

1999

PREPARED FOR

RANDOLPH COUNTY AREA PLANNING COMMISSION

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# ARTICLE I

## ESTABLISHMENT OF THE SUBDIVISION CONTROL ORDINANCE

### 1.00 GENERAL REGULATIONS

#### 1.01 TITLE

This ordinance (hereinafter "this Ordinance") shall officially be known and may be cited as the "Unified Subdivision Control Ordinance of Randolph County, Indiana."

#### 1.02 POLICY

- A. The subdivision of land and the subsequent development of the subdivided plat is subject to the control of the participating county, city or town and shall be carried out in accordance with the Comprehensive Plan of Randolph County (hereinafter "Comprehensive Plan") and the Unified Zoning Ordinance of Randolph County (hereinafter "Zoning Ordinance") in order to achieve orderly, planned, efficient, and economic development.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until the provision has been made for adequate public facilities, drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities and improvements.

#### 1.03 PURPOSES

This Ordinance is adopted for the following purposes:

- A. To protect and provide for the public health, safety, comfort, morals and general welfare of Randolph County.
- B. To secure adequate light, air, and convenience of access; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
- C. To protect the character and the social and economic stability of all parts of the County by assuring: the timing and sequencing of development; the promotion of adequate public facilities; proper urban form and open space separation of urban areas; to protect environmentally critical areas and areas premature for urban development.
- D. To protect and conserve property values throughout the County and the value of buildings and improvements upon the land.
- E. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, and other public requirements and facilities.
- F. To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the street and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets.
- G. To establish reasonable standards of design and procedures for exempt subdivisions, subdivisions and re-subdivisions in order to further the orderly layout and use of land, to ensure proper legal descriptions and monumenting of subdivided land.
- H. To ensure that public facilities and services are available to support development and will have a sufficient capacity to serve the proposed subdivision, through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its share of capital facilities needs generated by the development.

- I. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the responsible use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- J. To assist in the preservation of the natural beauty and topography of the County and to ensure appropriate development with regard to these natural features.
- K. To provide for open spaces through the most efficient design and layout of the land, while preserving the density of development as established in the Zoning Ordinance.
- L. To remedy the problems associated with inappropriately subdivided lands, including nonconforming exempt subdivision, partial or incomplete subdivision, and inferior subdivision.

#### **1.04 AUTHORITY**

This Ordinance was enacted pursuant to Indiana home rule and planning enabling legislation, IC 36-1-3-4 and IC 36-7-4-700 series, as amended, which authorizes the Area Planning Commission of Randolph County, Indiana (hereinafter “Commission”) to review and approve or disapprove plats for subdivision within its jurisdiction which show lots, blocks, or sites with or without new streets or highways. This authority extends to the development or re-platting of portions of already recorded plats. This Ordinance applies to all land transactions whether public or private. The Commission may grant waivers from this Ordinance pursuant to the provisions of Section 1.20 found herein.

#### **1.05 COMPLIANCE**

No building permit, improvement location permit, or certificate of occupancy shall be issued for, nor any improvements be commenced upon, any parcel of land which was created by subdivision after July 1, 2017 and not in conformity with the provisions of this Ordinance. No owner or agent may sell or lease any land within a subdivision before such plat has been approved and recorded in the manner prescribed in this Ordinance. No road shall be laid out or constructed unless it is consistent with the Comprehensive Plan or Thoroughfare Plan and/or has been approved by the Commission as part of a subdivision.

#### **1.06 JURISDICTION**

The Zoning Ordinance states in which zoning districts and under what circumstances platting shall occur in Randolph County, Indiana. The platting of land, when required by the Zoning Ordinance, shall be done in compliance with the provisions of this Ordinance.

No land required by the Zoning Ordinance to be platted subject to this Ordinance may be subdivided through the use of any legal description other than with reference to a plat approved by the Commission and/or Administrator in accordance with this Ordinance.

#### **1.07 INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience and general welfare of the people.

## **1.08 CONFLICT**

It is not intended by this Ordinance to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties; nor is it intended by this Ordinance to repeal, abrogate, annul or in any way interfere with any existing provisions of laws or ordinances, or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings or premises provided; however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this Ordinance shall control; but where private covenants, permits, agreements, rules, regulations or existing provisions of law impose a greater restriction than is imposed by this Ordinance, the greater restriction shall control.

## **1.09 ZONING ORDINANCE CONFORMITY**

All land subdivided or platted under the terms of this Ordinance shall comply with the minimum standards prescribed in the Zoning Ordinance. The Commission or its staff shall not have the authority to approve any subdivision as a buildable lot, unless it complies with said Zoning Ordinance. Planned Development Districts are controlled by regulations in Article VII of the Zoning Ordinance and are not regulated by this Ordinance.

## **1.10 METES AND BOUNDS DESCRIPTIONS NOT EXEMPT**

The division of any lot or any parcel of land into a subdivision, as defined in this Ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease shall not be permitted. All such described divisions shall be subject to all of the appropriate requirements of this Ordinance.

## **1.11 RECORDATION PROHIBITION**

Pursuant to IC 36-7-4-710, a plat of a subdivision may not be filed with the County Auditor, and the County Recorder may not record it, unless it has been granted secondary approval and signed and certified by the President of the Commission and attested to by the Secretary of the Commission. The filing and recording of the plat is without legal effect unless approved by the Commission. The County Auditor shall not accept a deed for property to be entered for taxation unless the property complies with the requirements of this Ordinance. Any split that is considered an exempt subdivision by this ordinance must receive approval in writing from the Administrator. The County Auditor and County Recorder may not accept or record such a split without written approval prior to recording from the Administrator, and the written approval shall be recorded with all deeds and plats as stipulated in Section 2.14-C.

## **1.12 CONDOMINIUMS EXEMPTION**

Pursuant to IC 36-7-4-702, condominiums which are regulated by IC 32-1-6, or as amended, are exempt from the provisions of this Ordinance. Condominiums require a Planned Development District zoning as specified in Article VII of the Zoning Ordinance.

### **1.13 FINDINGS OF FACT**

Applications shall be approved or denied based on the consideration of the following findings of fact:

1. Do the materials presented meet the requirements of the applicable Subdivision Control Ordinance?
2. Does the design of the subdivision meet the requirements of the applicable Subdivision Control Ordinance for Utilities?
3. Does the design of the subdivision meet the requirements of Section 3.10 (Subdivision Standards) of this Ordinance?
4. Does the design of the subdivision meet the requirements of Section 3.20 (Improvements and Installations) of this Ordinance?
5. Does the design of the subdivision meet the requirements of Drainage for this Ordinance?
6. Does the division interfere with the goal to preserve prime farmland as directed in the Comprehensive Plan?
7. Does the division have proper documentation for the County Health Department soil/septic/other sewage alternatives?

### **1.20 WAIVER OF STANDARDS AND SPECIFICATIONS**

#### **A. GENERAL**

Where the Commission finds that extraordinary hardships or practical difficulties (that are not created or materially contributed to by the act or omission of the subdivider or those in privity with him) may result from strict compliance with this Ordinance or the purposes of this Ordinance may be served to a greater extent by an alternative proposal, it may approve waivers or modifications to these Subdivision Regulations so that substantial justice may be done and the public interest served. The waiver or modification shall not have the effect of nullifying the intent and purpose of this Ordinance. The Commission shall not approve waivers or modifications unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property;
2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Ordinance is carried out;
4. The relief sought shall not in any manner vary the provisions of the Zoning Ordinance, or the Comprehensive Plan, except as those documents may be amended in the manner prescribed by law.



**B. DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS**

1. The Commission may defer or waive at the time of primary approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or non-existence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.
2. Whenever it is deemed necessary by the Commission to defer the construction of any improvement required under this Ordinance because of incompatible grades/topography, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his fair share of the costs of the future improvements to the local governmental authority prior to signing of the secondary subdivision plat by the Commission, or the subdivider may execute a separate subdivision improvement agreement secured by a letter of credit guaranteeing completion of the deferred improvements upon demand of the local governmental authority.

**C. CONDITIONS**

In approving waivers or modifications, the Commission may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.03.

**D. PROCEDURES**

Documentation for waiver or modification shall be submitted in writing by the subdivider at the time when the primary plat is filed for the consideration of the Commission. The documentation shall state fully the grounds for the application and all of the facts relied upon by the subdivider.

## ARTICLE II

### SUBDIVISION REGULATIONS

#### 2.10 SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESS

#### 2.11 GENERAL PROCEDURE:

A subdivider shall follow the procedure contained in this Article for the type of subdivision for which approval is sought.

##### A. PREDESIGN CONFERENCE

Prior to submitting any of the materials required by this Ordinance, the applicant or his representative should discuss with the Administrator the nature of the land division being proposed, so that the applicant may be instructed concerning the classification of his subdivision and what regulatory procedures apply to it and must be followed under this Ordinance in order to secure primary and secondary approval. The Administrator may be able to determine that the proposed division of land is an exempt division, if sufficient information is presented, and advise accordingly. Where applicable, requirements concerning the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services should be discussed. The Administrator shall also advise the applicant, where appropriate, to discuss the proposed land division with those other officials who must eventually approve those aspects of the proposed subdivision plat.

##### B. ADVISORY MEETING

Prior to submitting an application and associated materials required by this Ordinance, the subdivider should further discuss with the Administrator the details of the proposed subdivision, and present a sketch plan as described below. The subdivider may request, or the Administrator may require, that the advisory meeting be held before the Commission if there are matters which the Commission should address early in the review period. The classification as a major or minor subdivision as defined herein shall be made by the Administrator when the sketch plan is reviewed at the advisory meeting. If a proposed division is found to be an exempt division that was not determined as such at the predesign conference it will be so designated at the advisory meeting. Failure to have an advisory meeting may result in delays during formal consideration of the subdivision.

##### C. SKETCH PLAN

The subdivider should present at the advisory meeting a sketch plan showing in a general way the proposed development, including such items as the proposed use, existing land characteristics, existing and proposed utilities, and existing and proposed streets and other public facilities. This plan may be drawn as a freehand pencil sketch and does not require precise dimensions or any special sheet size. This sketch plan may be used to show the Administrator the location, proposed street and lot layout and any other significant features of the proposed subdivision. The Administrator will determine a subdivision classification and advise the subdivider regarding the appropriate submission requirements and approval process. This sketch plan shall not be deemed a primary plat.

## **2.12 SUBDIVISION CLASSIFICATION**

Based upon the information provided at the advisory meeting, the Administrator shall classify all subdivisions into one of three categories, or combinations of categories, in accordance with this Ordinance and shall advise the subdivider of the applicable review procedure. These categories are as follows:

- Exempt Division (as defined)
- Minor Subdivision (as defined)
- Major Subdivision (as defined)

## **2.13 EXEMPT DIVISION**

Exempt Divisions are not subject to the requirements of this Ordinance beyond the approval process detailed in Section 2.14 and determination by the Administrator that they are Exempt Divisions as defined and as set forth in Section 2.12 of this Ordinance.

