

SUBDIVISION CONTROL ORDINANCE

Delphi, Indiana

Carroll County Area Plan Commission

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Page 18, Item 3

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The law relating to Area Planning and Zoning is found in
Indiana Code 36-7-4-100 through 36-7-4-1213.

Delphi Subdivision Ordinance

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This Ordinance is adopted in accordance with a Development Plan. The purpose of the Ordinance is to regulate the division of land within Delphi. The Carroll County Area Plan Commission and Delphi shall have all the powers and duties with respect to preliminary and final plats of subdivisions and the procedures relating thereto which are specified in I6 36-7-4-100 et seq.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the protection of the public health, safety and general welfare, by providing for the orderly and harmonious development of the city; for the coordination of subdivision streets with existing and planned streets or highways; for the coordination with and extension of community facilities and utilities; for the establishment of minimum requirements for lots and blocks within subdivisions; and for the provision of adequate and suitably located open space for schools, parks and other recreation and for adequate drainage.

AN ORDINANCE PROVIDING FOR SUBDIVISION CONTROL AND THE APPROVAL OF PLATS AND RE-PLATS OF LAND WITHIN THE CITY OF DELPHI.

Be it ordained by the Common Council of the City of Delphi, Indiana, under authority of IC 36-7-4-100 et seq.

This ordinance may be cited as: The City of Delphi Subdivision Control Ordinance. For purpose of this ordinance certain terms are defined in Article 5.

Article 1. Filing and Recording of Plats

A. No person proposing a subdivision shall sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision, or construct or commence the construction of any building in a subdivision until the final plat of the proposed subdivision is approved by the Commission.

B. Vacation of Plats

The Plan Commission under IC 36-7-4-711 has exclusive control over vacation of plats. The law is indicated in IC 36-7-3-10, IC 36-7-3-11, IC 36-7-3-14, IC 36-7-3-16. Petitions for vacation of plats must be filed with the administrator.

A hearing on the petition will be held within 30 days after it is presented and notice of the hearing will be given to all adjoining landowners and all owners of land in the plat.

The petitioner is responsible for paying the expenses of a legal notice in the newspaper.

The plan commission shall approve the petition for vacation of all or part of a plat only upon a determination that:

- (1) Conditions in the platted area have changed so as to defeat the original purpose of the plat;
- (2) It is in the public interest to vacate all or part of the plat; and
- (3) The value of that part of the land in the plat not owned by the petitioner will not be diminished by vacation.

If, after the hearing, the plan commission determines that the plat or part of the plat should be vacated, it shall make written findings and a decision approving the petition. The plan commission may impose reasonable conditions as part of its approval. The decision must be signed by an official designated in the subdivision control ordinance. The plan commission shall furnish a copy of its decision to the county recorder for recording.

If, after the hearing, the plan commission disapproves the petition for vacation, it shall make written findings that set forth its reasons in a decision denying the petition and shall provide the petitioner with a copy. The decision must be signed by the official designated in the subdivision control ordinance.

Article 2. Requirements

No plat shall be approved by the commission unless it conforms to the following requirements and standards:

Section 1. General Requirements and Minimum Design Standards.

A. Suitability of Land

1. No land shall be subdivided for residential use if it is determined by the Commission to be unsuitable for such use by reason of periodic flooding, inadequate drainage, adverse topographic or sub-surface conditions or other feature harmful to the health, safety, and general welfare of future residents of the subdivision and the residents of the community, unless the subdivider agrees to make such improvements as, in the judgment of the Commission, will render such land acceptable for residential use.

B. Natural Features

1. Existing natural features which would add value to the subdivision and the community such as trees, valleys, watercourses, historic spots, and similar irreplaceable assets, shall be preserved, insofar as possible, by harmonious design of the subdivision.

C. Streets

1. Conformity to Development Plan

All streets in a proposed subdivision shall conform in general alignment, character, extent, and width to the Development Plan.

