permit rural rock roads must be submitted in the Office of the Area Plan Commission at least two weeks prior to any County Commissioners meeting. The request must explain in detail the reasons and facts supporting the request setting forth location, number of lots proposed, approximate acreage of lots, sketch of proposed subdivision. Justification for rural roads may include unusual conditions of the plat such as, but not limited to, unusual topographical conditions or other exceptional conditions peculiar to the site that would result in extra ordinary hardship or deny the reasonable use and value of said land.

SUBDIVIDER. Person or persons who own all or any part of the real estate included within the plat at the time of the final approval of said plat. This person or persons are also known as the **APPLICANT**.

SUBDIVISION OF LAND and SUBDIVIDE.

(1) The division of a parcel of land into two or more lots, parcels, tracts, sites, units, plats or interests, whether for residential or non-residential use, for the purpose of offer, sale, lease or development in a manner prescribed by this chapter. **PARCELS OF LAND** are those separately identified as tracts for property tax assessment. The two types of subdivisions provided for under this chapter are defined as follows:

(a) A **MAJOR SUBDIVISION** means a division of land not classified as a "minor" subdivision including, but not limited to:

1. A division of land into more than three new lots (that is three new parcels excluding the residual of the original parcel) per year; or

2. Any division of land (regardless of the number of new lots being created) requiring the extension of an existing street or municipal facilities, or the creation of a new street or municipal facilities, or the creation of any public improvements.

(b) A **MINOR SUBDIVISION** means a division of land containing not more than three new parcels (that is three new parcels excluding the residual of the original parcel) in "A" Agriculture and "CON" Recreational and Conservancy zoning districts per year that:

1. Fronts on an existing street which is an improved right-of-way maintained by the county or other participating jurisdiction;

2. Does not involve the extension of any existing street or municipal facilities, or the creation of any new street or municipal facilities, or the creation of any public improvements, and does not adversely affect the remainder of the parcel or adjoining property, and may be used to dedicate additional right-of-way to an existing right-of-way for streets or municipal facilities in conjunction with a rezoning; and

3. Is not in conflict with any provision or portion of the Comprehensive Plan, the Thoroughfare Plan, the Zoning Ordinance (both text and map), or this chapter.

(2) The following divisions of land shall be considered **PARCELIZATION**.

(a) *Area affected.* The following divisions of land shall not be considered a **SUBDIVISION**. All other subdivisions of land shall be subdivided in accordance with this chapter as a minor or major subdivision.

(b) *Parcelization.* The following subdivisions are excluded from the necessity of conforming to the platting provisions of this chapter only after review and approval by the Plat Review Committee for conformity with this chapter and the Comprehensive Zoning Ordinance. Parcelization may only be done in "A" Agricultural and "CON" Recreational and Conservancy zoning districts. Parcelization may not be done on any property located within a recorded major or minor subdivision.

1. The conveyance of not more than two new lots or parcels, with a minimum of 2 1/2 acres, located within a metes and bounds described legal description deed with no further parcelization within a 12-month period. If the division is to be a building site, the applicant shall submit to the Plat Review Committee proof of septic site/sewer connection and water line or potable water approval.

2. The conveyance of parcels, 25 acres or greater, conveyed from a parcel of land, provided the new parcels so conveyed do not require any new street improvements, meets all Comprehensive Zoning Ordinance provisions; however, there shall be no further re-parcelization of, or conveyances from, the lots or parcels so created. All newly created parcels shall state that they are not yet approved as a building site and shall be for recreational and or agricultural purposes.

3. The conveyance of land not within a recorded subdivision, between the owners of contiguous parcels of land, provided that no additional building sites are created by the parcelization.

4. For the purposes of parcelization, the term **PARCEL** shall be defined as a separately identified parcel for property tax purposes.

(c) *Parcelization procedure and approval.*

1. Meet with the Plat Review Committee with a conceptual plan to determine whether the conceptual plan would meet the parcelization requirements.

2. If the requirements have been met, a plat of survey would be required to create a metes and bounds description of the parcel(s) which would be recorded in the Office of the County Recorder.

3. File a copy of a completed APC parcelization checklist (see Appendix C) and the proposed plat of survey. Staff will assign addresses for the parcel(s).

4. If the parcelization is approved, the applicant must record the deeds when property is transferred in the Office of the County Recorder. A copy must be submitted to the APC office.

5. Any final decision by the Plat Review Committee is appealable to the full Area Plan Commission Board.

(3) The term **SUBDIVISION** includes resubdivision and, when appropriate to the context, includes the process of subdividing and the land subdivided.

SUBDIVISION REVIEW COMMITTEE. A five member committee appointed by the Commission for the review of plats. At least one member of the Subdivision Review Committee shall also be a member of the Area Plan Commission. Other members of the committee shall include a staff member designated by the Executive Director of the Area Plan Commission, a representative of the County Engineer's Office, a representative of the County Surveyor's Office, and a representative of the County Health Department.

THOROUGHFARE PLAN. The Thoroughfare Plan identifies the future roadway system supporting the Future Land Use Plan that is part of the Comprehensive Plan. The Thoroughfare Plan places the major streets and highways of the county into functional class (i.e., the purpose the road serves.) In turn, each functional class has a typical right-of-way width and design cross section (i.e., number of lanes, pavement width, etc.). The Thoroughfare Plan is used

in the development review process to reserve right-of-way for future roadway improvements and to guide the design of roadway improvements by the public or private sectors. (See §§ 154.145 *et seq.*)

ZONING ORDINANCE. An ordinance and Zone Map now or hereafter adopted which divides the jurisdiction of the county into districts, with regulations and requirements and procedures for the establishment of land use controls.

(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2007-21, passed 9-12-07; Am. BC Ord. 2010-17, passed 12-6-10; Am. BC Ord. 2010-18, passed 12-20-10; Am. BC Ord. 2011-09, passed 5-9-11; Am. BC Ord. 2011-11, passed 5-9-11; Am. BC Ord. 2013-05, passed 3-11-13)

**PROCEDURES FOR SUBMISSION
OF MAJOR SUBDIVISIONS**

§ 154.010 PRE-APPLICATION CONFERENCE.

(A) The subdivider (or applicant), owner of record and registered land surveyor proposing to subdivide or plat land into a subdivision shall schedule a pre-application conference with the Subdivision Review Committee for technical review before submitting a written application for major subdivision plat approval. At this consultation a sketch plan of the proposed plat shall be submitted containing the following information:

(1) A proposed layout of the streets, lots, and other elements basic to the proposed use in relationship to site conditions.

(2) Location of parks, recreational and other public and semi-public sites existing and proposed within or near the area proposed to be platted.

(3) Proposed methods for handling sewage disposal, drainage, water supply and other utility services.

(B) The sketch plan may be a pencil drawing superimposed upon a print of a topographic survey of the area proposed to be platted or may be in any other graphic medium and form containing and accurately depicting the above information. The pre-application conference does not require formal application fee or filing of a plat with the Area Plan Commission.

(C) During the pre-application conference, the Subdivision Review Committee will identify any possible concerns relative to:

(1) Access to the subdivision for motor vehicles, emergency vehicles, bicycles, and pedestrians, including connections to the surrounding street network.

(2) Fulfilling requirements of the Thoroughfare Plan.

(3) Internal circulation.

(4) Extension or creation of sanitary sewers or provision of private sewage disposal systems.

(5) Extension or creation of water lines.

(6) Provision of stormwater sewers or drainage ditches, protection and use of legal drains, provision of stormwater retention/detention facilities.

(D) The Subdivision Review Committee may identify any other relative issues to the subdivision of the property and answer questions of the subdivider (or applicant) concerning the major subdivision process and plat content.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.011 APPLICATION AND FEES.

(A) A subdivider desiring approval of a plat for a major subdivision of any land lying within the jurisdiction of the Area Plan Commission, shall submit a written application for a certificate of approval and six copies of a plat of the subdivision in accordance with § 154.016, to the Area Plan Commission. A read-only electronic version of the plat shall also be provided in a format specified by the Area Plan Commission staff. The written application shall be on the form provided (in reproducible or electronic format) by the Area Plan Commission. The Area Plan Commission staff shall prepare the application form on the basis of the requirements of this chapter. The Area Plan Commission shall approve the application form.

(B) No land shall be subdivided for any non-agricultural purpose:

(1) Unless adequate access to the land over approved streets or thoroughfares exists or will be provided by the subdivider (applicant); or

(2) If such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature

harmful to the health and safety of future residents and of the community as a whole.

(C) No land shall be subdivided for any non-agricultural purpose unless it is in conformance with the Zoning Ordinance, now or hereafter adopted.

(D) (1) At the time of filing an application for plat approval of the plan, the application shall be accompanied by an application fee as set by the Area Plan Commission pursuant to I.C. 36-7-4-411.

(2) The fees shall be made payable to the Area Plan Commission to cover the cost of advertising, checking and verifying the proposed plat. The Area Plan Commission shall surrender the application fee to the County Auditor. No application fee shall be refunded.

(E) Street construction plans shall be initially reviewed under the primary plat filing fee. During the 30 days preceding the public hearing before the Board of Commissioners for street construction plan approval, the subdivider shall make any revisions required by the County Highway Engineer to the plans and resubmit the revised plans at least one week prior to the public hearing. The Board of Commissioners in their approval of street plans shall not include the approval of layout of the right-of-way for proposed streets and roads within such subdivisions, as such approval shall be the exclusive province of the Area Plan Commission pursuant to its exclusive authority for primary plat approval under I.C. 36-7-4-405(2) and 36-7-4-701(b).

(BC Ord. 2006-05, passed 3-20-06)

§ 154.012 NOTICE OF PUBLIC HEARING.

The procedure for public notice, public hearing and Area Plan Commission action on the major subdivision application is as follows:

(A) Upon receipt of an application for primary approval, the Plan Commission staff shall review the application for technical conformity with the standards fixed in this chapter. Within 30 days after receipt of the application by the Area Plan Commission,

the Executive Director shall announce a date for public hearing before the Commission by giving written notification to the applicant (or subdivided and by general publication of the date of said public hearing in a newspaper with circulation in the area of the proposed major subdivision. The date of said hearing shall not be scheduled later than 30 days after the announcement.

(B) At least ten days prior to the date set for the public hearing, the applicant (or subdivider) shall give written notice to all abutting property owners. The applicant (or subdivider) shall give notice by certified mail with return receipts using a prescribed form furnished by the Area Plan Commission. An affidavit, which lists the abutting property owners and attests that notice has been duly given to said property owners, must be filed with the Area Plan Commission along with all return receipts prior to the date set for the hearing. Failure of the applicant (or subdivider) to comply with the above notification and affidavit requirements (both in time schedule and substance) shall result in cancellation of the public hearing, and there shall be imposed another filing fee equal to the original filing fee for rescheduling of the public hearing, cancellation of the original public hearing, and republication of the notice of the public hearing.

(C) Following the public hearing, the Area Plan Commission may approve or disapprove (with written findings that set forth its reasons for denying approval and provide the applicant a copy) the major subdivision application. If the application is approved and all requirements of this chapter are met, the President and Executive Director of the Area Plan Commission shall certify (approve) the major subdivision plat for recording.
(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2013-06, passed 6-24-13)

§ 154.013 PREPARATION FOR PRIMARY APPROVAL.

(A) The plat shall be prepared by a registered land surveyor and duly signed and sealed in form, content and detail prescribed hereinafter.

(B) The plat shall be prepared to meet at least the minimum requirements as detailed under §§ 154.070 through 154.078 and §§ 154.090 through 154.102.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.014 FORM OF SUBMISSION.

The plat shall be clearly and legibly drawn at a scale of not more than 100 feet to one inch on a sheet or sheets 24 inches by 36 inches or multiples thereof, except that, when the drawing at that scale requires more than two sheets, the plat may be drawn at a scale of 200 feet to one inch. A read-only electronic version of the plat shall also be provided in a format specified by the Area Plan Commission staff.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.015 VICINITY PLAN.

(A) The plat application for primary plat approval must include the following information.

(B) Vicinity plan. A vicinity plan drawn to a scale of not less than 1,000 feet to one inch showing the relationship of the plat to its general surroundings and showing and identifying the following details:

(1) Existing streets within 1,000 feet of the subdivision.

(2) Municipal boundaries within 1,000 feet of the tract.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.016 REQUIRED PRIMARY PLAT INFORMATION.

