

**Subdivision Control
Ordinance
of
Jay County, Indiana**

Ordinance No. 1991-5

**As Amended By
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**JAY COUNTY
SUBDIVISION CONTROL ORDINANCE
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SUBDIVISION CONTROL ORDINANCE - JAY COUNTY, INDIANA

An Ordinance regulating the subdivision of land for the purpose of sale or building development; defining terms; providing regulations, requirements and design standards; prescribing procedures for the presentation, approval and recording of plats, and prescribing penalties for violations.

ARTICLE 1-GENERAL PROVISIONS

- 101** **SHORT TITLE:** This Ordinance shall be known and may be cited as the Subdivision Control Ordinance of Jay County, Indiana.
- 102** **AUTHORITY:** This Ordinance is adopted pursuant to IC 36-7-4 and all amendments thereto.
- 103** **PURPOSE:** This Ordinance is adopted in accordance with the Jay County Comprehensive Plan or the following purposes:
- 103.1** To assist the orderly and efficient development of the County.
- 103.2** To provide for the coordination of new thoroughfares with existing and planned thoroughfares.
- 103.3** To promote the health, safety, and general welfare of the residents of the County.
- 103.4** To ensure the coordination with and extension of community facilities and utilities.
- 103.5** To secure equitable handling of all subdivision plans by providing uniform procedure and standards.
- 104** **COMPLIANCE:** No lot in a subdivision shall be sold, no permit to erect, alter or repair any building upon land in a subdivision shall be issued, and no building shall be erected in a subdivision, unless and until a secondary subdivision plat has been approved and recorded, and until the improvements required by the Plan Commission in connection therewith have either been constructed or guaranteed, as herein provided.
- 105** **SEVERABILITY:** If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.
- 106** **HARDSHIP:** Where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, the Advisory Plan Commission may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, and erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.
- 107** **CONFLICT:** Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of the Towns, City, County or State, the most restrictive standards shall govern.
- 108** **JURISDICTIONAL AREA:** This Ordinance shall apply to all unincorporated land within Jay County not covered by the Ordinances of Portland, Indiana; Dunkirk, Indiana; Redkey, Indiana; Bryant, Indiana; and Pennville, Indiana.
- 109** **REQUIRED NOTIFICATIONS:** In order that the Board of Commissioners of Jay County may be cognizant of the development within its jurisdiction, the Plan Commission shall forward a copy, when submitted, of the primary plats of all subdivisions, either minor or major upon receipt thereof, to the Board of Commissioners of Jay County and will, ten (10) days before secondary approval of either major or minor subdivisions is anticipated, notify said Board of Commissioners of said anticipated action.

ARTICLE 2 - DEFINITIONS

201 **WORD INTERPRETATIONS:** For the purpose of this Ordinance, the following terms have the meanings indicated below.

201.1 The present tense includes the future tense.

201.2 The singular number includes the plural, and the plural includes the singular.

201.3 The word "shall" is mandatory; the word "may" is permissive.

201.4 The word "used" includes "designed" or "intended to be used."

202 **WORD DEFINITIONS:** Certain words used in this ordinance are defined below. Any word not defined as follows shall be construed in their general accepted meanings as defined by Webster's Dictionary.

202.1 **Accepted Scales:** one inc (1") equals fifty feet (50"), one inch (1") equals one hundred feet (100'), and one inch (1") equals two hundred feet (200').

202.2 **Agricultural Purpose:** The use of a tract of land for agricultural purposes only, including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

202.3 **Building Line:** A line drawn parallel to a lot line at a distance therefrom equal to the depth of the minimum required yard for the zone in which the lot is located as established by the Zoning Ordinance.

202.4 **Commission:** Jay County Advisory Plan Commission.

202.5 **Comprehensive Plan:** A composite of the mapped and written proposals recommending the physical development of Jay County which has been duly adopted by the County and is on file in the Office of the County Recorder.

202.6 **Cross Walkway:** A strip of land dedicated to public use, which is reserved across block to provide pedestrian access to adjacent areas.

202.7 **Director:** The Director of the Jay County Advisory Plan Commission who is appointed by the Plan Commission to administer the affairs of the Plan Commission.

202.8 **Easement:** A grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

202.9 **Feasibility Report:** A written report prepared by a professional engineer or land surveyor pertaining to the suitability of the site for various types of water and newer systems; for drainage retention or disbursement; and the subsoil conditions for various methods of street construction.

202.10 **Lot:** A parcel or portion of land separated from other parcels or portions by a description as on a subdivision or record of survey map, or by metes and bounds for subdivision, any portion remaining to the owner and not intended for sale shall, nevertheless, be considered a lot.

202.11 **Lot, Double Frontage:** A lot, other than a corner lot, which fronts on two streets.

202.12 **No Access Easements:** Public easement along a public right-of-way across which access to the property is not permitted.

- 202.13 Owner:** Any individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided, to commence and maintain proceedings to subdivide the same under this Ordinance.
- 202.14 Performance Guarantee:** Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Commission approves the secondary plat, including by way of illustration but not limitation, performance bonds, escrow agreements, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the County.
- 202.15 Primary Plat:** The map and supporting information indicating the proposed layout of the subdivision which is presented to the Commission for consideration and approval in accordance with these regulations.
- 202.16 Reserve Strip:** An area of land adjacent to a public right-of-way which is retained in ownership by the subdivider for the purpose of denying access to the adjacent land.
- 202.17 Right-Of-Way:** A strip of land appropriated for public use as a street, highway, driveway, alley or walkway or for any drainage or public utility purpose or other similar uses.
- 202.18 Secondary Plat:** A drawing, in final form, showing the subdivider's subdivision plan and containing all the information required to be presented to the Plan Commission for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Recorder.
- 202.19 Sewage Disposal Report:** A report of the suitability of the soil for on-lot septic systems, based on a mechanical analysis, soil classification, or other methods as determined acceptable by the Commission.
- 202.20 Sketch Plan:** A sketch plan of a proposed subdivision used to show the Plan Commission the location, proposed street and lot layout, and any other significant features of the proposed subdivision.
- 202.21 Street:** The space or area between the lot lines, abutting upon a right-of-way and designed as a way for vehicular traffic, whether designated as an alley, street, highway, throughway, freeway, expressway, road, avenue, boulevard, lane, place, or however otherwise designated and which shall include, but not be limited to, those illustrated in the Comprehensive Plan for Jay County. For the purpose of this Ordinance, streets shall be classified as follows:
- .21a Principal Arterials** are limited-access highways which carry large volumes of interstate traffic and have more importance regionally than locally. They often contain four or more moving lanes and permit a continuous high speed traffic flow. These highways have a high order of design and construction requirements.
- .21b Minor Arterials** are those Federal and State roads of regional importance. These are high capacity highways moving traffic at fast rates of speed. They provide good continuity between distant points and are constructed to high standards. Arterial Highways provide two to four traffic lanes and should have a median strip whenever possible. Crossing traffic from other roads and access to abutting properties is often controlled or partially so.
- .21c Major Collector Highways** have less regional importance than the Arterial Highways and more county or inter-county significance. They are medium capacity highways, moving traffic at relatively fast rates of speed. They include both State-designated routes and County roads. Major Collector Highways provide two traffic lanes.