2. Location and Arrangement

- a. Local streets shall be designed to discourage rapid, through traffic movement.
- b. A proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Commission deems such extension undesirable because of topography or design.
- c. Where it is desirable in the opinion of the Commission to provide street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.
- d. If a subdivision abuts or contains an existing or proposed Major or Collector Highway or Local Collector Street, the Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with

rear service alleys, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

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

3. Minimum Right-of-Way Widths

- a. All street rights-of-way, measured from lot line to lot line, shall be as designated on the Development Plan but if not designated thereon shall be at least:

<u>Street Type</u>	<u>Right-of-Way</u>
Major Highway	130 feet
Collector Highway	100 feet
Local Collector Street	70 feet
Local Access Street	50 feet
Marginal Access Street	40 feet
Alley	30 feet

- b. Subdivisions platted along both sides of an existing street shall provide the entire minimum right-of-way.
- c. Subdivisions platted along only one side of an existing street shall provide one-half of the minimum right-of-way measured from the centerline of such existing streets.
- d. Half streets are prohibited, unless determined by the Commission to be essential to the reasonable development of the subdivision in conformity with the other requirements of this Ordinance or unless the Commission finds it to be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street exists adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

4. Intersections

- a. Streets shall intersect one another as nearly as possible at right angles and in no case shall the angle of intersection be less than sixty (60) degrees.
- b. Property lines at street and alley intersections shall be rounded with a radius of at least ten (10) feet. When the smallest angle of intersection is less than sixty (60) degrees, this minimum radius shall be increased. In commercial districts a comparable chord may be used in place of an arc.
- c. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet are prohibited.
- d. Intersections involving the junction of more than two streets should be avoided.
- e. The number of intersections of local streets with major streets should be kept to a minimum.

5. Street Grades

- a. Street grades, except under extreme physical conditions, shall not exceed the following:

<u>Street Type</u>	<u>Percent Grade</u>
Local Collector Street	6
Local Access Street	9
Alley	9

- b. For adequate drainage, the minimum street grade shall be not less than one-half of one (0.5) percent.

6. Street Alignment

- a. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on Local Collector Streets.
- b. If a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve with the following minimum radius shall be provided:

<u>Street Type</u>	<u>Minimum Radius of Curvature</u>
Local Collector Street	200 feet
Local Access Street	100 feet

- c. Every change in grade shall be connected by a verticle curve constructed to provide the following minimum sight distance as measured between points five (5) feet above the centerline of the road or street surface.

<u>Street Type</u>	<u>Minimum Sight Distance</u>
Local Collector Street	300 feet
Local Access Street	200 feet

7. Dead-End Streets

- a. Dead-end streets, designed to be so permanently, shall not be longer than six hundred (600) feet from the nearest intersecting street and shall be provided at the closed end with a turn-around having a radius at the outside of the pavement of at least forty (40) feet, and a radius at the outside of the right-of-way of at least fifty (50) feet.
- b. When a dead-end street is designed to be so temporarily, the Commission may approve a temporary circular, "T" or "Y" turn-around at the closed end.

8. Reserve Strips

- a. Reserve strips controlling access to streets are prohibited unless control is placed in the town under conditions approved by the Commission.

9. Street Names and House Numbers

- a. Street names shall not be used which will duplicate or be confused with the names of existing or platted streets. Proposed streets in alignment with existing or platted streets shall bear the names of the existing or platted streets.
- b. House numbers shall be assigned by the Commission if and when necessary.

D. Alleys

1. Unless provision for adequate service access is made, alleys shall be provided in commercial and industrial districts. Except for unusual and extreme conditions of topography, traffic flow, or access, alleys shall not be provided in residential districts.

2. The minimum right-of-way width of an alley shall be thirty (30) feet.
3. Dead-end alleys should be avoided, but if unavoidable, shall be provided with an adequate circular, "T" or "Y" turn-around at the closed end, as approved by the Commission.

E. Easements

1. Easements across lots or centered on rear or side lot lines shall be provided where necessary for utilities and shall be at least twelve (12) feet wide. The location of easements shall be determined in conjunction with the appropriate utility.
2. If a subdivision embraces all or any part of a watercourse, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided which conforms substantially with the lines of such watercourse, and is of adequate width as determined by the Commission.

F. Blocks

1. Block lengths shall not exceed eighteen hundred (1800) feet, nor be less than four hundred (400) feet.
2. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth.
3. Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed essential by the Commission to provide adequate circulation or access to schools, playgrounds, shopping centers, or other community facilities.

G. Lots

1. Every lot shall abut on a public street or a permanent easement of access at least twenty (20) feet wide which connects to a public street.
2. Side lot lines shall be approximately at right angles or radial to street lines.