(A) The major subdivision plat must include the following in order to be considered for primary approval:

(1) Contents.

(a) Proposed name of subdivision. The name shall not duplicate the spelling or pronunciation of any other recorded subdivision.

(b) Location by section, quarter section, township, range, city, town or civil township and complete metes and bounds or other legally recorded boundary description.

(c) Names and addresses of the owner, subdivider (applicant) if other than the owner and seal of registered land surveyor preparing the plat.

(d) Scale of plat including graphic scale, north point and date.

(2) Existing conditions.

(a) Boundary lines of proposed subdivision indicated by a heavy line with bearings and distances and the approximate acreage.

(b) Location and description of all monuments with references by distance and bearings to quarter section and quarter-quarter section corners.

(c) Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way and easements, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation lines within or adjacent to the tract.

(d) In case of a replat creating additional lots, all descriptive lines and lot numbers of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity or confusion.

(e) Streets on and adjacent to the tract: name and right-of-way width and location.

(f) Municipal facilities, public improvements and utilities on and adjacent to the tract.

(g) Existing contours with intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%. Elevations shall be based on the National Geodetic Vertical Datum of 1929. If not practicable an assumed datum to the satisfaction of the County Highway Engineer may be used.

(h) Subsurface conditions on the tract, if required by the Area Plan Commission: location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.

(i) Other conditions on the tract: water courses, 100-year flood contour line from FIRM map, legal drains, marshes, rock outcrop, wooded areas, existing structures, and other significant features.

(j) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recording data and number, and show approximate percent built-up, typical lot size and dwelling type.

(k) Current zoning and, if applicable, proposed zoning on the tract plus zoning on abutting tracts.

(l) Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract.

(m) The nearest distance to a fire hydrant shall be shown. If such distance is greater

than 600 feet, the plat submission shall include a letter from the appropriate fire chief stating the greater distance is acceptable or that an alternative source of water is (or shall be made) available. Any condition stated by the fire chief shall be placed on the plat. For final plat approval, a letter approving water capacity and location of fire hydrants by the appropriate water company will be required.

(3) Proposed conditions.

(a) Streets names and right-of-way; similar data for alleys, if any.

(b) Other rights-of-way or easements; location, width and purpose.

(c) Lot lines with adequate dimensions, including area, lot numbers and block numbers. If proposed subdivision is a non-residential subdivision, this condition may be waived by the Area Plan Commission if the subdivider certifies to a minimum lot size and meets all other conditions of this chapter.

(d) Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

(e) Minimum building setback lines for the front yard only and distances at proposed building lines on any curved streets.

(f) Site data, including number of residential lots, type, typical lot size, and acres in parks, open spaces or school sites.

(g) Title, scale, north arrow and date.

(h) Parcels of land to be dedicated or temporarily reserved for public use or set aside for the use of property owners in the subdivision. Land to be dedicated for parks or other public uses shall be set forth and shown on the plat under the appropriate heading such as "Park" or "Out Lot for Public Use".

(4) Accompanying plans, specifications and certifications.

(a) The application for primary plat approval must be accompanied by the following:

1. If private sewage disposal systems and/or wells are proposed, approval and certification of same by the County Health Department. In cases of a non-residential subdivision not showing definite proposed lot lines allowed by the Commission, this certification shall certify to the minimum lot size allowed for said private sewage disposal system and/or well by the County Health Department and State Board of Health.

2. If new sanitary sewer connections are to be installed, a capacity letter from the municipality (or sanitary sewer utility) serving the subdivision.

3. If new water service connections are to be installed, a capacity letter from the municipality (or water utility) serving the subdivision.

4. The subdivider shall submit to the Area Plan Commission two initial and four final sets of drainage plans for the proposed subdivision with a cost estimate for construction of the drainage improvements certified by a registered engineer.

5. The subdivider shall submit to the Area Plan Commission two initial and four final sets of detailed plans and specifications for street and sidewalk construction. The detailed plans shall consist of cross sections and profiles of streets showing grades. The profiles shall be drawn to county standard scales and elevations and shall be based on the National Geodetic Vertical Datum of 1929. The plans must be accompanied by a certificate of compliance on a prescribed form available from the Area Plan Commission, which said certificate shall contain the following:

A. Estimated date for the commencement of construction.

B. Estimated date for construction completion.

C. Project location.

D. Detailed description of the type of construction.

E. Location and typical street sign design if different from standard design shown on Appendix A of this chapter. Traffic control devices which include, but are not limited to, stop signs at intersections, yield signs at intersections, dead end signs, warning signs, and speed control signs shall be located and designed per the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways subject to approval by the Highway Engineer and Board of Commissioners respectively reserving the right to make additions or changes. The Certificate of Compliance must detail the type of devices, how many, and dollar amount of each device.

F. Name, length and estimated cost of construction for each street.

G. Location of sidewalks together with estimated cost of construction.

H. Total estimated cost of all street and sidewalk construction.

I. A certificate by the subdivider that the construction will be completed in accordance with the plans submitted.

J. A certificate of a registered engineer that the specifications meet the minimum requirements of this chapter.

K. A certificate of a registered engineer that he or she will perform periodic job site inspections to determine that construction is completed in accordance with the plans and specifications.

(b) Prior to primary approval being granted by the Area Plan Commission, the following approvals must be obtained:

1. Drainage Board for the subdivision's drainage plan.

2. Board of Commissioners for the street plans and specifications.

(B) The Area Plan Commission staff will take the necessary administrative action to schedule the appropriate reviews by the Drainage Board, County Highway Engineer and Board of Commissioners.

(C) Provided the street plans and specifications meet all applicable provisions of this chapter, the County Highway Engineer and the Board of Commissioners shall have no course than to grant approval of the plans and specifications and to so certify.

(D) To establish the cost estimates referred to in division (A)(4)(a)5.H. of this section, a cost breakdown must be submitted by a registered professional engineer. If inconsistent with current development costs, the Area Plan Commission may require a copy of the construction contract. Said cost estimates may be used for the purpose of establishing the amount of the irrevocable letter of credit for guaranteeing completion of improvements as required by § 154.022.

(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2007-23, passed 9-12-07)

§ 154.017 OPTIONAL PRIMARY PLAT INFORMATION.

At the discretion of the Area Plan Commission or Executive Director, the following information shall be disclosed on the plat: proposed restrictive covenants properly prepared and legally sound which may be deemed essential to the sound development of the proposed area. At the discretion of the subdivider and/or Area Plan Commission, restrictive covenants may be proposed to regulate land use in the subdivision and otherwise protect the proposed development. Said covenants shall not be less restrictive than any of the provisions of this chapter.

The Area Plan Commission shall have no authority to enforce said covenants. Enforcement shall be the responsibility of the property owners.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.018 PRIMARY PLAT APPROVAL.

(A) In determining whether to grant primary approval of a plat, the Plan Commission shall determine if the plat or subdivision qualifies for primary approval under standards prescribed in this chapter. Following the public meeting the Commission shall render primary approval or disapproval of the plat with or without conditions.

(B) The standards fixed in this chapter may be waived at the discretion of the Commission; however, to be approved, the plat must still meet all applicable standards prescribed in the zoning ordinance. As a condition of granting a waiver, the Commission, may allow or require a commitment to be made as described in part in I.C. 36-7-4-1015 as a condition to primary approval of a proposed subdivision plat or development plan the owner of a parcel of real property may be required or allowed to make a commitment to the Plan Commission concerning the use or development of that parcel. (See Comprehensive Zoning Ordinance for the I.C. 36-7-4-1015 in its entirety)

(C) Primary approval is strictly tentative, involving the general acceptability of the layout submitted and shall be effective for a maximum period of five years unless, upon application of the subdivider, the Executive Director grants an extension for one year. If the plat has not been submitted for secondary approval within this time limit, the primary plat shall be considered null and void and no further action shall be taken except by re-application as hereinbefore provided.

(D) If, after the hearing the Commission determines the application and plat comply with the standards in the this chapter, it shall make written findings granting primary approval to the plat in triplicate form signed by the President or the

Commission and certified by the Executive Director. This decision, which must also specify any condition imposed or waiver granted.

(E) If, after the hearing the Commission disapproves the plat, it shall make written findings that set forth its reasons denying primary approval and provide the applicant a copy.

(F) Primary approval of a plat, with or without conditions, shall in no way constitute approval of the plat required prior to being filed with the auditor and recorder. However, the Commission, Executive Director or County Commissioners may not impose any additional terms, conditions or commitments after primary approval.
(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2013-07, passed 6-10-13)

§ 154.019 FINAL PLAT.

(A) Within five years after primary approval, or within the time limit of any extension granted, with or without conditions, the subdivider shall submit a plat prepared by a registered professional land surveyor in conformance with the primary plat for secondary approval. The Area Plan Commission will notify the subdivider 90 days prior to the expiration of said five years.

(B) The secondary plat shall conform substantially to the approved primary plat, reflecting all terms, conditions and commitments given by the subdivider or required by the Area Plan Commission and it may constitute only that portion of the approved primary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements and standards of this chapter. The approved primary plat may be submitted as the secondary plat if it meets all the necessary requirements of this chapter.

(C) Under no circumstance shall a secondary plat be recorded unless said plat has received secondary approval and a plat release has been duly executed as set forth in §§ 154.020 through 154.023.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.020 REQUIRED SUBMISSIONS PRIOR TO CONSIDERATION OF SECONDARY APPROVAL.

(A) *Timing and form of submission.* At least two weeks prior to the date of meeting at which it is to be considered by the Commission or Executive Director, certain reproductions of the secondary plat, which may include all or only a portion of the approved primary plat, shall be submitted to the Area Plan Commission Office according to the following instructions. A replat, limited to changing lot lines not increasing the number of lots, or adding additional area, or a subdivision with no substantial change from the approved primary plat, may be approved by the Executive Director after obtaining a sign-off by the County Highway Engineer that the subdivision meets all the approved street construction plans (i.e., the County Highway Engineer certifies that all improvements have been made or establishes a dollar amount for an irrevocable letter of credit covering the cost of improvements yet to be completed), the County Surveyor that the subdivision meets all the approved drainage plan approvals (i.e., the County Surveyor certifies that all improvements have been made or establishes a dollar amount for an irrevocable letter of credit covering the cost of improvements yet to be completed), and receipt of an irrevocable letter of credit covering the cost of improvements yet to be completed in the amount specified by the County Highway Engineer and County Surveyor. It is at the discretion of the Executive Director if the secondary plat must be presented to the Commission.

(1) One original reproducible Mylar transparency with six blackline or blueline reproductions. A read-only electronic version of the plat shall also be provided in a format specified by the Area Plan Commission staff.

(2) All plats shall be drawn with black drawing ink on a sheet(s) 24 inches by 36 inches. "Stick on" lettering or sheets are not acceptable. The plats may be prepared on paper using "stick-on" from which a permanent Mylar is made. Ammonia process

Mylars are not acceptable. The left margin shall be a minimum of two inches. The plat shall be drawn at a scale of not more than 60 feet to one inch unless the proposed lots are 2 1/2 acres or more which may be

drawn at a scale not more than 200 feet to one inch; multiple sheets are acceptable. The six reproductions of the final plat and the original reproducible Mylar transparencies shall become the property of the Area Plan Commission.

