

Subdivision Control Ordinance Of Scott County, Indiana

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Article 1. General Provisions

ORDINANCE NO. 2004-9
(Scott County)

ORDINANCE NO. 2004-14
(City of Scottsburg)

A. Title

This Ordinance shall be known as, referred to, and cited as the "Subdivision Control Ordinance of Scott County, Indiana," and is hereinafter referred to as "this Ordinance."

B. Authority

1. This Ordinance is adopted under the authority granted by the 700 Series of IC 36-7-4 of the Indiana Code and amendments thereto.
2. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Indiana to Scott County and the City of Scottsburg. The subdivider has the duty of compliance with reasonable conditions laid down by the Plan Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the County or City and to the health, safety, and general welfare of the future lot owners in the development and the community at large.

C. Policy

1. It is declared to be the policy of Scott County and the City of Scottsburg to consider the subdivision of land and subsequent development of the land as subject to control of the County or City pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the County and City.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate infrastructure and services exist or are guaranteed in accordance with Article 3, and proper provision has been made for drainage, water, sewerage, and public facilities such as parks, recreational facilities, streets, and sidewalks.
3. All modifications of existing and proposed improvements shall conform with and be properly related to the Comprehensive Plan and the standards contained in other applicable ordinances and regulations.
4. This Ordinance is adopted for the following purposes:
 - a. to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:
 - b. that highway systems be carefully planned;

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- c.** that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
- d.** that the needs of agriculture, industry, and business be recognized in future growth;
- e.** that residential areas provide healthful surroundings for family life; and
- f.** that the growth of the community is commensurate with and promoting the efficient and economical use of public funds

D. General Purpose

This Ordinance is adopted for the following purposes:

- 1.** To promote the public health, safety, morals and general welfare;
- 2.** To guide the future growth and development of the County and City in accordance with the Comprehensive Plan;
- 3.** To ensure that necessary facilities are available concurrent with development, in an amount and size commensurate with the size of the subdivision and the land uses to which the land will be allocated;
- 4.** To ensure that the community will bear no more than its fair share of the cost of providing facilities and services by requiring the developer to pay fees, furnish land, provide infrastructure, and establish mitigation measures to ensure that the development provides its fair share of the costs of expansion of City and County services and infrastructure generated by the development;
- 5.** To provide pedestrian and vehicular connectivity within subdivisions and not create traffic hazards within the City or County;
- 6.** To secure suitable sites for building purposes and protect the property values thereof;
- 7.** To provide assurance that future plats, subdivisions and dedications will be improved in accordance with an established public policy;
- 8.** To provide for open spaces through the most efficient design and layout of the subdivision;
- 9.** To preserve the natural beauty and topography of Scott County and to ensure appropriate development with regard to these features;
- 10.** To prevent the pollution of air and water, safeguard surface and groundwater, conserve and stabilize topsoil, and to otherwise encourage the wise use of resources throughout the County and City
- 11.** To supply proper land records for the convenience of the public and for appropriate identification and permanent location of real estate boundaries.

E. Applicability and Jurisdiction

- 1.** The provisions of this Ordinance shall apply to all lands within the City of Scottsburg and the unincorporated portions of Scott County, including land owned by local, city, county, state, or federal agencies, to the extent allowed by law. Lots that straddle jurisdictional boundaries shall be

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avoided wherever possible. If a subdivision is located in more than one jurisdiction, approval is required from each plan commission having jurisdiction, unless a valid interlocal agreement provides otherwise. If access to a subdivision is required across land in another jurisdiction, the applicant shall provide evidence that such access is legally established. The Commission shall permit such access only if it finds that the access complies with the standards of this Ordinance.

F. Conflict or Consistency with Other Laws, Covenants, or Deed Restrictions

1. Conflicts and Relationship with Other Regulations

- a.** When the provisions of this Ordinance are inconsistent with one another, or when the provisions of this Ordinance conflict with provisions found in other ordinances, codes, or regulations adopted by Scott County or the City of Scottsburg, the more restrictive provision shall govern unless the terms of the provisions specify otherwise. This Ordinance shall govern over any inconsistent or conflicting provisions of the Scott County Zoning Ordinance.
- b.** It shall be the developer's or applicant's responsibility to determine and comply with all other applicable city, county, state, or federal codes or regulations governing development and land use activities.

2. Relationship with Private-Party Easements, Covenants, or Agreements

This Ordinance is not intended to interfere with or abrogate any easements, covenants, or agreements between parties, provided that wherever this Ordinance proposes a greater restriction upon the use of buildings or the use and division of land, access to parcels of land,, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this Ordinance shall govern. In no case shall the County or City be obligated to enforce the provisions of any easements, covenants, or agreements between parties.

G. Compliance

- 1.** No lot or parcel of a subdivision as defined herein be sold or advertised for sale. 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 final Basic, Minor or Major subdivision plat has been approved and recorded.
- 2.** No division of land shall be made after the effective date of this ordinance that creates a lot with width or area below the requirements stated in this Ordinance or the Zoning Ordinance
- 3.** For subdivisions recorded after a financial guarantee is posted for the improvements, no occupancy permit shall be issued for any building unless in addition to all requirements of the building code, the following

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improvements are in place to provide for safe access to the building(s) for the occupants and for emergency vehicles:

- a.** Streets having a compacted subgrade and a binder course
- b.** Traffic control signs and street name signs

4. Minimum Requirements

The provisions of this Ordinance shall be held to be minimum requirements necessary for the promotion of the public health, safety, and general welfare, and shall be liberally construed in favor of the County or City and shall not be construed to be a limitation or repeal of any other power now possessed by Scott County or Scottsburg.

H. Severability

If any Court of competent jurisdiction rules any provision of this Ordinance invalid, that ruling shall not affect any provision not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this Ordinance to a particular property, building, or other structure, or use, that ruling shall not affect the application of the Ordinance provisions to any property, building, other structure, or use not specifically included in the judgment.

I. Effective Date and Transitional Provisions

1. Effective Date

This Ordinance shall take effect after publication of the notice of adoption as provided by Indiana Law. On the date of adoption of this Ordinance, the Unified Subdivision Control Ordinance shall be repealed.

2. Violations Continue

Any violation under previous ordinances repealed by this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under Article 5, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

3. Approved Projects

- a.** Any Commission approval of a primary subdivision plat granted before the effective date of this Ordinance shall remain valid, provided that the secondary subdivision plat approval is granted within 120 days after such effective date.
- b.** Any Commission approval of a final plat granted before the effective date of this Ordinance shall remain valid, provided that the final plat is recorded in the Office of the County Recorder within 180 days after such effective date.

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Article 2. Types of Subdivisions

A. Basic Subdivisions

1. Purpose and Intent

It is the intent of this section to provide a streamlined procedure for simple subdivisions or changes in lot lines. A subdivision complying with the following standards shall be submitted to the Executive Director for certification that it qualifies as a Basic Subdivision. Secondary approval to such subdivisions shall be given in accordance with Article 3 D.

2. Applicability

A proposed subdivision may be processed under the provisions of this section if the Executive Director determines that the following conditions exist:

- a. There will be no opening of new public ways or easements.
- b. Those divisions of land or re-subdivisions that do not substantially affect the comprehensive plan
- c. Each lot shall conform to the Zoning District in which the property is located
- d. The subdivision does not result in more than 4 lots being divided from a single parent tract over any period of time.
- e. The subdivision of land shall not compel the City or County to extend public streets, roads or utilities.
- f. The subdivision complies with all provisions of this Ordinance and the Zoning Ordinance

B. Minor Subdivisions

1. Purpose and Intent

The purpose of a minor subdivision is to provide a simplified review and approval procedure for land divisions that do not involve construction of new streets or roads or the creation of an easement and that comply in all respects to the standards contained in this ordinance. Minor subdivisions require primary and secondary approval, in accordance with the procedures set forth in Article 3 E.

2. Applicability

A proposed subdivision may be processed under the provisions of this section if the Executive Director determines that the following conditions exist

- a. No more than four parcels may be created from a single parent tract over any period of time. Divisions resulting in more than four parcels require plan commission approval.
- b. Each lot shall conform to the Zoning District in which the property is located.

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- c.** Those divisions of land or re-subdivisions that do not substantially affect the comprehensive plan
- d.** Each lot shall have the minimum required frontage specified in the Zoning Ordinance on an existing public street or road or in the unincorporated areas of the County is served by an access easement meeting the design standards of this ordinance.
- e.** No more than two lots may gain access from a private access easement. A legal description of the easement and maintenance provisions for such easement shall be recorded in the Office of the Scott County Recorder for both the dominant and servant properties.
- f.** Each access easement shall be at least 50 feet wide and shall also serve as a utility easement if necessary.
- g.** The subdivision of land shall not compel the City or County to extend public streets, roads or utilities.

C. Major Subdivisions

1. Purpose and Intent

The purpose of the major subdivision procedure is to ensure that new development is consistent with the Comprehensive Plan and with the standards of this Ordinance, to ensure that new developments will have adequate streets, utilities and other infrastructure elements, and to ensure satisfactory completion of all required improvements. Major subdivisions require a public hearing, and primary and secondary approval in accordance with the procedures set forth in Article 3 F.

2. Applicability

Any subdivision that does not meet the requirements to be considered as a Basic or a Minor subdivision shall be subject to the requirements applicable to major subdivisions.

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Article 3. Administration

A. Administrative and Decision-Making Bodies

Table 3-1 summarizes the roles and responsibilities of the administrative and decision-making bodies with regard to subdivision control.

Table 3-1 Administrative and Decision Making Authority S = Staff Review R = Review and Recommend D = Final Decision A = Appeal G= Acceptance of Guarantees and Project Oversight				
Subdivision Action	Staff	Plat Committee	Plan Commission	City Council or County Commissioners
Text Amendments	S		R	D
Interpretation	D	A	A	
Basic Subdivisions	D		A	
Minor Subdivision Primary Approval	S	D	A	
Minor Subdivision Secondary Approval	D		A	G
Major Subdivision Primary Approval	S		D	
Modifications	S		D	
Major Subdivision Secondary Approval	D		A	G

1. City Council or County Commissioners

- a. In accordance with IC 36-7-4-701, the City Council or County Commissioners has, in the Zoning Ordinance Article 2, designated the zoning districts. Subdivision of land may occur in these districts to facilitate land uses as permitted in Article 3 of the Zoning Ordinance. The City Council and County Commissioners also shall adopt the Subdivision Control Ordinance.
- b. The City Council or County Commissioners shall accept appropriate performance guarantees, maintenance guarantees, and dedications of rights-of-way or public improvements.