3. Excessive depth in relation to width should be avoided. The proportion of 3 to 1 should not be exceeded.
4. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography and orientation. An easement at least ten (10) feet wide, across which there shall be no right of access, shall be provided along the line of lots abutting Major or Collector Highways.
5. In any subdivision, the width and area of lots shall conform to the minimum requirements of the Zoning Ordinance for the district in which the subdivision is located.
6. The width and area of lots designed for commercial or industrial uses shall be adequate to provide for the off-street service and parking facilities required by the type of use and development proposed.
7. The minimum building setback lines established in the Zoning Ordinance shall be observed for all lots in each subdivision.
8. Corner lots for residential use shall have sufficient extra width to permit the minimum building setback from the side street.
9. Residential lots fronting on Major or Collector Highways or Local Collector Streets should have extra depth to permit deeper building setbacks from such traffic arteries.

H. Public Sites and Open Spaces

1. Whenever a park, recreation area, school site, or other public use shown on the Development Plan is located in whole or in part within the proposed subdivision, such proposed public space, if not dedicated to the appropriate public agency, may be required by the Commission to be reserved for a period of one (1) year for later acquisition by the public agency. If a public agency passes a resolution expressing its intent to acquire the land so reserved within the year, the reservation period shall be extended for an additional year.

Section 2. Required Improvements

A. Monuments and Markers

1. All monuments shall be of concrete or stone and not less than 4 inches square and 36 inches long. The center shall be marked on the top by either a copper dowel, set flush with the top, 3/8 inch in diameter and 2-1/2 inches long, or by crossed scores at least 1/2 inch deep. Monuments shall be set so that the top is level with the adjoining established grade and shall be installed at the following points:
 - a. At the intersection of street and alley right-of-way lines.
 - b. At the intersection of all angles in the subdivision boundary line.
 - c. At the beginning and ending of all street curves on both right-of-way lines.
2. The corners of all lots not marked by monuments required above shall be marked by galvanized or wrought iron pipe or iron or steel bars at least 3 feet in length and not less than 5/8 inch in diameter, the top of the pipe or bar to be set level with the established grade adjoining it.

B. Streets and Alleys

1. Streets and alleys shall be graded to the full width of the right-of-way and brought to grades specified on plans, profiles, and cross-sections approved by the Commission in the Proposed Plat.
2. Streets and alleys shall be paved to the following minimum widths:

<u>Street Type</u>	<u>With Curb & Gutter*</u>	<u>Without Curb & Gutter</u>
Major Highway	**	**
Collector Highway	**	**
Local Collector Street	36 feet	22 feet
Local Access Street	26 feet	18 feet
Marginal Access Street	26 feet	18 feet
Alleys	20 feet	20 feet

*Face to face of curbs.

**In accordance with the Development Plan and as approved by the Commission.

The street pavement to be constructed by the subdivider need not exceed thirty-six (36) feet in width.

3. Streets and alleys shall be constructed to either of the following minimum specifications or to alternate specifications providing equal or better construction as approved by the Commission:

	<u>Local Collector Streets</u>	<u>Local & Marginal Access Streets & Alleys*</u>
a. Flexible Paving Material		
<u>Surface</u>	1"	1"
Hot Asphaltic Concrete or Bituminous Coated		
<u>Binder</u>	2-1/2"	2"
Hot Asphaltic Concrete Base or Bituminous Coated Blended Aggregate Base		
<u>Base</u>	6"	6"
Compacted Aggregate or Waterbound Macadam		
<u>Subbase</u>	4"	**
Crushed Stone or Gravel		
Total Thickness:	13-1/2"	9"
b. Portland Cement Concrete		
Uniform Design Thickness	7"	6"

*When Local Access Streets, Marginal Access Streets, or Alleys serve commercial or Industrial development, the Local Collector Street specifications shall be required.

**Base laid upon compacted subgrade.

The grading, material types, and methods of construction of streets and alleys shall be in conformance to the standards set forth in the State Highway Department of Indiana Standard Specifications.

C. Curbs and Gutters

Concrete curbs and gutters shall be installed along all streets in the subdivision except where they are judged unnecessary by the Commission for adequate drainage of storm water or for factors of safety. Curbs and gutters shall be of vertical face design and the materials and methods of construction must conform to the minimum specifications of the State Highway Department of Indiana Standard Specifications.