## **2.14 APPLICATION FOR EXEMPT DIVISION APPROVAL**

Exempt Division approval procedure shall be as follows:

- A. An exempt division plat must be submitted with the following items to the Subdivision Administrator
  1. Legal description.
  2. Names and addresses of the owner, subdivider and consulting engineer, land surveyor, or planning firm who prepared the plan.
  3. Legend and notes, including the scale, north arrow and date.
  4. County parcel tax identification number(s).
  5. Township and range lines or corners, closing with a tolerance as given in “Rule 12” of the Indiana Administrative Code (865 IAC 1-12). Tract boundary lines showing dimensions, bearings, angles and references to section.
  6. Layout of lots showing dimensions and numbers and square footage or acreage of each lot excluding areas within rights-of-ways, easements and floodplains.
  7. Description of intended use of the property.
  8. Showing the closest building to the newly created line with setback dimensions unless setback is greater than fifty (50) feet.
  9. Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, roadway widths, types and widths of pavements.

10. Existing and proposed easements, including the location, width, and purpose of such easements must be shown on plat.
  11. Location of all other natural features.
  12. Boundary lines or elevations for approximate limits of floodway and floodway fringe areas on each lot as scaled from the floodplain district maps (Flood Hazard Boundary Map and/or Flood Insurance Rate Map) and regulations of the Zoning Ordinance.
  13. Location, type, material, and size of all monuments and markers.
  14. The surveyor's certificate must be located on the plat.
- B. The Administrator will review a complete application and will provide written approval for the exempt subdivision within 2 business days. Prior to review by the Administrator the Auditor's Office will review the legal description(s) for completeness.
- C. Administrator's written approval must be recorded with all deeds and plats.
- D. However any buildable Exempt Division, the subdivider shall certify to the satisfaction of the Administrator that the following requirements for exemption have been met.
1. The property has either access to public sewers or complies with the Randolph County Health Department sewage disposal regulations before receiving a permit, except structures that will not have sewage disposal.
  2. The property has proper access and a driveway which meets Section 3.10 and 3.20 of this Ordinance and the requirements of the Zoning Ordinance.
  3. Exempt lots shall meet Section 3.10-C "Lots", unless conflicting with other exempt division standards. In such cases the exempt standards will be adhered to.

## **2.15 APPLICATION FOR PRIMARY PLAT APPROVAL (Major and Minor Subdivisions)**

The subdivider shall submit all documents, information and fees required by this Ordinance. The documents and information submitted shall constitute the subdivision plan. The subdivider shall submit a written application for primary plat approval of the subdivision upon a form or forms provided by the Administrator. The written application and preliminary subdivision plan filed with the Commission for primary plat approval shall include the following items:

- A. Nine copies of the primary plat drawn at a scale of fifty (50) feet to one (1) inch on a sheet twenty-four (24) inches by thirty-six (36) inches in size (Exception: When the drawing at that scale requires more than one sheet, the primary plat may be drawn at a scale of one hundred (100) feet to one (1) inch and encompassing all contiguous parcels owned by or under the control of the subdivider.) Additionally, the primary plat shall be capable of being cut into twenty-four (24) inch by eighteen (18) inch sheets. The primary plat shall show the following:
1. Proposed name of the subdivision.
  2. A surveyed description of the land to be subdivided, such surveyed description to include the location by civil township, section, township and range and shall be tied to a section corner.
  3. Name and address of the subdivider.

4. Name and address of the surveyor.
  5. Boundary line of the subdivision indicated by a solid heavy line.
  6. Boundary lines of adjacent tracts of non-subdivided or subdivided land, showing ownership where possible.
  7. The existing zoning of the proposed subdivision and adjacent tracts within two hundred fifty (250) feet of the boundary line of the subdivision.
  8. Topographical contours at two-foot contour intervals, except where the topography of the tract demands one-foot contour intervals.
  9. All existing permanent features, either natural or man-made that may influence the design of the subdivision, including (but not limited to) water courses, tree groves, swamps, outstanding natural topographic features, power transmission towers, cellular communications antennae, scenic or historic areas, existing buildings or structures, sewers, legally established county ditches or tiles, water mains, culverts, utility lines and fire hydrants. Where underground utilities exist, within or adjacent to the tract to be subdivided, the utility type, the approximate location, conduit or line size and direction of flow (where applicable) shall be indicated.
  10. Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent easements and section and corporate lines within two hundred (200) feet of the subdivision, abutting subdivision(s) and permanent structures in un-platted land within two hundred (200) feet of the boundary lines of the proposed subdivision.
  11. The layout of all proposed and existing lots with appropriate dimensions, to include a minimum area in square feet for each lot and proposed front yard setback lines.
  12. The layout of streets, widths of rights-of-way, widths of cross-walk ways and easement locations and widths, to include the locations of existing streets and roads in the area adjacent to the subdivision and the manner in which the streets in the proposed subdivision can be tied in with the existing streets and roads.
  13. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for the use of property owners in the subdivision.
  14. Protective covenants or restrictions, if any.
- B. A soils map of the land to be subdivided which shows soil boundaries and their identification, along with any floodplain areas. Base Flood Elevations are required for all subdivisions greater than fifty (50) lots or five (5) acres as required in Article VIII Attachment A of the Zoning Ordinance.
- C. A watershed map of the land to be subdivided using United States Geological Survey (USGC) contour information and showing:
1. Delineation of the drainage area in which the subdivision is located.
  2. Location of drainage courses and surface water flow within the drainage area.
- D. A drainage map of the land to be subdivided showing, at a minimum:
1. Natural or man-made water courses, lakes, ponds, marsh or swamp areas.
  2. Existing drainage facilities, culverts, storm drains, etc.

3. Proposed contours and the subdivision grading plan using the same contour intervals as shown on the primary plat.
4. Proposed drainage plan showing storm drains, culverts, retention/detention ponds, etc., for the subdivision and analyses of existing drainage facilities to the nearest water course(s).

E. A feasibility report covering the following:

1. Existing System - The feasibility of connecting to an existing sewer system and water supply shall be studied. This portion of the report shall include the distance from the nearest public sewer and capacity of the existing system intended to receive the additional sewage load.
2. Community System - If connection to an existing sewage or water system is not feasible, the feasibility of constructing a community sewage or water system shall be studied. The study shall give consideration to treatment works, receiving stream(s), lagoon(s), etc., and community water supplies.
3. Drainage Facilities - A study of the storm water drainage for the area, methods of dispersion, retention or detention and adequacy of downstream facilities shall be made. This portion of the feasibility report shall give consideration to both water entering the subdivision from adjacent land and water within the boundaries of the subdivision.
4. Improvements - A preliminary report on the type(s) of improvements which will be installed in said subdivision shall be provided. This report shall show that the improvements will be installed pursuant to all applicable specifications of the participating county, city or town in which the subdivision is to be located. This report shall include a statement from the appropriate agencies of said county, city or town in which the subdivision is to be located that the proposed improvements meet said county, city or town's applicable specifications. This report shall also show the cross-section(s) and profiles of streets and roads, accurately delineating grades and elevations.

## **2.16 REDUCED REQUIREMENTS FOR MINOR SUBDIVISIONS**

1. In platting minor subdivisions, the following approvals and documents shall not be required:
  - a. topographic map submittal
  - b. overall primary plat drainage approval
  - c. bonding
  - d. construction plan approval at the time of secondary plat recording. However, all applicable specifications and standards of the participating county, city or town in which the subdivision is to be located shall be met and documented at the time of applying for required permits
2. At the sole discretion of the Commission, a Subdivision Improvement Agreement and Guarantee may be modified as stipulated in Section 2.25-A-2 and a Waiver of Standards and Specifications may be made as stipulated in Section 1.20.

## **2.17 FILING FEE**

The submission of a subdivision plan for primary approval shall be accompanied by a filing fee of ten dollars (\$10.00) plus fifty cents (\$.50) per lot.

## **2.18 REVIEW PROCEDURE**

Upon receipt of a subdivision plan for primary approval, the Administrator shall review the plan for technical conformity with the standards established in this Ordinance.

## **2.19 COMMISSION ACTION**

- A. Within thirty (30) days after receipt of a subdivision plan as required by Section 2.15 and the fee required by Section 2.17, the Administrator shall set the date for a hearing before the Commission and shall:
1. Notify the subdivider in writing of the hearing date.
  2. Notify the subdivider that he must give due notice to all landowners within two hundred fifty (250) feet of the boundary line of the proposed subdivision. Notification to the adjacent landowners shall be by certified mail, return receipt requested, no less than ten (10) days before the date set for the hearing.
  3. Provide the subdivider with the form of the notice to be given to said landowners.
- B. In accordance with IC 36-7-4-707, the Commission shall by vote at a public hearing approve, conditionally approve, or deny the petition for primary plat approval. If the Commission determines that the primary plat is in compliance with the standards of this Ordinance (or will be in compliance after meeting specified conditions), it shall make written findings to that effect and shall grant primary approval of the plat. If the Commission determines that the primary plat is not in compliance with the standards of this Ordinance (even assuming that specified conditions will be met), it shall make written findings to that effect and shall deny primary approval of the plat. The findings shall express the reasons for the decision. The decision of the Commission shall be signed by the President of the Commission and the Secretary of the Commission shall attest to the President's signature. The written findings and decision shall be dated and a copy shall be given to the subdivider.

## **2.20 APPEAL OF COMMISSION DECISION**

In accordance with IC 36-7-4-708, primary plat approval or denial of a subdivision plan by the Commission is a final decision of the Commission. The final decision of the Commission may be appealed to the Circuit Court of Randolph County.

## **2.21 EFFECTIVE PERIOD OF PRIMARY PLAT APPROVAL**

The approval of a primary plat shall be effective for a period of two (2) years from the date that the primary plat is approved by the Commission. The subdivider shall have submitted a secondary plat for approval, prior to the end of said time. Any plat that is not recorded within said two (2) year period shall, at the expiration of said two (2) year period, become invalid and shall not be entitled to recording without re-approval by the Commission, in accordance with the same standards, requirements and procedures specified by this Ordinance for original plat approval.

## **2.22 SECONDARY APPROVAL**

The subdivider shall submit to the Commission a final plat for secondary approval. No notice or hearing is required, and the provisions of this Ordinance concerning notice and hearing do not apply to secondary approvals. The Commission shall not grant secondary approval unless:

- A. all conditions of primary plat approval are met; and,
- B. all zoning requirements are met; and,

- C. the secondary plat is in substantial compliance with the approved primary plat; and, A plat of a subdivision shall not be filed with the Auditor, and the Recorder of Randolph County, Indiana may not record it, unless it has been granted secondary approval by the Commission. The filing and recording of the plat is without legal effect unless secondary approval has been granted by the Commission.

In granting secondary approval, the President of the Commission shall sign and date said final plat and two (2) copies thereof and the Secretary of the Commission shall attest to the President's signature.