(B) *Required secondary plat information.* The secondary plat shall contain the following information:

- (1) Name of subdivision.
- (2) Location by range, section, quarter section, township, city, town or civil township with legal boundary description or by other legal description.
- (3) The name, address, and certification of the licensed surveyor preparing the plat and his or her signature and seal.
- (4) Scale shown graphically and numerically, north point and date.
- (5) Boundaries of the tract with accurate dimensions and bearings as determined by an accurate survey in the field that has been balanced and closed, as well as physically located by monumentation.
- (6) A note indicating the basis of all bearings used in the boundary survey and shown on the plat. Reference to true meridian is encouraged.
- (7) Sufficient data must be shown to determine readily the bearings and length of every lot line, block line and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. All lots must show square footage of lot area.
- (8) Location and description of all monuments with references by distance and bearing to quarter sections and quarter quarter sections.
- (9) Right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.
- (10) Name and right-of-way width of each street or other right-of-way.
- (11) On cul-de-sacs and on any curved street, angles at the center thereof between markers on the perimeter shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public right-of-way.
- (12) Whenever a participating city or town or Warrick County has established or adopted a system of coordinates, then the boundary survey shall be tied into such system.
- (13) The plat shall show clearly what markers, monuments or other evidence were found on the ground to determine the boundaries of the subdivision. The adjoining subdivision shall be identified by lot and block numbers, subdivision name, place of record, or other proper designations.
- (14) Township and range and quarter-section lines shall be accurately tied to lines of the subdivision by distance and bearing.
- (15) At least two benchmarks shall be located in the subdivision and so indicated with their elevations shown on the plat. All elevations shall be based on the National Geodetic Vertical Datum of 1929 as shown on the primary plat.
- (16) Show the center and side lines of streets, the total width of all streets, width of the portion being dedicated and the width of existing dedications, and the widths each side of the center line; also, the width of railroad rights-of-way appearing on the plat.
- (17) Easements must be clearly labeled, identified, the side line shown, and if already recorded, their recorded reference given. Easements shall be denoted by fine dashed lines. The widths of easements and the lengths and bearings of the lines thereof when needed and sufficient ties thereto definitely locating the easement with respect to the subdivision must be shown. If the easement is being dedicated by the plat, it shall be so stated in the owner's certificate of dedication.

(18) Numbers or letters for all lots or other areas.

(19) Street addresses for lots shall be obtained from records of the Area Plan Commission Office.

(20) Building set-back lines for the front yard only and distances at proposed building lines on any curved streets.

(21) Restrictions, dedications, and private covenants to be made a part of the secondary plat by the inclusion or reference.

(22) The following certificates shall appear on the secondary plat:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recording of said plat.

(b) An acknowledgment certificate signed by a Notary Public.

(c) A certificate by the registered land surveyor responsible for the survey and final plat and his or her signature and seal.

(d) A certificate for execution by the Area Plan Commission.

(e) A certificate from the County Drainage Board and signed by the Secretary of said Drainage Board.

(C) In the event all basic and street improvements have been installed prior to secondary approval, the following certificate must accompany the secondary plat: a certificate of completion by a registered professional engineer or registered land surveyor attesting that all basic improvements have been installed in conformance with the primary plat and applicable provisions of this chapter.

(D) In the event application for secondary approval is made prior to completion of all basic

improvements, proof of financial responsibility must be filed with the Area Plan Commission in accordance with the provisions of § 154.022(B).

(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2011-16, passed 7-11-11)

§ 154.021 INSPECTION OF IMPROVEMENTS DURING CONSTRUCTION.

(A) *Street improvements inspection by County Highway Engineer.* Installation of all street improvements shall be inspected by the county or the participating city or town within whose territorial boundaries the subdivision is located. At least a 24 hour notice shall be given the County Highway Engineer or town board of the participating jurisdiction prior to the installation of any pavement for street construction. Such inspections are required in all instances regardless of whether the work is performed before or after the subdivision plat has been recorded. Failure to request inspection of work performed after may be cause for denial of acceptance of the streets by the county or participating jurisdiction for maintenance.

(B) *Basic and street improvements inspection by Registered Engineer.* The installation of all basic and street improvements shall be inspected during construction by a registered professional engineer at the expense of the subdivider. If, on the basis of this (these) inspection(s) and a final inspection upon completion of construction, the engineer finds that all basic and street improvements have been constructed in accordance with the requirements of this chapter, the said engineer shall provide the Area Plan Commission with a certificate to that effect. By this rule, the Area Plan Commission hereby prescribes the principal procedure for determining whether all non-street improvements and installations have been constructed and completed as required by this chapter. (BC Ord. 2006-05, passed 3-20-06)

§ 154.022 PROOF OF FINANCIAL RESPONSIBILITY.

(A) (1) If the subdivider elects to install all improvements, including traffic control devices,

before he applies for secondary plat approval and it is shown to the satisfaction of the Commission that the conditions of this chapter have been met, and if the secondary plat conforms substantially to the plat that received primary approval, the subdivider (applicant) is exempt from the remaining provisions of this section of the chapter provided, however, that said application for secondary approval is made within five years of primary plat approval without the granting of extensions. Extensions shall be for not less than one year, nor more than five years. Moreover, if the above conditions are met, the Commission shall have no other course than to give secondary plat approval within 30 days after application for secondary approval.

(2) The following provisions allowing for other proof of financial responsibility in lieu of installing all improvements before applying for secondary plat approval shall not apply to traffic control devices. The cost of all devices shall be borne by the subdivider, and shall be installed by the subdivider prior to any street being constructed, either completely or partially, and opened to the public.

(B) If the subdivider (applicant) elects to apply, for secondary approval prior to the complete installation of all basic and street improvements that received primary approval, then in lieu thereof, the subdivider (applicant) shall file with the Area Plan Commission an irrevocable letter of credit guaranteeing that the improvements will be completed or other proof of financial responsibility, as hereinafter set forth.

(1) If the subdivider (or applicant) elects to file an irrevocable letter of credit with the Area Plan Commission to assure completion of all basic and street improvements required by the Commission, such surety shall:

(a) Be securable to Board of Commissioners.

(b) Be in an amount determined by the County Highway Engineer and County Surveyor to be sufficient to complete the improvements required.

(c) Provide surety satisfactory to the Board of Commissioners.

(2) Any funds received from irrevocable letters of credit shall be used by the county only for the purpose of making the improvements and installations for which the irrevocable letter of credit was provided. The proceeds of the irrevocable letter of credit may be used for these purposes without appropriation. If the improvement or installation is to be made within a participating city or town, the county shall transmit the proceeds of the irrevocable letter of credit or cashier's check to the participating city or town who shall complete the improvements or installation.

(3) Such irrevocable letter of credit shall comply with all statutory requirements and shall be satisfactory to the Attorney of the Board of County Commissioners as to form, sufficiency, and manner of execution. The period within which required public improvements must be completed shall not exceed two years from date of secondary approval. Such bond shall be approved by the participating jurisdiction as to amount. The Plan Commission may upon proof of difficulty, grant an extension of the completion date set forth in such bond for a maximum period of one additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond as hereinafter provided.

(C) The subdivider shall have the option of providing proof of financial responsibility to the county by means of any of the following courses of action in lieu of providing the irrevocable letter of credit as specified in division (B) of this section: the subdivider may submit a certified check (cashier's check) to the County Auditor made payable to the county in an amount equivalent to 100% of the estimated costs to complete the improvements as determined by the County Highway Engineer and County Surveyor. In this event, the subdivider shall be entitled to receive progress payments from the funds deposited by the subdivider of not more than 90% of the value of any work completed; provided, however,

that all such work completed shall have been inspected and approved by the registered professional engineer or land surveyor responsible for inspecting the basic and street improvements. The remaining 10% of the cashier's check over and above the 90% progress payments shall be paid by the County Auditor upon receipt by the Area Plan Commission of a certificate of completion of basic and street improvements as provided in § 154.021. Any payments or release of funds by the County Auditor shall be made only upon receipt of an approval certificate signed by the Area Plan Commission Executive Director.

(D) The subdivider may submit an irrevocable letter of credit issued by a financial institution acceptable to the Board of Commissioners on behalf of the subdivider and securable to the county in an amount equivalent to 100% of the estimated cost of completion of the uncompleted portion of street improvements.

(1) In the event an irrevocable letter of credit is used, it shall be written for a minimum period of one year for street improvements other than sidewalks and two years for sidewalks or a maximum of two years for street improvements other than sidewalks and five years for sidewalks. Two months prior to the expiration date of the irrevocable letter of credit, the Area Plan Commission shall send a letter to the subdivider (applicant) to determine if the street improvements have been completed and accepted for maintenance and/or acknowledgment of completion by the county or other units of government having jurisdiction over them, and if they have not been accepted or acknowledged shall so notify the subdivider of his or her options which are:

(a) If the subdivider has not exceeded the allowed maximum two years for street improvements other than sidewalks and five years for sidewalks, he or she may have his or her engineer submit a certified report of percentage of street construction and sidewalk completion yet to be finished and the dollar amount required to complete the work. This submittal must be made to the Area Plan Commission office a minimum of 30 days prior to the expiration date of the irrevocable letter of

credit. The County Highway Engineer shall make an inspection to verify said engineer's certification. Once the County Highway Engineer gives his or her written approval, the subdivider may submit a new irrevocable letter of credit a minimum of ten days prior to the expiration date of the one being replaced. This new irrevocable letter of credit shall not be for a period less than one year. However, the Board of Commissioners may require an irrevocable letter of credit in the amount to cover possible repairs to any completed improvements, including roadway and drainage, if the improvements have not passed through a seasonal freeze-thaw cycle.

(b) Should the developer not submit a replacement irrevocable letter of credit in the manner previously described, the county shall secure the funds pledged by the expiring irrevocable letter of credit.

(c) At the discretion of the Board of Commissioners, they may grant an extension of one additional year upon written request of the subdivider and provided he or she follows the procedure as previously mentioned for the submittal of a new irrevocable letter of credit.

(d) In the event the subdivider can demonstrate that due to some unforeseen circumstance or hardship beyond his or her control and not self-created, he or she may request a second and final extension to be granted by the Board of Commissioners if improvement location permits have been issued for less than 75% of the subdivision lots. At the discretion of the Board of Commissioners, they may grant the extension for such period of time they deem adequate, however, not less than one year and not to exceed two years. In the case of sidewalks, if improvement location permits have been issued for less than 75% of the subdivision lots, at least one side of each street must be installed for pedestrian safety and convenience by this time, certified to by his or her engineer and verified by the County Highway Engineer.

(2) There shall be no reduction in the dollar amount of any irrevocable letter of credit during its term.

(E) At such time all street construction has been completed and streets accepted for maintenance and sidewalk construction acknowledged, any irrevocable letter of credit guaranteeing the construction shall be released.

(1) The subdivider may submit an irrevocable letter of credit in favor of the Board of County Commissioners to be held by the Area Plan Commission and in an amount equivalent to 100% of the cost of completion of the uncompleted portion of required basic improvements.

(2) The subdivider may submit any combination of an irrevocable letter of credit or cashier's check to the county in an aggregate amount equivalent to 100% of the cost of completion of the uncompleted portion of required public improvements.

(3) If water and/or sewer lines are required per this chapter, proof of financial responsibility provided by subdivider to the municipality furnishing water and/or sanitary sewage may be accepted as the proof of financial responsibility required by this section provided the Area Plan Commission has received written assurances from such municipality which furnishes such services.

(a) With respect to the installation or extension of water, sewer, or other utility service, the applicant may show by written evidence that he or she has entered into a contract with the political subdivision providing the service; and

(b) The Area Plan Commission determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with this chapter; or

(c) The plat and the applicable deed shall display the following notations:

The utility will not sell sewer/water taps for any lot in this subdivision until the sewer/water lines servicing the subdivision are installed and deemed substantially complete by said utility. Warrick County will not issue Improvement Location Permits or Building Permits for any lot in this subdivision until a sewer/water tap for the lot is issued by said utility.

(4) Any means of financial responsibility submitted by the subdivider in lieu of an irrevocable letter of credit, such as a cashier's check, shall comply with all statutory requirements and shall be satisfactory to the Attorney of the County Commissioners as to form, sufficiency and manner of execution.

(F) All improvements to be installed in a subdivision shall comply with the requirements of §§ 154.070 through 154.078 and 154.090 through 154.102.

(G) Upon certification of completion of all basic and street improvements as required in § 154.021, the County Commissioners shall release the irrevocable letter of credit or cashier's check that has been posted to guarantee completion of the improvements and discharge the subdivider and surety from further liability or responsibility thereunder. Any financial instrument (i.e., cashier's check) used by the subdivider in lieu of an irrevocable letter of credit shall likewise be released with a discharge of further liability or responsibility for completion of the improvements.

(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2007-22, passed 9-12-07; Am. BC Ord. 2013-29, passed 11-12-13)

§ 154.023 SECONDARY PLAT APPROVAL.

(A) The Executive Director shall examine the secondary plat and all accompanying documentation to determine whether they conform with the primary plat and with all changes permitted and all requirements of

this chapter imposed as a condition of the secondary plat's acceptance. If the Executive Director shall determine not to approve said plat, they shall advise the subdivider of the changes or additions that must be made before approval will be granted, and shall set forth its reasons in its own records and provide the applicant a copy. If the secondary plat does not conform substantially to the approved primary plat then the Executive Director shall forward said secondary plat to the Commission for approval. If Executive Director and/or Commission shall determine to approve the plat, it shall affix the Commission's seal upon the plat, together with the certifying signatures of its President and Executive Director.