D. Sidewalks

Concrete sidewalks, at least four (4) feet wide and four (4) inches thick, shall be installed on both sides of each street except where they are deemed unnecessary by the Commission for pedestrian safety and convenience. Sidewalks shall be located within the street right-of-way one (1) foot from the street right-of-way line.

E. Storm Drainage

1. A storm water sewer system or a surface drainage system adequate to serve the area being subdivided shall be provided. Such system shall be in accordance with the plans and specifications approved by the Commission in the Preliminary Plat.
 - a. When curbs and gutters are provided or when the Commission determines the natural surface drainage to be inadequate, the subdivider shall construct a storm water sewer system with catch basins appropriately spaced along the streets in the subdivision. Valley gutters extending across the street surface shall not be used.
 - b. A natural surface drainage system shall be permitted when curbs and gutters are not provided and the natural drainage will, in the opinion of the Commission, adequately drain the storm water from the subdivision. The drainage ways should be shallow swales sowed in grass rather than deep, open ditches. Roadside drainage shall not be

disrupted by private driveways. The subdivider shall install a suitable pipe of adequate size to permit the free flow of water at those points where such driveways intersect the roadside drainage way.

- c. When top soil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose materials, the subdivider shall seed or provide other means to prevent the wash from damaging adjacent property, accumulating on street surfaces, or blocking drainage ways.
2. In the design of a storm water sewer system for a subdivision, the present and future expected run-off from the larger drainage area should be considered. For this reason, it may be desirable that larger sewers than those needed to service the immediate subdivision be installed. If this occurs, the Commission may recommend that the city join with the subdivider in the installation of the sewer system.

F. Water Supply

1. If, in the judgment of the Commission, a public water main is reasonably accessible, a complete water distribution system approved by the Indiana State Board of Health, including a connection for each lot and fire hydrants meeting the requirements of the Fire Insurance Underwriters Association shall be installed.
2. If a public water main is not reasonably accessible each lot may be provided with an individual water supply, provided such supply is installed in accordance with the minimum requirements of the Indiana State Board of Health.

G. Sewage Disposal

1. If, in the judgment of the Commission, a public sanitary sewer is reasonably accessible, a complete sanitary sewer system approved by the Indiana State Board of Health, including a lateral connection for each lot in the subdivision, shall be installed.
2. If, in the judgment of the Commission, a public sanitary sewer main is not reasonably accessible, sanitary wastes may be disposed of by one of the following methods:

- a. The subdivision may be provided with a complete sanitary sewer system, including a lateral connection for each lot and a package treatment plant, all meeting the approval of the Indiana State Board of Health and the Indiana Stream Pollution Control Board.
- b. The subdivider may provide a private sewage disposal system on individual lots consisting of a septic tank and soil absorption field or other approved sewage disposal system, provided such disposal systems are installed in accordance with the minimum standards of the Indiana State Board of Health and provided that the soil in the subdivision will properly absorb sewage effluent as determined by percolation tests performed in accordance with the procedure prescribed by the Indiana State Board of Health or as determined by such other comparable test approved by the Commission. Regardless of test used the following shall apply:
 - (1) An adequate number of tests, as determined by the Commission, to clearly indicate the soil conditions throughout the subdivision shall be made by the subdivider.
 - (2) The tests shall be performed by a licensed engineer, licensed surveyor or qualified sanitarian.
 - (3) The location of each test shall be recorded on a map of the subdivision.
 - (4) The results of the tests shall be keyed to the map and certified as being true, correct and performed according to the required procedure by the person performing the tests.
 - (5) No lot shall be used as a building site on which a percolation test indicates a time of 60 minutes or more for the water to fall one inch.

3. If a sanitary sewer system is to be installed, it may be desirable that sewer mains of a larger size than needed to serve the immediate subdivision be installed. If this occurs, the Commission may recommend that the city join with the subdivider in the installation of the sewer system.

H. All underground utility lines installed initially in streets, roads, or alleys shall be constructed prior to the surfacing of such streets, roads or alleys. Service connections for all underground utility lines shall be extended to such length beyond the surfaced area of any street, road, or alley as will obviate the necessity for disturbing the street, road, alley, or sidewalk improvements when service connections thereto are made. Utility lines should be installed under paved areas of streets, roads, alleys, and sidewalks only when absolutely necessary.

I. Street Name Signs

The subdivider shall install standard street signs at the intersection of all streets in the subdivision. The signs and method of display shall be subject to approval by the Commission.

