

Kosciusko County Subdivision Control Ordinance Ord. #: 75-2

Adopted March 4, 1975 Misc. Record 53 Page 131
Revised March 16, 2021
Effective March 16, 2021

An ordinance regulating the subdivision and use of land, procedures to be followed in securing approval of subdivision plats and replats and basic requirements concerning construction, inspection, maintenance and acceptance of public improvements, within the territorial jurisdiction of the Kosciusko County Area plan Commission and the incorporated Town Limits of those municipalities participating in the County Area Plan Commission and/or Subdivision Control Ordinance, as part of the Comprehensive Plan for Kosciusko County, Indiana.

Article 1 – General Provisions

- 101 Short Title: This Code Section may be known, cited, and referred to as the County Subdivision Control Ordinance.
- 102 Purpose: This ordinance is adopted in accordance with the County Comprehensive Plan for the following purposes:
- 101.1 To assist the orderly and efficient development of the county.
 - 102.1 To provide common grounds of understanding and sound working relationships between the Area Plan Commission, various governmental entities involved and the Developer to promote the health, safety, and general welfare of all of the residents of the County.
 - 102.2 To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
 - 102.3 To improve land records by establishing standards for surveys and plats.
- 103 Compliance: No permit shall be issued to erect, alter, or repair any building upon land in any subdivision platted after March 1, 1975 unless and until a subdivision plan has been approved and recorded and until improvements required, connected therewith, have been constructed or guaranteed.
- 104 Hardship: Where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, the Plan Commission may make any reasonable exception to it which would not be contrary to public interests, and may permit the sale of a lot, issuance of a permit, and erection of a building, subject to conditions necessary to assure adequate streets and other required improvements.
- 105 Conflicts: If there is a difference between minimum standards or dimensions required by this ordinance and those required in any other Federal, State, or County law, regulation, ordinance, resolution, or rule, the highest standards shall govern.
- 106 Jurisdictional Area: No person shall subdivide any tract of land, which is located within the County, except in conformity with the provisions of this ordinance.

Article 2 – Definitions

- 201 Inclusions: Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular.
- 202 Terms: For the purpose of this ordinance the following terms shall have the meaning indicated, unless otherwise specifically stated.
- 202.1 Alley: A permanent service way providing necessary means of access to abutting lands.
- 202.2 Block: Property abutting on one side of a street, and lying between the two (2) nearest intersecting and intercepting streets and railroad right-of-ways, waterways, unsubdivided areas, or other definite barriers.
- 202.3 Board: The board of County Commissioners
- 202.4 Building: Any enclosed structure, or part thereof, affixed to the land.
- 202.5 Building Set – Back Line: The line indicating the minimum horizontal distance between the property line and the buildings, either at the front, side, or rear of the lot or tract.
- 202.6 Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.
- 202.7 Commission and Plan Commission: The County Area Plan Commission.
- 202.8 Comprehensive Plan: The County Comprehensive Plan indicating the general locations recommended for transportation facilities, community improvements, and land use.
- 202.9 Cross Walk or Way: A public right-of-way which crosses a block to furnish access for pedestrians to adjacent streets or properties.
- 202.10 Cul De Sac: A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.
- 202.11 Engineer: The County Engineer or the County Engineering Consultant
- 202.12 Easement: A grant by a property owner for the use of a strip of land by the general public, a corporation, or certain persons for specific purposes.
- 202.13 Erosion and Sedimentation Control Plans: Drawings showing structures required to retard the rate of runoff water and grading and excavating practices that will prevent erosion and sedimentation.
- 202.14 Half Street: One side of a street divided longitudinally by a centerline.
- 202.15 Health Board: The State Board of Health and the County board of Health.
- 202.16 Inspector: Any authorized representative of the County Highway Department, County Board of Health, and the County Area plan Commission, assigned to make any or all necessary inspections of the work performed and materials furnished by the developer.
- 202.17 Lot: A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.
- 202.18 Lot Depth: The mean horizontal distance between the front and rear lines of a lot.