Secondary approval may be granted to a plat for a subdivision in which the improvements and installations have not been completed if the subdivider provides satisfactory assurance that the installations and improvements will be installed or extended, in compliance with Section 2.25 (Assurance for Completion and Maintenance of Improvements), of this Ordinance.

After secondary approval has been given to the final plat and certified by the official designated in this Ordinance, said final plat shall be filed with the Auditor and recorded by the Recorder of Randolph County, Indiana. The recording information shall be designated on the two (2) copies of the final plat given secondary approval pursuant to this Ordinance.

Secondary approval of the final plat shall not be construed as an acceptance by the public of the offer of dedication of any street improvement, way place, structure, utility improvement or open space improvement.

## **2.23 PREPARATION AND RECORDING OF PLATS**

- A. The final plat shall be drawn in ink at a scale of fifty (50) feet to one (1) inch on a sheet(s) of tracing cloth, Mylar or equivalent, twenty-four (24) inches by thirty-six (36) inches in size (Exception: When the drawing at that scale requires more than one sheet, the final plat may be drawn at a scale of one hundred (100) feet to one (1) inch and encompassing all contiguous parcels owned by or under the control of the subdivider.) Six (6) black line or blue line reproductions of the final plat shall also be submitted. Additionally, the final plat shall be capable of being cut into twenty-four (24) inch by eighteen (18) inch sheets. The final plat shall show the following:
1. The name of the subdivision.
  2. A surveyed description of the land subdivided, such surveyed description to include the location by civil township, section, township and range and, shall be tied to a section corner.
  3. Primary control points, approved by the Commission, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
  4. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, property lines of residential lots and other sites, with accurate dimensions, deflection angles or bearings, radii, arcs and central angles of all curves.
  5. Name and right-of-way width of each street or other right-of-way.
  6. Location, dimensions and purposes of any easements.
  7. Number to identify each lot or site.
  8. Purpose for which sites, other than residential lots, are dedicated or reserved.



9. Street address consistent with the applicable requirements of said county, city or town in which the proposed subdivision is to be located.
  10. Minimum building setback lines on all lots and other sites.
  11. All monuments erected, corners, and other points established in the field in their proper places. The material of which monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.
  12. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
  13. Name, address, signature, seal and certification of the registered land surveyor who prepared the final plat and certifying to the accuracy of the survey and plat.
  14. Certification of title showing that the subdivider is the landowner.
  15. Statement by the landowner dedicating streets, rights-of-way and any sites for public uses.
  16. Title, scale, North arrow and date.
  17. All acknowledgment certificates signed by a Notary Public.
  18. Protective covenants or restrictions, if any, in form for recording.
  19. Such other certificates, affidavits, endorsements or dedications as may be required by the Commission in the enforcement of this Ordinance.
- B. A plat shall not be recorded unless said plat bears all the following:
1. Certification by the official designated in this Ordinance.
  2. Any and all owners' consent signature(s), notarized.
  3. Dedication Statement for streets and public utility easements, if required.
  4. Addresses and street names as approved by the applicable agency having jurisdiction.
  5. Any covenants or restrictions (if proposed).
  6. Stamp of the Registered Land Surveyor.
  7. Stamp of the County Auditor of Randolph County, Indiana.
- C. The recorded plat shall be ratified by the Commission
- D. Every secondary plat approved by the Commission after the effective date of this Ordinance shall be recorded within two (2) years after the date of that conditional approval of the primary plat.
- E. Any plat that is not recorded within said two (2) year period shall, at the expiration of said two (2) year period, become invalid and shall not be entitled to recording without re-approval by the Commission, in accordance with the same standards, requirements and procedures specified by this Ordinance for original plat approval.

- F. Once the plat has been recorded, copies of the recorded plat and covenant document (the instrument number clearly appearing on each) shall be delivered to the Administrator prior to the issuance of Improvement Location Permits. The Administrator shall determine the applicable number of copies of each document required.

## **2.24 NOTICE**

### **A. NOTICE REQUIREMENTS–PLATS**

#### **1. NOTICE BY PUBLICATION**

When the Commission is required by law to publish a notice of a public hearing on a petition, such notice shall be published by the Commission at least ten (10) days prior to the date set for the hearing as required by IC 5-3-1.

#### **2. NOTICE ON SUBJECT PROPERTY**

Notice shall be given in accordance with IC 36-7-4-706, Article VIII Section III, IV and V of the Area Planning Commission By-Laws.

#### **3. AGENCIES TO BE NOTIFIED REGARDING PLATS**

The subdivider shall send a copy of the primary plat and a transmittal letter to the listing of public and private agencies and utilities, adopted by the Commission as "Agencies to be Notified Regarding Plats." The transmittal letter shall indicate that comments on the plat should be sent to both the subdivider and the Administrator. A copy of the transmittal letter to each of the agencies listed, or a notarized affidavit certifying that such transmittal was sent to the agencies, shall be submitted with the filing of a plat petition.

### **B. AFFIDAVIT OF NOTICE**

An affidavit of notice shall be given in accordance with IC 36-7-3-11, or IC 36-7-4-706 as applicable.

## **2.25 ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

### **A. BOND FOR SUBDIVISION IMPROVEMENT (PERFORMANCE BOND OR LETTER OF CREDIT)**

#### **1. COMPLETION OF IMPROVEMENTS**

Before the secondary plat is signed by the President of the Commission, the subdivider shall be required to complete, in accordance with the Commission's decision and to the satisfaction of the participating county, city or town, all the street, sanitary sewer and storm drainage, sidewalks, street signs, monuments, erosion control, street lights, and other public improvements, including lot improvements on the individual lots of the subdivision, as required in this Ordinance, specified in the secondary plat and as approved by the Commission and to dedicate those public improvements to the municipality, free and clear of all liens and encumbrances on the dedicated property and public improvements.

#### **2. SUBDIVISION IMPROVEMENT AGREEMENT AND GUARANTEE**

- a. The Commission, in its sole discretion, may waive the requirement that the subdivider complete and dedicate all public improvements prior to approval of the secondary plat and, as an alternative, permit the subdivider to enter into a subdivision improvement agreement by which the subdivider covenants to complete all required sanitary sewer, street base, binder and curbs, storm drainage, street signs, monuments, erosion control and street light improvements no later than two (2) years following the date on which the President of the

Commission signs the secondary plat, and to complete all required sidewalks, erosion control, street sign, monumentation and street topcoat improvements. The subdivider shall covenant to maintain each required improvement and also shall warrant to the governing body of the dedication of the last completed improvement. The subdivision improvement agreement shall contain such other terms and conditions agreed to by the subdivider and the Commission. At the sole discretion of the Commission, a subdivision improvement agreement is not required for minor subdivisions.

b. PERFORMANCE SURETY

A performance bond or letter of credit shall be provided before the seal of the Commission, the approval of its officers, and the certificate that public notice of the hearing was published, is affixed and attached to the plat. The performance bond or letter of credit shall:

1. Run jointly and severally to Randolph County, Indiana, the Area Planning Commission of Randolph County, Indiana, and, if applicable, any other city, town, governmental unit or agency thereof having a legal responsibility for the construction, and completion of said improvements and installations.
2. Be in an amount equal to one hundred percent (100%) of the cost, as estimated by the Commission, of all improvements and installations as required by Section 3.20 of this Ordinance. However, the cost of any of said required improvements and installations which have been constructed, installed and completed in compliance with the requirements of this Ordinance prior to the providing of this bond or letter of credit and for which sufficient written proof of such construction, installation and completion has been furnished to the Commission as required by Section 2.25-A-2-b-4 of this Ordinance; and the cost of any improvement or installation for which an equivalent bond (running jointly and severally to Randolph County, Indiana, the Area Planning Commission of Randolph County, Indiana, and, if applicable, any other city, town, governmental unit or agency thereof having a legal responsibility for the construction, and completion of said improvements and installations) has previously been provided to such other governmental unit or agency and a certified copy of which has been furnished to the Commission; and further excluding the cost of the public, group and individual water supply improvements and installations required by Section 3.20, I of this Ordinance. Nothing contained in this subparagraph shall, however, exclude any of said improvements and installations from the requirements and coverage of this bond or letter as specified in Sections 2.25-A-2-b-4 and 5 hereof, shall be excluded.
3. Provide surety satisfactory to the Commission.
4. Be in effect until, and terminate ninety (90) days after, the filing with the applicable governmental agency having jurisdiction of the completion affidavit, including any required as-built drawings, obtained from the appropriate governmental unit or units as required by Section 2.25-A-2-c, of this Ordinance, or ninety (90) days after the filing with the Commission of proof of the construction, installation and completion of said improvements and installations in compliance with the requirements, standards and specifications of this Ordinance, unless within said ninety (90) day period the Commission determines that the requirements, standards and specifications of this Ordinance applicable

to the construction, installation and completion of said improvements and installations have not been met and notifies the subdivider of such determination (by certified/registered or first class mail sent to the subdivider's address appearing on the application for plat approval), in which event said bond shall continue to run until the filing of proof that, and the Commission's determination that, said standards, requirements and specifications have been met, in accordance with this Ordinance.

5. Specify that all said required improvements and installations shall be completed in accordance with the requirements and specifications of this Ordinance prior to the time that houses or residential structures have been built upon eighty-one percent (81%) of the lots shown upon said plat or within three (3) years after the date of the Commission's affixing its approval to said plat, whichever event first occurs. Nothing contained in this subsection shall, however, require said improvements and installations to be completed earlier than one (1) year after the date of the Commission's affixing its approval to said plat.
6. Provide that upon completion of said required improvements and installations, but prior to the acceptance thereof for public maintenance by the appropriate governmental agency or release of performance surety, the subdivider shall provide a three (3) year maintenance bond as required by Section 2.25-B, of this Ordinance.
7. Said bond or letter of credit shall be filed in a form acceptable to and approved by the Commission.

c. CERTIFICATE OF COMPLETION AND COMPLIANCE

1. Upon the completion of all improvements and installations as required by Section 3.20 of this Ordinance, the subdivider shall furnish the Administrator, and any other appropriate governmental units having a legal responsibility for the completion of said improvements and installations, with sufficient written proof that said improvements and installations have been constructed, installed and completed in compliance with the requirements of this Ordinance.
2. Upon the acceptance of said improvements and installations by the Administrator and appropriate governmental unit or units, the subdivider shall obtain a completion affidavit from the Administrator and such governmental unit or units, stating that the required improvements and installations have been accepted for public maintenance by said governmental unit or units, subject to the terms of the three (3) year maintenance bond provided by the subdivider, and shall file said completion affidavit with the Commission.

B. MAINTENANCE BOND

Upon the completion of the following required improvements and installations: streets, sanitary sewer and storm drainage and sidewalks, but prior to the acceptance thereof for public maintenance by the appropriate governmental agency, the subdivider shall provide a three (3) year bond, with the subdivider or some other person satisfactory to the Commission as principal, which shall:

1. Beneficiary notation:
  - a. Run jointly and severally to Randolph County, Indiana, the Area Planning Commission of Randolph County, Indiana, and, if applicable, any other

governmental unit or agency thereof having a legal responsibility for the construction, completion or maintenance of said improvements and installations.