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- c.** The County Commissioners or City Council reserve the right to waive any condition imposed in primary subdivision approval by the Area Plan Commission.

2. Plan Commission

- a.** In accordance with IC 36-7-4-701, after the Subdivision Control Ordinance is adopted, the Scott County Area Plan Commission has exclusive authority over the approval of subdivisions.
- b.** In accordance with IC 36-7-4-704, the plan commission shall adopt uniform fees proportioned to the cost of checking and verifying proposed plats. (See Area Plan Commission Rules of Procedure)
- c.** The Commission shall, in accordance with IC 36-7-4-705, establish uniform rules with regard to investigations and hearings and shall maintain accurate records of proceedings before the Commission. Notice of public meetings and hearings shall be in accordance with IC 5-3-1. (See Area Plan Commission Rules of Procedure)
- d.** The Plan Commission shall appoint the members of the Plat Committee, as provided by IC 36-7-4-701 and the Commission's Rules of Procedure.
- e.** The Plan Commission shall conduct public hearings and make written findings as to whether the proposed subdivision complies with the standards of this Ordinance.

3. Plat Committee

- a.** A Plat Committee is hereby established in accordance with IC 36-7-4-701. The membership shall be as described in the Plan Commission Rules of Procedure.
- b.** The Plat Committee is authorized to grant primary approval, without notice or hearing, of a minor subdivision that complies in all respects with the standards of this ordinance, subject to the right to appeal to the Plan Commission.
- c.** The Plat Committee shall keep accurate records of its proceedings and shall operate in accordance with the Plan Commission Rules of Procedure and the provisions of IC36-7-4-701.

4. Executive Director and Staff

- a.** The Executive Director is hereby designated to administer and interpret this Ordinance. Any interpretation of the ordinance may be appealed to the Plan Commission.
- b.** The staff shall accept applications and filing fees for subdivisions.
- c.** In accordance with IC 36-7-4-705, the Executive Director shall review proposed subdivisions for technical conformity with the standards set forth in this Ordinance and shall set a date for a public hearing on each proposed subdivision.

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- d.** The Executive Director is hereby authorized to grant Secondary Approval to Basic Subdivisions, provided that the it is found that all conditions of approval have been met. Appeal of such decisions by the Executive Director will be to the Area Plan Commission.
- e.** The Executive Director is hereby authorized to grant secondary approval to Minor and Major Subdivisions, provided that the she/he finds that all conditions of primary approval have been met.

B. Amendments

In accordance with IC 36-7-4-701, this Ordinance may be amended in the same manner as the Zoning Ordinance.

C. Modifications of Requirements and Standards

The Commission may modify the of Major Subdivision requirements and standards of this Ordinance as will not be contrary to the public interest, where owing to extraordinary conditions, fully demonstrated by the applicant on the basis of facts presented, strict compliance with the provisions of this Ordinance will result in practical difficulties or misuse of property. It is the intent of this Ordinance that this authority will be used sparingly and only when the applicant has clearly demonstrated that all criteria in Subsection 1. are met. The burden of proof is on the applicant.

- 1.** In the exercise of its authority under this section, the Commission shall grant modifications only upon finding that all of the following criteria are met:
 - a.** The modification will not be detrimental to the public health, safety, or general welfare;
 - b.** The modification will not adversely affect adjacent property;
 - c.** The modification is justified because of exceptional topographic or other physical conditions unique to the property involved and is not to correct mere inconvenience or financial disadvantage;
 - d.** The conditions upon which the modification request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - e.** The modification is consistent with the intent and purposes of this ordinance and with the Comprehensive Plan
 - f.** The condition necessitating the modification was not created by the owner or applicant;
 - g.** The relief sought will not in any manner vary the provisions of the Zoning Ordinance.
- 2.** In granting modifications, the Commission may require such conditions as will, in its judgment secure substantially the purposes of this Ordinance.
- 3.** A request for a modification from the terms of this Ordinance shall be submitted in writing at the time when the subdivision is filed with the Commission for consideration for Primary Approval. The request shall

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state fully the grounds for the application and all facts relied upon by the applicant.

D. Basic Subdivisions

1. General

- a.** The Executive Director is hereby authorized to certify that subdivisions qualify as Basic under the terms of this ordinance.
- b.** The Executive Director shall review all Basic subdivision applications and shall determine whether such meets the requirements listed for Basic Subdivisions in Article 2 and shall issue a written finding to the applicant.

2. Filing

- a.** An application for approval of a Basic Subdivision shall be filed with the Plan Commission on forms specified by the Commission.
- b.** Applications for Basic Subdivisions shall contain all required materials as specified in the Plan Commission Rules of Procedure.

3. Recording

The approved plat or survey of the Basic Subdivision must be recorded in the Office of the Scott County Recorder within the time limit established in Table 3-2, or the approval will be null and void.

E. Minor Subdivisions

1. General

- a.** The Plat Committee is hereby authorized to grant primary approval to Minor Subdivisions. The Committee may impose such conditions as are necessary to ensure compliance with the standards of this Ordinance.
- b.** The Executive Director is hereby authorized to grant secondary approval to Minor Subdivisions. Such approval shall be granted only after expiration of the appeal period and after all conditions of primary approval imposed by the Plat Committee have been met.

2. Filing

- a.** An application for approval of a Minor Subdivision shall be filed with the department on forms specified by the department.
- b.** Applications for Minor Subdivisions shall contain all required materials as specified in the Plan Commission Rules of Procedure.

3. Modification

If the applicant desires to make changes to a Minor Subdivision that has received primary approval from the Plat Committee, the applicant shall follow the same procedure as for the initial application for primary approval and the case will be heard by the Plan Commission.

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4. Appeal

A final decision of the Plat Committee may be appealed to the Plan Commission in accordance with the provisions of IC 36-7-4-700 et seq. or other applicable law or statute.

5. Recording

The approved plat of the Minor Plat must be recorded in the Office of the Scott County Recorder within the time limit established in Table 3-2, or the approval will be null and void.

6. Waivers

Refer to Article 3 Section A. 1 (c)

F. Major Subdivisions

1. General

- a.** The Plan Commission, in accordance with IC 36-7-5-702 is authorized to grant primary approval to Major Subdivisions after a duly advertised public hearing. The Committee may impose such conditions as are necessary to ensure compliance with the standards of this Ordinance.
- b.** The Executive Director or designee thereof is hereby authorized to grant secondary approval to Major Subdivisions. Such approval shall be granted only after all conditions of primary approval imposed by the Plan commission have been met.

2. Pre-Filing Conference

- a.** Prior to formal application for subdivision approval, the subdivider shall present for discussion a sketch showing generally the boundaries of the proposed subdivision, the proposed street and lot pattern, dimensions, topography, proposed drainage pattern, north arrow, scale and any other pertinent information then known to the subdivider.
- b.** The Executive Director shall schedule a prefiling conference of the Commission and the City's Board of Public Works and Safety or the County Engineer as appropriate and of other public agencies, to discuss the improvements and uses of the subdivision and any potential problems involved in the proposed subdivision. See the Area plan Commission Rules of Procedure for details.

3. Modification

If the applicant desires to make changes to a Major Subdivision that has received primary approval from the Plan Commission, the applicant shall follow the same procedure as for the initial application for primary approval and the case will be heard by the Plan Commission.

4. Filing

- a.** An application for primary approval of a Major Subdivision shall be filed with the department on forms specified by the department.

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b. Applications for Major Subdivisions shall contain all required materials as specified in the Plan Commission Rules of Procedure.

5. Recording

The approved drawing of the Major Plat must be recorded in the Office of the Scott County Recorder within the time limit established in Table 3-2, or the approval will be null and void.

6. Waivers

Refer to Article 3 Section A. 1 (c)

G. Validity of Approval

1. Time Periods

Approvals granted under the terms of this Ordinance shall be valid for the time periods indicated on Table 3-2.

Table 3-2 Validity of Approval		
Type of Approval	Action Required	Deadline for Action
Basic Subdivision	Recording of drawing	30 days from date of staff approval
Primary Approval of Minor Subdivision	Application for Secondary Approval	6 months from date of Primary Approval
Secondary Approval of Minor Subdivision	Recording of Plat	3 months from date of Secondary Approval
Primary Approval of Major Subdivision	Application for Secondary Approval	1 year from date of Primary Approval
Secondary Approval of Major Subdivision	Recording of Plat	30 days from date of Secondary Approval

2. Expiration

In the event that the required action is not taken within the specified time period, the approval shall be null and void.

3. Extensions

The Commission may grant extensions of time if the applicant demonstrates to the Commission's satisfaction that there are extenuating circumstances that necessitate or justify the extension. The applicant must request such extension before the expiration of the approval period.

H. Improvements and Financial Guarantees

1. Completion of Improvements

All improvements required by the Plat Committee or Plan Commission shall be shown on the improvement plans and must be completed within two years from the date of approval, with the following exceptions:

a. If sidewalks are to be installed as lots are developed, the Commission may approve time extensions for sidewalk completion with the

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submission of an appropriate financial guarantee. Each extension shall be for a maximum of two years, and no more than 3 such extensions may be granted. In deciding whether to grant the extension, the Commission shall consider the degree of completion of construction in the subdivision, the effect of the extension on property owners in the subdivision, and weather or other conditions affecting construction.

- b.** The County Highway Engineer or City Board of Public Works and Safety may approve a time extension for installing the final paving course (surface coat) with the submission of an appropriate financial guarantee. The time extension shall be for a maximum of two years, and only one such extension may be granted. In deciding whether to grant the extension, the Engineer or City Board of Public Works and Safety shall consider the degree of the completion of the subdivision, the effect of the extension on property owners in the subdivision, and weather or other conditions affecting the construction. A decision to deny an extension may be appealed to the City Council or County Commissioners as appropriate.
- c.** Other extensions of time may be approved by the Commission with the submission of an appropriate financial guarantee, if unusual conditions exist that impede timely completion.. In deciding whether to grant the extension, the Commission shall consider the degree of the completion of the subdivision, the effect of the extension on property owners in the subdivision, and weather or other conditions affecting the construction.