- 202.19 Lot, double Frontage: A lot, the generally opposite ends of which both abut on a street.
- 202.20 Lot Width: The mean horizontal distance between side property lines of a lot.
- 202.21 Ordinance Administrator: an authorized representative of the Plan Commission assigned to review and check subdivision plats submitted to the Plan Commission for approval.
- 202.22 Person: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, including a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- 202.23 Planting Plans: Drawings showing the locations, age, size, species, and time of planting of any required grasses, vines, shrubs, and trees.
- 202.24 Plat: A map, chart, or drawing indicating the subdivision or re-subdivision of land, intended to be filed for record.
- 202.25 Street: A right-of-way, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive, or other appropriate name. A street may also be identified according to the type of use as follows:
- 202.25A Arterial Streets: A street providing for traffic movements between generating areas.
- 202.25B Collector Streets: Streets providing connection primarily between arterial streets or arterial and local streets.
- 202.25C Local Streets: Streets serving primarily as access to abutting properties, not intended as major arteries carrying through traffic.
- 202.26 Subdivider: Any person as defined in the Ordinance who undertakes the subdivision of land as defined herein. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.
- 202.27 Subdivision: The division of any parcel of land shown as a unit, part of a unit, or as contiguous unit on the last preceding transfer or property, prior to March 1, 1975, into four (4) or more parcels, sites, or lots for the purpose, whether immediate or future, for the transfer of ownership; or the improvement of one or more parcels of land for Agricultural, Residential, Commercial, or Industrial structures of groups of structures involving the division and allocation of land as streets or other open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

The following shall not be considered a subdivision and shall be exempt from the requirements of this Ordinance:

- a. The division of land for into parcels or tracts of twenty (20) acres or more in size which does not involve any new streets or easements of access (For the purpose of this subsection the road right-of-way shall be included into the calculations as surveyed).

- b. The sale or exchange of parcels of land between owners of adjoining and contiguous land. Provided this sold or exchanged land is combined as part of the same tract of real estate with the contiguous owner's land and the transfer of land does not result in a net change in the number of tract of lands or the creation of a new independent tract of land. The above verbiage is amended in order to clarify and support the original intent and purpose of this section of the ordinance.
- c. The conveyance of parcels of land or interests and if for their use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access.
- d. The sale of land owned by railroad or other public utility, which does not involve any new street or easement of access.
- e. The conveyance of land for highway or other public purposes, or grants, or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with public use.
- f. Conveyance made to correct descriptions in prior conveyances made in settlement of property line disputes between abutting or adjoining property owners.

202.28 Technical Committee, Kosciusko County: Committee which reviews all plats and rezonings to appear before the Kosciusko County Area Plan Commission in order to comment on technical aspects and concerns. This committee provides recommendations based on their review to the Area Plan Commission Board

202.28 Watercourse: The meaning of watercourse shall include channel, creek, ditch, river, and stream.

202.29 Minor Subdivision: Any subdivision consisting of 1, 2, or 3 lots. For this definition only, lot shall include out lots or common areas.

202.30 Major Subdivision: Any subdivision plat containing 4 or more lots. For this definition only, lot shall include out lots or common areas.

Article 3 – Procedure for Submission of Plat

301 General: No person proposing a subdivision shall proceed with any grading and improvements for streets or installation of public utilities until the preliminary plat of the proposed subdivision is approved by the Plan Commission.

No person shall sell, transfer, lease, or otherwise convey any lot, parcel, or tract in a subdivision, or construct or commence the construction of any building in a subdivision until the final plat of the proposed subdivision is approved by the Plan Commission and recorded in accordance with any provisions of this Ordinance or unless issued a permit for it under any exception duly granted by the Plan Commission.

302 Advisory Meeting: A person desiring approval of a plat of a subdivision may appear before the Plan Commission to discuss that proposal prior to filing the application for primary plat approval. No fee or formal application shall be required for this meeting. The subdivider shall be prepared to discuss the details of the proposed subdivision, including such items as the proposed use, existing features of the area, existing covenants, land characteristics, availability of community facilities and utilities, size of the development, plat areas or public areas, proposed protective covenants, proposed utilities and street improvements. The subdivider may submit a sketch plan as outlined in Article 4.