2. Be in an amount equal to twenty percent (20%) of the cost, as estimated by the Commission, of all improvements and installations as required by Section 3.20 of this Ordinance, excluding, however, the cost of the public, group and individual water supply improvements and installations required by Section 3.20 of this Ordinance and the cost of any improvement or installation for which an equivalent bond (which runs jointly and severally to Randolph County, Indiana, the Area Planning Commission of Randolph County, Indiana, and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction, completion or maintenance of said improvements and installations) has previously been provided such other governmental unit or agency and a copy of which has been furnished and installations from the requirements and coverage of this bond as specified subparagraphs 4 and 5 of this Section.
3. Provide surety satisfactory to the Commission.
4. Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and installations to be of good quality and constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this Ordinance and the satisfactory plans and specifications therefore submitted to the Commission and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction, completion or maintenance of said improvements and installations.
5. Provide that for a period of three (3) years after formal acceptance, the subdivider shall at his own expense make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including any damage to said improvements and installations resulting from forces or circumstances beyond the control of said subdivider or occasioned by the inadequacy of the standards, specifications or requirements of this Ordinance.
6. Maintenance bonds shall be filed in a form acceptable to and approved by the Commission. At the sole discretion of the Commission, maintenance bonds shall not be required for the following improvements: street signs, monuments, erosion control, street lights.

**C. DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS**

Refer to Section 1.20 of this Ordinance.

**D. USE OF IMPROVEMENT OR MAINTENANCE BOND FUNDS**

Any funds received from the Performance Bonds or Maintenance Bonds required by this Ordinance shall be used only for the purpose of making the improvements, installations or repair for which said bonds were provided, in accordance with the standards, specifications and requirements of this Ordinance.

## **ARTICLE III**

### **REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN**

#### **3.10 SUBDIVISION STANDARDS – GENERAL**

The subdivider shall consult with the appropriate agencies of the participating county, city or town in which the proposed subdivision is to be located and/or with the applicable utility service companies servicing the utilities of the participating county, city or town to determine the design standards for:

- a. Streets and alleys,
- b. Storm and surface water drainage systems,
- c. Sanitary sewer system,
- d. Water supply system, and
- e. Curb and gutter construction.

The subdivider shall construct any improvements in the subdivision in accordance with the design standards as determined by the participating county, city or town in which the subdivision is located and/or the applicable utility service companies servicing the utilities of the participating county, city or town in which the subdivision is located.

#### **A. STREETS**

All proposed plats submitted for Commission approval under the provisions of this Ordinance shall allocate adequate areas for streets in conformity with the Comprehensive Plan and Major Thoroughfare Plan or as the Commission may require, and shall designate and label all such streets thereon in accordance with the following definitions, specifications and requirements regarding platting width, right-of-way, and control of access.

Where streets are shown in the Major Thoroughfare Plan, the arrangement of streets in a subdivision shall provide for the continuation or projection of existing principal streets in surrounding areas or conform to a plan of the neighborhood approved and adopted by the Commission.

##### **1. STREET CLASSIFICATION AND MINIMUM STREET RIGHTS-OF-WAY**

###### **a. EXPRESSWAY**

Any street designated and labeled as an "expressway" shall be a divided arterial street designed, planned and intended for through vehicular traffic in conformance with the Comprehensive Plan and Thoroughfare Plan with full or partial control of access thereto. The minimum right-of-way required for an expressway shall be as designated by the Major Thoroughfare Plan. Control of access shall be as determined by the participating county, city or town or the Indiana Department of Transportation, based upon the jurisdiction of the subject facility.

###### **b. PARKWAY**

Any street designated and labeled as a "parkway" shall be a street serving through vehicular traffic, with partial control of access provided. Adjoining land on one or both sides of such a street shall be predominately dedicated or used for park purposes, and shall conform to the Comprehensive Plan. Control of access

shall be as determined by the participating county, city or town, based upon the jurisdiction of the subject facility.

c. PRIMARY THOROUGHFARE

Any street designated and labeled as a "primary thoroughfare" shall be designed, planned and intended to serve through vehicular traffic within Randolph County or surrounding areas, in conformance with the Comprehensive Plan and Major Thoroughfare Plan. As a general rule, primary thoroughfares shall be located at approximately one (1) mile intervals in the north-south or east-west grid pattern. The minimum right-of-way required for a primary thoroughfare shall be as designated by the Major Thoroughfare Plan. Partial control of access to a primary thoroughfare shall be exercised so as to permit access to each lot abutting thereon as provided in Section 3.10-A-2-c of this Ordinance.

d. SECONDARY THOROUGHFARE

Any street designated and labeled as a "secondary thoroughfare" shall be designed, planned and intended to serve as a collector and distributor of through vehicular traffic from sections of land within Randolph County, in conformance with the Comprehensive Plan and Major Thoroughfare Plan. The minimum right-of-way required for a secondary thoroughfare shall be as designated by the Major Thoroughfare Plan. Partial control of access to a secondary thoroughfare shall be exercised so as to permit access to each lot abutting thereon as provided in Section 3.10-A-2-c of this Ordinance.

e. COLLECTOR STREET

Any street designated and labeled as a "collector street" shall be designed, planned and intended to serve as a collector and distributor of vehicular traffic, carrying such traffic to and from expressways, parkways, primary thoroughfares, secondary thoroughfares, and local streets. Collector street shall include but not be limited to entrance streets of residential subdivisions.

f. LOCAL STREET

Any street designated and labeled as a "local street" shall be designed, planned and intended primarily to provide access to lots abutting thereon.

g. MARGINAL ACCESS STREET

Any street designated and labeled as a "marginal access street" shall be designed, planned and intended as local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway or freeway for service to abutting property(ies) and limitation to through traffic.

h. CUL-DE-SAC

Any local street designated and labeled as a "cul-de-sac" shall be designed, planned and intended as such, having only one end open to vehicular traffic from an expressway, parkway, primary thoroughfare, secondary thoroughfare, collector street or local street and with the closed end permanently terminated by a vehicle turn around.

i. LOOP STREET

Any local street designated and labeled as a loop street" shall be designed, planned and intended as a street which originates at an intersection with another

street, running thence to make a loop or "U" of various shape or proportion and thence re-intersect the street of origin at another point. The minimum right-of-way required for a parkway, collector street, local street, or a cul-de-sac shall be as required by Section 3.20, Table 1, of this Ordinance.

2. STANDARDS

a. STREETS

1. Streets which are extensions or continuation of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Commission, shall bear the names of such existing streets.
2. All streets shall be graded, surfaced and improved in accordance with the design standards as determined by the participating county, city or town.
3. The arrangement, character, extent, width, grade and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety and in an appropriate relation to the proposed uses of the land to be served by such streets.
4. Local streets shall be laid out so that their use by through traffic will be limited.
5. Half-streets shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

b. ALLEYS

1. Alleys shall be graded, surfaced and improved in accordance with the design standards as determined by the participating county, city or town.
2. Alleys shall be provided in commercial and industrial districts, except that the Commission may waive this requirement if other provisions are made for service access, such as, off-street loading off-street unloading and off-street parking consistent with and adequate for the uses proposed.
3. Half-alleys shall be prohibited. Whenever a half-alley is adjacent to a tract to be subdivided, the other half of the alley shall be platted within such tract.
4. Alleys shall be discouraged in residential areas except where topographical or other conditions may necessitate their use.
5. Alley intersections with sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. The minimum radii at street intersections shall be twenty (20) feet.
6. Dead-end alleys shall be prohibited except when provided with a forty (40) foot outside turning radius at the dead-end.

c. ACCESS TO AREAS ABUTTING THOROUGHFARES



If the area proposed to be platted abuts upon or contains an existing or proposed thoroughfare, the street plan shall provide vehicular access to each lot abutting upon said thoroughfare by one of the following means:

1. The subdivision of lots which back up to the thoroughfare and front onto an interior parallel local or collector street; no access shall be provided from the thoroughfare, and screening shall be provided in a strip of land along the rear property line of such lots.
2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to an interior parallel street, with the rear lines of their terminal lots backing onto the thoroughfare.
3. A marginal access street or streets. The rights-of-way between the marginal access street and the thoroughfare shall be separated from one another by a permanent strip of land outside of, and separate from, the rights-of-way of either street. Said strip of land shall be of a width of suitable distance for the appropriate use of the intervening land, such as park purposes in residential districts or for commercial or industrial purposes in the appropriate districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations. The Commission may require that said intervening land strips be dedicated to the participating county, city or town in which the subdivision is to be located.

d. DEAD-ENDED STREETS

Permanently dead-ended streets (except for cul-de-sac streets as defined in this Ordinance) are prohibited. A temporarily dead-ended street are permitted in any case in which a street is proposed to be and should logically be extended beyond the limits of said plat, but is not yet constructed beyond said plat limits. The right-of-way of a temporarily dead-ended street shall extend to the property line of the plat. An adequate easement for a turnaround shall be provided for any such temporarily dead-ended street which extends two hundred fifty (250) feet in length or greater, with a temporary hammer head ("T"); or an ell ("L") shaped turnaround provided. A notation on the plat shall state that land outside the normal street right-of-way shall revert to abutting property owners when the street is continued.

B. BLOCKS

1. BLOCK WIDTH

The width of blocks shall be sufficient to allow two (2) tiers of lots, except where reverse frontage on a thoroughfare is required.

2. BLOCK LENGTH

Where effective use of land does not require otherwise, blocks in residential subdivisions shall not exceed one thousand (1000) feet in length.

C. LOTS

1. LOT ARRANGEMENT

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, soil or water conditions, or other conditions, in securing improvement location permits to build on all lots in compliance with the Zoning

Ordinance, and in providing driveway access to buildings on the lots from an approved street.

The design, character, grade, location, and orientation of all lots so allocated, shall be appropriate for the uses proposed, and logically related to existing and proposed topography.

Every lot shall have sufficient and adequate access to a street constructed, or to be constructed, in accordance with the provisions, standards, and specifications of this Ordinance.

## 2. LOT DIMENSIONS

Lot dimensions shall comply with the minimum standards of the applicable zoning district, or per zoning commitment, variance grant, cluster plat approval, or approval grant by the Commission or the Board of Zoning Appeals.

In general:

- a. Side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
- b. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum required front yard setback from both streets, as regulated in the applicable zoning ordinance, or per zoning commitment, condition of a variance grant, or approval grant by the Board of Zoning Appeals, a part of the Commission.

## 3. LOT ORIENTATION

The lot line common to the street right-of-way shall be the front lot line. All lots shall face the front line. Whenever feasible, lots shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.