2. Secondary Approval and Performance Guarantees

A subdivision plat may be recorded only after secondary approval has been given as specified in this article. Secondary approval shall not be given until one of the following has been accomplished:

- a.** All conditions included in Primary Approval are met. If bonds, paid contracts or a cashiers check are required as terms of primary approval they will be presented at the time application for Secondary Approval is made. Such performance guarantees will be retained until the County Commissioners or City Council have accepted required public improvements and all improvements have been satisfactorily completed in accordance with the approved plans.
- b.** The applicant has posted financial guarantees in an amount equal to one hundred twenty-five percent of the cost of public improvements to provide for their construction and maintenance cost for the first two years in the case that the developer cannot complete the work. The terms of the guarantees must be acceptable to the Area Plan Commission. If time extensions are granted under Subsection 1, the cost estimate must be reviewed and the amount of the guarantee increased if necessary.

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3. Acceptable guarantees

Acceptable guarantees include an irrevocable letter of credit, certified check, performance bond, or other guarantee acceptable to the Plan Commission. Such guarantee shall be equal to one hundred (100) percent of the cost of the materials and installation and shall be accompanied by a written assurance that such improvement will be completed to the satisfaction of the City or County within a specified period. When the improvement is complete, the applicant shall so notify the City Board of Public Works and Safety or County Engineer, who shall then inspect the property. If the improvements have been completed in accordance with the approved plan, the City or County shall release the financial guarantee. If the improvements have not been completed in accordance with the approved plan by two months prior to the expiration of the guarantees, the City or County shall file a claim for the amount of the unfinished work.

4. Maintenance Guarantees

As a condition of the acceptance of improvements and/or release of financial guarantees posted under the terms of this section, the subdivider shall post with the Commissioners or City Council financial guarantees ensuring maintenance of satisfactorily completed improvements in good repair. These guarantees shall be in an amount equal to twenty-five percent of the estimated cost of all improvements and shall be in effect for a period of two years.

Acceptable guarantees include an irrevocable letter of credit, certified check, performance bond, or other guarantee acceptable to the Plan Commission. Such guarantee shall be equal to twenty-five (25) percent of the cost of the materials and installation and shall be completed in accordance with the approved plan and to the satisfaction of the City or County within a specified period. When the improvement is dedicated and accepted, The City or County shall release the financial guarantee.

5. Release of Financial Guarantees

- a. After completion of all public improvements and prior to the release of the performance guarantee on the improvements, the subdivider shall provide drawings showing the actual location of all installed street improvements, sanitary and storm sewer improvements, water mains, fire hydrants, improvements, valves and stubs, monuments and markers, drainage facilities and other installed permanent improvements. This map shall be certified by a registered engineer or land surveyor.. One copy of these plans shall be submitted to the County or City Engineer and one copy shall be submitted to the Planning Commission.
- ~~b.~~ The Commissioners or City Council may grant a partial release from a financial guarantee for portions of the improvements which are complete, dedicated and accepted by the Commissioners or City Board of Public Works and Safety

6. Inspection

- a. **Preconstruction.** Before beginning any work within the subdivision, the developer shall meet on the site with appropriate representatives

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of the County or City. These representatives may include but are not limited to the County Highway Engineer or City Street Superintendent, the County Surveyor, the County Health Officer, the Building Commissioner and the County Extension Educator.

- b. Construction.** The appropriate County or City representatives shall inspect and require that the installation of all improvements take place in accordance with plans approved by the Area Plan Commission. The County or City representatives shall have authority over the schedule of construction, materials used, methods of construction, and workmanship to ensure compliance with the terms of the approved plans.

I. Development Plans

A Development Plan is required to facilitate the review of projects in approved Waste Disposal and Planned Unit Development overlay Districts, for large scale redevelopment projects, and other projects that do not fall within the definition of Minor or Major Subdivisions. All Business and Industrial projects involving new structures or substantial renovation require a development Plan.

1. Authority

In accordance with IC 36-7-4, the 1400 Series, the Plan Commission is hereby authorized to approve or disapprove Development Plans for the uses in the zoning districts for which they are required under the terms of this Ordinance.

2. Criteria

The term "Development Plan" refers to a plan for a district, a neighborhood, the downtown, a Planned Unit Development or a highway corridor in which a large area with a common characteristic or economic connection is developed or revitalized. Development plans are intended to ensure that districts and uses with special needs for compatibility are developed in a responsible manner, consistent with the Comprehensive Plan and with the spirit and intent of this Ordinance. The Plan Commission shall approve a Development Plan only if the following criteria are met:

- (A) The development is compatible with surrounding land uses.
- (B) The development will have adequate sewage disposal, water supply, drainage, and other utilities.
- (C) Traffic will be managed in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community as described below:
 - (1) The design and location of proposed street and highway access points minimize safety hazards and congestion.
 - (2) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.

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- (3) The entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments and are safe for pedestrian and vehicular traffic.

3. Review and Approval

a. Primary Approval

(1) An applicant for development plan approval shall submit an application accompanied by all information, materials and fees required by the Plan Commission Rules of Procedure.

(2) The Plan Commission shall determine if the development plan is consistent with the comprehensive plan; and satisfies the development requirements specified in this Ordinance.

(3) The plan commission may do the following:

- i. Impose conditions on the approval of a development plan if the conditions are reasonably necessary to satisfy the design specifications for a Major Subdivision contained in this Article for approval of the development plan.
- ii. Provide that approval of a development plan is conditioned on the furnishing to the plan commission of a bond or written assurance that:
- iii. Guarantees the timely completion of a proposed public improvement in the proposed development; and
- iv. Is satisfactory to the plan commission.
- v. Permit or require the owner of real property to make a written commitment as provided in Section I (above).

(4) The Plan Commission shall make written findings concerning each decision to approve or disapprove a development plan. The Plan Commission president is hereby designated as the official authorized to sign the written findings.

b. Secondary Approval

The Executive Director is hereby authorized to grant secondary approval of Development Plans. After meeting all conditions of primary approval, the applicant may submit the development plan for secondary approval. The Executive Director shall review the application and if all conditions have been met, the Executive Director shall grant secondary approval. Any refusal to grant secondary approval may be appealed to the Plan Commission.

J. Planned Unit Development (PUD)

1. General

- (a) Planned Unit Developments are provided for as overlay districts within the Zoning Ordinance and as such require Development Plan Approval by the APC as described in Section I (above).

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- (b) Purpose. It is the intent of this overlay district to allow needed flexibility in the siting, development, and operation of mixed land uses. It also is the intent of this overlay district to establish regulations, which are necessary to promote the public health, safety, and general welfare of the community.

K. Commercial and Industrial Subdivision

1. General Compliance

Application, Primary and Secondary Approval of Commercial and Industrial Subdivisions shall be as specified in the Major Subdivisions provisions.

2. Lots

A. Only approximate number of lots shall be shown on the Primary Subdivision drawing. Final lot arrangement need only be shown on Secondary Subdivision drawings.

B. The total lot area shall be sufficient to provide adequate space for off-street parking, loading, landscaping, drainage, and other needed facilities.

C. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, owned or managed as a unit.

3. Street System Approval

Approval of the proposed street system or pattern shall be determined by the following factors:

- a. Traffic movements in and out of and entrances and exits to commercial and industrial subdivisions shall not interfere with external or through traffic, nor shall they create hazards for adjacent residential areas.
- b. The design of streets, marginal service roads and pedestrian ways shall provide for safe and hazard-free internal circulation.
- c. Where a commercial or industrial subdivision fronts or abuts an arterial street, road or highway the Commission may require a service street approximately parallel to the arterial. The location, distance from the arterial and the width of any utility easement will be appropriate to the site, traffic conditions and the trend of development of the area
- d. Offsite improvements to the streets, roads or highways to accommodate the industrial or commercial development shall be included as conditions of the Primary Approval

L. Subdivision Replats

For the purpose of this Ordinance, a subdivision replat shall be any revisions that create a new building lot of record to a recorded subdivision. The name of a replat shall not be identical to the original subdivision name, but the original name shall

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be contained within the name of the replat. Subdivision Replat Procedures shall be the same as for Minor or Major Subdivisions whichever is applicable.

M. Vacation of Plats

1. General

The Area Planning Commission has exclusive control over the vacation of:

- a.** plats or parts of plats; and
- b.** public ways, easements, or public places, or parts of any of them, whether or not they are included in an approved plat.

The Plan Commission shall adopt rules governing the procedure for the conduct of the hearing. The vacation of public ways, easements, or public places, or parts of any of them may be made only upon a finding by the Plan Commission that the vacation is in the public interest. The plat committee may accomplish the vacation of plats or parts of plats by proceeding in accordance with IC 36-7-3-10 or IC 36-7-3-11. Vacation or replatting may include the vacation or amendment of any recorded covenant running in favor of any governmental agency, or restriction, that was contained in the original plat.

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Article 4. Development and Design Standards

A. Minor Subdivisions

1. General Requirements

Applications for Approval of Minor Subdivisions shall be made in accordance with the Commission's Rules of Procedure.

2. Lots

- a. All lots shall have suitable building sites, properly related to topography and other natural or man-made features. A suitable building site is an area not containing wetlands, floodway areas, soils with severe limitations for foundations, environmental hazards, or other similar conditions that are adverse to construction, and is large enough to accommodate the principal structure, on-site sewage disposal system (if applicable), and customary accessory structures such as garages, decks, and patios.
- b. All lots shall have the minimum frontage required by the zoning ordinance on a public street or road or approved private access easement.
- c. Whenever possible, residential lots shall be designed to have access from Subdivision Streets, not from streets of higher classification. Where access must be gained from a street of higher classification, the County Highway Engineer or City Street Superintendent may require that multiple lots be served by a single jointly used access drive in order to limit the points of traffic conflict on the street. When such a combined drive is required, the plat shall include an easement providing for joint use and maintenance.
- d. No subdivision of land shall be approved unless all of the lots created meet the minimum lot size and lot frontage requirements for the district in which the land is located.