(B) Plat release.

(1) Provided the Executive Director and/or Area Plan Commission has granted secondary approval, the plat release shall be executed by the Executive Director upon receipt of a plat release fee as set by the Area Plan Commission (pursuant to I.C. 36-7-4-411) has been paid to the Area Plan Commission.

(2) Exclusion:

(a) There shall be no fee required for any application by a participating unit of government in the Area Plan Commission.

(b) Corrected plat due to an error or omission.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.024 COMPLETION OF STREET IMPROVEMENTS AND ACCEPTANCE OF MAINTENANCE BY COUNTY.

(A) Unless waived by the Board of Commissioners, the subdivider shall:

(1) Complete all street construction, sidewalk construction, and drainage improvements in accordance with the approved subdivision street plans and drainage plans. Street construction and drainage

improvements shall be constructed within two years of issuance of the subdivision plat release (unless an extension is granted by the Board of Commissioners). Sidewalks shall be constructed within five years of the issuance of the subdivision plat release (unless an extension if granted by the Board of Commissioners). In the event an extension has been granted, the amount of the irrevocable letter of credit shall not be reduced prior to its expiration date and the extension of the irrevocable letter of credit or a new irrevocable letter of credit shall be in force prior to the beginning of the extension period.

(2) Make application to the officer of the Area Plan Commission for the acceptance of the subdivision streets for maintenance by the Board of Commissioners by the time that two years has elapsed from the issuance of the subdivision plat release (unless an extension has been granted).

(B) The application for acceptance of maintenance shall be accompanied by a filing fee as set by the Area Plan Commission or the Board of Commissioners pursuant to I.C. 36-7-4-411:

(1) Four copies of the secondary plat; and

(2) Pursuant to § 154.021(B), a certificate from a licensed professional engineer attesting that all required non-street improvements have been installed in accordance with all applicable provisions of this chapter.

(C) Subsequent to receipt of the application for acceptance of maintenance, the County Engineer shall conduct a field inspection of the subdivision's street improvements and make a report of said inspection as well as previous inspections during construction (pursuant to § 154.021) to the Board of Commissioners. The report shall list all deficiencies, if any, shall need to be corrected as a condition for acceptance by the county of the roadways for maintenance. However, the Board of Commissioners may require an irrevocable letter of credit in the amount to cover possible repairs to any completed improvements, including roadway and drainage, if the improvements have not passed through a seasonal freeze-thaw cycle.

(D) If the findings of the County Engineer's report do not reveal any deficiencies, the Board of Commissions shall have no other course than to accept the subject roadways for maintenance.

(E) Whenever a subdivider receives a subdivision plat release he or she shall, in addition to all other requirements, maintain the streets as laid out and established on the subdivision plat in accordance with the minimum standards for subdivision street maintenance established by the Board of Commissions until such time as the streets are accepted for maintenance.

(F) Whenever a subdivider, his or her agents, employees or assigns, conveys lots in a subdivision, in which the streets have not been accepted for maintenance by the Board of Commissioners, he or

she shall cause to be printed in bold print across the face of the deed of conveyance the following:

"STREET, ROAD AND OTHER MINIMUM IMPROVEMENTS IN THIS SUBDIVISION HAVE NOT BEEN MADE AND THE COUNTY WILL NOT ACCEPT THE SAME FOR MAINTENANCE UNTIL THE OWNERS OF THE VARIOUS LOTS HEREIN IMPROVE THE SAME UP TO SAID MINIMUM STANDARDS."

In like manner, the Executive Director of the Area Plan Commission shall cause the same language to be stamped or printed on the Secondary Plat regardless of whether or not lots are being conveyed in the subdivision.

(BC Ord. 2006-05, passed 3-20-06)

PROCEDURES FOR SUBMISSION OF MINOR SUBDIVISIONS

§ 154.035 APPLICATION AND FEES.

(A) A subdivider desiring approval of a plat for a minor subdivision of any land lying within the jurisdiction of the Area Plan Commission shall submit a plat of the subdivision in accordance with this subdivision to the Area Plan Commission.

(B) A minor subdivision plat may be filed for approval for any division of land creating not more than three new parcels (that is three new parcels excluding the residual of the original parcel) provided that:

(1) The original parcel was not previously subdivided in the past 12 months;

(2) All parcels have frontage on an existing street with an improved right-of-way maintained by the county or other participating jurisdiction;

(3) No extension of existing or creation of new streets, municipal facilities or public improvements is proposed;

(4) It does not adversely affect the remainder or the parcel or adjoining projects; and

(5) It does not conflict with any provision or portion of the Comprehensive Plan, the Thoroughfare Plan, Zoning Ordinance (both text and map), or this chapter.

(C) No land shall be subdivided if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of future residents and of the community as a whole.

(D) At the time of filing of an application for minor subdivision plat approval, the application shall be accompanied by an application fee as set by the Area Plan Commission pursuant to I.C. 36-7-4-411. (BC Ord. 2006-05, passed 3-20-06)

§ 154.036 NOTICE OF PUBLIC HEARING.

Three different circumstances exist for public notice and opportunity to comment on the minor subdivision application:

(A) If the subdivider has obtained the signatures of all abutting property owners stating their approval (or no objection to Area Plan Commission approval of the plat) and such accompanies the minor subdivision plat at the time of application for approval by the Area Plan Commission, no further public notice nor a public hearing are necessary, and the Executive Director of the Area Plan Commission may certify (approve) the minor subdivision plat for recording.

(B) If the subdivider has not obtained the signatures of all abutting property owners stating their approval at the time of the application to the Area Plan Commission for approval of the plat, the applicant

shall give notice of the right to voice objections to the Subdivision Review Committee and then the right to appeal to the full Area Plan Commission to all abutting property owners of record. Within seven days of filing of the application, the notice shall be sent by the applicant to abutting property owners of record by certified mail with return receipts using a prescribed form furnished by the Area Planning Commission. The notice of the right to voice objections to the Subdivision Review Committee and then the right to appeal to the full Area Plan Commission shall inform the abutting property owner that he or she has ten days from the post-marked date of the mailing of the notice to submit a written objection (the address of the Area Plan Commission being included in the notice) to the Area Plan Commission for an audience before the Subdivision Review Committee. Only abutting property owners of record shall make such an objection, and the objection shall be heard before the Subdivision Review Committee before the objector may appeal to the full Area Plan Commission. An affidavit which lists the abutting property owners and attests that notice has been duly given to said property owners must be filed with the Area Plan Commission along with all return receipts within ten days of the filing of the application. Two possible actions may occur:

(1) If the affidavit is in order and no oral nor written objection has been received by the Area Plan Commission on or before the close of the ten days of notification of the abutting property owners, the Executive Director of the Area Plan Commission may certify (approve) the minor subdivision plat for recording.

(2) If on the other hand, an oral or written objection is received by the Area Plan Commission on or before the close of the tenth day subsequent to the notification of the abutting property owners, the Executive Director of the Area Plan Commission shall announce, within 14 days of receipt of the application, the date that the objection will be reviewed by the Subdivision Review Committee by giving written notification to the applicant and the objector.

(3) Following the review before the Subdivision Review Committee, the Executive

Director of the Area Plan Commission may approve, disapprove (with written findings that set forth its reasons for denying approval and provide the applicant a copy) the minor subdivision application, or request the full Area Plan Commission to review the matter. If the application is to be approved, the Executive Director shall inform all objectors by certified mail of their right to appeal to the full Area Plan Commission by oral or written request within ten days. Only those abutting property owners who have raised an original objection and requesting a review by Subdivision Review Committee can appeal to the full Area Plan Commission. If no oral or written appeal is received within ten days, the Executive Director of the Area Plan Commission shall certify (approve) the minor subdivision plat for recording.

(C) After the Subdivision Review Committee has met and the Executive Director has made a finding to deny the subdivision, the applicant may appeal to the full Area Plan Commission. After the Subdivision Review Committee has met and the Executive Director has informed all objectors of the intent to approve the subdivision, an original objector who is also an abutting property owner may appeal orally or in writing to the full Area Plan Commission within ten days of receiving notice of the intent to approve the subdivision. Finally, the Executive Director may request an appeal before the full Area Planning Commission. Under any of these three circumstances, the Area Planning Commission will hold a public hearing at the next scheduled Area Planning Commission and the Executive Director shall give written notice to the applicant and any objectors of the date of the public hearing.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.037 PREPARATION AND SUBMISSION OF MINOR SUBDIVISION PLAT.

(A) A minor subdivision requires the submittal of a plat prepared by a licensed land surveyor and duly signed and sealed prior to submission attesting to the legal boundary descriptions and the monumenting of property corners of all lots (existing and created).

(B) The minor subdivision plat shall include the information cited in § 154.038. Prior to submission of the plat, the subdivider is encouraged to obtain the certifications of access, sewage disposal, potable water and stormwater drainage. The plat will be accepted for processing by the Area Plan Commission without these four certifications; and the Area Plan Commission staff will forward the plat to the appropriate agencies for these three certifications. Prior to submission of the plat, the subdivider is also encouraged to obtain the signatures of all abutting property owners stating their approval (or no objection to Area Plan Commission approval of the plat). The plat will be accepted for processing by the Area Plan Commission without abutting property owner signature. However, the subdivider shall (within seven days of the filing) send out notifications to abutting property owners of their right to voice objections to the Subdivision Review Committee and then to appeal to the full Area Plan Commission within ten days notify, and shall file an affidavit within ten days with the Area Plan Commission verifying the notification. If any abutting property owner requests the review of an objection by the Subdivision Review Committee, the review by the Subdivision Review Committee shall be scheduled; if not, the Executive Director may certify (approve) the plat for recording provided the plat and affidavit are in order. If any party appeals to the full Area Plan Commission after the review by the Subdivision Review Committee, a public hearing will be scheduled before the full Area Plan Commission; after the public hearing, the Area Plan Commission may approve or deny the subdivision stating the conditions for denial. If approved, the President and Executive Director of the Area Plan Commission may certify (approve) the plat for recording provided the plat and affidavit are in order.

(C) The minor subdivision plat shall be submitted on a reproducible piece of paper (with original signatures) drawn to a scale no larger than one inch equals 200 feet plus six copies and a read-only electronic version of the plat.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.038 REQUIRED MINOR SUBDIVISION PLAT INFORMATION.

(A) The application for minor subdivision plat approval shall include the following data:

(1) Title of minor subdivision.

(2) Recording data of the deed of the property being divided, including deed book and page number and tax block and lot number. (A copy of the deed shall be attached.)

(3) Owners of record with their names, addresses, and original signatures (to be affixed and dated).

(4) A parent tract legal boundary description, with the lengths and bearings from all property corners (to be monumented with a steel rod) shown on the plat. Each parcel shall have a legal boundary description, with the lengths and bearings from all property corners (to be monumented with a steel rod) shown on the plat.

(5) Location map of the subdivision from the nearest public road intersection, with north point and scale.

(6) Location and description of all monuments with references by distance and bearings to quarter section corners, section corners, grant corners, or recorded subdivision corners.

(7) All lots numbered or lettered with the acreage of each lot shown.

(8) All public rights-of-way including streets and utility easements shown and labeled with the width thereof. A statement shall be placed on the plat that no buildings, structures, fences, shrubs or trees shall be placed in the public right-of-ways, either existing or to be dedicated by this plat.

(9) Building setbacks from the front lot line.

(3) Potable Water Certificate:

Water lines are in place and available for connection to all parcels.

Conditions: (statement of no conditions or the conditions cited).

Name & Water Company Date

(If water is supplied by wells or cisterns)

Water will be provided to all parcels by wells or cisterns.

Conditions: (statement of no conditions or the conditions cited).

Warrick Co. Health Dept. Date

(4) Stormwater Drainage Certificate by the Warrick County Surveyor:

I, (name), Warrick County Surveyor, certify that this Minor Subdivision will not effect the drainage in this area nor does it require drainage Plan submittal.