## 4. LOTS FRONTAGE AND ACCESS

- a. **Double Frontage Lots.**  
Double frontage, or through, lots shall be avoided except where necessary (as noted in Section 3.10-A-2-c-1) to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- b. **Triple Frontage Lots.**  
Triple frontage lots (those lots which have frontage on three streets) are prohibited except at the entrances to a subdivision from an abutting street identified in the Major Thoroughfare Plan as an expressway, freeway, primary arterial or secondary arterial.
- c. **Access from Primary and Secondary Arterials**  
Lots shall not, in general, derive access exclusively from a primary or secondary thoroughfare, as noted in the Major Thoroughfare Plan. Where driveway access from a primary or secondary arterial thoroughfare may be necessary to several adjoining lots, the Commission may require that such lots be served by a combined access drive or frontage road in order to limit possible traffic hazards on the street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on primary or secondary arterial thoroughfares.

5. COMMON AREA

Whenever common area for a subdivision perimeter abuts a secondary or primary arterial street, as designated in the Major Thoroughfare Plan, said common area shall be a minimum of twenty (20) feet in width along and paralleling the length that abuts the thoroughfare.

Common areas within a subdivision shall be accessible to all its residents. Access shall be provided so that no common area is "land locked" by private lots, requiring subdivision residents to trespass across such lots in order to enter the common area.

6. LOT DRAINAGE

Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. Each lot owner shall maintain the lot grade as it relates to storm water drainage, in compliance with the approved construction plans.

7. DEBRIS AND WASTE

No junk, rubbish, or other waste materials of any kind, whether natural (by example: cut trees or timber, debris, rocks) or construction-related (by example: concrete, building materials), shall be buried in any land at any time, nor shall these materials be left or deposited on any lot or street at the time of the release of the maintenance bond. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

8. WATERBODIES AND WATERCOURSES

Lot area required under the applicable zoning ordinance may not be satisfied by land that is under water or within the regulatory floodplain. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other appropriate structure. Said culvert shall be designed and constructed in compliance with the standards and specifications of the participating county, city or town or the Indiana Department of Transportation, based upon the jurisdiction of the subject facility.

D. BUILDING SETBACK LINES

Minimum building setback lines shall be regulated by the setback provisions of the zoning ordinance applicable to said area proposed to be platted. Setbacks in excess may be platted at the subdivider's discretion, however, such excessive platted setbacks shall not be enforced by the Commission unless said setbacks were required as a part of a commitment, condition, approval, or site plan tied to a land use petition.

E. EASEMENTS

1. DRAINAGE

a. General Requirements

When a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse. Said easements shall be of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with vegetative banks and adequate width for maximum potential volume of flow.

b. Drainage Easements

If any stream or necessary surface water course is located in said area to be platted, adequate areas for easements along the sides of such stream or water course shall be allocated for the purpose of widening, sloping, improving or protecting said stream or surface water course. Said easements shall be a minimum width of fifteen feet.

2. UTILITY

a. Location

All utility facilities, including but not limited to gas, electric power, telephone, and Cable television cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when located on public streets and rights-of-way, they shall be removed and placed underground.

All utility facilities existing and proposed throughout the subdivision shall be shown on the primary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

b. Utility Easements

As a general principle, such easements shall be located along both sides of rear lot lines and the total width of such combined lot easements shall be a minimum of ten (10) feet, unless an alternative size is required by the applicable utility, county, city or town.

NOTE: All easements shall be indicated on the plat.

F. PUBLIC SITES

All plats submitted for Commission approval under the provisions of this Ordinance may allocate adequate areas for park, school, recreational and other public and semi-public sites, wherever necessary in conformity with the Comprehensive Plan and as required by the Commission. The location, shape, extent and orientation of such areas shall be consistent with existing and proposed topographical and other conditions, including, but not limited to, the park, school, recreational and other public and semi-public needs of said proposed subdivision. Such areas shall be made available by one of the following methods:

1. Dedication to public use.
2. Reservation for the use of owners of land contained in said plat, by deed restriction or covenants which specify how and under what circumstances the area or areas shall be developed and maintained.
3. Reservation for acquisition by a governmental unit or agency within a period of nine (9) months, such area to be released for private use:
  - a. in the event that no governmental unit or agency proceeds with such acquisition within nine (9) months of the date of the recording of said plat; or,
  - b. if released by said governmental unit or agency prior to the expiration of the nine (9) month period, and, the secondary plat indicated the nature and extent of the private use into which such area may be placed if such area is not used by a governmental unit as specified.

4. Dedication to use by a bona fide non-profit organization for recreational, athletic or other community uses by those the organization serves.

### 3.20 IMPROVEMENTS AND INSTALLATIONS

#### A. STREETS - MINIMUM STANDARDS FOR STREET DESIGN AND CONSTRUCTION

Where the participating county, city or town in which the proposed subdivision is to be located does not have independent standards for street and alley design, the street and alley design standards shall conform to the requirements of Table 1, 2 and 3 of this section.

TABLE 1 STREET DESIGN STANDARDS			
TYPE OF STREET	DESIGN STANDARDS		
ARTERIAL, MAJOR AND SECONDARY THOROUGHFARES	Plans, Profiles and Cross-sections shall be in accordance with the Major Thoroughfare Plan or as determined by the Commission		
	DEVELOPMENT DENSITY		
RESIDENTIAL COLLECTOR	LOW	MEDIUM	HIGH
Right-of-way Width (ft.)	60	60	60
Pavement Width (ft.)	40	40	40
Type of Curb (V-Vertical Face)	V	V	V
Sidewalk Width (ft.) <sup>1</sup>	4	4	4
Sidewalk Distance from Curb Face (ft.)	0	0	6
Minimum Sight Distance (ft.)	250	250	250
Minimum Centerline Radius (ft.)	200	250	300
MINOR RESIDENTIAL			
Right-of-way Width (ft.)	50	60	60
Pavement Width (ft.)	32	36	40
Type of Curb	O/R	R/V	V
V-Vertical Face			
R-Roll Type			
O-None			
Sidewalk Width (ft.) <sup>1</sup>	O/4	4	4
Sidewalk Distance from Curb Face (ft.)	-	0	6
Minimum Sight Distance (ft.)	200	200	200
Maximum Grade	8%	8%	8%
Minimum Grade	0.5%	0.5%	0.5%
Maximum Cul-de-sac Length (ft.)	1,000	1,000	1,000
Minimum Cul-de-sac Radius (R/W ft.)	50	50	50
Minimum Cul-de-sac Radius (ft.)	40	40	45
Minimum Centerline Radius (ft.)	150	150	150
Marginal Access Street (R/W ft.) <sup>2</sup>	40	40/50	50/60
Marginal Access Street Pavement Width (ft.)	18	22/26	32/36
Pavement Width & Alley Right-of-way (ft.) <sup>3</sup>	12/20	12/20	12/20

<sup>1</sup>Installation of sidewalks on both sides of the street shall be required. The Commission may waive this requirement upon proof that sidewalks are non-essential.

<sup>2</sup>Curb and gutter shall generally not be required on the highway side. A planting strip with a minimum width of ten (10) feet may be required on the highway side.

<sup>3</sup>The Commission may waive the paving of alley right-of-way upon proof that paving is non-essential

NOTE: Pavement widths are measured from back of curb to back of curb.

TABLE 2 INTERSECTION DESIGN STANDARDS	
INTERSECTION DESIGN	ALL DEVELOPMENT DENSITIES
Clear Sight Distance (length, along each approach leg in feet)	90
Vertical Alignment Within Area	2% maximum
Minimum Angle of Intersection	80° (90° preferred)
Minimum Curb Radius (in feet)	
A. Minor Street	20
B. Collector Street	25
Minimum Centerline Offset of Adjacent Intersections (Street jogs - ft.)	
A. Local - Local	150
B. Local – Collector	150
C. Collector - Collector	200

TABLE 3 DESIGN CHARACTERISTICS OF STREET & ALLEY PAVEMENTS				
PAVEMENT TYPE AND MATERIALS*	ARTERIAL, MAJOR AND SECONDARY	COLLECTOR	MINOR	ALLEY
Portland Cement Concrete	8”	7”	6”	6”
Sub-base	3”	3”	3”	3”
Total Thickness	11”	10”	9”	9”
Flexible Pavement				
Hot Asphaltic Concrete or Hot Asphaltic				
Emulsion Surface	1”	1”	1”	1”
Emulsion Base or Binder	3”	2”	2”	1”
Compacted Aggregate or Water-Bound Macadam	8”	8”	6”	6”
Total Thickness	12”	11”	9”	8”

\*Materials per current Indiana Department of Transportation Specifications current at the time of preliminary approval

## B. MONUMENTS

The subdivider shall place permanent reference monuments in the subdivision by a registered Indiana land surveyor as required in this Ordinance.

### 1. LOCATION OF PERMANENT MONUMENTS

Where no existing permanent monuments are found, said monuments shall be installed - Prior to Submission of Secondary Plat for Approval:

- a. all quarter section corners on the boundaries of or within the area to be platted,
- b. at all angle points on exterior boundary lines of the parent tract that coincide or control the location of any line: of the proposed plat; and,
- c. at the beginning and end of all curves and points of tangency of the perimeter of said plat, Subsequent to Plat Recordation and After Development;
- d. at the intersections of all street center lines within said plat,
- e. at both ends of all curves on the center lines of all streets within said plat. In all instances noted above, said monuments shall be placed not more than 600 feet apart in any straight line.

2. STANDARDS FOR PERMANENT MONUMENTS

Standards for permanent monuments shall be as follows:

A five/eighth inch (5/8") or larger diameter metal rod having a metal cap on top showing either the responsible land surveyor's registration number or the Indiana Firm ID No. (865 IAC 1-12-18) and having:

- a. For street center line demarcation: a length equal to the thickness of the pavement
- b. For other required monument locations: a length of thirty six inches (36")
- c. Each monument shall:
  - 1. be installed so the cross mark shall coincide with the point being marked;
  - 2. be set flush with the finished grade;
  - 3. be detectable by a magnetic locator;
  - 4. be installed in such a manner that they will not be dislodged or removed by frost heave.

3. RECORDINGS

- a. The retracement survey of the parent tract (required by 865 IAC 1-12-19) containing the proposed subdivision, or of that part of said tract controlling the location thereof, shall be executed and recorded in the Office of the Recorder of Randolph County, Indiana before the secondary plat is submitted to the Commission for approval.
- b. All required monuments that are installed subsequent to plat recordation shall be set by a registered Indiana land surveyor in compliance with this Ordinance, the recorded subdivision plat, and the monumentation shown on the previously recorded retracement survey, (of the tract containing said plat). The location and detailed description of and reference ties to said subsequent monuments shall be shown on a copy of the recorded plat. Said copy shall be newly certified regarding said monuments by the surveyor, recorded in the Office of the Recorder of Randolph County, Indiana and cross-referenced to the original plat. The new certificate regarding these monuments set after plat recordation shall read as follows:

"I, the undersigned Indiana Land Surveyor, hereby certify that the new survey monuments shown on this copy of the previously recorded plat herein were set by me subsequent to the recordation of said plat in accordance with the Unified Subdivision Control Ordinance (Plats and Vacations) for Randolph County, Indiana.