303 Preliminary Zoning Requirements: No application for approval of a preliminary plat shall be submitted unless the land embraced within the proposed plat is, or has been rezoned to a land use consistent with the nature of the proposed plat; that is to say, with respect to a residential plat the land must be zoned “R” residential; with respect to a commercial plat the land must be zoned “C” commercial; and with respect to an industrial plat the land must be zoned “I” industrial.

304 Commercial and Industrial Plats: The subdivider shall not be required to show any specific interior tract or parcel sizes by letters or numbers when submitting a preliminary or final plat of a subdivision to be used solely for Commercial or Industrial purposes or for sub-specifications of those uses unless the Area Plan Commission requires it.

305 Preliminary Plat: The subdivider shall submit an application for approval of a preliminary plat to the Plan Commission.

305.1 The application shall be accompanied by the following:

- a. Four (4) copies of all maps and data as set forth in Article 403 of this Ordinance
- b. All Fees as specified under section 307

305.2 The Ordinance Administrator shall review the application and attendant documents for conformity with the provisions of this Ordinance, and within seven (7) days of their submission, inform the applicant of any deficiencies in

the document submission in writing. Should the application and attendant documents meet the requirements of this Ordinance, the Ordinance Administrator shall prepare a written report and his recommendations to the Plan Commission, in duplicate, and forward the original to the applicant, advising the applicant of the date of the hearing upon the application before the Plan Commission. The applicant shall cause notice of the hearing upon the application to be published in accordance with IC 36-7-4-700 et seq.

- 305.3 The Plan Commission shall hear the application and grant the plat primary approval or within thirty (30) days shall inform the subdivider that plans and data do not meet the requirements of this Ordinance and supply the subdivider with a written statement indicating the reasons for the rejection of the plat. If the primary approval is granted the Plan Commission shall send one (1) copy of each of the maps and data sheets submitted to the Ordinance Administrator within seven (7) days after said approval, and deliver one (1) copy of these documents to the subdivider. Any hearing, upon a preliminary plat application, may upon good cause shown, be continued by motion of the subdivider or upon motion of the Plan Commission.
- 305.4 After the hearing, the Plan Commission shall approve the plat proposed in the application subject to the receipt of an acceptable final plat as set forth in Article 404 of this Ordinance, or shall conditionally approve or disapprove the plat setting forth the conditions and its reasons and provide the subdivider with a copy in writing.
- 305.5 Primary approval of the preliminary plat shall be effective for a maximum period of twelve (12) months, provided that submission within that twelve (12) months period of a final plat applying to a portion of the area covered by the preliminary plat shall extend to effective period of primary approval to a maximum of twenty-four (24) months from the date of primary approval of the preliminary plat. If the subdivider does not submit a final plat approval within the time limit established by this subsection, primary plat approval shall expire and the plat shall be submitted to the Area Plan Commission for primary approval before secondary approval is granted.

306 Final Plat: The final plat shall conform substantially to the preliminary plat as approved. In the instance that a guarantee is posted, as noted in section 306.1c, all improvements shall be completed within a three (3) year period. In the instance that the developer does not complete such improvements the Plan Commission shall draw on the guarantee to install said improvements.

306.1 The final plat shall be accompanied by:

- a. Two (2) black or blue line prints and one (1) 18" x 24" reproducible print of the plat on Mylar or linen.
- b. A certificate that all improvements required by this Ordinance and all other applicable Federal, State, or County laws have been installed in that subdivision in strict accordance with the specifications filed with the Plan Commission; or

- c. An adequate guarantee, approved by the County Area Plan Commission, and drawn to Kosciusko County, that the improvements will be subsequently installed which may be, but not necessarily limited to, the following:
 - 1. A bond, which is automatically annually renewed, which shall be in favor of the Board in an amount to be fixed by the County Area Plan Commission sufficient to complete the improvements in compliance with the terms and provisions of this Ordinance; or
 - 2. A deposit of cash or securities in escrow in an amount sufficient to complete the improvements in conformity with the terms and provisions of this Ordinance and subject to the approval of the County Area Plan Commission of the terms and conditions of that escrow; or
 - 3. Any other method or system, satisfactory to the County Area Plan Commission, which will adequately guarantee the completion of the improvements required by the terms and provisions of this Ordinance, within a reasonable period of time.