3. Streets and Access

- a. Access. All subdivision developments shall have adequate ingress and egress by way of existing roads or streets without the construction of any new streets or substantial improvement to existing streets.
 - 1) All lots shall have legal access to a platted or road that is or will be built to City or County standards whichever is Existing public streets or roads shall have a hard surface, suitable for vehicular traffic, that is at least eighteen feet in width, is in good repair, and has a geometry suitable for the traffic that it will carry after the proposed subdivision.
 - 2) Private access easement shall be a minimum of 50 feet wide, recorded on both the dominant and servient parcels. Access easements may also serve as utility easements.

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- 3) Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
 - 4) If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.
 - 5) All lots shall have driveway locations that will provide adequate sight distance and will be properly spaced according to City or County standards.
- b.** Land adjacent to the property involved in the subdivision shall have adequate access according to the criteria contained in this section. New subdivisions shall not be permitted to landlock, nor to continue the landlocking of adjacent property.
- 4. Water Supply**
- a.** When a public water supply is available within $\frac{1}{4}$ mile of any point on the boundary of the property to be subdivided, the subdivider shall extend such system to serve the lots in the minor subdivision. For purposes of this section, an available system is one with sufficient capacity that can be utilized via existing rights-of-way or easements. Additionally, the connection must be considered by the Plat Committee to be economically feasible for the subdivider to achieve.
 - b.** When a public water supply is not available, the Commission may approve the use of cisterns or individual wells. Wells and cisterns shall be located and/or constructed in accordance with the regulations of the Health Department. Any well serving an individual lot shall be located on such lot.
- 5. Sewage Disposal**
- a.** When a sanitary sewer system approved by IDEM is available within $\frac{1}{4}$ mile of any point on the boundary of the property proposed for subdivision, the subdivider shall extend such sewer system to serve the lots in the minor subdivision. Such system shall meet the standards of IDEM. If the service provider imposes a higher standard, the higher standard shall apply. For purposes of this section, an available system is one with sufficient capacity that can be utilized via existing rights-of-way or easements and employing gravity flow, force main or lift station. Additionally, the connection must be considered by the Plat Committee to be economically feasible for the subdivider to achieve.
 - b.** When a public sewer system is not available as specified in Subsection a, septic systems may be used. Such system shall be designed and installed in accordance with the regulations of the Health Department. Any septic system serving only an individual lot shall be entirely located on such lot. Two filter field locations

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(primary and contingency) approved by the Health Department should be included. The septic system and both filter fields shall be protected from damage during construction. Only one filter field will be constructed. The contingency field location will be reserved for use should the primary field fail.

6. Drainage

- a.** Drainage board approval of a drainage plan is required prior to filing an application for Primary Subdivision Approval.

B. Major Subdivisions

1. General Requirements

- a.** Applications for primary or secondary approval of major subdivisions shall be made in accordance with the Commission's Rules of Procedure.
- b.** The developer shall complete all improvements and installations required by this Ordinance within the time limits established in Article 3.
- c.** If the major subdivision is to have a lot owners association that is responsible for ongoing compliance of the development with this ordinance, the association shall meet the following requirements:
 - 1) Membership shall be automatic for all owners of lots in the subdivision.
 - 2) The association shall be organized as a legal entity.
 - 3) The association shall be organized by the developer and shall be financed by the developer until a sufficient number of lots have been sold to enable the association to be financially solvent without a subsidy from the developer.
- d.** Major subdivisions may be accompanied by covenants. When necessary to ensure compliance with a provision of this ordinance the Commission may require that the County or City be a party to or have enforcement authority over specified covenants or restrictions. The covenants must be filed in the Office of the Scott County Recorder.
- e.** All materials and construction procedures required by this Ordinance shall conform with the most recent editions of The Indiana Department of Transportation Standard Specifications; and the following AASHTO publications: Road Design Manual, Bridge Design Manual, A Policy on Geometric Design of Highways and Streets

2. Lots

- a.** All lots shall have satisfactory building sites properly related to topography and other features.
- b.** All lots shall be capable of containing driveways having sight distance that complies with the standards set forth on Table 4-3.

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- c. Lot sizes and dimensions shall comply with the minimum standards of the Zoning Ordinance.
- d. Each lot shall have the full required frontage on a public street. To the fullest extent practical, residential lots shall front on residential subdivision streets in such a manner as to provide neighborhood cohesiveness. Lots with frontage on arterial, collector, or local streets shall not be permitted.
- e. Residential double-frontage lots shall be permitted only where necessary to provide separation of residential development from street traffic or due to conditions peculiar to the property. Non-residential double-frontage lots are acceptable; however, the Commission shall require a landscape buffer along any frontage that constitutes a rear or side yard. Such buffer shall be at least 10 feet in depth along the lot frontage.
- f. Residential lots shall be designed to have access from Subdivision Streets, not from streets of higher classification. Where no alternative exists to access from a street other than a subdivision or marginal access street, the Commission may require that multiple lots be served by a single jointly used access drive in order to limit the points of traffic conflict on the street. When such a combined drive is required, the plat shall include an easement providing for joint use and maintenance.
- g. The depth to width ratio of any single-family residential lot shall not be greater than 3:1 unless the Commission finds the proposed lot configuration is needed to provide for wise use of the land.
- h. Driveway separations shall be provided in accordance with Table 4-2.

**Table 4-1
Minimum Driveway Separation Distance**

Street Type	Residential Drive (1- or 2-family)	Nonresidential or Multifamily Drive
Arterial	200 feet ¹	200 feet
Collector	150 feet ¹	150 feet
Local	100 feet	100 feet
Subdivision	1 per lot ²	100 feet

¹It is the intent of this Ordinance that residential driveways should not open onto arterial or collector streets and should be avoided on local streets. Where such driveways are necessary, the number of access points shall be kept to a minimum, and in such cases, accesses should be combined wherever possible.

² A circular driveway with two points of entry on a single lot is permitted provided the sight distance standards in Table 4-3. are met.

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3. Blocks

- a. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth. The Commission may waive this requirement if the block is adjacent to a major street or railroad or if topography or other natural features preclude this arrangement.
- b. The lengths, widths, and shapes of blocks shall be appropriate for the location and the type of development permitted. Block lengths in residential areas shall not exceed 1500 feet nor be less than 300 feet in length. Cul-de-sacs shall not exceed 1500 feet in length. For purposes of this Section, a series of cul-de-sacs with only one point of access shall be considered to be a single cul-de-sac.

4. Streets or Roads

- ~~a.~~ The Commission shall not approve any major subdivision unless the area to be subdivided has access to an existing public street. Such access shall be wide enough to permit the construction of new intersecting streets meeting the minimum standards of this ordinance. If the Commission finds that existing streets that will provide access to the subdivision are not adequate to provide safe ingress and egress for the increased traffic resulting from the subdivision, the Commission shall deny the subdivision. Streets that by reason of pavement condition, topography, sight distance, width, or other conditions are not suitable for the increased traffic shall be considered inadequate, and subdivision shall be permitted only if the developer formulates methods acceptable to the Commission of mitigating the unsuitable conditions.
- ~~b.~~ The owners of property to be subdivided on existing streets shall deed to the County or City any additional right-of-way needed to comply with the minimum right-of-way widths for those streets as indicated in the Thoroughfare Plan. Where topography or design features necessitate additional right-of-way or easements to permit construction of a street to the established pavement width for such street, the Commission shall require the owner to dedicate to the County or the City such additional right-of-way.
- c. The subdivision plat shall indicate proposed street names. The Commission shall approve the street names for County Commissioners' or City Council's approval only if the street names are appropriate, do not duplicate existing street names, and will not be confusing to emergency personnel or others needing to locate addresses.
- d. Streets shall be laid out with due regard to topography, soil conditions, natural features, function, clarity of movement, and economy of street length. All streets shall be properly integrated with existing and proposed streets. Street and road design shall conform to the guidance in Design Manual INDOT Part 5 Vol-1 and 2.

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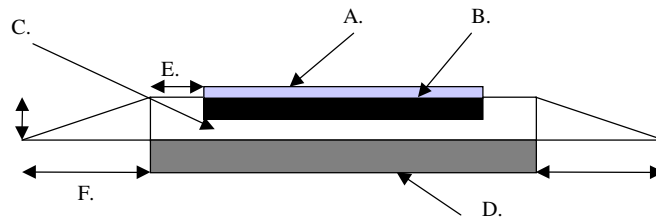
- e. New streets shall be extended to the boundary lines of the tract to be subdivided, unless topography or other physical conditions preclude such extension. Whenever practicable, the Commission shall require that streets be designed to provide connections to existing and future subdivisions.
- f. Subdivision streets shall be designed to discourage use by through traffic. Traffic calming measures shall be utilized within subdivisions. Such measures include but are not limited to traffic circles, frequent intersections, traffic control signs and markings, and medians
- g. Permanent dead-end streets shall not be permitted, excepting Cul-de-sacs.
- h. Temporary dead-end streets shall be permitted only when such streets are to be extended as part of street pattern approved by the Commission. Where temporary dead-end streets extend along more than one lot, a temporary turn-around with a minimum radius of 50 feet and a minimum 6-inch thick paved surface shall be provided.
- i. Private streets (excepting in Manufactured Housing or Mobile Home Parks), private access easements (except in the case of shared driveways) and half-streets shall not be permitted.
- j. The Commission shall not approve any Subdivision Street intersecting with a state highway unless the developer provides written approval from INDOT for such intersection.
- k. The minimum right-of-way widths for streets shall be as indicated on Table 4-2.

Table 4-2 Minimum Right-of Way & Pavement Widths				
	Arterial	Collector	Local	Marginal Access or Subdivision
<i>Right-of-way width</i>	80 feet	60 feet	50 feet w/curb & gutter; 60 feet w/o curb & gutter	50 feet w/curb & gutter; 60 feet w/o curb & gutter
Pavement width	12 feet/travel lane	12 feet/travel lane	24 feet	20 feet

- l. Streets and roads shall conform to the Typical Cross Sections and design standards contained in Standard Drawings contained in this section.