J. Completion

Upon completion of the installation of streets and alleys and storm drainage, water supply, and sewage disposal systems, a copy of the final plans and specifications as built shall be filed with the Commission.

Article 3. Procedure

A person seeking the approval of a plat shall submit a written application for a certificate of approval together with a copy of the proposed plat to the Commission in accordance with the following procedure:

Section 1. Pre-Application Meeting. A person should, prior to making application for the approval of a plat, arrange to meet with the Commission in order to become familiar with the substantive and procedural requirements of this Ordinance and to inform the Commission of his general intent concerning his proposed plat.

Section 2. Proposed Plat and Fee. A person seeking approval of a plat shall submit a written application for tentative approval of the plat to the Commission at least ten days before the meeting at which the Commission is expected to consider it. The application must include or be accompanied by the following in the form prescribed.

- A. A letter of application certifying ownership or interest of applicant in the proposed subdivision.
- B. Vicinity Sketch. A vicinity sketch with a scale of not less than 1,000 feet equaling one inch showing the relationship of the plat to its general surroundings and showing the following details:
 - 1. Existing streets within 1,000 feet of the subdivision.
 - 2. Proposed streets with connections to existing streets.
 - 3. Proposed direction of flow for storm water in relation to natural drainage channels.
 - 4. Municipal boundaries within 1,000 feet of the tract.
 - 5. Major water and sewer lines within 1,000 feet of the tract. If connection to site is proposed, only those necessary for such connection need be shown.
- C. Proposed Plat. Three copies of a proposed plat, prepared by a registered professional engineer or land surveyor in the form, content and detail prescribed below:
 - 1. The proposed plat shall be clearly and legibly drawn and labeled: Proposed Plat. The size of the map shall not be less than twelve (12) inches by eighteen (18) inches. The map of a subdivision containing six (6) acres or less shall be drawn at a scale of one (1) inch equals fifty (50) feet. All other subdivisions shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required by the Commission.
 - 2. Title, Guide Information and Approval Form.
 - a. Proposed Name of Subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision.

- b. Location by section, quarter section, township, range, county and state.
 - c. Names and addresses of the owner, subdivider if other than the owner and the engineer or surveyor preparing the plat.
 - d. Scale of plat, north point, and date.
 - e. Approval statement in the form as shown in Section 4 of this Article.
3. Existing Site Conditions Affecting the Plat.
- a. Boundaries of the subdivision indicated by a heavy line with bearings and distances and the approximate acreage.
 - b. Locations, widths and names of existing or platted streets, alleys, railroad rights-of-way, easements, parks, permanent buildings, section and corporate lines within 100 feet of the tract.
 - c. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
 - d. Zoning district boundary lines, if any.
 - e. Existing contours with intervals of not more than five feet where the slope is greater than ten percent and not more than 2 feet where the slope is less than ten percent. Elevations are to be based on sea level datum.
 - f. Drainage channels or pipes, watercourses, culverts, wooded areas, power transmission poles and lines, and any other significant items shall be shown.
 - g. The location and sizes of any existing sewers, waterlines, fire hydrants and gas mains on or within 100 feet of the tract with pipe sizes and grades indicated and invert elevations where necessary.
4. Proposed Improvements
- a. Location and width of all proposed streets, roads, alleys and utility easements.

- b. Parks, playgrounds, and other public areas proposed for dedication.
- c. Proposed street names.
- d. Lot lines and approximate dimensions of lots.
Number of lots.
- e. Designation of streets, rights-of-way, easements and other areas proposed to be dedicated or reserved for public use, together with the conditions of such dedications.
- f. General drainage plan for storm water.
- g. Building set back lines with dimensions.

D. Other Information

- 1. Statement of proposed use of lots, stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards, or congestion of population.
- 2. Proposed restrictive covenants.
- 3. If any proposed zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
- 4. Tentative cross-sections and centerline profiles for each proposed street shown on the preliminary plat, showing type of pavement and curb installations.
- 5. The plans and profile of proposed sanitary and storm sewers, with manholes, invert elevations, grades and sizes indicated on plans and where required, proposed location and type of on-lot sewage disposal facilities.
- 6. A plan of the proposed water distribution system, showing pipe sizes and location of valves and fire hydrants or a plan showing the location of individual wells.
- 7. Percolation or other test results and location of each test.