306.2 If the Area Plan Commission finds that the final plat is in accordance with the requirements of this Ordinance, it shall grant the plat secondary approval. The Commission shall affix its seal upon the plat and the President and Secretary of the Commission, or their authorized representatives, shall endorse the plat and return it to the subdivider. If the Commission disapproved the final plat, the President shall attach a written statement of the reasons for the disapproval to the original tracing of the final plat and return the plat and statement to the subdivider within seven (7) days.

307 Fees:

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|----------------------------------|---|
| Minor Subdivision 1-3 lots | \$150 |
| Major Subdivision 4 or more lots | \$350 |
| Replat | \$150 + \$50 per lot when more than 3 lots |
| Plat Vacation | \$150 |

Article 4 – Plat Specifications

401 General: General subdivision information should describe or outline the existing conditions of the site and the proposed development as a necessary supplement to the drawings listed below. This information may include data on existing covenants, land characteristics, a location map, and available community facilities and utilities. It should also include information describing the subdivision proposal such as the number of residential lots, typical lot width and depth, business areas, school, park area, and other public areas, proposed protective covenants, proposed utilities and street improvements.

In a subdivision for residential use of five (5) lots or less where the lots abut existing public roads and utilities, the Plan Commission may waive data requirements such as topographic, street and utility information if the Plan Commission deems that information unnecessary.

402 Sketch Plan: The subdivider may prepare a sketch plan to present to the Plan Commission at the Advisory meeting. This plan may be drawn as a freehand sketch and does not require precise dimensions or any special sheet size. This sketch plan may be used to show the Plan Commission the location, proposed street layout and lot layout and other significant features of the proposed subdivision.

403 Preliminary Plat: The following maps and data, prepared and certified by a professional land surveyor licensed in the state of Indiana, shall be submitted with the application for primary approval. These maps and data may be on separate sheets or combined on one sheet, depending upon the size and complexity of the proposed subdivision.

403.1 A location map of the proposed subdivision showing:

403.11 A site map showing subdivision locations within the County.

403.12 The zoning of the tract and adjacent properties.

403.13 The relationship of existing streets and the distance therefrom.

403.2 A plan of the proposed subdivision and all lands within one hundred (100) feet of its boundaries showing:

403.21 Sufficient elevations of highs and lows to permit general determination of the topography. The Plan Commission may, if the situation warrants, request a contour map of the site with contours at intervals of two (2) feet. All elevations shall be based on the mean sea level datum as established by the U.S. Coast and Geodetic Survey.

403.22 The character and location of natural or artificial features existing on the land which would affect the design of the subdivision, such as wooded areas, streams, embankments, retaining walls, or buildings. If sufficient detail can be shown, aerial photographs may be used to satisfy this requirement.

- 403.23 Existing and proposed streets and right-of-way, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, stub right-of-ways, and sidewalks.
- 403.24 Existing and proposed easements, including widths and purposes.
- 403.25 Utilities, including the size, capacity, and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, and power lines, including locations for future sewer and water expansions.
- 403.26 Soils map of the area including information on ground water and soil capabilities and flood plain information. This information can be obtained from the County Soil Survey of the Soil Conservation Service and should include but not be limited to 100 year flood elevations, delineated flood zone locations, and existing bench mark locations.
- 403.27 Tract boundary lines by calculated distances and bearings.
- 403.28 Title, graphic scale, north arrow, and date, and legal description of the tract being subdivided on an eight and half by eleven (8.5" x 11") sheet of paper.
- 403.3 A subdivision plat of the proposed subdivision drawn to a scale of not less than one hundred (100) feet to one (1) inch showing:
 - 403.31 Subdivision name (which shall not duplicate existing subdivision names in the County).
 - 403.32 Names of owner, subdivider, and persons who prepared the plat.
 - 403.33 Street pattern, including the names, (which shall not duplicate existing streets in the County unless it is an extension of an existing street) widths of right-of-way of streets, widths of easements, and approximately grades of streets.
 - 403.34 Layout of lots, including dimensions, numbers, building set-back lines or front yard lines (which should be at or greater than those setbacks required by the Kosciusko County Zoning Ordinance), and flood plain lines (indicating where flood plain zones merge) where considered necessary.
 - 403.35 Parcels of land to be dedicated or reserved for schools, parks, playgrounds, or other public or community use.
 - 403.36 Key plan, legend, notes, graphic scale, north arrow and date.
- 403.4 Engineering plans for the proposed subdivision showing:
 - 403.41 Profiles, cross sections, and specifications for proposed street improvements in accordance with the Kosciusko County Highway Department specifications or effected City or Town.
 - 403.42 Profiles and other explanatory data concerning the installation of the water distribution system, storm sewers, and sanitary sewers for development area.
 - 403.43 A letter or report on the feasibility of connection to an existing sewage system, including distances to the nearest public sewer, service load of the subdivision, and the capacity of the treatment plant.
 - 403.44 If connection to a public sewage system is not feasible, a letter or report on the feasibility of a separate sewage system and treatment