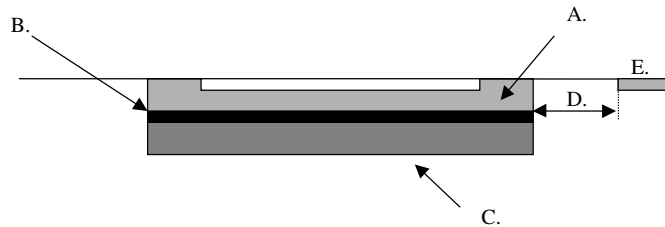
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Typical Cross Section Detail - Residential Streets & County Roads



Hot asphalt street w/o curb

- A. 2" thick asphalt surface 11' wide lanes (14' w/curb) 2% slope from center crown
- B. 3" binder asphalt base
- C. 12" #53 compacted aggregate
- D. Compacted sub-base at 95% Standard Proctor
- E. 8' shoulder
- F. 4' slope to ditch at 6:1 slope

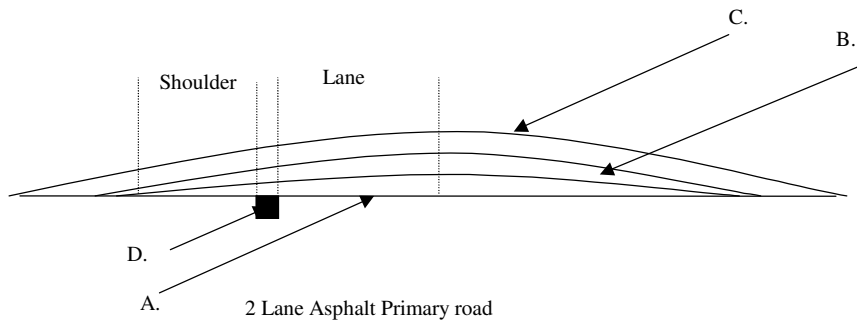


Concrete street with curb

- A. 9" thick 4000 psi concrete surface. 14' wide lanes w/curb 2% slope from center crown
- B. 6" #53 compacted aggregate
- C. Compacted sub-base at 95% Standard Proctor
- D. 3' grass median
- E. 4' Sidewalk (5" plain or 4" reinforced 4000 psi concrete)

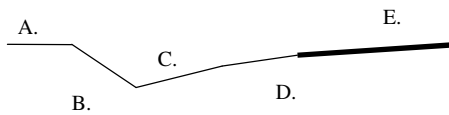
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Cross Section Detail for Rural Subdivision Roads



- A. 7" #53 aggregate compacted base
- B. 2" binder asphalt sub-base
- C. 1" asphalt surface layer 10' lanes 10' shoulders, 2% slope from center crown to shoulder, shoulder slope 1" per foot and slope from shoulder to grade 6:1
- D. Surface drain at minimum depth of 22 inches
- ** In urban areas add curbs

Details of Rural Road



- A. Grade
- B. Slope 2:1
- C. 6' slope 4:1
- D. 8' slope at a slope of 1' per foot
- E. Lane

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- m. Minimum sight distances for vehicles from access points on driveways or at intersections onto adjacent roads shall be as shown on Table 4-3.

Table 4-3 Vehicle Sight Distances							
20 mph	30 mph	40 mph		50 mph		60 mph	
2-lane	2-lane	2-lane	4 or more	2-lane	4 or more	2-lane	4 or more
300 ft.	300 ft.	350 ft.	390 ft.	520 ft.	550 ft.	700 ft.	750 ft.

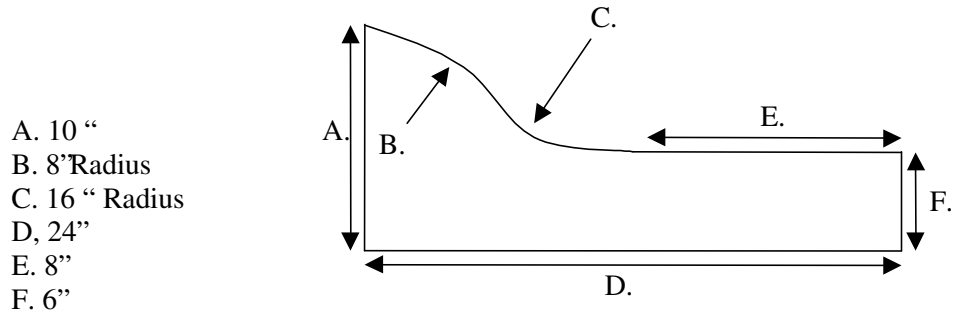
- n. All traffic control devices required by this ordinance shall comply with the Manual on Uniform Traffic Control Devices.
- o. No private access easement shall be created to facilitate the subdivision of a tract, parcel or lot.
- p. Only private easements of necessity and those public easements necessary to allow the use of roads and streets prior to dedication and acceptance by the City Council or County Commissioners will be approved for major subdivisions.

5. Curbs and Gutters

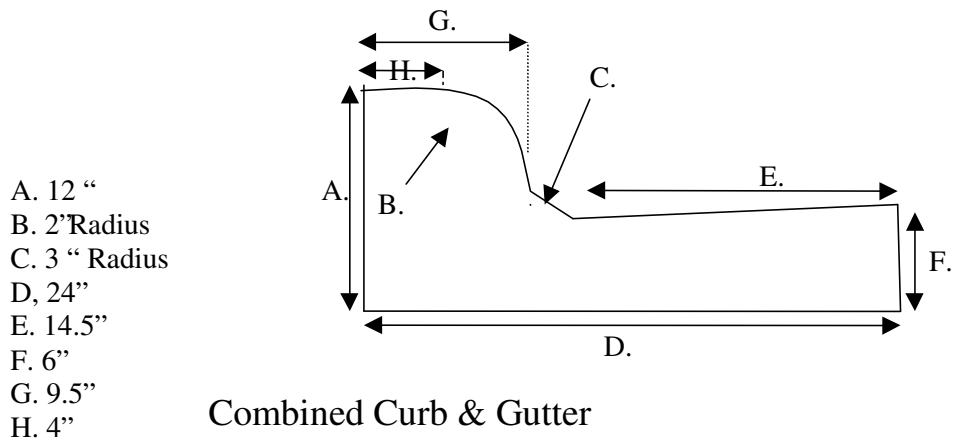
- a. The developer shall install curbs and gutters in all subdivisions having a gross density higher than one lot per acre.
- b. The curbs and gutters may be of the following types:
 - 1) Roll type and curb and gutter
 - 2) Six-inch vertical curb and gutter
- c. Curb and gutter shall conform to the Indiana Department of Transportation Standard Specifications, contained in Standard Drawings contained in this section.

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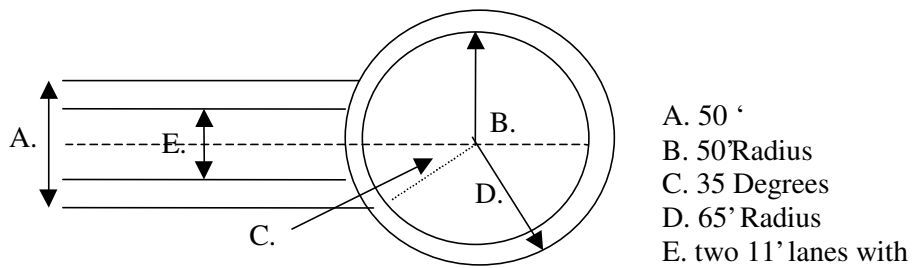
Typical Details - Curbs, Gutters & Cul-de-sac



Rolled Curb & Gutter



Combined Curb & Gutter



Typical Cul-de-sac

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6. Other Installations

The subdivider shall be responsible for installing street name signs, traffic control devices, subdivision identification signs, and any other similar features shown on the subdivision plat.

7. Landscaping

When a subdivision is designed so that rear lot lines abut a street, a landscape screen shall be provided along such street frontage. A landscape (vegetation) buffer, at least 10 feet in width shall be included on the plat.

8. Utility Easements

- a. Each subdivision shall include appropriate easements for drainage and utilities, in accordance with the drainage plan. When located along streets, such easements shall have a minimum width of 10 feet. When located along side or rear property lines or interior to any lot, such easements shall have a minimum width of 15 feet or 7½ feet on each side of the lot line. The Commission shall require larger easements when necessary for carrying out the purposes of this Ordinance.
- b. **Utility** Easements shall have multiple functions wherever possible.
- c. **Utility** Easements shall provide reasonable continuity from block to block.
- d. The Commission shall require utility easements for the maintenance of dams or other features when such easements are necessary to provide access for personnel and/or equipment to perform such maintenance.

9. Intersections

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. In no case shall two new streets intersect at an angle less than 75 degrees. An oblique street shall be curved approaching an intersection and shall be approximately at right angles for at least 100 feet therefore. No more than two streets (four approaches) shall intersect at any one point.
- b. Street and road design shall conform to the guidance in Design Manual INDOT Part 5 Vol1 and 2.
- c. Proposed new intersections with an existing street shall, wherever practicable, coincide with any existing intersections on the other side of such street. Centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drive lanes with no median breaks at either intersection. Where new streets intersect collector or arterial streets, their alignment shall be continuous.
- d. Intersections shall be designed with a flat grade wherever practical. For intersections in areas with steep slopes, the developer shall

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provide a leveling area having a rate no greater than 2% at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.

- e. Intersections shall be separated in accordance with Table 4-4.

Table 4-4 Minimum Intersection Design Standards	
Design Criterion	Standard
Maximum approach speed	25 mph
Minimum Curb Radius	
Subdivision-Subdivision	25 feet
Local-Subdivision	25 feet
Local-Local	25 feet
Local-Collector	30 feet
Collector-Collector	40 feet
Minimum Centerline Offset	
Subdivision-Subdivision	100 feet
Local-Subdivision	150 feet
Local-Local	200 feet
Local-Collector	250 feet
Collector-Collector	400 feet
Collector-Arterial	<i>600 feet</i>

10. Drainage and Storm water.

- a. Natural drainage patterns and natural stream channels shall be maintained wherever possible. Stream channels subject to the jurisdiction of IDNR shall not be altered without IDNR approval.
- b. The subdivider shall design and construct a drainage system to handle surface water from the entire subdivision and the drainage area of which it is a part. The system shall meet the minimum standards contained in this section.
- c. The subdivider shall prepare a drainage report addressing the existing and proposed drainage conditions and shall evaluate the ability of the proposed watercourse, channels, drainage tiles, farm tiles, storm sewers, culverts, and other improvements to handle the runoff. A registered professional engineer or land surveyor shall prepare this report, which shall contain the following:
 - 1) Estimates of the water entering the subdivision. Estimates shall assume that the upper watershed will be fully developed according to the current zoning ordinance.
 - 2) Conditions of the watershed that may affect runoff, such as subsoil type, positive drainage channels, or obstructions.
 - 3) Quantities of flow at each pickup point or culvert.