\_\_\_\_\_Signed: \_\_\_\_\_ PLS \_\_\_\_\_Seal"

Dated:                      Name:    Registration No.

C. STREET SIGNS

The subdivider shall provide street signs at all street intersections to meet the standards of the participating county, city or town in which the subdivision is located.

D. CULVERTS

All culverts shall be designed and constructed in compliance with the standards and specifications of the participating county, city or town or the Indiana Department of Transportation, based upon the jurisdiction of the subject facility.

E. SIDEWALKS

All sidewalks shall be designed and constructed in accordance with the standards and specifications of the participating county, city or town in which the subdivision is located.

Sidewalks shall be provided along all streets internal to the subdivision, as well as any existing or proposed perimeter streets which border the subdivision.

F. FLOOD CONTROL

All development shall comply with all provisions governing flood control of the Zoning Ordinance.

G. STORM AND SURFACE WATER DRAINAGE

A storm drain or a surface water drainage system adequate to serve the subdivision and adjacent property shall be provided by the subdivider.

Roadside drainage shall not be obstructed or disrupted by public or private driveways or other obstructions in the subdivision.

Any existing drain, including a pipe or tile, or water course affected by the subdivision shall not be changed or altered in its operation unless the subdivider provides the necessary drain or water course to a proper and adequate outlet.

The Commission may require improvements to drainage outlets not in the subdivision to adequately accommodate run-off from the subdivision.

H. SEWAGE DISPOSAL SYSTEM

The subdivider shall construct a sanitary sewer system which shall be provided with all necessary supplemental equipment or machinery, (including, but not limited to, lift stations, force mains, etc.), and be in such lengths, sizes, dimensions and specifications as required by the participating county, city or town in which the subdivision is located.

The subdivider shall provide a lateral connection to each lot in the subdivision connected to the sanitary sewer main.

In the instance where septic systems are permitted by the applicable zoning ordinance, or through a variance grant, or grant of an approval petition, such systems shall be: 1) reviewed and approved by; and, 2) designed and constructed to the standards of, the Randolph County Health Department, Division of Environmental Health and the Indiana State Board of Health.



I. WATER SUPPLY SYSTEM

Where a public water supply is available within two hundred (200) feet of any boundary of the proposed subdivision, the subdivider shall construct a system of water mains, connected with such public water supply and provide a connection with each lot.

Construction of the water mains shall be done in accordance with the design standards and specifications of the participating county, city or town in which the subdivision is located and/or the design standards and specifications of the utility service company servicing the water supply system of the participating county, city or town in which the subdivision is located.

Where a public water supply is not available within two hundred (200) feet of any boundary of the proposed subdivision and/or the Commission determines that the connection thereto would create a hardship for the subdivider, the subdivider may provide each lot with a community or individual water supply, provided the installation conforms to the minimum design standards and specifications of the participating county, city or town in which the subdivision is located. Said installation shall also conform to the minimum standards or requirements of any other federal or state agency which has jurisdiction over the facility installation.

J. STREET LIGHTING

Street lighting for subdivision entrances shall be constructed and installed in accordance with the design standards and specifications of the participating county, city or town in which the subdivision is located and/or the design standards and specifications of the utility service company servicing the electrical distribution system of the participating county, city or town in which the subdivision is located.

One street light shall be installed at each subdivision entrance intersection with a public street.

K. DRIVEWAYS AND PARKING AREA ENTRANCES

Blind corners on the entrances and exits to parking spaces and private driveways shall be prohibited. Entrances to large parking areas shall be given the same design consideration as street intersections.

**3.30 NON-RESIDENTIAL SUBDIVISION**

In addition to the principals and standards of this Ordinance and Article VIII of the Bylaws of the Area Planning Commission of Randolph County, Indiana, which are applicable to the planning of all subdivisions, the following principals and standards shall be observed for non-residential subdivisions:

- a. Proposed industrial parcels shall be suitable in area and dimensions to the type of industrial development as required by the standards and specifications of this Ordinance and the Zoning Ordinance.
- b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon in conformance with the standards and specifications of this Ordinance and the design standards and specifications of the participating county, city or town in which the subdivision is located, or the Indiana Department of Transportation, based upon the jurisdiction of the subject facility.
- c. Special requirements may be imposed by the Commission for street, curb and gutter and sidewalk design and construction for the installation of public utilities, including water, sewer and storm water drainage.
- d. Every effort shall be made to protect adjacent residential areas from the proposed non-residential subdivision. This shall include the provision of extra depth in parcels

abutting upon existing or proposed residential development and provisions for a permanently landscaped buffer strip where necessary.

- e. Subdivision for proposed commercial development shall consider and specifically designate all areas proposed for vehicular circulation and parking, for pedestrian access and circulation and for buffer strips and other landscaping.

## ARTICLE IV

### RE-SUBDIVISION

#### 4.10 RE-SUBDIVISION (REPLATTING) OF LAND

##### A. PROCEDURE FOR RE-SUBDIVISION

Whenever a developer desires to re-subdivide an already approved secondary plat, or portion of such secondary plat, the developer shall first obtain approval for the re-subdivision by the same procedures prescribed for the subdivision of land.

##### 1. RE-SUBDIVISION

Re-subdivision includes:

- a. Any change in any street layout or any other public improvement;
- b. Any change in any lot line, not including transfers between adjoining lot owners which do not create additional buildable sites;
- c. Any change in the amount of land reserved for public use or the common use of lot owners;

##### 2. This subsection shall not include:

- a. Engineers "certificates of error" or "certificates of correction" (see Section 4.20);
- b. Any re-subdivision of a recorded secondary plat which involves only the changing of the notations written on the plat or correction of errors thereon, which involves only the removal or relocation of easements on the property, or which involves only the removal of interior lot or parcel lines provided the outside perimeter of the property remains unchanged and that fewer parcels result than were contained in the original plat may receive approval from just the Administrator for such changes;
- c. A non-residential re-subdivision of a business or industrial lot shown as such on a recorded subdivision plat into smaller lots for the purpose of business or industrial development.

##### B. WAIVER

Whenever the Commission, in its sole discretion, makes a finding on the record that the purposes of this Ordinance may be served by permitting re-subdivision by the procedure established in this section, the Commission may waive the requirement of Section 4.10-A.

##### C. NOTICE

The Commission, after an application for re-subdivision that includes an express request for waiver, shall provide notice as outlined in Section 2.24, of this Ordinance.

##### D. PROCEDURE FOR SUBDIVISION WHEN FUTURE RE-SUBDIVISION IS INDICATED

Whenever land is subdivided and the subdivision plat shows one (1) or more lots containing more than one acre of land and there is reason to believe that such lots eventually will be re-subdivided, the Commission may require that the subdivider allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be made a condition of primary plat approval.

#### **4.20 CERTIFICATES OF ERROR OR CORRECTION**

Engineers' "certificates of error" or "certificates of correction," reciting and correcting subsequently discovered engineering or surveying errors of measurements or typographical errors in recording plats, re-plats, or vacations, shall not be required to follow the procedures outlined in Section 4.10, but shall require approval by the Administrator prior to the recording of such corrections.

## **ARTICLE V**

### **VACATION OF LAND**

Vacation of land shall be in accordance with Article VIII of the Bylaws of the Area Planning Commission of Randolph County, Indiana

#### **5.10 VACATION OF PLATS OR PARTS OF PLATS**

The owner or owners of lots in any approved subdivision, including the developer, may petition the Commission to vacate the plat or part of the plat with respect to their properties. The petition shall be filed on forms provided by the Commission under Article VIII of the Bylaws of the Area Planning Commission of Randolph County.

## ARTICLE VI

### SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

#### 6.10 PRIMARY PLAT

##### A. GENERAL

1. The primary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used with the current page number and total page numbers appears on each sheet. The plat shall be of such size as is acceptable for filing in the Office of the Recorder of Randolph County, Indiana but shall not be larger than forty-two (42) by forty-eight (48) inches in dimension. The map prepared for the primary plat may also be used for the secondary plat.

##### B. FEATURES

###### 1. PRIMARY PLAT

The primary plat shall show the following:

- a. Proposed name of the subdivision, to be placed at the top of each sheet, and must clearly reference any existing subdivisions or sections (with recorded instrument number), which it abuts.
- b. Location by section, township and range, and by other legal description. For verification of plat closure the text legal description and the annotation shall match exactly.

Permitted tolerances:

1. Acreage shall be calculated to 0.001 AC (1/1000th)
2. Plat perimeters and individual lots, blocks, etc., shall adhere to State requirements found in "Rule 12" of the Indiana Administrative Code (865 IAC 1-12).
- c. Name, address, signature, seal and certification of the registered land surveyor who prepared the primary plat.
- d. Scale, noted in writing and graphically, of the primary plat, including graphic scale, north arrow and date.
- e. Boundary lines of the proposed subdivision indicated by solid, heavy lines, based upon a traverse with angular and lineal dimensions shown on the plan.
- f. Locations, dimensions and names of all existing street or other public ways, railroad and utility rights-of-way or easements, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation boundary lines within one hundred (100) feet of the area proposed to be platted.
- g. Radii, central angles, tangents, lengths of arcs, curvatures, angles at street intersections and a complete street traverse of each street within and on the perimeter of the plat.

- h. In the case of a re-plat, all descriptive lines of the original plat being vacated, shown as dotted lines in relationship to the lines of the new plat, the new plat being shown clearly in solid lines. A copy of the original plat shall be filed with the proposed re-plat.
- i. Boundary lines of adjoining and adjacent non-subdivided and subdivided land, showing owners' names within one hundred (100) feet of the area proposed to be platted, including the recorded name, date and number of any such subdivided land (this item is not to be included on the plat submitted for secondary approval and recording).
- j. Existing zoning of the area proposed to be platted and of land adjoining and adjacent thereto.
- k. Layout of all streets, including the names, widths (pavement and rights-of-way) and designations thereof, including whether public or private.
- l. Layout and numbers of lots, including accurate dimensions (in acreage or square feet), of lots. The number of lots and range of lot numbers shall clearly be stated. In new developments, lot numbers shall be consecutive within each section or phase, and may not be repeated in subsequent sections or phases within a subdivision.
- m. Areas to be allocated by park, school, recreational, and other public and semi-public sites, including any common open space, with the purpose proposed for each said area to be indicated on the primary plat. Any area to be dedicated or reserved for public use, or to be reserved by deed or covenant for common use by owners of land contained in the proposed plat shall further be noted in the applicable dedication, deed or covenant.
- n. Minimum building setback lines, in conformance with the applicable zoning district, showing dimensions.
- o. Areas to be allocated for public service or utility easements, showing accurate dimensions.
- p. If the primary plat is to be divided into sections for platting, an indication of the boundaries and numbers of such sections.
- q. Floodplain boundary delineation, as established by Article VIII of the Zoning Ordinance.