.21d Minor Collector Roads are moderate capacity thoroughfares designed to accommodate relatively low speed traffic. They should, however, provide a smooth flow of traffic. Two moving lanes, unseparated, but wider than Local Road lanes are required.

.21e Local Roads are low capacity and low speed roads whose function is to provide direct access to homes and property. Through-traffic and heavy use of these roads should be discouraged. To the extent possible, residence driveways and ingress and egress points to other uses or structures should be oriented to the Local Roads rather than to the Arterials or Collectors.

.21f Marginal Access Streets are Local Roads which are parallel to the adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through-traffic.

.21g Cul-de-Sac Street is a Local Road with only one outlet, having a paved, circular turn-around area at the closed end.

.21h Alley is a minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on street.

202.22 Subdivider: The registered owner or the authorized agent of the registered owner of a subdivision being responsible for preparing and recording the plat of the subdivision and for carrying out all appropriate requirements outlined in these regulations for the subdividing of land.

202.23 Subdivision: The division by conveyance of a single lot, tract, or parcel of land or a part thereof, shown as a unit on the last preceding transfer of ownership record, into more than three (3) lots, tracts or parcels of land any one of which is less than 10 acres in area in any 18-month period of time for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes.

Provided, however, that "subdivision" shall not include (1) divisions of land for agricultural purposes only, unless any new street or new easement of access is required; and (2) the sale or exchange of lots between adjoining landowners that do not create additional building sites.

A subdivision shall be considered either a "minor subdivision" or a "major subdivision". A minor subdivision is the division of a single lot into 3 or less lots which:

1. Do not require any new streets
2. Do not require new public water facilities; or
3. Do not require new sewer facilities.

Any other subdivision shall be considered a "major subdivision".

All division of land meeting the above described definitions shall have, after the enactment of this Ordinance, a plat recorded in the Office of the Recorder of Jay County, Indiana. Said plat shall comply with all provisions of this Ordinance and any amendments hereto.

ARTICLE 3 - MINOR SUBDIVISION

301 SUBMISSION

301.1 Plat: A subdivider shall submit to the Plan Commission office a plat drawn on reproducible material, eighteen (18) inches by twenty-four (24) inches, at an accepted scale and five (5) prints of the plat showing:

- a. Legal description of the minor subdivision
- b. Lot numbers
- c. Easements
- d. Right-of-way line
- e. Land surveyor's certification and seal
- f. Deed of dedication
- g. Owner's certification
- h. Notary seal
- i. Scale, graphic scale, north point, and date.

301.2 Supporting Data: In addition to the minor plat, the subdivider shall submit one copy of the supporting data drawn at an accepted scale showing:

- a. Legal description and tract boundary drawing of the entire property which is being subdivided.
- b. Significant physical and topographical features of the tract.
- c. The name of the owners of adjoining property.
- d. If the property is adjacent to land presently being developed, a proposed street and lot arrangement of the entire tract with the minor subdivision lots clearly identified.
- e. The adjoining road and the nearest major intersection.
- f. Name and address of subdivider.
- g. Type of sewage disposal system proposed.

302 REVIEW PROCEDURE

302.1 Upon receipt of a minor plat, the Zoning Administrator shall review the minor plat and determine whether or not the following conditions have been satisfied:

- a. That the subdivision will not impede the normal and orderly development of improvements of the parcel or surrounding properties.
- b. That necessary and adequate utilities and drainage facilities have been or are being provided.
- c. That adequate measures will be taken to provide ingress and egress to the remainder of the parcel and surrounding properties.
- d. That the subdivision will not be detrimental to or endanger the public health, Minor Subdivision safety, or general welfare.

302.2 If the Zoning Administrator finds that the proposed minor subdivision meets all the requirements as set forth in this Article and any applicable provisions of Articles 5 and 6, he shall approve the plat and fix the Commission's seal upon the plat along with a certificate of approval.

302.3 If the Zoning Administrator finds that the proposed subdivision does not meet all the requirements as set forth in this Article or in Articles 5 and 6, he shall disapprove the plat, set forth the reasons in writing, and provide the subdivider with a copy. The subdivider may appeal any decision of the Zoning Administrator to the Plan Commission.

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

303 **WAIVER OF REQUIREMENTS:** The Plan Commission is hereby authorized to waive any or all requirements of this Section when a literal enforcement of Article three (3) would result in unnecessary hardships and when such waiver will not be contrary to the public interest.

ARTICLE 4 - MAJOR SUBDIVISION - PRIMARY PLAT

401 **SKETCH PLAN:** Prior to the submission of a major subdivision plat, the subdivider is encouraged to submit a sketch plan and a soils report and consult informally with the Zoning Administrator. This will enable the subdivider to become familiar with the general requirements and condition which might affect the subdivision and thus avoid unnecessary revisions. The sketch plan should be in a tentative form with sufficient detail for review and comments.