8. A report from the Carroll County Soil and Water Conservation District which indicates the capabilities of the soils in the proposed subdivision with respect to building development, road construction, drainage, sewage disposal system, erosion control, and such other information that might assist the Commission in its review of the proposed plat.

E. Fee to Pay for Checking and Verifying the Plat.

A certified check or money order, payable to the county, in the amount specified by the Commission shall be presented. The payment is not refundable.

Section 3. Upon receipt of an application for primary approval, the Zoning Administrator shall review the application for technical conformity with the standards fixed in the subdivision control ordinance. Within thirty (30) days after receipt, the administrator shall announce the date for a hearing before the Plan Commission and provide for notice as follows:

1. Notify the applicant in writing;
2. Give notice of the hearing by publication in a local newspaper one time, at least ten (10) days before the hearing;
3. Provide for due notice by ordinary mail, to interested parties, at least ten (10) days before the date set for hearing. Interested parties are those adjoining or adjacent property owners as shown on the sketch plan. The cost of publication shall be paid for by the applicant.

If, after the hearing, the Plan Commission determines that the application and plat comply with the standards in the subdivision control ordinance, it shall make written findings and a decision granting primary approval to the plat. This decision must be signed by the President or Secretary of the Commission.

If, after the hearing, the Plan Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. This decision must be signed by the President or Secretary of the Commission.

The primary approval by the Commission of a plat must be certified on behalf of the Commission by the President or Secretary of the Commission.

The primary approval or disapproval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission that may be reviewed only by certiorari procedure as that provided for appeal of a decision of the Board of Zoning Appeals. to be filed within thirty (30) days from the time of decision of the Commission.

Section 4.

(A) Secondary approval may be granted before completion of improvements, if:

(1) The applicant provides a bond, or other proof of financial responsibility as prescribed by the legislative body in the subdivision control ordinance, that:

(a) is an amount determined by the Plan Commission to be sufficient to complete the improvements and installations in compliance with the ordinance; and

(b) provides surety satisfactory to the Plan Commission; or

(2) with respect to the installation or extension of water, sewer, or other utility service:

(a) the applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service; and

(b) the Plan Commission determines, based on written evidence, that the contract provides satisfactory assurance that the service will be installed or extended in compliance with the subdivision control ordinance.

(B) Any money received from a bond or otherwise shall be used only for making the improvements and installments for which the bond or other proof of financial responsibility was provided. This money may be used for these purposes without appropriation. The improvement or installation must conform to the standards provided for such improvements or installations by the municipality in which it is located, as well as the subdivision control ordinance.

(C) The Zoning Administrator and President of the Commission shall be responsible to determine whether all improvements and installations have been constructed and completed as required.

Section 5.

(a) The President or the Secretary of the Commission may grant secondary approval of a plat thirty (30) days after primary approval.

(b) No notice or hearing is required for secondary approval.

(c) A plat of a subdivision may not be filed with the Auditor, and the Recorder may not record it, unless it has been granted secondary approval and signed and certified by the official designated in the subdivision control ordinance governing the area. The filing and recording of the plat is without legal effect unless approved by the President or Secretary of the Commission.

(d) When secondary approval has been granted, one copy of the plat shall be filed with the County Auditor and recorded in the offices of the Carroll County Recorder by the owner. One copy shall be filed in the surveyor's office and one copy shall be filed with the Zoning Administrator. Such plat shall be prepared by a Registered Professional Engineer or Land Surveyor.

Form and Content of Plat

1. Form. The plat for secondary approval shall be clearly and legibly drawn on mylar, linen or similar materials, in a permanent reproducible form. The size of the map shall not be less than twelve (12) inches by eighteen (18) inches. The map of a subdivision containing six (6) acres or less shall be drawn at a scale of one (1) inch equals fifty (50) feet. All other subdivisions shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required by the Commission.

2. Content. The plat shall contain the following information:

a. Title, Guide Information and Approval Form.

- (1) Name of Subdivision.
- (2) Location by section, quarter section, township, range, county, and state.
- (3) Name and addresses of owner, subdivider, if other than the owner, and the engineer or surveyor preparing the plat.
- (4) Scale of plat, north point and date.
- (5) Approval certificate in the form shown below:

CERTIFICATE OF SECONDARY APPROVAL

The undersigned, by authority granted by the Subdivision Ordinance, certifies that the annexed plat has been granted secondary approval as required by law and shall be legally effective upon filing with the Carroll County Auditor and recording in the Office of the Recorder of Carroll County, Indiana.