## 2. AREA MAP

The area map shall be at an appropriate scale (not greater than one inch equals one hundred feet (1" = 100')) and shall indicate the following:

- a. The name and location of the proposed subdivision.
- b. The scale of the area map, north arrow, and date.
- c. Street, lot and tract lines of parcels of land and subdivisions within one thousand (1000) feet of the area proposed to be platted and between said area and the nearest thoroughfare.
- d. The zoning of adjoining and adjacent land with the boundaries of the area map.

- e. Existing or proposed park, school, recreational and other public or semi-public sites within the boundaries of the area map.
- f. A diagram of the proposed course of surface water drainage from the point where water leaves the proposed plat to a legal ditch, natural stream or public storm sewer, to be shown by flow lines, arrows and descriptive notes.

### 3. TOPOGRAPHIC MAP

The topographic map shall be drawn upon a copy of the primary plat and shall indicate:

- a. The name and location of the proposed subdivision.
- b. The scale of the topographic map, north arrow, and date.
- c. Contours based upon the U.S. Coast and Geodetic Datum on U.S. Geological Survey Datum bench marks at one (1) foot vertical intervals, showing clearly by flow lines and arrows, the drainage pattern of surface water, both natural and proposed, within and through the area proposed to be platted, the location and elevation of said bench marks to be shown thereon. The Administrator may permit five (5) foot vertical contour intervals in areas of very steep slopes, such as ravines.
- d. Existing sewers, water mains, culverts and other underground facilities within or adjacent to the tract indicating pipe size, grades and exact location as obtained from public records, together with a sketch plan of a group sewage disposal system, if proposed, which has been approved in writing by the participating county, city or town in which the subdivision is located.
- e. If private disposal systems are proposed, the location and results of an on-site soil survey, including a determination of soil load rate, glacial till depth and other drainage characteristics to determine feasibility of an absorption field. This shall be performed for each lot in the location of the proposed absorption field. Such testing shall be conducted by a certified soil scientist, as required by the Randolph County Health Department, Division of Environmental Health.
- f. Other significant conditions of the area proposed to be platted such as water courses, wetlands, land subject to flooding (both floodway and floodway fringe areas), rock outcrop, wooded areas, houses, and any other structures.

## 6.20 SECONDARY SUBDIVISION RE-PLAT

### A. GENERAL

The secondary plat shall be presented in India ink on tracing cloth or reproducible Mylar at the same scale and containing the same information, except for any changes or additions required by the Commission, as shown on the primary plat. All certifications shall be made in permanent black ink with each signature accompanied by the printed name. The primary plat may be used as a secondary plat if it meets these requirements and is revised in accordance with the Commission's disposition. All revision dates must be shown as well as the following:

- 1. A correct and accurate legal description of the land platted, indicating any changes from the description appearing in the last record transfer of said land.
- 2. Notation of any self-imposed restrictions, and restrictions which may have been placed upon the property through rezoning, approval or variance petitions, and locations of any building lines proposed to be established, if required by the Commission in accordance with this Ordinance.



3. Endorsement of the Randolph County Health Department, Division of Environmental Health.
4. Endorsement on the plat of every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property.
5. Lots numbered as approved by the Administrator.
6. Addresses, as assigned by the applicable legislative body of Randolph County, Indiana.
7. All monuments erected, corners, and other points established in the field in their proper places. The material of which monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

**B. PREPARATION**

The secondary plat shall be prepared by a registered land surveyor licensed by the State of Indiana.

**6.30 VACATION OF PLATS OR PARTS OF PLATS**

The Commission shall prescribe the specifications for documents to be submitted in the vacation of plats or parts of plats in accordance with Article VIII of the Bylaws of the Area Planning Commission of Randolph County, Indiana.

## ARTICLE VII

### CONSTRUCTION OF LANGUAGE AND DEFENITIONS

#### 7.10 CONSTRUCTION OF LANGUAGE

The language of this Ordinance shall be interpreted in accordance with the following regulations:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any illustration or diagram, the text shall control.
- C. The word "shall" is always mandatory and not discretionary.  
The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- G. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either, or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 3. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

#### 7.20 DEFINITIONS

The words in the text or illustrations of this Ordinance shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

**ACCESS:** The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along said property or parcel.

**ADMINISTRATOR:** The officer appointed by and/or delegated the responsibility for the administration of these regulations by the Plan Commission. This term shall be construed to include those planning staff members working under the direction of the Administrator in the exercise of his responsibilities in regard to the enforcement of this Ordinance.

**AGRICULTURAL PURPOSE:**

Land which is not used for construction of a new residence and:

- a. contains at least 75% of land which is planted with fruit or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years; or
- b. contains at least 75% of the land which is planted with ornamental plants or trees for sale for use in landscaping; or
- c. contains at least 75% of the land which is planted with trees of the species Pinus, Picea, or Abies, (pine, spruce, or fir) grown for the purpose of sale as Christmas trees;
- d. has been used in three of the last five years for the cultivation and harvesting of crops, grazing by livestock, production of dairy products, the raising of poultry and production of eggs, or the raising of livestock. Land, which has been taken out of production through government sponsored conservation, reserve or similar programs, shall be considered under cultivation for the purposes of this Ordinance.

**ALLEY:**

Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot(s).

**BLOCK:**

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

**BOND:**

Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission where a bond is required by these regulations.

**BUILDING:**

Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

**BUILDING LINE:**

A line usually set with respect to the frontage of a plot of land which is fixed by statute or by ordinance.

**CERTIFICATE OF OCCUPANCY:**

A document issued by the Administrator certifying that a building, structure and/or its use or the use of the premises conform with the provisions of this Ordinance.

**COLLECTOR STREET:**

See Street, Collector

**COMMISSION:**

The Area Planning Commission of Randolph County, Indiana

**COMMITMENT:**

An officially recorded agreement concerning and running with the land as recorded in the Office of the Recorder of Randolph County, Indiana.

COMMON AREA:	A tract of land within the boundaries of a subdivision held in total or in part by the residents of the subdivision or an association of the property owners.
COMPREHENSIVE PLAN:	The Comprehensive Plan for Randolph County, Indiana, or segment thereof, adopted by the Area Planning Commission of Randolph County, Indiana pursuant to IC-36-7-4.
CONDITION:	An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a petition as signed by the President or Secretary of the applicable appointed land use body.
CONDOMINIUM:	The division of building(s) and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by the Indiana Code 32-1-6-1 through 31, or as amended.
CORNER LOT:	See Lot, Corner.
COVENANT:	A legal agreement concerning the use of land.
CUL-DE-SAC:	See Street, Cul-de-Sac.
DISTRICT:	A portion of the incorporated or un-incorporated territory of Randolph County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the Unified Zoning Ordinance of Randolph County, Indiana.
EASEMENT:	A grant by a property owner for the use of strip of land by the general public, a corporation or a certain person or persons for a specific purpose or purposes. (all easements must be shown on the plat and mentioned in each deed or contract).
EXEMPT DIVISION:	See definition of Subdivision, Exempt.
FARM:	A tract of agricultural zoned land of at least five (5) acres, which is primarily adapted by reason of nature for agricultural land use including but not limited to: farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, woodland, forestry, animal husbandry, poultry husbandry, and the necessary accessory uses for processing, packing, treating, or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the primary agricultural activities, and when required the structures and equipment essential to agricultural production and primary processing. "Farms" shall not include industrial or commercial operations or structures, which are not directly related to agricultural production.
FLOOD:	A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
FLOOD HAZARD BOUNDRY MAP (FHBM):	An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

- FLOODPLAIN:** The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.
- FLOODWAY:** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any stream or river.
- FLOOD INSURANCE RATE MAP:** An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- FRINGE:** Those portions of the floodplain lying outside the floodway.
- FRONT LOT LINE:** See Lot Line, Front.
- FULL CONTROL:** The condition where access, including its location, is fully controlled in connection with streets to give preference to through traffic by providing access connections only with selected streets and by prohibiting both crossings at grade and direct driveway connections.
- HARDSURFACED:** Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
- IMPROVEMENT LOCATION PERMIT:** A document issued by the Administrator for the purpose of carrying out and enforcing the provisions of the Unified Zoning Ordinance and this Ordinance in relation to the authorizing of buildings, structures or uses.
- LEGALLY ESTABLISHED:** A use, structure, or lot which complied with the provisions of the zoning and/or subdivision regulations which were in effect at the time said use, structure, or lot came to exist.
- LOCAL STREET:** See Street, Local.
- LOT:**
- (1) (a) A piece of land, the location, shape and size of which have been established by a recorded plat, subdivision or planned development; or
    - (b) Any part of that piece of land where a division has been made; and which shall include any adjacent area of land added to that piece of land by either the vacation of a public way, or an exempt division as permitted by the Subdivision Ordinance.
  - (2) A piece of land, not in a recorded plat, subdivision or planned development, the location, shape and size of which are determined by the legal description in the last recorded document made as a parcel split (parcelization) under the then applicable Subdivision Ordinance; and which shall include any adjacent area of land added to that piece of land by either vacation of public way or a parcel split as permitted by the Subdivision Ordinance.

- (3) A tract of land occupied or capable of being occupied by one or more structures.

LOT AREA:	The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any floodplain or any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.
LOT, CORNER:	A lot abutting upon two or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than 135 degrees. The frontage of a corner lot is the least lot width abutting on one street.
LOT, THROUGH:	A lot abutting two parallel streets, or abutting two streets which do not intersect at the boundaries of the lot.
LOT LINE:	The legal boundary of a lot as recorded in the Office of the Recorder of Randolph County, Indiana and as shown on the plat map of the Auditor's Office of Randolph County, Indiana.
LOT LINE, FRONT:	The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, the frontage of a corner lot shall be considered the least lot width abutting on one street; or, in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Executive Director.
LOT OF RECORD:	A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Randolph County, Indiana.
LOT WIDTH:	The distance between the side lot lines as measured on the building line.
MARGINAL ACCESS STREET:	See Street, Marginal Access.
MARKER or MONUMENT:	A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.
PARCEL:	A piece of land, the location, shape and size of which is determined by the official record of the last transfer of its ownership transacted before July 1, 2017.
PARCELIZATION (PARCEL SPLIT):	Any division of land complying with the terms of this ordinance and the Unified Zoning Ordinance of Randolph County, Indiana.
PARENT TRACT:	A piece of land, the location, shape and size of which is determined by the official record of the last transfer of its ownership transacted before July 1, 2017 or the last division by recordation of a plat prior to July 1, 2017 provided such plat is not in violation of any previous ordinance.
PARTIAL CONTROL OF ACCESS:	The condition where access including its location, is partially controlled in connection with streets to give preference to through traffic to a degree that in addition to access connections with selected streets, there

may be permitted some crossings at grade and some direct driveway connections, with design and location approved by public authority, including the Area Planning Commission of Randolph County, Indiana.