works for the subdivision, including design capacity, type and location of treatment plant and the receiving stream.

403.45 If connection to a public or private sewage system is not feasible, a letter or report on the feasibility of on-lot sewage disposal, including in that report information on the physical condition of the site as to contours, finished grade, watercourses, and ground water elevations necessary to support the report if it is favorable to on-lot sewage disposal installations.

403.46 Soil and water conservation: The Area Plan Commission, upon determining from a review of the preliminary plat by the representatives assisting the County Soil and Water Conservation District that the soil, slope, vegetation, and drainage characteristics of the sites are such as to require substantial cutting, clearing, grading, and other earth-moving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications prepared by a registered professional engineer using the Standards and Specifications for Soil Erosion by the U.S. Soil Conservation Service and a detailed stormwater and erosion control plan which meets all standards spelled out in the Kosciusko County Stormwater and Erosion Control Ordinance as well as complying with all state and federal regulations and requirements.

403.47 Restrictions: A draft of the protective covenants of the private restrictions to be adopted in the final plat.

403.5 Restrictive Farm Covenants:

403.61 Agriculture II subdivisions shall place the below covenant on the face of the recorded plat which prohibits any property owner within the plat to remonstrate or complain about normal farm activity.

403.62 Residential subdivisions, which are directly abutted or adjacent to an agricultural district, shall be required to place the below listed non-remonstrance covenant on the face of the recorded plat.

The following covenant shall be recorded on the above plats:

“No owners of any lot or other parcel within this plat shall at any time remonstrate against or attempt to cause the cessation of any legal farming operation within the immediate vicinity of the plat on the basis that such farming operation, whether now or existing or existing in the near future, interferes with the residential use of the lot or tract owned by the person or persons remonstrating. Any person accepting title to a lot or tract within this plat acknowledges that general agriculture areas exist adjacent to this plat and that activities on such agricultural areas may result in normal farm interferences such as noise, odor, dust, agricultural implement traffic, unusual hours, and other normal agricultural uses.”

404 Final Plat: The final plat and data, prepared and certified by a professional land surveyor licensed in the state of Indiana, shall be drawn to a scale of not less than one hundred (100) feet to one (1) inch. The final plat shall be drawn in ink on tracing cloth or other permanent plastic base that will be eighteen (18) inches by twenty-four (24) inches. The final plat shall show the following:

- 404.1 Subdivision name, names of owner and subdivider, graphic scale, north arrow, date, certificate of approval of Plan Commission.
- 404.2 Survey data including a legal description of the tract being subdivided with certificates by a registered land surveyor and marked with his or her seal and number.
 - 404.21 Calculated and actual measurable distances and bearing of the subdivision boundaries, lots, utility easements, streets, alleys, building set-back lines, and parcels of reserved or dedicated land for community purposes.
 - 404.22 Location and distances to the nearest established street corners or official monuments, and the streets intersecting the boundaries of the subdivision.
 - 404.23 Location of control monuments.
 - 404.24 Complete curve data.
 - 404.25 Lot numbers and street names.
- 404.3 Notations indicating whether improvements are to be dedicated or not.
- 404.4 IC 36-9-27-33, shall be placed on the face of all recorded plats that are effected by any county maintained or regulated ditches or tiles.