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- 4) Description of major and minor drainage systems. The minor system will usually consist of but not be limited to storm sewers, drainage ditches, drainage swales, storm inlets or infiltration structures. The minor system shall be designed to handle a 10-year storm. The major system will usually consist of but not be limited to roadways, culverts, bridges or overflow drainage ways. The major system shall be designed to handle a 50-year storm.
 - 5) The location of existing subsurface drainage tiles and a plan to preserve or relocate the tiles.
 - 6) Proposed facilities which may include holding lagoons, storm water ponds, or infiltration facilities shall be prepared by a registered professional engineer and shall include data coordinating field tests with design assumptions and estimates of expected annual maintenance costs.
- d. The storm drainage system shall be separate and independent of any sanitary sewer system. The storm water drainage system shall be designed by the Rational Method (Indiana Drainage Handbook) or other method approved by the County or City Engineer, and a copy of the design computations shall be submitted with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in a gutter, or when the encroachment of stormwater into the street disrupts traffic. When calculations indicate that the curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each lot and block.
 - e. Drainage systems shall be designed so that there is no increase in the rate of runoff leaving the property in the subdivision after development. The County or City engineer shall review the proposed drainage facilities and provide the Commission an evaluation as to whether the system is of sufficient size, based upon the provisions of the required construction standards and specifications, assuming conditions of maximum potential watershed development permitted by the zoning ordinance.
 - f. The applicant shall provide information regarding the effect of each proposed subdivision on existing drainage facilities outside the subdivision. Where it is anticipated that the additional runoff related to the development of the subdivision will overload an existing downstream drainage facility, the Commission shall not approve the subdivision until provision has been made for mitigating the drainage problem.
 - g. The Commission may approve for subdivision areas that are not in designated floodway or floodway fringe areas but contain soils that

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are subject to flooding only if the subdivider fills the affected areas to an elevation sufficient to place building sites and streets two feet above ponding levels.

- h. Each block shall be adequately drained, whether through the streets or by use of a ditch, culvert, or other approved method.
- i. All roads abutting or included within property to be subdivided shall be provided with drainage systems in accordance with the standards contained in this Ordinance.
- j. Any disturbed or graded area shall be protected from erosion.
- k. The Commission may require retention ponds to regulate the flow at the outfall.
- l. Off-road drainage shall be extended to a watercourse or ditch of adequate size to receive the stormwater.
- m. Connection to a state drainage system is allowed only with written approval from INDOT. Connection to a county or city regulated drain is allowed only with written approval in accordance with the Indiana Code requirements for such drains. Connection to a county road or City Street ditch is allowed only with written approval from the County or City Engineer.

The commission shall not approve any subdivision for which there is not adequate provision for maintenance of drainage systems. Such provision may include but is not limited to acceptance of the system by the County Drainage Board or establishment of a lot owners association with responsibility to set and collect fees for drainage system maintenance. Roadside ditches shall not be filled without written approval of the County or City Engineer.

n. Compliance

In addition to the requirements of this Ordinance, compliance with the requirements set forth in other applicable ordinances with respect to submission and approval of primary and secondary subdivisions, site plan review, improvement plans, building and zoning permits, construction inspections, appeals, and similar matters, and compliance with applicable State of Indiana statutes and regulations, is required.

- o. **Compliance with 327 IAC 15-5** All land-disturbing activities that disturb one (1) acres or more in total must comply with 327 IAC 15-5 (Rule 5) ‘Storm Water Runoff Associated With Construction Activity.’ It is the responsibility of the subdivider to determine if this rule applies to his/her project. The Commission will make no determination of the applicability of Rule 5 to individual projects. Copies of Notice of Intent (NOI) letters must also be filed with the Plan Commission prior to commencement of the land-disturbing activity.

11. Water Supply

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- a.** Where a public water system is available within $\frac{1}{4}$ mile of any point on the boundary of the proposed subdivision, the developer shall install a public water system to serve the project. The system shall comply with the Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers Recommended Standards for Water Works. If the service provider requires a higher standard, the subdivider shall comply with such standard. Such system shall include fire hydrants and water lines of adequate capacity to serve such hydrants. Additionally, the connection must be considered by the Plat Committee to be economically feasible for the subdivider to achieve.
- b.** The subdivider shall install fire hydrants with a maximum spacing of 500 feet from any residence and a maximum separation of 1000 feet throughout the subdivision.
- c.** The location of all fire hydrants and all water supply improvements shall be shown on the improvement plans, and all such improvements shall be installed at the cost of the developer.

12. Sewage Disposal

- a.** When a sanitary sewer system approved by IDEM is available within $\frac{1}{4}$ mile of any point on the boundary of the property proposed for subdivision, the developer shall extend such sewer system to serve the entire subdivision. Such system shall meet the standards of IDEM. If the service provider imposes a higher standard, the higher standard shall apply. For purposes of this section, an available system is one with sufficient capacity that can be utilized via existing rights-of-way or easements and employing gravity flow or lift stations. Additionally, the connection must be considered by the Plat Committee to be economically feasible for the subdivider to achieve.
- b.** The location of all sewer system improvements shall be shown on the improvement plans, and all such improvements shall be installed at the cost of the developer.
- c.** When a sanitary sewer system is not available as specified in Subsection A (above), the Commission may approve the use of septic systems. Such system shall be designed and installed in accordance with the regulations of the Health Department. Any septic system serving only an individual lot shall be entirely located on such lot. Two filter field locations approved by the Health Department shall be required. The septic system and both filter fields shall be protected from damage during construction.
- d.** Developers proposing to use septic systems shall provide a map showing the soil types within the subdivision.
- e.** Alternative systems such as drip systems and constructed wetlands are permitted with proper approval from ISDH and are permitted only where an approved public sanitary sewer system is not

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available. Mixed systems are not permitted. When alternative systems are used, the developer shall include in the covenants a requirement that the lot owners association maintain the system. Such covenant shall be substantially similar to that contained in The Area Plan Commission Rules of Procedure.

- f. The Commission shall approve a cluster or package system only in cases where no other sanitary sewer system is available and only after making a specific finding that a management arrangement is in place to ensure the continued effective operation and maintenance of the system. The developer shall provide to the Commission the following:
 - 1) Assurance that fees will be collected sufficient to cover the cost of operating and maintaining the system.
 - 2) Assurance that a person or firm of suitable qualifications will be employed to ensure continued proper operation of they system.
 - 3) Assurance that there will be continuous operation of the system in the event of a power outage or natural disaster.
 - 4) Assurance that all inspections and reports required by the ISDH or IDEM will be completed and that copies of all such reports will be provided to the staff.
 - 5) Provisions authorizing the County or City to collect fees and levy fines against the property owners singly and collectively in the event that the management arrangement is not strictly adhered to.

13. Pedestrian System

- a. For any subdivision with a density of 3 lots per acre or higher, the developer shall provide sidewalks on at least one side of all new Subdivision Streets.
- b. When proposed subdivisions abut existing streets that do not have sidewalks, the developer shall install such sidewalks. If the property to be subdivided abuts only one side of the existing street, the developer shall be responsible for sidewalks only on that side.
- c. Sidewalks shall be separated from the curb by a grassed or landscaped area at least 4 feet in width.
- d. The sidewalks shall be constructed of grade 3000 concrete pavement in accordance with the requirements of the Americans With Disabilities Act and the Indiana Accessibility Code and shall meet the minimum specifications for sidewalks are shown on Table 4-5.

Table 4-5

Sidewalk Requirements

Street Classification	Minimum Width	Minimum Concrete Depth
Arterial	8 ft.	5 in.

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Collector	6 ft.	5 in.
Local	5 ft.	4 in.
Subdivision/Marginal Access	4 ft.	4 in.

- e. The Commission may permit alternative locations for sidewalks where such alternative design is justified because of topography, to preserve existing trees, or other similar conditions.

14. Monuments and Markers

The developer shall install monuments and markers in accordance with the standards of the County Surveyor. The locations and types of monuments and markers shall be shown on the improvement plans. Such monuments and markers shall be maintained in the required locations during the development of the subdivision. Financial guarantees for such monuments and markers shall not be released until all other subdivision improvements have been completed and accepted by the County or City and shall be released only if the monuments and markers are in place at that time.

15. Construction Practices

- a. All lots and other land included within a subdivision shall be graded in accordance with the approved construction plans. Except for land covered by buildings, included in streets, or where the grade has not been changed and natural vegetation not seriously disturbed, the land shall be covered with topsoil having an average finish depth of at least four inches. If the existing topsoil does not meet this depth requirement, the developer shall add a sufficient amount of topsoil to meet that standard. Topsoil shall not be removed from residential lots nor used as spoil but shall be redistributed so as to provide at least four inches of cover between sidewalks and curbs and between shoulders and right-of-way lines and shall be stabilized by seeding or planting.
- b. Seeding and planting shall be completed in accordance with standard nursery practices.
- c. When necessary to protect existing development, the Commission shall designate a construction entrance for the new subdivision. Construction signs and barricades shall comply with the Indiana Department of Transportation Manual of Uniform Traffic Control Devices.
- d. The developer shall manage the construction of the subdivision in such a manner as to minimize disturbance to neighboring property. Deposit of mud or other materials on public streets or neighboring property shall not be permitted.
- e. The developer shall employ best management practices as identified by the US DEM Rule 5 and shall adhere to the erosion control plan during construction and shall protect installations within the

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subdivision, such as catch basins and other drainage structures, from damage during construction.

16. Maintenance and Ownership of Common Facilities and Open Space

- a.** Any common facilities or open space areas designated in subdivisions shall remain undivided. Ownership of open space may be by an undivided interest of each lot owner, by the lot owners association, or by a recognized land trust or conservancy, such as but not limited to the Nature Conservancy or the Trust for Public Land, open space or recreation areas may be dedicated to the County or City only if the affected County or City agency agrees to accept such dedication. Any lot/home owners association that will have ownership of common facilities or open space shall meet the following criteria:
- 1) The association shall be responsible for insurance and taxes on the facilities or open space. The association shall have the authority to place liens on the property of any of its members who fail to pay their association dues in a timely manner.
 - 2) The association shall have adequate staff to manage the common facilities, maintain its property in good condition, and handle the financial and business affairs of the association.
 - 3) The association shall prepare an annual report and provide a copy of the report together with a list of association officers to the Area Plan Commission.
 - 4) Any land trust owning such property shall be an incorporated non-profit organization having as a primary purpose the conservation of open space, natural areas, and/or agricultural land.