- PLAT:** An officially recorded map, as recorded in the Office of the Recorder of Randolph County, Indiana or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.
- PLAT, PRIMARY:** A drawing indicating the subdivision or re-subdivision of land, prepared in accordance with the requirements of this Ordinance, and submitted by the subdivider as part of the subdivision plan.
- PRIMARY APPROVAL:** Approval of the (primary) subdivision plan by the Area Planning Commission of Randolph County, Indiana.
- PROPOSED RIGHT OF WAY,** See Right-of-Way, Proposed.
- PUBLIC IMPROVEMENT:** Any drainage way or easement, street, culvert, pedestrian way, sidewalk, street sign, monument, flood control or storm drainage system, sewage disposal system, or other facility for which the municipality may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which municipal responsibility is established.
- REGULATORY FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The “regulatory flood” is also known by the term “Base Flood,” “One – Percent Annual Chance Flood” and “100-Year Flood,”
- RIGHT-OF-WAY:** Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the Office of the Recorder of Randolph County, Indiana.
- RIGHT-OF-WAY, PROPOSED:** Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Randolph County Thoroughfare Plan as adopted and amended by the Area Planning Commission of Randolph County, Indiana.
- SECONDARY APPROVAL:** Approval of the final plat pursuant to the terms and conditions of this Ordinance.
- SECONDARY PLAT:** A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of this Ordinance.
- SETBACK:** The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the building line.

SETBACK LINE:	A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line.
SIDEWALK:	A hard surfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic and located within the right-of-way of said street.
STREET:	A dedicated public right-of-way, other than an alley, intended for vehicular traffic, including expressways, parkways, primary thoroughfares, secondary thoroughfares, collector streets, local streets, marginal access streets, roads, lanes, cul-de-sacs or other public ways.
STREET, COLLECTOR:	A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g. 35 mph) between local streets and arterials while allowing direct access to abutting property(ies).
STREET, CUL-DE-SAC	A street having only one open end which is permanently terminated by a vehicle turn around.
STREET, EXPRESSWAY:	A street so designated by the Major Thoroughfare Plan for Randolph County, Indiana, as amended.
STREET, FREEWAY:	A street so designated by the Major Thoroughfare Plan for Randolph County, Indiana, as amended.
STREET, LOCAL:	A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g. 20 to 30 mph) within the immediate geographic area with direct access to abutting property(ies).
STREET, MARGINAL ACCESS:	A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies).
STREET, PARKWAY:	A street serving through vehicular traffic and generally equal to or more than 5,280 feet in length, the adjoining land on one or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the Comprehensive Plan and the Major Thoroughfare Plan for Randolph County, Indiana, as amended.
STREET, PRIMARY ARTERIAL:	A street so designated by the Major Thoroughfare Plan for Randolph County, Indiana, as amended.
STREET, PRIVATE:	A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.
STREET, PUBLIC:	A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road,



expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

**STREET, SECONDARY ARTERIAL:**

A street so designated by the Major Thoroughfare Plan for Randolph County, Indiana, as amended.

**STRUCTURE:**

A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

**SUBDIVIDER:**

Any person who:

A. has a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision;

B. directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit or plat in a subdivision;

C. engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot, parcel site, unit, or plat in a subdivision;

D. is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

**SUBDIVISION:**

The division or partial division of a parent tract (as defined) or any parcel of land into two or more lots, parcels, sites, units, plats, or interests for the immediate or future purpose of offer, sale, lease, transfer of ownership, or development. It also includes re-subdivision and the grant of an easement, which is needed to provide legal access to any property under the terms of this Ordinance. Divisions of parent tracts, which meet the definition of an exempt division, shall not exceed a cumulative number of three (3) lots. Such divisions are to be counted in determining whether or not a further division qualifies as an exempt subdivision with the exception of land being divided pursuant to court decree. No division shall create a nonconforming lot from the original parcel.

**SUBDIVISION, EXEMPT:** Any subdivision of land that includes any of the following:

A. Any land that is being divided for agricultural purposes (as defined) and not for the purpose, whether immediate or future, of use, building development, or other improvement for residential, commercial, industrial, recreational, or other non-agricultural purpose; or any land being divided as a farm (as defined) that is at least 5 acres in size, not involving any new streets or easements of access. These divisions are considered buildable for structures which meet the requirements of the Zoning Ordinance.

B. Any land being divided for sale or exchange between adjoining land-owners or for the combining with an existing adjacent parcel, such divisions are considered non-buildable and do not have to comply with lot area or lot width of the Zoning Ordinance. Unless they are combined with an existing parcel and meet all standards of the Zoning Ordinance, in such instance the exempt parcel may not be sold off separately from the adjoining land-owner or existing adjacent parcel.

C. Any land being divided which had an existing residence or business structure located on the parcel on July 1, 2017 and which meets the Zoning Ordinance standards and regulations.

D. Any land being divided pursuant to court decree, such divisions are considered non-buildable and do not have to comply with lot area, lot width or setbacks of the Zoning Ordinance. To be approved and recorded as buildable lots, the divided parcels must meet the requirements of this and the Zoning Ordinance including the cumulative number of lots which shall be considered in the classification of a subdivision in Section 2.12.

E. Any land being divided or acquired by a public agency or utility for a street or utility right-of-way or easement or any essential service, other than those required for a subdivision as defined in this Ordinance. These divisions are considered non-buildable and do not have to comply with lot area or lot width standards of the Zoning Ordinance. Divisions for public use may create an adjoining parcel to become a legally established non-conforming parcel, such parcels as effected by said divisions do not have to comply with lot area, lot width, or setbacks of the Zoning Ordinance. Future structures must comply with the regulations of the Zoning Ordinance.

F. Any land being divided into cemetery plots. These splits will be considered non-buildable and do not have to comply with lot area or lot width of the Zoning Ordinance.

G. Within any calendar year, any land being divided from the parent tract (as defined) as of July 1, 2017, which results in no more than one additional lot, parcel, site, unit, plat, or interest for the purpose of offer, sale, lease, transfer of ownership or development and not involving any new street or easement of access. These divisions must comply with all standards of the Zoning Ordinance or be recorded as non-buildable lot(s). The cumulative number of lots exempted under this subsection may not exceed three (3) lots originating from the parent tract as of July 1, 2017.

H. Any land being divided for the paramount purpose of establishing a site for a radio or television tower, telecommunication antenna, cell tower, wind energy conversion system facility provided such use has zoning approval. These lots are considered buildable lots and must comply with all standards of the Zoning Ordinance for the intended use.

I. A re-subdivision of a reasonable number of lots, as determined by the Administrator, within an existing subdivision plat to increase the area of the lots by changing the lot lines (as described in Section 4.10-A-2b).

J. A non-residential re-subdivision of a business or industrial lot shown as such on a recorded subdivision plat into smaller lots for the purpose of business or industrial development (as described in Section 4.10-2c).

K. Any other land being divided that is not a major or minor subdivision (as defined), which may or may not comply with the standards of the Zoning Ordinance will be labeled non-buildable and be recorded as such.

SUBDIVISION, MAJOR: Any subdivision of land that includes any of the following:

A. Any land being divided which involves the construction, extension, substantial realignment of any street.

B. Any land being divided that under the terms set forth in this Ordinance involves the substantial improvement or realignment of an existing street or road or the provisions of any public facility or utility.

C. Any land being divided into more than four lots, or the combined and cumulative total of more than four lots from an original parent tract.

D. Any re-subdivision or changes on a recorded secondary plat approved pursuant to this Ordinance which is not a minor subdivision (as defined) or an exempt subdivision (as defined).

E. Any subdivision which requires a modification to the terms of this Ordinance.

F. Any subdivision which has common open space or land to be maintained by a covenant agreement or property owners association.

SUBDIVISION, MINOR: Any subdivision of land that includes the following:

A. contains no more than four (4) lots;

B. has all lots fronting on an existing street;

C. does not involve the construction of a new street or extension of an existing street;

D. does not necessitate the extension of municipal facilities or the creation of any public improvements; and,

E. does not adversely affect the remainder of the parcel or adjoining property(ies).

F. any re-subdivision or change on a recorded secondary plat approved pursuant to the amendment or adoption of this Ordinance which is not a major subdivision (as defined) or exempt subdivision (as defined).

Further, to be classified as a minor subdivision, the land shall be platted into developable lots, as required by the Zoning Ordinance, and the parent tract of land from which any part of the lots are platted shall not have been a part of three (3) or more previous minor subdivision platting request.

**SUBDIVISION, NON-RESIDENTIAL:**

Any subdivision of land involving land which is zoned or intended to be used for commercial or industrial purposes as defined in the Unified Zoning Ordinance of Randolph County.

**THOROUGHFARE:**

A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

**THOROUGHFARE PLAN:**

The segment of the Comprehensive Plan for Randolph County, Indiana, adopted by the Area Planning Commission of Randolph County, Indiana, pursuant to IC-36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

**THROUGH LOT:**

See Lot, Through.

**YARD, FRONT:**

An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure foundation and terminates at the intersection of any side lot line.

**YARD, REAR:**

An open space unobstructed to the sky, extending fully across the lot while situated between the rear lot line and a line parallel thereto, which passes through the nearest point of any building or structure foundation and terminates at the intersection of any side lot line.

**YARD, SIDE:**

A yard extending between the front yard and the rear yard between a building and the nearest side lot line; and the width of a side yard is the minimum horizontal distance between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.

**ZONING INSPECTOR:**

The Administrator and/or the Executive Director of the Area Planning Commission of Randolph County, Indiana or his authorized representative.

**ZONING ORDINANCE:**

The Unified Zoning Ordinance of Randolph County, Indiana.

## **ARTICLE VIII**

### **ADMINISTRATION, ENFORCEMENT, SEVERABILITY, VIOLATION, PENALTY, REMEDY, EFFECT AND ATTESTATION**

#### **8.10 ADMINISTRATION**

The Commission, in accordance with Indiana State Statutes, may, from time to time, recommend to the legislative bodies, certain revisions, modifications or amendments to this Ordinance.

#### **8.20 ENFORCEMENT**

No plat of any subdivision shall be entitled to be recorded in the Office of the Recorder of Randolph County or have any validity until it shall have been approved in the manner prescribed by this Ordinance.

#### **8.30 SEVERABILITY**

If any provision of this Ordinance shall be held to be invalid, its invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

#### **8.40 VIOLATION AND PENALTY**

Any land within the jurisdiction of the Commission subdivided in violation of the terms and conditions of this Ordinance is hereby declared to be a common nuisance and the subdivider shall be liable for maintaining a common nuisance.

#### **8.50 REMEDY**

The Zoning Inspector and/or the Executive Director of the Area Planning Commission of Randolph County, Indiana may institute a suit for injunction in the Randolph County Circuit Court to restrain an individual, firm or governmental entity from violating the provisions of this Ordinance. The Zoning Inspector may also institute a suit for mandatory injunction directing an individual, firm or government entity to remove a structure erected in violation of the provisions of this Ordinance or to make the same comply with its terms and conditions. If the Zoning Inspector is successful in said suit, the respondent shall bear all cost of this action.

#### **8.60 ATTESTATION**

NOW BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after adoption in compliance with IC 36-7-4.