402 **SUBMISSION:** At least fifteen (15) days prior to the regular meeting of the Commission, the subdivider shall submit a written application for primary plat approval together with the following:

402.1 **Primary Plat:** Ten (10) copies of the primary plat drawn on material twenty-four (24) inches by thirty-six (36) inches, at a minimum scale of 1"= 100' and encompassing all contiguous parcels of property owned by or under the control of the subdivider and showing the following:

- a. Proposed name of subdivision
- b. Location by township, section, town and range, or by other legal description
- c. Name and address of subdivider
- d. Name, address and registration number of surveyor
- e. Graphic scale, northpoint and date
- f. Boundary line of subdivision
- g. Boundary line of adjacent tracts of unsubdivided or subdivided land, showing ownership where possible.
- h. Existing zoning of proposed subdivision and adjacent tracts.
- i. Topographic contours at five-foot intervals except where the topography of the tract demands two-foot contour intervals as determined by the Plan Commission.
- j. All existing permanent features either natural or manmade that may influence the design of the subdivision, such as watercourses, tree groves, swamps, outstanding natural topographic features, power transmission towers, scenic or historic areas, existing buildings, sewers, water mains, culverts, utility lines, and fire hydrants. Where underground utilities exist within or adjacent to the tract, the approximate location, pipe size, and direction of flow shall be indicated.
- k. Location, width, and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks or other public open spaces, permanent buildings or structures, and section or corporate lines, on or within two hundred (200) feet of the subdivision
- l. The layout of all proposed and existing lots with appropriate dimensions including the minimum lot area in square feet for the smallest lot(s) in the subdivision and the proposed front yard setback lines.
- m. Layout of streets, widths of rights-of-way, proposed cross-sections of roadways, and also the widths of cross-walkways and easements.
- n. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.

402.2 **Soils Report:** A soils report from the technical personnel of the Jay County Soil and Water Conservation District is required. This report shall indicate the degree of limitations of the soils in the proposed subdivision with respect to the proposed building development, road construction, drainage, sewage disposal system, erosion control, and such other information that might assist the Plan Commission in its review of the primary plat.

402.3 Watershed Map: A watershed map using USGS contour information and showing:

- a. Delineation of the drainage area in which the subdivision is located.
- b. Location of drainage courses or reaches within the drainage area.

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

- a. **Existing System:** The feasibility of connecting to an existing sewage system and water supply. This portion of the study shall include the distance to the nearest public sewer, its capacity and present load, and its capacity to handle the additional sewage load created by the subdivision. The same information shall be submitted for water supply. A letter from the accepting sewage and/or water authority allowing connection with the systems or demonstrating sufficient capacity will also meet this requirement.
- b. **Community System:** If connection to an existing sewage or water system is not feasible, the feasibility of constructing a community sewerage and water system shall be studied. The study shall give consideration to treatment works, receiving stream, lagoon, etc. and community water supplies.
- c. **Drainage Facilities:** A study of the storm water drainage for the area, a method of dispersion or retention and adequacy of downstream facilities. This study shall give consideration to both water entering the subdivision from adjacent land and water within the boundaries of the subdivision.
- d. **Street Construction:** A preliminary report on the type(s) of street construction based on the specifications outlined in Article 6.

403 REVIEW PROCEDURE:

403.1 Upon receipt of an application for primary plat approval, the Zoning Administrator shall review the primary plat and make a report to the Commission within fifteen (15) days after the final filing date.

- a. If the Zoning Administrator finds that the primary plat has been prepared in accordance with the terms of this ordinance, he shall forward a report so stating to the Commission for consideration.
- b. If the Zoning Administrator finds that the primary plat has not been prepared in accordance with the terms of this Ordinance, he shall return the plat to the subdivider with a written specification of the items of non-conformance and shall submit a copy of same to the Commission.

403.2 The Commission shall set a date for a hearing at which the proposed plat will be publicly examined. Notice of such public hearing shall be given by the Zoning Administrator as follows:

- a. By publication in accordance with the law;
- b. To the applicant, in writing, by means of regular United States mail, postage prepaid, addressed to the applicant at the address listed in the application for approval; and
- c. To such other persons (i.e., adjacent property owners) as the Commission may designate by rule or regulation duly adopted.
- d. The Commission shall send a copy of the plat and written notice of the date, place and time of the public hearing thereupon, to all public agencies and governmental units having a probable interest in the proposed subdivision and plat, requesting their written comments with regard to the primary plat proposed by the applicant.

403.3 Following the public hearing, the Commission may then approve the primary plat (grant plat approval), approve subject to conditions, or refer it back to the Zoning Administrator for review or study on a specific technical matter, or disapprove it. The Commission may require such changes or revisions as are deemed necessary in the interest and needs of the community.

Approval of a primary plat shall not constitute approval of a secondary plat. Rather, it shall be deemed an expression of approval to the layout submitted on the primary plat as a guide to the preparation of the secondary plat and shall permit the subdivider to proceed with construction of permanent improvements for which designs and specifications shall have been approved by the appropriate agencies. Approval of the primary plat will terminate two (2) years after the date of approval unless further extended by the Commission upon written request of the subdivider.