Conditions: (statement of no conditions or the conditions cited)

Warrick County Surveyor Date

(5) Surveyor Certificate:

I, (name), Registered Land Surveyor in the State of Indiana, hereby certify: (a) that I have examined the FEMA Flood Hazard Map Community No. (), dated (), and have determined that this Minor Subdivision IS/IS NOT in a Flood Hazard Area; and (b) that all property corners have been monumented.

[Note: If any portion is located within the 100-year flood plain, you must delineate that portion as shown on the flood plain panel. Further, you must demonstrate that the remainder of the lot can have a suitable building site with access above the 100-year flood elevation, showing any portion of the lot to be

filled at an elevation two (2) feet above the 100-year flood plain.]

Surveyor's Name Date
& L.S. Number

(6) Abutting Property Owner Certificate:

I, (name), have no objection to the approval of this subdivision plat by the Area Plan Commission and waive my right to request a Public Hearing before the Area Plan Commission on this subdivision.

Abutting Property Owner Name Date

[This certification may be placed on the plat next to the name of the abutting property owner with a note referring to the statement above (placed on the plat), or in an attachment to the plat with the abutting property owners' names, addresses, tax block and lot and deed book and page listed.]

(7) Executive Director Certificate:

I, (name), Executive Director, Warrick County Area Plan Commission, hereby certify this division of land is determined to be an "Minor Subdivision" as defined and subject to the provisions of the Subdivision Control Ordinance in effect for Warrick County; and that any deviation from said requirements shall cause this certification to become null and void.

(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2007-19, passed 9-12-07; Am. BC Ord. 2007-24, passed 9-12-07; Am. BC Ord. 2007-25, passed 9-12-07)

§ 154.039 MINOR SUBDIVISION PLAT APPROVAL.

Four different circumstances exist under which approval of the minor subdivision plat is given:

(A) The Executive Director may certify the plat for recording if the minor subdivision application and

plat are in order; and the certificates of access, sewage disposal, potable water and stormwater drainage have been signed by the appropriate authorities (at the time of the original filing or subsequent to the original filing when the Area Plan Commission staff circulates the plat for signatures), and all abutting property owners have signed the plat (stating no objection and waiver of the right to request a public hearing).

(B) The Executive Director may certify the plat for recording if the minor subdivision application, plat and affidavit of notice to abutting property owners (of their right to voice an objection to the Subdivision Review Committee and then appeal to the full Area Plan Commission) are in order; and the certificates of access, sewage disposal, potable water and stormwater drainage have been signed by the appropriate authorities (at the time of the original filing or subsequent to the original filing when the Area Plan Commission staff circulates the plat for signatures), and no abutting property owner requests (orally or in writing) an opportunity to voice objections to the Subdivision Review Committee within ten days of the mailing of the notifications to abutting property owners.

(C) If an opportunity to voice objections to the Subdivision Review Committee is requested by any abutting property owner within the specified time period, the Executive Director of the Area Plan Commission may approve, disapprove (with written findings that set forth its reasons for denying approval and provide the applicant a copy) or appeal to the full Area Plan Commission the minor subdivision application, following the review by the Subdivision Review Committee. If no appeal to the full Area Plan Commission is received within the specified time period from an objector after notification of the intent to approve the subdivision the application is approved, the Executive Director of the Area Plan Commission shall certify (approve) the minor subdivision plat for recording.

(D) If an appeal is made by the subdivider, an objector of standing or the Executive Director to the

full Area Plan Commission within the specified time period, the Area Plan Commission may approve or disapprove (with written findings that set forth its reasons for denying approval and provide the applicant a copy) the minor subdivision application, following the Public Hearing. If the application is approved, the President and Executive Director of the Area Plan Commission shall certify (approve) the minor subdivision plat for recording.

(BC Ord. 2006-05, passed 3-20-06)

PROCEDURE FOR RESUBDIVISION AND/OR REPLATTING OF LAND

§ 154.050 PROCEDURE FOR RESUBDIVISION/REPLATTING.

For any change in a map of an approved or recorded subdivision plat, if such changes affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plat legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Area Plan Commission by the same procedures, rules, and regulations as for subdivisions. Such change also must be in conformity with statutes governing platting and vacating of public ways (I.C. 36-7-3 *et seq.*, as amended).

(BC Ord. 2006-05, passed 3-20-06)

VACATION OF PLATS

§ 154.060 PROCEDURES FOR 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.

(BC Ord. 2006-05, passed 3-20-06)

GENERAL REGULATIONS AND DESIGN**§ 154.070 GENERAL.**

(A) No land shall be subdivided for any non-agricultural purpose if such land has inadequate access or if such land is considered by the Area Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, or objectionable earth or rock formations, topography or other feature harmful to the health, safety and welfare of future residents and the community as a whole.

(B) The subdivision plan shall conform to the principles and standards which are generally exhibited in the Comprehensive Plan as is now or hereafter shall be adopted, in whole or in part; and, specifically with that part of the plan which deals with land use and thoroughfares.

(C) The following standards and requirements shall be deemed as a minimum and whenever the applicable standards and requirements of any applicable zoning ordinance or of any participating city or town are higher or more restrictive, the latter shall control.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.071 STREETS.

(A) The street and highway design shall conform both in width and alignment to any Comprehensive Plan or Thoroughfare Plan of Streets and Highways approved and/or adopted by any participating city or town or the county as indicated in the Thoroughfare Plan being a part of the Long Range Transportation Plan. Right-of-way for any such street or highway indicated on said Thoroughfare Plan shall be dedicated.

(B) If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a freeway or expressway, the Area Plan Commission shall determine the boundaries of the right-of-way to be acquired, and the subdivider shall either dedicate or create an outlot in the subdivision covering all the

area included in said right-of-way. This right-of-way or outlot shall revert back to the subdivider if not used within eight years.

(C) All streets shall be in alignment with existing and proposed exterior streets by continuations of the centerlines thereof or by advantageous development of the area in which the subdivision lies. When continuation of the centerline is impractical in the opinion of the Area Plan Commission, the centerlines shall be separated by at least 150 feet.

(D) Residential streets shall be designed to discourage rapid through traffic. Straight tangents of more than 1,350 feet are prohibited.

(E) (1) Where it is desirable in the opinion of the Plan Commission to provide street access to abutting property, proposed streets shall be extended by dedication to the boundary of such property. Unless deemed unnecessary by a traffic study, residential subdivisions with 60 or more lots (or dwelling units) shall be served by two access points, and shall be served by:

(a) Two different roadways if bordered by more than one roadway; or

(b) Two access points or a divided main entry roadway from the same roadway if bordered by only one roadway.

(2) The Commission may require additional access on any development where deemed necessary.

(F) Proposed streets and highways shall be adjusted to the contour of the land as far as practicable so as to produce usable lots and streets of reasonable gradient.

(G) Whenever a subdivision abuts or contains an existing or proposed limited (full or partially controlled) access highway, the Area Plan Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or other treatment necessary for adequate protection of residential

properties and to afford separation of through and local traffic.

(H) Where a subdivision borders on or contains a railroad right-of-way or limited (fully or partially controlled) access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential district, or for commercial or industrial purposes in appropriate districts. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separations.

(I) Minimum street and highway right-of-way widths.

(1) The right-of-way should be free of all obstacles with the exception of mailboxes.

(2) All street and highway rights-of-way, measured from lot line to lot line, shall be as follows except as defined in the Thoroughfare Plan a part of the Long Range Transportation Plan adopted by the Board of Commissioners.

<i>Type of Street</i>	<i>Right-of-Way Width in Feet</i>
Freeway or Expressway	"to be determined" by County Highway Engineer or State
Arterial	90
Urban major collector	70
Rural major collector	80
Rural minor collector	70**
Residential collector	70
Minor Residential District	50
Private Street	50
Cul-de-sac	50

<i>Type of Street</i>	<i>Right-of-Way Width in Feet</i>
Rural road	50**
Marginal Access	40

** The County Engineer may request the greater right-of-way width on approaches to intersections, rolling terrain or other special circumstances.

(3) Subdivisions platted along both sides of an existing street shall provide the entire minimum right-of-way.

(4) Subdivisions platted along only one side of an existing street shall provide one-half of the minimum right-of-way measured from the center line of such existing street or the section line when the street was originally placed on the section line.

(5) Half streets are prohibited, unless determined by the Plan Commission to be essential to the reasonable development of the subdivision in conformity with the other requirements of this chapter or unless the Plan Commission finds it to be practicable to require the dedication of the other half when the abutting property is subdivided. Whenever a half street exists adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(J) Intersections.

(1) Streets shall intersect one another as nearly as possible at right angles and in no case shall the angle of intersection be less than 60 degrees.

(2) Property lines at street and alley intersections shall be rounded with a radius of at least ten feet. When the smallest angle of intersection is less than 60 degrees, this minimum radius shall be increased. In commercial districts a comparable chord may be used in place of an arc.

(3) Intersections involving the junction of more than two streets (that is, more than four intersection legs) should be avoided.

(4) The number of intersections of minor streets with major streets should be kept to a minimum.

(K) Street grades.

(1) Street grades, except under extreme physical conditions, shall not exceed the following:

<i>Type of Street</i>	<i>Per Cent Grade</i>
Arterial , urban or rural major collector	5
Rural minor collector	7
Residential collector	8
Minor	8
Cul-de-sac	8
Alley	8
Rural Road	8

(2) For adequate drainage, the minimum street and gutter grades shall be not less than one-half of one percent.

(3) All new streets and gutters shall be located on a grade above the 100-year flood plain elevation.

(L) Street alignment.

(1) Between reverse curves with a deflection angle on the centerline greater than five degrees the following minimum tangents shall be introduced.

<i>Type of Street</i>	<i>Tangent in Feet</i>
Arterial, urban collector, rural major collector, or rural minor collector	200
Residential collector and rural road	100

(2) Where a deflection angle of more than ten degrees in the horizontal alignment of a street occurs, a curve with the following minimum radius shall be provided.

<i>Type of Street</i>	<i>Minimum Radius of Curvature in Feet</i>
Arterial, urban collector and rural major collector	500
Rural minor collector	300
Residential collector	200
Minor	100
Rural road	100

(3) All changes in street grade shall be connected by vertical curves designed to provide the following minimum sight distance as measured between points 3.5 feet above the center line of the road or street surface.

<i>Type of Street</i>	<i>Minimum Sight Distance in Feet</i>
Arterial, urban collector and rural major collector	600
Rural minor collector	500
Residential collector	300
Minor	200
Rural road	200

(M) Dead-end streets or cul-de-sacs. Permanently designed cul-de-sacs shall not be longer than 1,320 feet from the nearest intersecting street and shall be provided at the closed end with a turn-around having a radius at the outside of the pavement of at least 40 feet and a radius at the outside of the right-of-way of at least 50 feet.

(N) Reserve strips and private streets.

(1) Reserve strips controlling access to streets are prohibited except where the control of such

strips is placed with the county under conditions approved by the Plan Commission.

(2) Private streets shall not be platted within a subdivision. Private streets may be platted within a Planned Unit Development (PUD) as described in the Comprehensive Zoning Ordinance.

(O) Street names and house numbers.

(1) Street names shall not be used which will duplicate or be confused with the names of existing or platted streets. Proposed streets in alignment and connecting with existing or platted streets shall bear the names of the existing or platted streets. The Plan Commission may require different names if not connected or through streets.

(2) House numbers in the county shall be obtained from the records of the Area Plan Commission office. Each subdivider shall hereby cause to be affixed to his or her subdivision secondary plat, by his or her surveyor a house number for each lot in accordance with any house numbering system which has been adopted by the Board of Commissioners, and is in effect for the township in which said subdivision is located. Official house numbering maps are on file in the office of the Area Plan Commission office.

(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2012-04, passed 1-9-12)

§ 154.072 ALLEYS.

(A) Unless provision for adequate goods delivery and pickup is made, alleys shall be provided in commercial and industrial districts. Except where justified by unusual and extreme conditions of topography, traffic flow, or access, alleys shall not be provided in residential districts.

(B) The minimum right-of-way width of an alley shall be 20 feet.

(C) Dead-end alleys should be avoided, but if unavoidable, shall be provided with an adequate circular "T" or "Y" turn-around at the closed end, as

approved by the Area Plan Commission.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.073 EASEMENTS.

(A) The subdivider shall grant easements wherever necessary, not less than six feet in width for public utility, sewer and drainage purposes on each lot. Dedication of easements shall be to the public for purpose of installing and maintaining utilities, platting strips and for other public purposes as may be ordered or directed by the Commission.