Dated this _____ day of _____, 19____.

President or Secretary
Area Plan Commission

(6) The following certificates:

CERTIFICATE OF OWNER AND DEDICATION

The undersigned owner of the said real estate shown and described hereon, does hereby, as shown, plat and subdivide said real estate and designate the same as _____ (name) _____. All streets within the plat are dedicated to the public, except as shown. Building setback lines are established as shown on the plat between which lines and property lines of the street there shall not be erected or maintained any building or structures. Strips of ground are reserved for the use of public utilities for the installation of electric lines, telephone poles, surface water drainage, and sewer mains and subject at all times to proper authorities and to the easements hereon reserved. No structures are to be maintained on said strips and owners of lots shall take title subject to the rights of the public utilities in said strips of ground.

The covenants and restrictions set forth herein shall run with the land and be binding upon all owners and all persons claiming under them in accordance with the terms thereof.

Witness our hands this _____ day of _____, 19____.

Owner

Owner

CERTIFICATE OF ACKNOWLEDGEMENT

STATE OF INDIANA
COUNTY OF CARROLL, SS.

Before me a Notary Public in and for said County and State, personally appeared owner(s) and acknowledged execution of the foregoing Certificate of Owner and Dedication as his voluntary act and deed for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 19____.

Notary Public
Residing in Carroll County, IN

My Commission Expires:

CERTIFICATE OF DELPHI CITY COUNCIL

The undersigned Delphi City Council of Carroll County, Indiana, accepts the dedication of public ways and public places set forth in the annexed plat for the uses and purposes shown therein.

Date this _____ day of _____, 19__.

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST CLERK TREASURER _____

LAND SURVEYOR'S CERTIFICATE

I, _____, hereby certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana, and certify that this plat correctly represents a survey completed by me on _____, 19__, and that all monuments shown are actually exist and that their location, type, and material accurately shown.

Land Surveyor
Ind. Reg. No. _____

- b. The full plan of development including boundary lines, street lines, street names, lot lines, building lines, drainage installations, sewage and water facilities, hydrants, and street tree locations.
- c. Areas dedicated or reserved for public use including streets, pedestrian ways, parks, etc., with the purpose indicated thereon.
- d. All plat boundaries with length of courses to 1/100 feet and bearings to half minutes. When required by the Commission, all calculations and field notes shall be submitted.
- e. Sufficient data to determine readily the location, right-of-way width, bearing and length of every street, lot line, and boundary line, and to reproduce such lines upon the ground.
- f. The length of all street lines, the deflection of angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings.
- g. Bearings and distances to the nearest established street lines, section corners and/or other recognized permanent monuments, which shall be accurately described on the plat.
- h. All easements for rights-of-way provided for public services or utilities and any limitations of such easements.
- i. All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles to street and alley or cross walkway lines.
- j. Accurate location, size, and type of all monuments.
- k. Building setback lines with dimensions.
- l. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width of the building lines shall be shown.

- m. Reference to recorded subdivision plat of adjoining platted land by record name, date, and number and the names of owners of adjoining unplatted land.
- n. Restrictive covenants shall be shown on the plat.
- o. The applicant shall provide the Commission with one of the following:
 - (1) A certificate signed by a registered professional engineer stating that all the improvements have been installed in accordance with the requirements of these regulations and in accordance with the approved preliminary plat.
 - (2) Acceptable surety has been posted, which is payable to the county and in sufficient amount to assure completion of all required improvements, which surety shall not be released until the Subdivider has provided the Commission with a certificate signed by a registered professional engineer stating that all the improvements have been installed in accordance with the requirements of these regulations and in accordance with the approved proposed plat.
- p. Such other certificates, affidavits, or endorsements as may be required by the Commission.