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

ARTICLE 5 - MAJOR SUBDIVISION - SECONDARY PLAT

- 501** **GENERAL:** The secondary plat will not be considered for approval until the action taken by the Commission on the required primary plat has been completed. When the secondary plat submitted does not substantially conform to the approved primary plat, the subdivider shall not file an application for secondary plat approval until said primary plat has been amended in accordance with the same procedure required for primary plat approval.
- 502** **PHASING:** The subdivider may request secondary plat approval for all or any portion of the approved primary plat, provided, however, that submission of a secondary plat covering only a portion of the area contained in the approved primary plat may be permitted only after consideration of the effect of the continuity of roads, utilities and services.
- 503** **SECONDARY PLAT:** At least fifteen (15) days prior to the regular meeting of the Commission, the subdivider shall submit for secondary plat approval the original ink drawing on tracing cloth or film, a maximum of twenty-four (24) inches by thirty-six (36) inches, at a scale of 1"-100, and five (5) prints of the plat. Said plat shall include:
- 503.1** Name of subdivision
 - 503.2** Location by section, township and range, and the legal description of the property platted.
 - 503.3** The name and certification and signature of the Land Surveyor preparing or certifying the plat (Appendix A).
 - 503.4** Scale shown graphically, date, and northpoint.
 - 503.5** Boundary of plat, based on an accurate traverse, with angular bearings and lineal dimensions (metes and bounds description).
 - 503.6** Exact location, right-of-way width and name of all streets within and adjoining the plat, and the exact location and width of all alleys and walks.
 - 503.7** True angles, bearings, and distances (metes and bounds) to the nearest established street lines or official monuments, which shall be accurately described in the plat. Also, the locations of the subdivision cornerpoints and the location at the elevation benchmarks.
 - 503.8** Municipal, township, county or section lines, or previously platted land accurately tied to the lines of the subdivision by distances and bearings.
 - 503.9** Radius of intersection, tangent length, length of curve, P.C.'s and P.T.'s, radii, bearings, tangent bearings and lengths of all arcs.
 - 503.10** All easements for rights-of-way provided for public services, activities and utilities.
 - 503.11** All lot numbers and lines, with accurate dimensions in feet and hundredths.
 - 503.12** Accurate location of all monuments.
 - 503.13** Accurate outlines of any area other than public ways to be dedicated or reserved for public or semi-public use, with the purposes indicated thereon; and for any areas to be reserved for use of all property owners.
 - 503.14** Building setbacks, accurately shown with dimensions which are not in conflict with the Zoning Ordinance.

- 503.15** Acknowledgment, by owner, as required by law of the adoption of the plat and the dedication of streets, other public areas, and utility and drainage easements (See Appendix B).
- 503.16** Each secondary plat submitted to the Commission for approval shall carry a certificate signed by the owner (Appendix C).
- 503.17** A notarized statement indicating that the applicant is the owner of the land to be subdivided and that the subdivision shown on the recording plat is made with his or their free consent (Appendix C).
- 503.18** Proper form for the acceptance of dedications by the Board of County Commissioners or Town Council (Appendix D).
- 503.19** Restrictive form for the approval of the Commission (Appendix E).
- 503.20** Restrictive covenants regulating the use and development of the lots shall be lettered on the plat or made a part thereof, subject to the approval of the Commission. Said protective covenants shall include the clauses as outlined in Articles 5 and 6.
- 504** **ENGINEERING PLANS:** Engineering plans which include, when applicable, street plans, profiles and cross-sections, sanitary sewer plans and profiles, water plans, sidewalk plans and cross-sections, street and sidewalk lighting fixture locations. Also include the following:
- a. **Drainage Plan:** A drainage plan drawn at an accepted scale and showing:
 1. Natural watercourses, marshes, etc.
 2. Existing drainage facilities, culverts, etc.
 3. Proposed contours and subdivision grading plan using the same contour intervals as shown on the primary plat.
 4. Proposed drainage plan for the subdivision and analysis of existing drainage facilities to nearest watercourse, showing culverts, retention ponds, etc.
 5. Storm sewer plan and profile.
 - b. **On-Lot System:** If connection to a public or a private sewerage system is not feasible, a report on the feasibility of on-lot sewage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, watercourses, groundwater table elevations, and the results of soil percolation tests for each individual lot conducted in accordance with the recommended practices of the Indiana Dept. of Environmental Management.
 - c. **Erosion Control Plan:** An erosion control plan drawn at an accepted scale showing the following:
 1. Soil areas which, according to the soil maps and interpretations prepared by the U.S.D.A. Soil Conservation Service, are subject to erosion by wind or water.
 2. A proposed plan for adequately controlling erosion during construction, and stabilizing these areas after construction. These erosion control measures shall be in accordance with standards and specifications on file in the Jay County Soil and Water Conservation District Office.
- 505** **SECONDARY PLAT APPROVAL PREREQUISITE:** Prior to the Commission action on the application for secondary plat approval, the Commission shall have received notice from the Board of County Commissioners or Town Council that there has been filed with and approved by said Board or Council either a performance guarantee or a completion affidavit.

506 **PERFORMANCE GUARANTEE:** If the subdivider files a performance guarantee (Appendices F and G) to the Board of County Commissioners or Town council for approval, with the subdivider or some other person satisfactory to the Board or Council as principal, the performance guarantee shall:

- a. Run to the County Board of Commissioners or Town Council.
- b. Be in an amount equal to one hundred percent (100%) of the cost, as estimated by the Board of County Commissioners or Town Council, or certified by the developer's engineer, of all improvements and installations as required by Article 6 of this Ordinance, excluding, however, the cost of any said required improvements and installations which have been constructed, installed and complete in compliance with the requirements of this Ordinance prior to the providing of this bond and for which sufficient written proof of such construction, installations and completion and acceptance has been furnished the Commission.
- c. Be with surety satisfactory to the Board of County Commissioners or Town Council.
- d. Run until and terminate sixty (60) days after the filing with the Commission of the completion affidavit obtained from the Board of County Commissioners or Town Council.

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

507 **COMPLETION AFFIDAVIT:** If the subdivider files a completion affidavit (Appendix H) to the Board of County Commissioners or Town Council for approval, the subdivider shall certify to the effect that the streets, sewers, water facilities, monuments and other utilities and facilities that have been required as a precedent to approval have been accepted for public maintenance and have been graded, improved and installed in accordance with the specifications of this ordinance.

507.1 **Maintenance Guarantee:** Acceptance of said improvements, whether before or after Secondary Plat Approval, shall be conditional and is based upon the posting of a maintenance guarantee (Appendices X and J) with said Board or Council, with the subdivider or some other person satisfactory to the Board or Council as principal, which shall:

- a. Run to the County Board of Commissioners or Town Council.
- b. Be in an amount equal to twenty-five percent (25%) of the cost, as estimated by the Board of County Commissioners or Town Council, of all improvements and installations as required by Article 6 of this ordinance.
- c. Be with surety satisfactory to the Board of County Commissioners or Town Council.
- d. Warrant the workmanship and all materials used in the construction, installation and completion of said improvements, and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this Ordinance and the satisfactory plans and specifications therefore submitted and satisfactory to the Commission and the Board of County Commissioners or Town Council.
- e. Provide that for a period of not less than three (3) years after said installations and improvements have been completed or are accepted for public maintenance by the Board of County Commissioners or Town Council, the applicant will, at his own expense, make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including damage to said improvements and installations resulting from forces or circumstances beyond the control of said applicant or occasioned by the inadequacy of the standards, specifications, or requirements of this Ordinance.