(B) Where a subdivision embraces all or any part of a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided which conforms substantially with the lines of such water course, and is of adequate width as determined by the Plan Commission after review by the Drainage Board. Further, if the 100-year flood plain elevation is shown on FIRM maps, the building site shall be demonstrated to be above the 100-year flood plain elevation or it shall be demonstrated that the building site and access thereto can be filled so as to be above the 100-year floodplain elevation in compliance with flood plain regulations of the state. Any new roadways shall be constructed on a grade above the 100-year flood plain elevation.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.074 BLOCKS.

(A) Block lengths shall not exceed 1,320 feet.

(B) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth.

(C) Pedestrian crosswalks, not less than ten feet wide, shall be required where deemed essential by the Plan Commission to provide adequate circulation or access to schools, playgrounds, shopping centers, or other community facilities.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.075 LOTS.

(A) Every lot upon which a structure is hereafter erected shall abut on to a dedicated public street or right-of-way.

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

(C) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from limited (fully or partially controlled) access highways or railroads or to overcome specific disadvantages of topography and orientation. There shall be no right of access provided along the line of lots abutting limited (fully or partially controlled) access highways and railroads.

(D) In any subdivision or part of a subdivision proposed for non-agricultural purposes, the width and area of lots shall conform to the minimum requirements of the Zoning Ordinance for the district of which the subdivision is located.

(E) The minimum building setback lines established in the Zoning Ordinance shall be observed for all lots in each subdivision.

(F) Residential lots fronting on an arterial, urban or rural major collector or rural minor collector should have extra depth to permit deeper building setbacks from such traffic arteries as follows from the roadway centerline:

- (1) Arterial – 70 feet;
- (2) Rural major collector – 65 feet; and
- (3) Urban collector or rural minor collector – 60 feet.

(G) No lot shall be divided by a municipal boundary line.

(H) When terrain so requires, easements for sanitary sewers along other than the real lot lines shall

be provided subject to approval of the Plan Commission.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.076 PUBLIC SITES AND OPEN SPACES.

Whenever a park, recreation area, school site, or other public use shown on the Comprehensive Plan as now or hereafter adopted in whole or in part is located in whole or in part within the proposed subdivision, such proposed public space, if not dedicated to the appropriate public agency, may be required by the Area Plan Commission to be reserved for a period of one year for later acquisition by the public agency. In the event of a government agency or unit passing a resolution expressing its intent to acquire the land so reserved within the reservation year, the reservation period shall be extended for an additional year.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.077 NON-RESIDENTIAL SUBDIVISIONS.

(A) The street and lot layout of a non-residential subdivision shall conform generally to the Comprehensive Plan as is now or hereafter adopted, in whole or in part, and specifically with that part of the Plan which deals with zoning, land use and thoroughfares.

(B) Types of non-residential subdivision. Non-residential subdivisions shall include industrial tracts and may include neighborhood and community commercial or office tracts.

(C) Principles and standards. In addition to the principles and standards in this chapter which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Commission that the proposed street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

(3) Special requirements may be imposed by the Area Plan Commission with respect to sidewalks.

(4) Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed non-residential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a buffer strip where necessary.

(5) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

(6) Subdivisions for proposed commercial development shall take into account and specifically designate all areas proposed for vehicular circulation and parking, for pedestrian circulation, and for buffer strips.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.078 ENTRANCE REQUIREMENTS AND SPECIFICATIONS.

All entrances shall be designed in accordance with the Standards and Specifications as outlined in the Indiana Department of Transportation Access Standards Manual for state-maintained roads, and the Evansville Urban Transportation Study Access Standards Manual for spacing and traffic movement and the Warrick County Roadway Specifications, Appendix B of this chapter, for design and construction standards for locally-maintained roads; and approved by the County Highway Engineer. These standards shall be followed and administered as they pertain to all aspects of the entrance details, i.e. tapers, radii and lane widths.

(BC Ord. 2006-05, passed 3-20-06)

STREET AND UTILITY IMPROVEMENTS

§ 154.090 STANDARDS AND APPROVALS.

(A) Roadway improvement work (except for grading) shall not be commenced until plans and profiles for such work have been submitted to and approved by the Board of Commissioners or the local legislative body having jurisdiction. Such plans may be required before approval of the final plat. All such plans and profiles shall be prepared in accordance with the requirements of the county or the participating cities or towns within whose territorial limits the work is to be done.

(B) Roadway improvement work shall not be commenced until the county or the participating city or town within whose territorial limits the work is to be done has been notified in advance. If the work has been discontinued for any reason, it shall not be continued until notice is again given.

(C) All required roadway improvements shall be constructed under the inspection of and subject to the approval of the county or the participating city or town within whose territorial limits the subdivision lies.

(D) All underground utilities, waterlines, sanitary sewers and stone drains installed initially in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley or sidewalk improvements when service connections thereto are made. Utilities, waterlines and sewers should be installed under paved areas of streets only when absolutely necessary.

(E) The subdivider's engineer shall develop plans and complete all improvement design work in accordance with the provisions of this chapter and to the approval of the Board of Commissioners.

(F) The subdivider shall develop plans and complete improvement work as required by other utilities.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.091 GENERAL REQUIREMENTS.

The subdivider shall install improvements in accordance with the general requirements set forth in this section provided that the Board of Commissioners may permit changes in typical section and details if unusual conditions arise during construction to warrant such change.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.092 MONUMENTS AND MARKERS.

The corners of all lots shall be marked by steel bars at least 30 inches in length and no less than five-eighths inch in diameter, the top of the pipe or bar to be set level with the established grade adjoining it at the following points:

(A) The intersection of street and alley right-of-way lines.

(B) The intersection of all angles in the subdivision boundary line.

(C) The beginning and ending of all street curves on both right-of-way lines.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.093 MINIMUM STANDARDS FOR STREET AND HIGHWAY CONSTRUCTION.

(A) Streets and highways shall be graded to the full width of the right-of-way and brought to grades specified on plans, profiles, and cross-sections approved by the Board of Commissioners who shall receive one set of the plat plans as approved after review by the engineer and Executive Director. All street and highway improvements shall be constructed to the satisfaction of the Board of Commissioners after review by the County Engineer.

(B) Streets and highways shall be paved the following minimum widths:

<i>Type of Street</i>	<i>Minimum Pavement Width (in Feet) Inclusive of Curb & Gutter</i>	<i>Minimum Pavement Width (in Feet) without Curb & Gutter</i>
Freeway (fully-controlled access)	(not applicable)	38 x 2
Expressway (partially-controlled access)	42 x 2	38 x 2
Freeway/expressway - service streets	29 x 2	16 x 2
Arterial, urban collector or rural major collector - dual roadway	28 x 2, plus 8 to 10-foot paved right-shoulder and 14-foot median	24 x 2 plus 8 to 10-foot paved right-shoulder and 14-foot median (or 4-foot paved left-shoulder)
Urban collector or rural major collector - single roadway	62 (3-lane roadway with 10-foot paved shoulders)	58 (3-lane roadway with 10-foot paved shoulders)
Rural minor collector	40 (3-lane roadway)	40 (2 lanes with 8-foot paved shoulders)
Residential collector	40	36 (2 lanes with 6-foot paved shoulders plus 3-foot compacted aggregate shoulders)
Minor residential district	30	26 (2 lanes plus 3-foot compacted aggregate shoulders)

<i>Type of Street</i>	<i>Minimum Pavement Width (in Feet) Inclusive of Curb & Gutter</i>	<i>Minimum Pavement Width (in Feet) without Curb & Gutter</i>
Cul-de-sac	30	26 (2 lanes plus 3-foot compacted aggregate shoulders)
Rural road	(not applicable)	26 (2 lanes plus 3-foot compacted aggregate shoulders)
Marginal access	26	22 (2 lanes plus 3-foot compacted aggregate shoulders)
Private street	24	20

(C) Street construction shall be in accordance with the Road Standard Specifications or any subsequent amendments thereto for locally-maintained roads and the Roadway Design Manual of the Indiana Department of Transportation for state-maintained roads.

(D) Rigid type pavement. Rigid type pavement shall consist of Portland cement concrete placed on a properly prepared subgrade conforming in all respect to the line, grade, thickness and typical cross-sections in the plans prepared by the subdivider and approved by the County Engineer and Plan Commission. Coarse aggregate for Portland cement concrete pavement shall be size No. 5L only, as defined in the standard specifications. Vibrating screeds or oscillating screeds will be permitted for finishing pavements provided the required finish and smoothness are obtained. All joints shall be sealed. Minimum design standards shall be according to the following table:

	<i>Arterial, Urban Collector or Rural Major Collector</i>	<i>Rural Minor Collector or Commercial Collector</i>	<i>Residential Collector</i>	<i>Local and all Other Streets</i>
Controlled Wheel Load	18,000 lbs.	11,000 lbs.	8,000 lbs.	6,000 lbs
Base Type I Granular	To be designed on the basis of traffic	8"	6"	4"
Concrete Uniform Design Thickness	To be designed on the basis of traffic	8"	7"	6"
Total thickness	To be designed on the basis of traffic	16"	13"	10"

(E) Flexible pavement.

(1) Flexible type pavement shall consist of an asphaltic concrete wearing course placed on suitable base and subbase courses on a properly prepared subgrade conforming in all respects to the lines, grades, thickness

and typical cross sections in the plans prepared by the subdivider and approved by the Board of Commissioners and County Engineer or Town Board.

(2) Subbase and base material shall be placed in accordance with latest standards of the Indiana State Highway Department. Minimum design standards shall be according to the following table.

	<i>Arterial, Urban Collector or Rural Major Collector</i>	<i>Rural Minor Collector or Commercial Collector</i>	<i>Residential Collector</i>	<i>Local and all other Streets Type</i>
Controlled wheel load	18,000 lbs.	11,000 lbs.	8,000 lbs.	6,000 lbs
Subbase granular design thickness	To be designed on the basis of traffic	6"	6"	4"
Base Type I granular	To be designed on the basis of traffic	6"	4"	4"
Base asphaltic	To be designed on the basis of traffic	3"	2"	None
Binder asphaltic	To be designed on the basis of traffic	2"	2"	2-1/2"
Surface asphaltic	To be designed on the basis of traffic	1-1/2"	1-1/2"	1-1/2 "
Total thickness		18-1/2"	15-1/2"	12"

(F) Rural roads. All rural roads as defined herein shall have a minimum of eight inches of rock with side ditches. Subbase shall be at least four inches in depth using #2 rock or #5 rock with the base constructed of at least four inches of #53 rock. The surface shall be a minimum of double chip-n-seal or as directed by the Board of Commissioners.

(G) Where granular material of a quality equal to requirements for subbase material is placed for use as a construction the neat lines for subbase for the pavement may be left in place and be considered subbase for whatsoever part of the subbase area it occupies, and the existence of such materials outside those lines will not be considered subbase for whatsoever part of the subbase area it occupies, and the existence of such materials outside those lines will not be considered subbase or base or pavement surface. The subbase and base courses shall be constructed simultaneously, and in no case shall the subbase be used as a construction road.

(H) Alternate materials and methods may be used to take advantage of local material conditions providing the depth, the materials used and the construction methods produce a pavement which satisfies the design criteria set out by this chapter.

(I) When minor residential streets serve commercial or industrial development the Rural Minor Collector/Commercial Collector road specifications shall be required.

(J) (1) The subdivider shall provide for inspection by a registered professional engineer of all street and highway construction. Prior to start of construction, a time schedule estimating starting date and completion date of construction and stating the registered professional engineer in charge of inspection shall be submitted to the County Engineer, the Area Plan Commission and the Board of Commissioners. Should any change be made in the submitted time schedule from starting date to

completion date, the change must be submitted in writing and to the same agencies.

(2) Upon completion, all requests for acceptance of streets for maintenance by the county must be accompanied by a certification by the registered professional engineer in charge that the streets were constructed in accordance with the plans and specifications approved by the County Highway Engineer, and the Board of Commissioners.