Section 6. Alternate Procedure. If a subdivision is of such size or location that it can be properly developed without the construction of streets, curbs, gutters, or sidewalks, or the installation of sanitary sewer, storm sewer, or water lines, the subdivider may use the following procedure for plat approval:

- A. At a pre-application meeting with the Commission the subdivider may present a dimensioned sketch plan showing the proposed lay-out of the subdivision, information regarding the provision of sewage facilities and water supply and percolation or other test results as determined in accordance with the procedure set forth in subparagraph b of paragraph G of Section 2.
- B. After a review of such plan and information with the Commission, the subdivider may submit a written application for a certificate of approval together with three (3) copies of a Final Plat of the subdivision. The Final Plat shall comply in form and content to the requirements of Section 4B of Article 3 of this Ordinance. The application shall include a fee to pay for the cost of checking and verifying the plat in the form of a certified check or money order, payable to the town, in the amount of five dollars plus twenty-five cents for each lot in the proposed subdivision.
- C. The Commission shall review the Final Plat within a reasonable time and shall approve or disapprove the plat. If it approves the Final Plat, it shall affix the Commission seal on the plat together with the certifying signature of its President and Secretary and the date. If it disapproves the Final Plat it shall set forth its reasons in its own records and provide the subdivider with a copy.

Section 7. Maintenance Bond. Prior to any street, or other improvement being accepted by the county for public maintenance, the subdivider shall post a Maintenance Bond and/or other security naming the county as Obligee in an amount deemed adequate by the Board of County Commissioners to insure maintenance of said improvement for a period of at least twelve (12) months from the date of acceptance by the county.

Article 4. Modification of Requirements

If the Commission finds that because of unusual or exceptional factors of topography or other physical conditions peculiar to the tract to be subdivided extraordinary hardship may result from strict compliance with this Ordinance, it may modify the requirements and standards of Sections 1 and 2 of Article 2 of this Ordinance upon written request of the subdivider describing relevant factors or conditions and stating the reasons for modification; provided that such modification will not have the effect of nullifying the intent and purpose of this Ordinance.

In making any such modification the Commission may require such conditions as will, in its judgment, secure the objectives of the standards or requirements modified. Any modification made shall be set forth in the minutes of the Commission along with a description of the conditions or factors, the reasons for the modification, and the conditions imposed.

Article 4.1. Enforcement

Section 1. Violations a Common Nuisance. Any building or structure erected, raised or converted or land or premises used in violation of any provision of this ordinance is hereby declared to be a common nuisance and the owner of the building or structure, land or premises liable for maintaining a common nuisance.

Section 2. Injunction. The Commission, the Board, or the Zoning Administrator may institute a suit for injunction in the Circuit Court of the county to restrain an individual or a government unit from violating the provisions of this ordinance. The Commission or the Board may also institute a suit for a mandatory injunction directing an individual or a governmental unit to remove a structure erected in violation of the provisions of this ordinance.

Section 3. Judgment. A person who violates any provision of this ordinance shall be guilty of a Class C Infraction, and upon finding of violation, shall be subject to a judgment of not more than five hundred dollars (\$500). Each day that a violation occurs is a separate cause of action.

Article 5. Definitions

Words used in the present tense include the future tense. The word "shall" is mandatory.

Commission--Carroll County Area Plan Commission.

Development Plan--The Development Plan for Delphi, Indiana, and all amendments thereto, as adopted by the Commission.

Street--A way for vehicular traffic whether designated as a street, road, highway, thoroughfare, parkway, boulevard, avenue, lane, drive or otherwise designated.

- a. Major Highway--Those streets so designated on the Development Plan which will be used to accommodate large volumes of traffic moving at high rates of speed.
- b. Collector Highways--Those streets so designated on the Development Plan which will carry medium volumes of traffic at relatively fast rates of speed.
- c. Local Collector Streets--Those streets which will carry intermediate volumes of traffic within the town and from the Local Access Streets to the Major and Collector Highways.
- d. Local Access Streets--Local streets which will carry low volumes of traffic and are used primarily to provide access to the abutting properties.
- e. Marginal Access Streets--Local streets parallel with and adjacent to Major and Collector Highways and Local Collector Streets which provide access to abutting properties and protection from rapid through traffic.
- f. Alleys--Minor ways used primarily to provide vehicular service access to the rear or side of properties otherwise abutting on a street.

Subdivider--Any individual, firm, association, syndicate, partnership, corporation, trust or other legal entity who undertakes the subdivision of land as defined herein.

Subdivision--The division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial or industrial purposes; or the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of building, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial, or industrial purposes. The following shall be exempt:

- a. Division of land for tracts of 10 acres or more.
- b. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division.
- c. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property.
- d. A division of land for the acquisition of street right-of-way, or easement.
- e. A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites other than for accessory buildings are created by the division.

Article 6. Separability

If any section, clause, provision, or portion of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion of this Ordinance.

Article 7. Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.