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

508 REVIEW PROCEDURE:

508.1 Upon receipt of an application for secondary plat approval, the Zoning Administrator shall review the secondary plat and make a report to the Commission within fifteen (15) days after the final filing date.

- a. If the Zoning Administrator finds that the secondary plat has been prepared in accordance with the terms of this Ordinance, he shall forward a report so stating to the Commission for consideration.
- b. If the Zoning Administrator finds that the secondary plat has not been prepared in accordance with the terms of this Ordinance, he shall submit to the subdivider a written specification of the items of nonconformance and shall submit a copy of same to the Commission.

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

- a. **Conditional Approval:** If the Commission determines that upon the satisfactory completion of one or more specified conditions consistent with the requirements, standards and specifications of this ordinance, said secondary plat would comply with the terms of this Ordinance, the Commission may give conditional approval to said plat. Conditional approval of a secondary plat may include a construction agreement which is acceptable to the Commission and would permit the subdivider to proceed with the installation of improvements prior to recording. Written notices of such conditional approval shall constitute formal authorization to the subdivider to construct and install all or a part of the required improvements, subject to inspection and acceptance procedures required by this Ordinance. The subdivider shall furnish sufficient evidence to the Commission of the satisfactory completion of such conditions before said plat will be deemed "approval for record".
- b. **Secondary Approval for Record:** The Commission shall approve the secondary plat for record only after it has determined that the secondary plat meets the minimum requirements of this Ordinance and all applicable ordinances in the County and that sufficient performance guarantees have been submitted in accordance with this Article.
- c. **Disapproval:** Should the Commission decide to disapprove the plat, written notice of such action, together with reasons therefore, shall be transmitted to the subdivider. Such action shall also be entered on the official records of the Commission; provided, however, that nothing contained therein shall prejudice the subdivider's ability to make reapplication for secondary plat approval according to the terms of this Ordinance.
- d. **Refer to Zoning Administrator:** Should the Commission have a question regarding a specific technical aspect of the plat which had not previously been studied by the Zoning Administrator, the Plan Commission may refer the plat along with a detailed statement of the question to the Zoning Administrator for a finding.

- 508.3** Upon approval of the secondary plat, the Commission shall indicate upon each copy that it has been approved. One copy shall be returned to the subdivider, along with the written statement indicating the action taken by the Commission if approved with conditions, a written copy of the conditions shall accompany each copy of the Approved Secondary Plat.
- 508.4** Approval of a secondary plat by the Commission shall not be construed as an acceptance by the public of the offer of dedication of any street improvement, way, place, structure, utility improvement, or open space improvements, within such areas shown upon the plat unless such acceptance is endorsed by the Board of County Commissioners, or Town Council by written notice of approval then add to the original tracing of the secondary plat.
- 508.5** After the Commission has granted approval of the secondary plat for record, the officers shall affix their signatures to the original tracing and the subdivider shall record the plat with the Recorder of the County within six (6) months. If not recorded within this time, the approval shall be null and void.

The subdivider shall pay the recording fee and file with the Commission four (4) prints of the Approved Plat, including restrictive covenants, as recorded one reproducible print of the plat, as recorded, shall be filed and retained in the Office of the County Surveyor of the County. Until such prints have been so filed, no improvement location permit, occupancy permit, or other such permits shall be issued for any lot shown upon said plat.

ARTICLE 6 - DESIGN PRINCIPLES AND STANDARDS

601 GENERAL:

- 601.1** In determining whether an application for approval shall be granted, the Commission shall determine that the plat conforms to the principles and standards required in this Article, which shall be deemed as minimal; and whenever the applicable requirements of other County or Town Ordinances are more restrictive, those requirements shall control any application for plat approval.
- 601.2** In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots, or similar conditions which, if preserved, will add attractiveness and value to the proposed development.
- 601.3** Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics.
- 601.4** The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the County and its residents.
- 601.5** In designing a street system, the subdivider shall be guided by the following principles:
- a. Adequate vehicular and pedestrian access shall be provided to all parcels.
 - b. Local or residential street systems shall be designed to minimize through traffic movement, but street connections into and from adjacent areas may be required.
 - c. Local street patterns shall provide reasonable direct access to the primary circulation system.
 - d. Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.
 - e. Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.
 - f. Traffic generators within residential areas shall be considered in the design of the circulation pattern.
 - g. The planning and construction of residential streets shall clearly relate to their local function.
 - h. Local streets shall be designed to discourage excessive speeds.
 - i. Pedestrian-vehicular conflict points shall be minimized.
 - j. The space devoted to street uses shall be minimized.
 - k. The number of intersections shall be minimized.
 - l. Local streets shall be related to the topography.

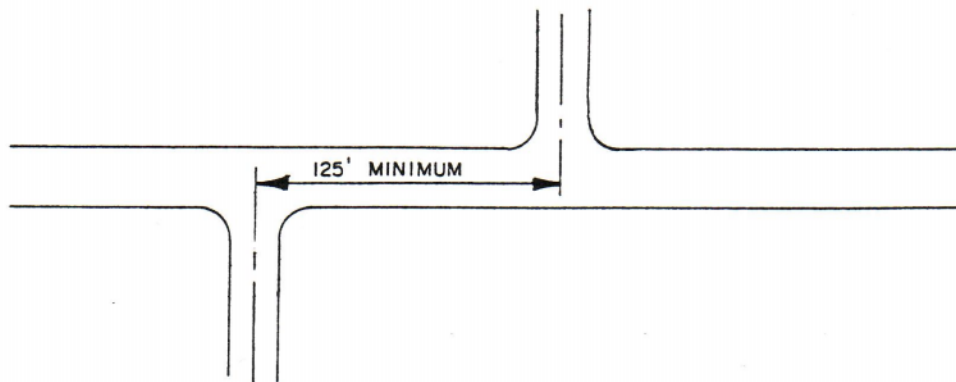
602 GEOMETRIC STREET STANDARDS:

602.1 All dedicated rights-of-way shall conform to the following minimum dimensions:

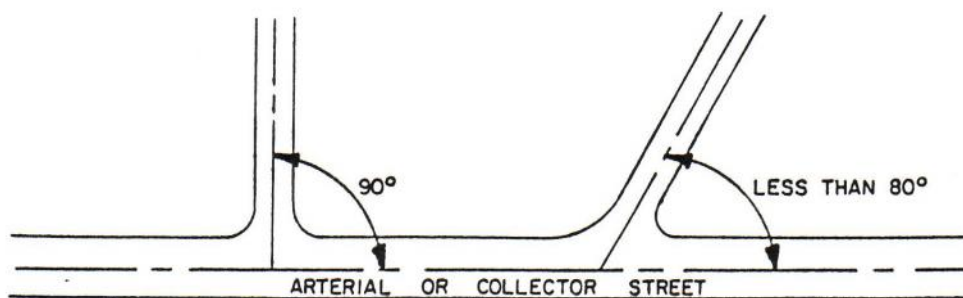
Arterial Streets	130 feet
Major Collector Streets	100 feet
Minor Collector Streets	70 feet
Local Streets (curb and gutter)50 feet
Local Streets (side ditches)60 feet
Cul-De-Sacs50 feet*
Crosswalks	10 feet
Utility Easements	15 feet

*Radius

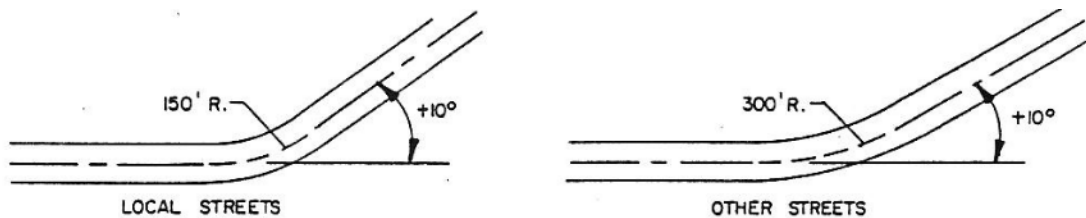
602.2 Street jogs with centerline offsets of less than 125 feet shall not be permitted.



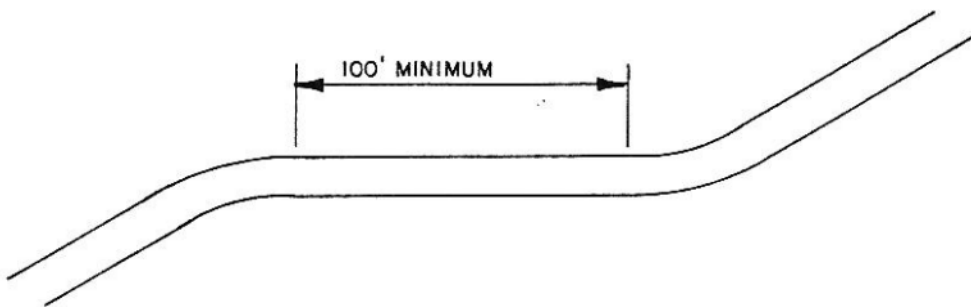
602.3 All streets shall intersect at 90 degrees whenever possible for a minimum distance of 100 feet.



602.4 To insure adequate sight distance, when the street centerlines deflect more than 10 degrees, connections shall be made by horizontal curves. The minimum centerline radius for local residential streets shall be 150 feet and for all other streets shall be 300 feet.



602.5 A tangent of at least 100 feet shall be introduced between reversed curves on local and collector streets.



602.6 Clear visibility, measured along the centerline of the street, shall be provided for at least 300 feet on all arterial streets, 200 feet on collector streets, and at least 100 feet on all local streets.

602.7 The maximum vertical grade for arterial streets shall not exceed 7 percent.

602.8 The maximum length cul-de-sac shall not exceed 800 feet measured along the centerline from the intersection at origin through center of circle to end of right-of-way. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of 100 feet for residential use and 120 feet for industrial use, unless the Commission approves an equally safe and convenient form of space instead of the required turning circle.

603 GENERAL STREET STANDARDS AND REQUIREMENTS

603.1 Only one street, driveway or point of vehicle access shall be permitted from a subdivision onto a Major Collector Street or an Arterial Street or road. Two or more streets, driveways, or points of vehicle access may be permitted by the Commission only if they are definitely needed to improve the safety and traffic circulation in the area.

603.2 No street names may be used which will duplicate, or be confused with, the names of existing streets, unless for special reasons to be considered as exceptions by the Commission. The streets which are logical extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat, shall bear the names of such existing streets.

- 603.3** Rights-of-way for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the opinion of the Commission, such extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts. In any event, no subdivision shall be designed so as to create or perpetuate the land-locking of adjacent undeveloped land.
- 603.4** A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for turn-around shall be provided for any such temporary dead-end street which extends 200 feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
- 603.5** In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by this Ordinance, the subdivider shall dedicate additional width along either one or both sides of such streets of inadequate width so as to bring them up to standards, provided the area to be used for widening is owned by the subdivider or under his control.
- 603.6** The following paragraphs shall be required as a provision of the restrictive covenants of all plats to which they apply and shall be in conformance with the requirements of the Zoning Ordinance.
- a. No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between 2.5 and 8 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 40 feet from the intersection of said street lines (40 feet for local streets and 75 feet for collector or arterial streets), or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.
 - b. Sight line limitations shall also apply within 10 feet of the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within 70 feet of the intersection of two street lines.