17. Survey and Plat Preparation Standards

- a.** All surveys shall be conducted and plats prepared in accordance with the Indiana Survey Standards adopted by the Indiana Society of Professional Land Surveyors and any amendments thereto. In the event of any difference between those standards and this Ordinance, the stricter requirement shall apply.
- b.** All plats shall be neat, legible, reproducible, and reducible.
- c.** All plats shall contain a legend using standard symbols.

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Article 5. Violations and Penalties ()

A. Civil Zoning Violation

Any person who uses property in violation of this ordinance shall be deemed to have committed a civil zoning violation, and the staff may issue a citation. Each day a violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, realtor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

B. Nuisance Declared

Any buildings erected, raised or converted, or land or premises used in violation of any section of this Ordinance or regulation thereof is hereby declared to be a common nuisance and the owner thereof shall be liable for maintaining a common nuisance, which may be restrained or enjoined or abated in any appropriate action or proceeding.

C. Ordinance Violation

Any person who violates any article of this Ordinance or regulation thereof or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this Ordinance, shall be guilty of an ordinance violation

D. Complaint

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a telephone or written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the staff and the name of the complainant held confidential. Complaints and resulting records will be held confidential and maintained in accordance with the Whistleblowers Act of 2001.

The Executive Director shall properly record such complaint and immediately investigate. If evidence elicited by such investigation is sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, the staff will send a letter notifying the owner of the violation and of the necessary corrective action. A suspense of five (5) workdays will be set. If no action is begun within the suspense, the Executive Director will issue a warning ticket in accordance with this Section. A suspense of five (5) workdays will be set. If no action is begun within the suspense, the Executive Director will issue a citation in accordance with this Section and assess fines accordingly and/or file with the Area Plan Commission Attorney a complaint against the person cited requesting action thereon as provided by this Ordinance and in accordance with law

E. Penalties

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Any person who violates any Section of this Ordinance or regulation thereof or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this Ordinance, shall be guilty of an ordinance violation and upon conviction, shall be fined in a sum not less than \$100 nor more than \$500 for each day' s violation.

1. Corrective Actions

a. Electing to Petition the Plan Commission or Board of Zoning Appeals

A person who receives a notification letter, warning ticket or a citation may file a petition for an exception to the provisions of this ordinance, a variance, a conditional use variance, rezoning or other means provided by this ordinance to correct the violation. A person who elects to file such a petition shall indicate this intent on the warning ticket or citation and return it to the staff within the five (5) workday suspense specified in the notification letter, warning ticket or citation.. A person who elects to file a petition shall have five (5) workdays to do so. Additional monetary fines shall be stayed upon receipt of the notice of intent.

If the petition is denied, withdrawn, or dismissed for want of prosecution, the Board shall establish a time limit for correction of the violation, not to exceed 30 calendar days. No fines shall be assessed during this correction period. After that time, if the civil zoning violation continues, then a lawsuit will be commenced by the designated enforcement entity in a court of competent jurisdiction in Scott County, Indiana

b. Electing to Stand Trial

A person who receives a citation may elect to stand trial for the offense by indicating on the citation his intent to stand trial and returning a copy of the citation to the issuing agency within five (5) work days. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and additional monetary fines shall be stayed upon receipt of the notice. The notice shall be given before the date of payment set forth on the citation. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the Area Plan Commission Attorney in a court of competent jurisdiction in Scott County. The matter shall be scheduled for trial, and a Summons and an Order to Appear shall be served upon the Defendant.

c. Fines

Fines for a civil zoning violation are as follows;

1) First Violation	\$100
2) Second Violation	\$150
3) Third Violation	\$250
4) Fourth Violation	\$500
5) Each Subsequent Violation	\$500

In no event shall the total monetary fine for each violation exceed \$2,500.00. All fines prescribed by this article for civil zoning violations shall be paid in

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accordance with the provisions of Indiana law and the ordinances of The City of Scottsburg or Scott County.

The staff may issue a civil zoning violation to a person who commits a civil zoning violation, to the legal owner, the contract vendee, or any person or entity with a possessor interest in the real estate upon which the violation occurs. The citation may be served by personal service, by certified mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a person that he or she has committed a civil zoning violation.

No citation shall be issued for the first offense unless the person who commits a civil zoning violation, or the legal owner, the contract vendee, or any person or entity with a possessor interest in the real estate upon which the violation occurs has been issued a warning ticket. Unless a compliance deadline has already been established by the Board of Zoning Appeals or Plan Commission, an Improvement Location Permit, or Certificate of Occupancy, said person shall be allowed not less than five (5) workdays before the issuance of the citation to correct the violation. A longer time may be granted at the discretion of staff, based upon the nature of the violation and the time required to correct it, provided that the time allowed shall not exceed 30 calendar days.

F. Referral

If a person who receives a citation and fails to pay the assessed fine by the date of payment set forth in the citation and fails to give notice of his intention to stand trial as prescribed in this Ordinance, the Area Plan Commission Attorney may file a civil lawsuit as provided by applicable laws and seek penalties as prescribed in this Ordinance.

A person adjudged to have committed a civil zoning violation is liable for the Court costs and fees. No cost shall be assessed against the enforcement agency in any such action.

Seeking a civil penalty as authorized by this section does not preclude the Area Plan Commission, County or City from seeking alternative relief from the court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of this Ordinance.

G. Injunction

The Commission, Board of Zoning Appeals or any designated administrative official may institute a suit or injunction in the Circuit or Superior Court of Scott County to restrain any person from violating the Sections of this Ordinance.

The Commission may institute a suit for mandatory injunction directing a person to remove a structure erected in violation of the Sections of this Ordinance or to make the same comply with its terms. If such Commission is successful in its suit, the respondent shall bear the costs of the action including reasonable attorney' s fees.

Nothing herein contained shall prevent the County or City from taking such other lawful action as is necessary to prevent or remedy any violation.

H. Change of Venue

A change of venue from Scott County shall not be granted in such a case, as provided in IC 36-7-4-1014.

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I. Timeline

A timeline of actions under this Ordinance could proceed as follows:

Day	1	Complaint	
	2	Investigation	
	3	Investigation	
	4	Investigation	
	5	Notification Letter	
	6	Weekend	
	7	Weekend	
	8	Suspense Workday	
	9	Suspense Workday	
	10	Suspense Workday	
	11	Suspense Workday	
	12	Suspense Workday	
	13	Weekend	
	14	Weekend	
	15	If no action > Warning or referral	If action > proceed with action
	16	Suspense Workday	
	17	Suspense Workday	
	18	Suspense Workday	
	19	Suspense Workday	
	20	Weekend	
	21	Weekend	
	22	Suspense Workday	
	23	If no action > citation or referral	If action > proceed with action
	24	Letter and Notice of Fine \$100	If action > proceed with action
	25	Letter and Notice of Fine \$150	If action > proceed with action
	26	Weekend	
	27	Weekend	
	28	Letter and Notice of Fine \$250	If action > proceed with action
	29	Letter and Notice of Fine \$500	If action > proceed with action
	30	Letter and Notice of Fine \$500	If action > proceed with action
	31	Letter and Notice of Fine \$500	If action > proceed with action
	32	Letter and Notice of Fine \$500	If action > proceed with action
	33	Weekend	
	34	Weekend	
	35	Matter referred to Plan Commission Attorney	

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Article 6. Definitions and Rules of Interpretation

A. Meaning and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent.

B. Text Controls

In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, or figure, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

D. Computation of Time

Unless the terms of a specific provision state otherwise (e.g., some provisions specify "business days"), periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

E. References to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

F. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of The City of Scottsburg or Scott County, unless otherwise expressly stated. Whenever reference is made to a public official, Ordinance or name of a public agency, that reference shall be construed as referring to the most up-to-date Ordinance or agency name, or to the relevant successor official or agency.

G. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the County or City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

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H. Technical and Non-Technical Words

Words and phrases not otherwise defined in this Ordinance shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Ordinance that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

I. Mandatory and Discretionary Terms

The word “shall” is always mandatory, and the words “may” or “should” are always permissive.

J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. And indicates that all connected items, conditions, provisions, or events shall apply; and
2. Or indicates that one or more of the connected items, conditions, provisions, or events shall apply.

K. Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

L. Gender

The masculine shall include the feminine, and vice versa.

M. Definitions

1. **AASHTO** means the American Association of State Highway and Transportation Officials
2. **Access easement** means a private way meeting the standards of this Ordinance that provides access to lots, tracts or parcels of land in a “Minor” subdivision of land.
3. **Alley** means a minor way that provides vehicular access to the back side of property that abuts a street.
4. **Applicant** means the owner or authorized representative thereof of land proposed for subdivision.
5. **As-built plans** means a drawing or drawings accurately indicating the location and design details of all improvements installed in relation to the subdivision.
6. **Basic subdivision** means a subdivision meeting the criteria in Article 2.

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7. **Block** means property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection of an intercepting street and railroad right-of-way, waterway or other definite barrier. For purposes of this definition, a cul-de-sac less than 100 feet in length does not constitute an intersecting or intercepting street.
8. **Building line** means a line parallel to the street line touching that part of a building closest to the street. (See setbacks)
9. **Building site** means the three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks and is large enough to accommodate the principal structure, any on-site sewage disposal system, and customary accessory structures such as garages, decks, and patios.
10. **Cluster septic treatment system** means a waste disposal system serving more than one lot and in which solids and grease are removed in one or more septic tanks and the effluent discharged to a common drainage field.
11. **Commission** means the Scott County Plan Commission.
12. **Community sewer system** means a package wastewater treatment plant or a cluster septic treatment system.
13. **Comprehensive Plan** means the complete plan or any of its parts for the development of Scott County adopted in accordance with the 500 Series of the Indiana Code as is now or may hereafter be in effect.
14. **Construction plans** means any maps or drawing accompanying a subdivision plat showing the location and design details of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance.
15. **County Commissioners** means the Board of County Commissioners of Scott County, Indiana.
16. **County Extension Educator** means the Scott County Extension Educator.
17. **County Highway Engineer** means the Scott County Highway Engineer.
18. **County Health Department** means the Scott County Health Department.
19. **County Surveyor** means the Scott County Surveyor.
20. **Covenant** means a restriction placed on the development or use of land through a written, recorded instrument.
21. **Department** means the Scott County Area Plan Commission.
22. **Developer** means any individual subdivider, firm, association syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land. (See Subdivider)
23. **Development agreement** means a document that establishes the contractual relationship between the developer of a subdivision and the

Subdivision Control Ordinance of Scott County, Indiana

County or City for the installation of improvements in accordance with the standards and specifications set forth in this Ordinance.