(K) (1) As a part of the Street Construction Plans there shall be compaction specifications submitted and included in the design specifications of the proposed streets. Upon review and approval of said Street Construction Plans the Certifying Engineer or Developer shall then be required to provide the subgrade compaction test results to the County Highway Engineer. Said compaction results must be submitted to the County Highway Engineer prior to submittal of the Request for Acceptance of Streets for Maintenance. The County Highway Engineer shall not recommend that the county accept the streets for maintenance until said results are provided, reviewed and deemed satisfactory.

(2) In the event that the results are not provided and reviewed prior to date of expiration of the irrevocable letter of credit, the Board of Commissioners may require that the developer submit an amount approved by the County Highway Engineer to be deposited in the County Road Donation Fund. Said amount shall be used for repairs of the streets within the development.

(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2012-05, passed 1-9-12)

§ 154.094 CURBS AND GUTTERS.

(A) Curbs and gutters shall be installed along all streets in the subdivision except where they are judged unnecessary by the County Highway Engineer for adequate drainage of storm water or for factors of safety. Curbs and gutters must be of integral concrete or other approved design and the materials and methods of construction must conform to the latest approved minimum requirements of the standard specifications or any subsequent amendment thereto.

The minimum gutter grade shall not be less than 0.5%. Side drains from the gutter (or curb spill-outs) are prohibited. No curbs shall be modified for house gutter drains.

(B) For asphalt streets, curbs and gutters shall be constructed on prepared compacted aggregate base. The construction on the Street Construction Plans shall contain an illustration detail. The depth of the compacted aggregate shall conform to the County Specifications for locally-maintained roads and to Indiana Department of Transportation specifications for state-maintained roads.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.095 SIDEWALKS.

(A) Concrete sidewalks, at least four feet wide, four inches thick, shall be installed on both sides of each street in all residential subdivisions with lots of one acre or less for pedestrian safety and convenience, unless waived by the Board of Commissioners. Sidewalks shall be located within the street right-of-way a minimum of two feet from the back of curb on curbed streets or in lieu of the two feet strip the sidewalk may be placed next to the back of curb provided the width of the sidewalk is increased to a minimum of six feet. In the event curbs are not required and side ditches are permitted, the sidewalks are to be located in the street right-of-way at least one foot from the lot line. The sidewalks shall conform to the standard specifications or any subsequent amendment thereto. The design of the sidewalks shall be a part of the Street Construction Plans that must be submitted and filed at the same time the primary plat is filed.

(B) Concrete sidewalks shall be constructed of Portland cement concrete. Sidewalks shall conform to Section 604 of the Indiana Department of Transportation specifications. Sidewalks shall slope one-quarter inch per foot toward the roadway. Concrete shall have a minimum 28 day compressive strength of 3,500 pounds per square inch (p.s.i.).

(C) Expansion joint material shall conform to the requirements of the Indiana Department of

Transportation specifications. Concrete materials and placement methods shall be in accordance with the materials and methods specified in Section 3.5 "Portland Cement Concrete Pavements".

(D) The sidewalks shall conform and be designed in accordance with the Americans with Disabilities Act and provide depressed curb sections per the Indiana Department of Transportation Standards. The design shall be shown on the submitted and approved Street Construction Plans with a note stating that the sidewalks are designed and constructed accordingly. The property owner is responsible for maintenance of the sidewalks and any mailboxes placed in the public right-of-way.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.096 STORM DRAINAGE.

(A) A storm water sewer or a surface drainage system adequate to serve the area being subdivided shall be provided to accommodate a 50-year storm. The Indiana Department of Transportation for crossings of state-maintained facilities or U.S. Corps of Engineers for the crossings of "blue water" streams may require accommodation of greater than the 50-year storm. Any storm water retention or detention facilities shall be designed to accommodate the difference between the 5-year storm without the proposed development and the 50-year storm with the proposed development. Such system shall be in accordance with plans and specifications approved by the County Drainage Board prior to primary plat approval. The flow in any drainage structure shall not exceed 90% of the structure capacity, except for basin discharge pipes that can be 100% of capacity.

(B) (1) Wherever curbs and gutters are provided or when the Area Plan Commission and the County Surveyor determine the natural surface drainage to be inadequate, the subdivider shall construct a storm water sewer system with catch basins appropriately spaced along the streets in the subdivision. Valley gutters extending across the street surface shall not be used.

(2) Wherever curbs and gutters are provided within a development, stormwater flow in

the gutterline shall not exceed 600 lineal feet. In cases of excessive lengths of drainage, an inlet should be installed to intercept the water and direct the water through a structure. In design of the subdivision, provisions shall be made to prohibit the drainage of stormwater across intersections. Positive drainage shall be achieved and no standing water shall be allowed. The minimum gutter grade shall not be less than 0.5%. Side drains from the gutter (or curb spill-outs) are prohibited.

(C) A natural surface drainage system shall be permitted when curbs and gutters are not provided and the natural drainage will, in the opinion of the County Surveyor, adequately drain the storm water from the subdivision. The drainage ways should be shallow swales sowed in grass rather than deep, open ditches and have a minimum grade of 0.5% unless lined with a concrete ribbon. Roadside drainage shall not be disrupted by private driveways. The subdivider shall install a suitable pipe in accordance with the county's Driveway Culvert Ordinance.

(D) In the design of a storm water sewer system for a subdivision, the present and future expected run-off from the larger drainage area should be considered. For this reason, it may be desirable that larger sewers than those needed to service the immediate subdivision be installed.

(E) All pipes shall conform to American Society of Testing Materials Standards Specifications in Section 7, 8 and 9 and Design Criteria shall conform to the County Storm Drainage Manual to insure maximum hydraulic efficiency.

(F) All drainage structures shall be designed and shown on the Street Construction Plans with a detail sheet showing the size and type of structures to be used, including drop structures, culverts, street inlets, manholes, beehives and area drains. These shall be constructed in accordance with the plans and specifications on file as well as the manufacturers specifications. Adequate grade and drainage structure friction coefficients shall be obtained and indicated on supporting drainage calculations for the type of structure used. The flow in any drainage structure shall not exceed 90% of the structure capacity, except for basic discharge pipes that can be 100% of

capacity. All drainage structures shall have junction boxes at major changes in grade or direction that are accessible for maintenance and repair of the structure. (BC Ord. 2006-05, passed 3-20-06)

§ 154.097 WATER SUPPLY.

(A) If a public water main is reasonably accessible, a complete water distribution system approved by the water utility or the Indiana State Board of Health, including a connection for each lot and fire hydrants meeting the requirements of the Fire Insurance Underwriters Association shall be installed.

(B) If public water main is not reasonably accessible each lot may be provided with an individual water supply, provided such supply is installed in accordance with the minimum requirements of the Health Department and the Indiana State Board of Health. (BC Ord. 2006-05, passed 3-20-06)

§ 154.098 SEWAGE DISPOSAL AND SANITARY SEWERS.

(A) If a public sanitary sewer main is reasonably accessible, a complete sanitary sewer system approved by the sanitary sewer utility or the Indiana State Board of Health, including a lateral connection for each lot in the subdivision, shall be installed.

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

(1) The subdivision may be provided with a complete sanitary sewer system, including a lateral connection for each lot and a neighborhood or community sewage treatment plant, all meeting the approval of the Indiana Stream Pollution Control Board and the State Board of Health.

(2) The subdivider may provide a private sewage disposal system on individual lots consisting of a septic tank and soil absorption field or other

approved sewage disposal system, provided such disposal systems are installed in accordance with the minimum standards of the Indiana State Board of Health and provided that the soil in the subdivision will properly absorb sewage effluent as determined by percolation tests. The private sewage disposal system shall be approved by the Public Health Department.

(C) If a sanitary sewer system is to be installed, it must be approved by the accepting utility. (BC Ord. 2006-05, passed 3-20-06)

§ 154.099 STREET NAME SIGNS.

The subdivider shall install street signs at the intersection of all streets in the subdivision constructed in substantial conformance to the prototype design shown in Figure 1 or an alternate design approved by the Board of Commissioners. The signs and method of display shall be subject to approval by the Board of Commissioners. (BC Ord. 2006-05, passed 3-20-06)

§ 154.100 RAILROAD CROSSING.

Provisions shall be made for any and all railroad crossing necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the Indiana State Public Service Commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider. (BC Ord. 2006-05, passed 3-20-06)

§ 154.101 TRAFFIC CONTROL DEVICES/PAVEMENT MARKINGS.

(A) The subdivider shall be required to provide traffic control devices in all new subdivisions. The devices shall include, but not be limited to, stop signs at intersections, yield signs at intersections, dead end signs, warning signs, and speed control signs. Location of devices shall be shown on the street construction plans, as a separate sheet, submitted to

the Area Plan Commission as a part of the primary plat application and must receive approval by the County Highway Engineer and Board of Commissioners.

(B) These devices must be installed in accordance to the provisions of the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways. The cost of all devices shall be borne by the subdivider, and shall be installed by the subdivider prior to any street, being constructed either completely or partially, and opened to the public.

(C) Where deemed necessary by the County Highway Engineer pavement markings shall be included in design of all subdivisions and entrances. Thermoplastic stop bars, lane stripings and any other stripings deemed necessary shall be shown on the Street Construction Plans to be approved by the County Highway Engineer and Board of Commissioners. After the final pavement surface asphalt-layer has been installed by the subdivider, the pavement markings shall be installed by the subdivider.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.102 EROSION CONTROL.

Minimum erosion-control measures shall be established and implemented that are consistent with Indiana Department of Environmental Management minimum standards and practices.

(BC Ord. 2006-05, passed 3-20-06)

ADMINISTRATION AND ENFORCEMENT

§ 154.120 FEES.

The Area Plan Commission may establish fees from time to time, pursuant to I.C. 36-7-4-411, with regards to filing fees pertaining to applications for minor and major subdivisions.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.121 ADMINISTRATION.

These subdivision regulations shall be administered by the Area Plan Commission or its designates.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.122 VALIDITY.

If any section, subsection, paragraph, subparagraph, clause, word, provision, or portion of this chapter, shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this chapter as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision, or portion so held to be unconstitutional or invalid.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.123 ENFORCEMENT.

(A) Any person who violates a provision of this chapter, or any regulation herein contained, shall be guilty of a Class C misdemeanor infraction for each day's violation.

(B) No improvement location permit shall be issued for any property subject to the provisions of this chapter until the appropriate requirements are met and the approvals required by this chapter are granted.

(C) Any land within the territorial limits of Warrick County, Indiana subdivided in violation of the terms of this chapter after the effective date hereof, is hereby declared to be a common nuisance and the owner of such land shall be liable for maintaining a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.

(BC Ord. 2006-05, passed 3-20-06)

CERTIFICATES

§ 154.130 CERTIFICATES REQUIRED WITH PLATS.

Each plat submitted to the Area Plan Commission for secondary approval shall contain or be accompanied by the following certificates, acknowledgments and descriptions in substantially the following forms, as set forth in this subchapter. (BC Ord. 2006-05, passed 3-20-06)

§ 154.131 CERTIFICATE OF APPROVAL.

UNDER THE AUTHORITY PROVIDED TITLE 36, ARTICLE 7, CHAPTER 4, SECTION 700, ET SEQ., OF THE INDIANA CODE AND ALL ACTS AMENDATORY THERETO, A MAJORITY OF THE MEMBERS OF THIS WARRICK COUNTY AREA PLAN COMMISSION HAVE GIVEN PRIMARY APPROVAL TO THIS PLAT IN THE MANNER PRESCRIBED IN THE WARRICK COUNTY SUBDIVISION CONTROL ORDINANCE, AT A MEETING HELD ON THE _____ DAY OF _____, 20__.

WARRICK COUNTY AREA PLAN COMMISSION

SEAL _____, President

_____, Executive

Director

Plat Release:

Date Executive Director
(BC Ord. 2006-05, passed 3-20-06)

§ 154.132 LAND SURVEYOR'S CERTIFICATE.

Each final plat submitted to the Area Plan Commission for approval shall carry a certificate signed by a registered professional land surveyor in substantially the following form:

“I, (name), Registered Land Surveyor in the State of Indiana, hereby certify: (a) that this plat correctly represents a survey completed by me on _____, 20 __, and that all the monuments shown thereon actually exist, and that their location, size, type and material are accurately shown, and that all property corners have been monumented and comply with the provision of this ordinance; and (b) that I have examined the FEMA Flood Hazard Map Community No. (), dated (), and have determined that this Major Subdivision IS/IS NOT in a Flood Hazard Area.”