604 BLOCK STANDARDS

- 604.1** Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved.
- 604.2** The maximum block length shall be 1,200 feet. In the design of blocks longer than 800 feet, the Commission may specify the provision of pedestrian crosswalks near the center, or wherever most useful to facilitate pedestrians' circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination.
- 604.3** Residential blocks shall be of sufficient depth to accommodate two tiers of lots of minimum depth, except where reverse frontage lots bordering a freeway, arterial street, or floodplain are used and shall be in conformance with the requirements of the Zoning Ordinance.
- 604.4** No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision, and their design must evidence consideration of lot planning, traffic flow, and public areas.

605 **LOT STANDARDS**

- 605.1** Subdivision lots shall be adequate for the type of development and land use proposed and shall conform to the Zoning Ordinance requirements.
- 605.2** The lot size, width, depth, shape, grade, location and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- 605.3** Every lot or parcel shall have sufficient frontage and access to a public street designated, designed and improved in accordance with the terms of this Ordinance.
- 605.4** The depth to width ratio of any single-family residential lot shall not be greater than three to one for any lot smaller than one acre and shall be in conformance with the requirements of the Zoning Ordinance.
- 605.5** The minimum lot width shall conform to the Zoning Ordinance Requirements.
- 605.6** The minimum yard sizes (setback lines) required for each lot shall be in conformance with the requirements of the Zoning Ordinance.
- 605.7** Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines on both streets and shall be in conformance with the requirements of the Zoning Ordinance.
- 605.8** Side lines of lots shall be approximately at right angles or radial to the street line.
- 605.9** Lots abutting a watercourse, drainageway, channel or stream shall have additional width or depth as required to provide an adequate building site and provide the minimum usable area for front, rear and side yards.

606 **EASEMENTS**

- 606.1** Adequate areas of suitable size and location shall be allocated for utility easements. As a general principal, such easements shall be at least 15 feet in width, shall provide reasonable continuity from block to block, and shall be located at rear lot lines and along side and front lot lines when deemed necessary.
- 606.2** Where a subdivision is traversed by a watercourse, drainageway, channel or stream, adequate areas for storm water or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said watercourses in accordance with the requirements of the County Drainage Board.
- 606.3** Whenever practicable, the subdivider shall be encouraged to design for the placement of utility lines underground, following the required standards and specifications established by each utility company. The location of each underground utility system shall be shown by appropriate easement lines on the proposed plat.

607 COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

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

ARTICLE 7 - IMPROVEMENTS AND INSTALLATIONS

701 GENERAL

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

701.2 After Commission approval of the primary plat and prior to any construction in the subdivision, the subdivider shall submit copies of the construction drawings for streets and drainage facilities to the Board of County Commissioners or Town Council at least 45 days before construction is to begin.

701.3 Supervision and inspection of construction of all required improvements shall be under the direction of the Board of County Commissioners or the Town Council.

702 STREETS: Improvements for streets shall be performed to meet the following minimum standards and requirements:

702.1 Paved Surface Dimensions: (Minimum Requirements)

a. **Local and Cul-de-Sac Streets:**

Width with curb and gutter.....28' back to back of curb
Width without curb and gutter..... 20' back to back of curb
Terminus dia. on cul-de-sac..... 80' back to back of curb
Radius at intersections..... 20' back to back of curb

b. **Collector Streets:**

Width with curb and gutter..... 38' back to back of curb
Width without curb and gutter..... 22' back to back of curb
Radius at intersections..... 35' back to back of curb

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

702.2 Pavement Construction: The minimum thickness of subbase, base course, and pavement shall be as follows:

a. **Local and Cul-de-Sac Streets:**

A six (6) inch plain concrete pavement, or

A three (3) inch Hot Asphalt Concrete pavement on eight (8) inches of compacted aggregate base on a compacted subgrade, or A deep-strength Hot Asphalt Concrete design with minimum total depth of eight (8) inches on a compacted subgrads.

- b. **Collector Streets:**
 - A four (4) inch Hot Asphalt Concrete pavement on twelve (12) inches of compacted aggregate base on a compacted subgrade, or
 - A seven (7) inch plain concrete pavement on three (3) inches of compacted subgrade, or
 - A deep-strength Hot Asphalt Concrete design with a minimum total depth of ten (10) inches on a compacted subgrads.
- c. Higher standards than indicated in this section may be required by the Commission, the Board of County Commissioners, or the Town Council to provide adequately for unusual soil conditions, extraordinary traffic volumes, or other abnormal characteristics.
- d. All materials, mixtures and workmanship shall conform to Indiana State Highway Specifications except those modified by County Specifications.

702.3 Curb and Gutter: Wherever a proposed subdivision lies adjacent to or in proximity of other developed areas having curb and gutter, or when any proposed subdivision contains more than three (3) lots per acre of land platted into lots; the subdivider shall provide curb and gutter in the proposed subdivision. Curb and gutter in residential areas may be approved roll type with 4-inch curb and 24-inch minimum width made of 4,000 p.s.i. concrete; or shall be 6-inch vertical face in other areas and on arterial streets.

702.4 Sidewalks: Wherever a proposed subdivision lies adjacent to or in proximity of other developed areas having sidewalk, or when any proposed subdivision contains more than three lots per acre of land platted into lots; the subdivider shall provide sidewalks in the proposed subdivision. Sidewalks shall be at least 3 feet wide and 4 inches thick, sloped 1/4-inch per foot toward the street and shall be located one foot from the property line within the street right-of-way.

702.5 Roadside Street Swales: Streets not having curb and gutter shall provide the following:

- a. Side ditch swales measuring 12 inches deep at a point 5 feet inside the right-of-way line;
- b. A culvert at all driveways sized according to amount of storm water flow;
- c. Culverts under the roadway, where necessary size of culvert to be according to amount of storm water flow but not less than 12 inches (all culverts shall extend at least 5 feet beyond either edge of the paved roadway) and
- d. Relief of side ditches and swales along the roadway through the use of off-street retention basins or existing County drainage channels.

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

- a. Each sign post shall consist of a 2-inch galvanized pipe 10 feet long weighing 2 pounds per foot.
- b. Each sign shall be of a metal double blade design, white reflectorized with 3-inch black gothic letters, mounted at the top of the post with the street name on both sides at an elevation of 7 feet above the paved street.
- c. All signs shall be located within the street right-of-way but no closer than 6 feet from the edge of the traveled portion of the street.