24. **Drainage swale** means a natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.
25. **Drainage system** means any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of this Ordinance.
26. **Easement** means a grant by the property owner of the use of part of the owner's land by another for a specified purpose.
27. **Erosion** means the wearing away of the land surface by the action of wind, water or gravity.
28. **Floodway** means that area shown on the Scott County Flood Boundary and Floodway Maps of current adoption as meeting the definition of floodway promulgated by the Federal Emergency Management Agency and the Indiana Department of Natural Resources.
29. **Floodway fringe** means that area shown on the Scott County Flood Boundary Maps of current adoption as meeting the definition of floodway fringe. promulgated by the Federal Emergency Management Agency (FEMA) and the Indiana Department of Natural Resources.
30. **Flood hazard area** means any floodplain, floodway, floodway fringe district or any combination thereof as illustrated on the flood boundary and floodway map prepared by the Federal Emergency Management Agency (FEMA). This is the area immediately affected by floodwater during a "one-hundred-year flood."
31. **Floodplain** means the floodway and the floodway fringe and any other areas indicated on the Flood Boundary maps as "flood prone areas" for which no data are available.
32. **Flood protection grade** means the following:
 - a. For residential buildings, the elevation of the lowest floor of a building or structure. If a building contains a basement, the basement is considered the lowest floor.
 - b. For commercial and industrial buildings, the water surface elevation from which the building is protected according to standards and specifications established by the Federal Emergency Management Agency.
33. **IDEM** means the Indiana Department of Environmental Management.
34. **IDNR** means the Indiana Department of Natural Resources.
35. **INDOT** means the Indiana Department of Transportation
36. **Improvement plans or drawings** means the maps, drawings and text accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance

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with the requirements of this chapter as a condition of the approval of the plat.

37. **ISDH** means the Indiana State Department of Health.
38. **Landscape screen** means any combination of fences, walls, hedges, shrubs, trees and other landscape materials which effectively provide a solid, dense and opaque mass, to prohibit view, absorb sound and provide site delineation. Such screen shall provide total opacity throughout the year.
39. **Legal description** means a property description recognized by law that defines boundaries by reference to government surveys, coordinate systems, or recorded maps and is sufficient to locate property with oral testimony.
40. **Legal Lot of Record** means a lot created in accordance with applicable land use regulations and shown on a plat and described on a deed in the Office of the County Recorder.
41. **Legal Standing** determines whether a person, company or organization is allowed to bring legal action or testify. Only an injured or directly affected party has legal standing
42. **Lot** means, for the purpose of these regulations, a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated, maintained public street, approved private street, or access easement.
43. **Lot, Corner** means a lot having frontage on two perpendicular streets or that fronts on two streets/roads that intersect at the boundaries of the lot.
44. **Lot, double-frontage** means a lot having frontage on two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.
45. **Lot frontage** means the linear distance of a lot measured at and along the front lot line where the lot abuts a street or other approved access.
46. **Lot width** means the distance between side lot lines as measured at and along the front setback line.
47. **Manual on Uniform Traffic Control Devices** means the book by that title prepared by the Joint Committee on Traffic Control Devices, U.S. Department of Commerce, Bureau of Public Roads, as amended.
48. **Major subdivision** means all subdivisions other than Basic and Minor Subdivisions, meeting the applicability requirements set forth in Article 2 (minor plat applicability) or the definition of "Basic subdivision."
49. **Minor subdivision** means a division of land fronting an existing public right-of-way, not requiring any new streets, alleys, roads or opening of a new public right-of-way and which complies in all other respects with this subdivision control ordinance and the zoning ordinance of the County.

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50. **NRCS** means the Natural Resources Conservation Service
51. **Open space** means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment.
52. **Open space, common** means land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.
53. **Owner (legal title)** means the person(s) listed in the most recent official records of the County Recorder.
54. **Package wastewater treatment plant** means a prefabricated mechanical treatment facility installed to treat the sewage generated from the lots in a subdivision.
55. **Parent tract or property** means the land from which the new lot or tract of land is being taken, as recorded in the recorder' s office at the time of adoption of this Ordinance. No lot created after the effective date of this Ordinance shall be considered to be a parent tract.
56. **Person** includes an individual, corporation, firm, partnership, association, organization or any other unit or legal entity.
57. **Petitioner** means the owner(s) of land proposed to be subdivided or his/her representative.
58. **Plat** means a map indicating the subdivision or resubdivision of land, and intended to be recorded in the Scott County Recorder' s plat books.
59. **Plat committee** means a committee appointed by the Commission to review and act upon minor plats.
60. **Plat, Final** means a drawing prepared in accordance with the provisions of this ordinance, submitted for secondary approval and intended for recording.
61. **Plat, Minor.** See minor subdivision.
62. **Primary approval** means approval granted by the Commission to a preliminary plat for a Minor or Major Subdivision. The primary approval shall include all conditions needed to bring the plat into conformance with this ordinance.
63. **Principal building** means a building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling).
64. **Resubdivision or replat** means any change in a map of a recorded subdivision plat affecting any street layout, easement, area reserved for public use, lot line, or affecting any map or plan legally recorded prior to the adoption of any regulations controlling subdivision. A replat shall be considered a minor plat, provided, that no new streets or roads or utility

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extensions are required. If streets or utility extensions are required, then the plat shall be considered a major subdivision of land.

65. **Secondary approval** means the final approval granted to a subdivision by the Commission or a designated representative. This approval authorizes the owner or agent to record the plat.
66. **Setback** means the distance between a building and any lot line.
67. **Setback line** means the line that is the required minimum distance from any lot line and that establishes the area within which the building or structure must be erected or placed.
68. **Street** means a right-of-way dedicated or otherwise legally established for public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name. A street may also be classified according to function as follows:
 - a. Expressways are limited-access highways that carry large volumes of traffic and are of more importance regionally than locally. They provide continuous, high-speed traffic flow.
 - b. Arterial streets are high-capacity, high-volume streets that provide access to and through the City or County. The primary function of these streets is traffic movement, not access to property.
 - c. Collector streets are medium-volume roads that collect and distribute traffic from lower-classification streets to arterials and expressways or activity centers. Traffic movement on these roads is a higher priority than access to property.
 - 1) Major collector streets are intended primarily for non-residential traffic. Direct access to property from these streets is extremely limited.
 - 2) Minor collector streets are intended primarily for residential traffic. Direct access to property from these streets is permitted under specified circumstances.
 - d. Local streets are medium-volume roads that form the majority of the County road or City Street network. Often they are part of the numbered County road or named City Street system and are typically longer than subdivision streets. While in some cases these streets may provide direct access to property, their primary function is traffic movement.
 - e. Subdivision streets are low-capacity, low-speed roads intended primarily to serve as direct access to property.
69. **Street, dead-end** means any street with only one outlet but having no paved turn-around at the closed end.
70. **Street, half** means a street for which only half the required right-of-way is dedicated or improved.

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71. Subdivider means any person who (1) having an interest in land, causes it, directly or indirectly, to be subdivided as defined herein, or (2) directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, or unit in a subdivision, or (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, or unit in a subdivision, or (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing. (See Developer)
72. **Subdivision** means the division of a parcel of land into two or more lots, parcels, sites, units, plats or interests for the purpose of offer, sale, lease, or development. It also includes re-subdivision or the grant of a right-of-way or other land interest.
73. **Subdivision, basic.** See Basic subdivision.
74. **Subdivision, major.** See Major subdivision.
75. **Subdivision, minor.** See Minor subdivision.
76. **Subsurface drainage** means a system of pipes, tile, conduit or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.
77. **Surface drainage** means a system by which the storm water runoff is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways, yards, etc., so that the stormwater runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.
78. **Thoroughfare plan (official)** means the part of the comprehensive plan, now or hereafter adopted which includes a major street and highway plan and sets the location, alignment, identification, and classification of existing and proposed public streets, highways and other thoroughfares.
79. **Wetland** means those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. The Indiana Wetlands Inventory Maps produced by the Indiana Department of Natural Resources Division of Water will be used as references in determining the size and location of wetlands.
80. **Zone A** means floodplain or floodway.
81. **Zoning Ordinance** means the Zoning Ordinance of Scott County, Indiana

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Article 7. Impact Fees (RESERVED)

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Article 8. Transfer of Development Rights (RESERVED)

Subdivision Control Ordinance of Scott County, Indiana

Subdivision Control Ordinance of Scott County, Indiana

Article 9. Adoption

This Ordinance is forwarded to the Common Council of The City of Scottsburg and the Board of Commissioners of Scott County, Indiana with a favorable recommendation by the Scott County Area Plan Commission this ----- day of June 2004.



Executive Director



Commission President

Subdivision Control Ordinance of Scott County, Indiana

2004-14

Subdivision Control Ordinance of Scott County, Indiana

Adoption (Continued)

This Ordinance shall be in force and effect from and after its passage by the Common Council of City of Scottsburg and the Board of Commissioners of Scott County, Indiana. Passed and adopted by the Common Council of the City of Scottsburg, Indiana this 26th day of June 2004.

Common Council

Charles M. Rose

Ray E. Johnson

Ricky Bantz

Ray Zallman

Dennis Y. [unclear]

Attest:

Kelly Pedraza
Clerk Treasurer

Approved:

William H. [unclear]
Mayor

Subdivision Control Ordinance of Scott County, Indiana

Subdivision Control Ordinance of Scott County, Indiana

Adoption (Continued)

This Ordinance shall be in force and effect from and after its passage by the Common Council of City of Scottsburg and the Board of Commissioners of Scott County, Indiana

Passed and adopted by the Board of Commissioners of Scott County, Indiana this --- day of June 2004.

Charles S. Meyer

Mark Spur

Carl A. Stout

Ira Gasaway

Auditor