[Note: If any portion is located within the 100-year flood plain, you must delineate the portion as shown on the flood plain panel. Further, you must demonstrate that the remainder of the lot can have a suitable building site with access above the 100-year flood elevation, showing any portion of the lot to be filled at an elevation two (2) feet above the 100-year flood plain.]

Seal _____
Signature

(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2007-20, passed 9-12-07)

§ 154.133 LEGAL DESCRIPTION CERTIFICATE.

The plat submitted to the Area Plan Commission for secondary approval shall contain a metes and bounds legal description prepared by the registered professional land surveyor of the outside boundary of the completed survey. (BC Ord. 2006-05, passed 3-20-06)

§ 154.134 DEDICATION CERTIFICATION.

Each plat submitted to the Area Plan Commission for secondary 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 know and designated as _____, an addition to the City, Town, Township, Warrick County, State of Indiana. All streets and alleys and public open spaces shown and not heretofore dedicated, are hereby dedicated to the public.

Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets, there shall be erected or maintained no building or structure.

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 of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility 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 reserve to the several owners of the several lots in this subdivision and to their heirs and assigns:"

WITNESS OUR HAND AND SEALS THIS _____ DAY OF _____, 20__.

Signature

Signature

(BC Ord. 2006-05, passed 3-20-06)

§ 154.135 ACKNOWLEDGMENT CERTIFICATE.

State of Indiana
County of Warrick

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__.
(BC Ord. 2006-05, passed 3-20-06)

§ 154.136 COUNTY DRAINAGE BOARD.

Each final plat submitted to the Commission shall carry a certificate from the County Drainage Board in substantially the following form:

"I _____ hereby certify that I am the Secretary of the Warrick County Drainage Board; that on _____, 20__, the drainage plan for _____ subdivision was presented before the Board and that on _____, 20__, the drainage plan was approved by said Board. The drainage easements shown on the plat will not be under the continuing jurisdiction of this Board, which has no authority over the construction or subsequent maintenance of such drains. The drainage easements inure solely for the benefit of the landowners in the subdivision and no dedication thereof to the County or this Board is to be implied by this approval."

Seal _____
Signature

Date _____
(BC Ord. 2006-05, passed 3-20-06)

§ 154.137 OTHER CERTIFICATES.

Such other certificates, affidavits, endorsements, or documents as may be required by the Commission in the enforcement of these regulations.
(BC Ord. 2006-05, passed 3-20-06)

THOROUGHFARE PLAN

§ 154.145 APPLICABILITY.

To promote public safety, thoroughfare regulations are adopted and established. These thoroughfare regulations shall be applied in the development review process of all newly proposed plats, major and minor, submitted to the Area Plan Commission.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.146 CLASSIFICATIONS.

(A) *State/Federal Principal Arterial (NHS).*

(1) The State/Federal Arterial class has been split into the Principal Arterial Class and Other Arterial Class to better reflect the state/federal functional designation of highways. State/Federal Principal Arterials are part of the national highway system, and may be freeways with full access control, (i.e., grade separation of all crossroads and railroads and interchanges with select crossroads), expressways with some at-grade signalized intersections with full access control, or multiple-lane divided arterials with partial access control. This class would be equivalent to the arterial or expressway with full controlled access.

(2) The Principal Arterials under the state/federal functional classification are I-64, I-164 and S.R. 66. The right-of-way requirements and design cross sections for these highways vary. (The total setback shall be determined by the state or the federal government, whichever is appropriate).

(B) *Other State/Federal Arterial.* The Other State/Federal Arterial designation applies to the United States and state designated routes that are not Principal Arterials. This class includes minor arterials and major arterials under the state/federal functional classification system that are maintained by the state. In the county, these facilities are S.R. 57, S.R. 61, S.R. 62, S.R. 68, S.R. 161, S.R. 261 and S.R. 662. The right-of-way requirements and design cross section for these highways vary. (The total setback shall be determined by the state.) This class would be equivalent to the arterial or expressway with partially controlled access.

(C) *Arterial.* This class contains four lane roads that are not designated as state or federal routes. In the county, Epworth Road from S.R. 66 to Telephone Road is the only road in this class. This class is equivalent to the primary class with dual roadway.

(D) *Urban major collector.* This class generally contains two lane roads under the maintenance of the county that are in the urbanized portions of the county. These roads are to collect traffic from local streets and get the traffic to the arterial system. This class is equivalent to the primary class with single roadway in an urban area. Since these roads are in the urban areas, they would have roadside ditches/curb and gutter requiring additional right-of-way.

(E) *Rural major collector.* This class contains two lane roads under the maintenance of the county that are in the rural portions of the county. These roads are to collect traffic from local streets and get the traffic to the arterial system. This class is equivalent to the primary class with single roadway in a rural area. Since these roads are in the rural areas, they would have roadside ditches requiring additional right-of-way than the urban major collectors.

(F) *Rural minor collector.* This class contains two lane roads under the maintenance of the county that are in the rural portions of the county. These roads are to collect traffic from local streets and get the traffic to major collectors or arterials. These roads have generally lower traffic volumes than major collectors and the design standards are different than

major collectors. This class is equivalent to the secondary class of street.

(BC Ord. 2006-05, passed 3-20-06)

§ 154.147 ROADS BY CLASSIFICATION.

(A) *Arterial.*

Epworth Road – S.R. 66 to Telephone Road. 2007 S-8

(B) *Urban major collector.*

Bell Road – Old S.R. 261 to S.R. 66
Epworth Road – S.R. 662 to S.R. 66
Lincoln Avenue – County Line to S.R. 66
Sharon Road – Newburgh Town limits to S.R. 66

(C) *Rural major collector.*

Anderson Road – Vann Road to Jenner Road
Bell Road – S.R. 66 to Telephone Road
Boonville New Harmony Road – County Line to S.R. 61
Casey Road – S.R. 261 to S.R. 66
Frame Road – Newburgh Town limits to S.R. 66
Fuquay Road – S.R. 261 to Telephone Road
Jenner Road – S.R. 261 to Anderson Road
Lenn Road – S.R. 66 to Sharon Road
Libbert Road – S.R. 66 to Telephone Road
Newburgh Truck Bypass – includes Ellerbusch, Grimm, Willow Pond
Oak Grove Road – County Line to S.R. 261
Oak Grove Road – S.R. 261 to Anderson Road
Old Boonville Highway – County Line to S.R. 62
Telephone Road – County Line to Fuquay Road
Vann Road – Libbert Road to S.R. 261
Vann Road – S.R. 261 to S.R. 61

(D) *Rural minor collector.*

Anderson Road – Ferstel Road to Vann Road
Asbury Cemetery Road – Heim Road to New Harmony Road
Bell Road – Telephone Road to Jenner Road
Bullocktown Road – County Line to Rockport Road
Center Road – S.R. 261 to S.R. 62
Dale Heilman Road – S.R. 161 to County Line
Elberfeld Road – County Line to St. Johns Road
Eskew Road – S.R. 261 to Millersburg Road
Folsomville Road – Boonville Town limits to S.R. 68
Fuquay Road – Telephone Road to Chandler Town limits
Heim Road – County Line to Chandler Town limits
Jenner Road – S.R. 261 to Bell Road
Lincoln Avenue – S.R. 66 to S.R. 61
Martin Road – Ferstel Road to Vann Road
Millersburg Road – County Line to St. John Road
New Hope Road & Roeder Road – S.R. 61 to Bullocktown Road
North Road – Elberfeld Town limits to S.R. 68
Old S.R. 66 – Bates Road to County Line
Rockport Road – Boonville Town limits to S.R. 161
Roeder Road – S.R. 61 to Anderson Road
St. John Road – Titzer Road to Elberfeld Town limits
Sharon Road – S.R. 66 to S.R. 61
State Street – Chandler Town limits to Gardner Road
State Street – Chandler Town limits to New Harmony Road
Stevenson Station Road – Telephone Road to New Harmony Road
Titzer Road – St. John Road to Stevenson Station Road

Weyerbacher Road – New Harmony Road to S.R. 68

Yankeetown Road – Old State Route 66 to Boonville Town limits

<i>THOROUGHFARE STANDARDS</i>								
<i>Class for Thoroughfare Plan</i>	<i>Existing Class in Subdivision Ordinance</i>	<i>Right-of-way width (feet)</i>	<i>No. of Lanes</i>	<i>Width (both sides) (feet)</i>	<i>Median Width (feet)</i>	<i>Curb & Gutter</i>	<i>Shoulder Width (one side) (feet)</i>	<i>Building setbacks (feet) from edge of right-of-way</i>
Arterial	Primary dual roadway	90*	4	48	14	Yes	No	25
Urban major collector	Primary single roadway	70*	2/4	24/48	0	Yes	8-10	25
Rural major collector	Prima single roadway	80*	2/4	24/48	0	No	8-10	25
Rural minor collector	Secondary	70**	2	24	0	No*	8	25
* The County Engineer may request curb and gutter adding 2 feet to each side of the pavement. ** The County Engineer may request greater right-of-way widths on approaches to intersection, rolling terrain, and other special circumstances.								

(BC Ord. 2006-05, passed 3-20-06)

§ 154.148 COMPLIANCE WITH PLAN.

All development proposals shall allocate adequate access for streets in conformity with the thoroughfare plan and shall designate and label all such streets in accordance with the listed definitions, specifications, and requirements regarding control of access, platted width, and setback requirements.

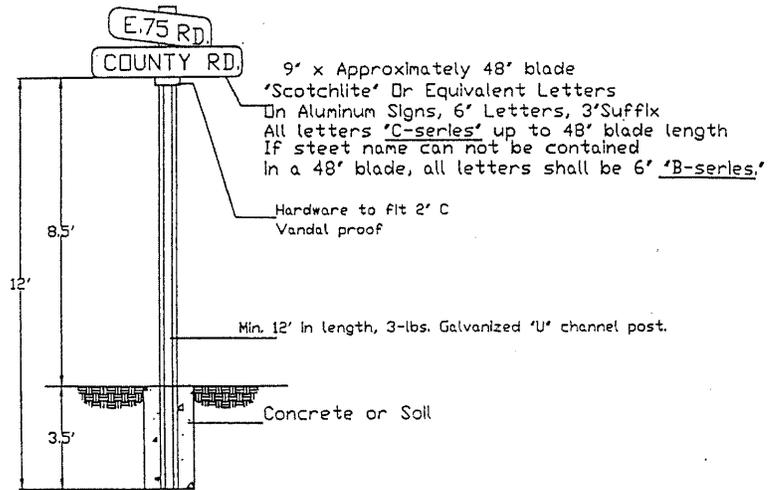
(BC Ord. 2006-05, passed 3-20-06)

§ 154.149 MODIFICATION.

A person desiring a modification from the requirements of this subchapter must file a request with the Warrick County Board of Commissioners.

(BC Ord. 2006-05, passed 3-20-06; Am. BC Ord. 2013-08, passed 6-10-13)

APPENDIX A: STREET SIGN SPECIFICATIONS



Street Signs

All signs shall be High Intensity Grade.
 All signage to be installed per the requirements on the Indiana Manual on Uniform Traffic Control Devices (latest Issue).

APPENDIX B: WARRICK COUNTY ROADWAY SPECIFICATIONS

APPENDIX C: CHECKLIST FOR PARCELIZATION

1. ___ Submit five copies of proposed survey plat of parcelization, with a copy of the existing recorded deed and plat book page from the Warrick County Auditor's Office.

___ a. Drawing shall include metes-and-bounds legal description of any proposed newly created parcels (on drawing or as separate attachment). Accurately reflect the written boundary description. Locate and label the true POB and all ties to found section or quarter-section corners. Any recorded easements found shall be shown on the parcels/lots.

___ b. Drawing shall identify any flood plain areas as well as legal drains. The survey plat shall reference, if determined, the 100-year-flood contour and elevation as established on the FEMA Flood Insurance Maps. Reference FIRM panel number. If no flood plain or floodway is located on property, a statement to this effect shall be placed upon the survey plat.

___ c. Survey plat shall show any existing structures.

___ d. Survey plat shall show road rights-of-way.

___ e. Indicate north direction and scale.

2. ___ If the newly created parcel(s) are building sites, documentation must be submitted as to septic system approval/sewer connection and potable water/water connection.

(BC Ord. 2010-18, passed 12-20-10)