703 DRAINAGE

703.1 A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. The system shall be constructed and installed in accordance with plans and specifications approved by the County Surveyor.

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

- a. All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters and storm sewers or side ditches and culverts as determined by the Plan Commission.
- b. Street drainage shall serve as the primary drainage system, and it shall be designed to carry at least the street, adjacent land, and house storm water drainage.
- c. Whenever the evidence available to the Commission indicates the natural surface drainage is inadequate, the subdivider shall provide the subdivision with an adequate storm water sewer system. When the surface drainage is adequate, easements for such surface drainage shall be provided.

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

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

- a. Drainage swales (ditches) along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the Jay County Surveyor. Property owners must maintain these swales as sodded grassways, or other non-eroding surfaces. Water from roofs or parking areas must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriately sized culverts or other approved structures have been permitted by the County Surveyor.
- b. Any property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for such action and will be given 10 days notice by registered mail to repair said damage, after such time, if no action is taken, the Jay County Surveyor will cause said repairs to be accomplished, and the bill for such repairs will be sent to the affected property owners for immediate payment.

704 **SANITARY SEWAGE DISPOSAL:** A sanitary sewage system shall be designed and constructed by the subdivider to provide adequate sewage service for all lots in the proposed subdivision. A subdivision plat shall not be considered for secondary approval until improvement plans for a sewage system by one of the following methods have been submitted:

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

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

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

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

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

706 **MONUMENTS AND MARKERS**

706.1 Monuments and markers shall be installed by the subdivider so that the top thereof at or below the proposed finished grade adjoining it and shall be in conformance with current State regulations addressing monuments and markers.

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

ARTICLE 8 - MODIFICATIONS AND EXCEPTIONS

801 **INTENT:** The Jay County Plan Commission is hereby authorized and empowered to grant such modifications and exceptions to the terms of this Ordinance, as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, strict compliance with specific provisions of the Ordinance will result in extreme practical difficulties or undue misuse of property.

801.1 In the exercise of this authorization, the Commission shall grant said modification or exception only upon the determination that:

- a. The grant will not be detrimental to the public health, safety, and general welfare of the community.
- b. The grant will not adversely affect the reasonable development of adjacent property.
- c. The grant is justified because of topographic or other special conditions unique to the property involved, in contradistinction to mere inconvenience or financial disadvantage.
- d. The grant is consistent with the objectives of this Ordinance and will not have the effect of nullifying the intent and purpose of this Ordinance.

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

- a. Recorded in the minutes of the Commission, which minutes shall include the reasoning on which the modification or exception was disapproved.
- b. Transmitted to the subdivider and applicable governmental units in accordance with the terms of this Ordinance.
- c. Attached with such conditions as will in the Commission's judgment secure substantially the objectives of the requirements, standards and specifications of this Ordinance so modified or excepted.
- d. Attached with such covenants or other legal provisions as will in the Commission's judgment assure general conformity to and achievement of the subdivision plan.

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

- a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety, convenience, and access in case of fire or catastrophe.
- b. Automotive and pedestrian traffic flow with reference to adequacy, circulation and function within the broader planning unit.
- c. Off-street and on-street parking and loading areas with reference to the needs of adjoining land uses.
- d. Utilities, with reference to locations, availability and comparability.
- e. Clear identification of property for land records.
- f. Screening and buffering with reference to type, dimensions, and character of materials.

802 PLANNED UNIT DEVELOPMENT- Replaced by Section 310 in Jay County Zoning Ordinance. Ordinance 2000-4, dated May 8, 2000.

ARTICLE 9 - ADMINISTRATION

- 901** **AMENDMENT:** In accordance with State statutes, the Board of County Commissioners may introduce and consider amendments to the Ordinance as proposed by the County Commissioners, the Plan commission, or by a citizen's petition. Any proposed amendment shall be referred to the Plan Commission for public hearing, consideration, and report before any final action is taken by the County Commissioners.
- 902** **ENFORCEMENT:** No plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until it shall have been approved in the manner prescribed by this Ordinance.
- 903** **RECORD OF PLATS:** All plats of subdivision, after the same have been submitted and approved, as provided in this Ordinance, shall be copied upon a book of plats of said County of Jay and shall be filed and kept by the said County among the records of the County.
- 904** **VIOLATIONS AND PENALTIES:** Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise, who violates any provisions of this Ordinance shall, upon entry of judgment, be fined not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) for each offense plus all attorney fees and costs. Each day the violation continues shall constitute a separate offense.
- 905** **EFFECT:** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance shall not be repealed by the passage of this Ordinance except where such repeal is specifically designated by Ordinance, but the Ordinance with the more restrictive applicable provisions shall be the Ordinance that applies.
- 906** **APPEAL:** Any person feeling himself aggrieved at any action of the Commission, or Commission Staff, or lack of action of the Commission, or Commission staff, upon a proposed plat or replat, may apply in writing to the Commission, prior to the next regular meeting, for modification of the action complained of, or lack of action, on the proposed plat or replat. Such application shall be considered by the Commission at such time in such manner as it may determine, but within seventy (70) days following the regular meeting.
- 907** **FEES:** Applications filed pursuant to the provisions of this Ordinance requiring Plan Commission or Board of Zoning Appeals' approval shall be accompanied by the filing fees specified by the fee schedule adopted by Commission resolution. The fee schedule shall not be a part of this Ordinance and may be revised annually by Commission resolution. These fees are defined by the Plan Commission in its rules and procedures.

ARTICLE 10 - ORDAINING CLAUSE

1001 JAY COUNTY:

1001.1 This Ordinance shall take effect upon its passage and publication as required by law.

1001.2 All ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Jay County, Indiana, that this Subdivision Control Ordinance be passed and enacted on this 12th day of November 1991, as General Ordinance numbered 1991-5.

THE BOARD OF COMMISSIONERS OF THE
COUNTY OF JAY, STATE OF INDIANA

John D. Mink

Milo M. Miller, Jr.

Ernest Muhlenkamp

ATTEST:

Marilyn Coleman
Auditor of Jay County, Indiana