Article 5 – Design Standards

501 General: The Commission shall not grant primary or secondary approval to any plat unless the land where any building or structure is to be erected can be used for building purposes without undue danger to health, or peril from fire, flood, or any other hazard.

502 Natural Features: Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed material, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography. All erosion control methods shall conform with the below in addition to any regulations or requirements spelled out in the Kosciusko county Stormwater and Erosion Control Ordinance or any other local, state, or federal regulations or ordinances. In the instance that there is contradiction the more restrictive shall be followed.

502.1 In subdivisions where earth moving is necessary, the subdivider shall stockpile the top six (6) inches of earth to be removed and when the rough grade is accomplished the topsoil shall be redistributed across the proposed lots, making it easier to establish lawns and landscaping features. Using topsoils for subsurface filling can create stability problems and therefore shall not be used for this purpose.

502.2 Existing flora: The subdivider shall make an effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails.

Those trees are to be protected and preserved during construction in accordance with sound conservation practices recommended by the most recent edition of the U.S. Department of Agriculture in Agriculture information Bulletin No. 285 “Protecting Trees Against Damage from Construction Work”, U.S.

Government Printing Office. This bulletin is incorporated by reference into this section. Two (2) copies are available on file in the office of the County Auditor and are available for public inspection. Those trees are to be preserved by well islands or retaining walls whenever abutting grades are altered.

502.3 Tree cutting and shrubbery clearing shall be so conducted as to prevent erosion and sedimentation and improve scenic qualities.

The Area Plan Commission may require a review of cutting, clearing, and earth moving by County Soil and Water Conservation District Supervisors, and State Department of Natural Resources, and the State Stream and Lake Pollution Control Board.

502.4 Temporary vegetation and mulching shall be used to protect critical areas and permanent vegetation shall be installed as soon as practical.

502.5 Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

502.6 Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

503 Streets: The Plan Commission shall not approve any plat unless all streets shown on it shall be of sufficient width and proper grade and shall be so located as to accommodate the probable volume of traffic thereon, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets conforming to the County Transportation Plan.

503.1 Local streets shall be so planned as to discharge through traffic.

503.2 Whenever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of that street or alley, to the prescribed width, shall be platted within the proposed subdivision.

503.3 Half streets shall not be provided, except where it is essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, or where it becomes necessary to acquire the remaining half by condemnation so it may be approved in the public interest.

503.4 Cul-de-sacs shall not be longer than five hundred (500) feet, including a turnaround, which shall be provided at the closed end with an outside curb radius of at least thirty-six (36) feet and a right-of-way radius of not less than fifty (50) feet. The maximum grade of the turnaround portion of the cul-de-sac shall be five (5) percent.

503.5 Alleys shall not be provided in residential districts, but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes.

503.6 The minimum distance between centerlines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be one hundred twenty five (125) feet unless it is an in-line street intersection.

503.7 Intersections of more than two (2) streets at one point shall be avoided.

503.8 Temporary dead-end streets may be permitted where the approved preliminary plat shows the street will extend to conform to the provisions of this Ordinance, or to provide access to adjacent property where deemed necessary by the Plan Commission to provide for an adequate flow of future traffic, provided the length of that dead-end street shall not be greater than four hundred twenty (420) feet. A circular right-of-way in excess of the required street right-of-way at the terminus of the temporary dead-end street shall not be required.

503.9 The Plan Commission may increase right-of-way requirements, upon the advice of the County Engineer, if it determines an increase to be required due to anticipated traffic flow or if drainage easements should reasonably parallel those thoroughfares.

503.10 Paving widths, and curb specifications, if curbs are required to be installed, shall be determined by the Plan Commission based upon factors, among others, of the overall design concept of the proposed subdivision, traffic patterns and

densities, the availability of on or off–street parking, and those standards as adopted by the State and Local authorities. Minimum right–of–way widths, angle intersection, curb radius, distance along sides of right triangles, horizontal alignments, as well as maximum grades shall be in accordance with the following table:

| | Arterial Street | Collector Street | Local Street | Cul-de-sac | Cross Walk | Alley |
|--|------------------------|-------------------------|---------------------|-------------------|-------------------|--------------|
| Right-of-way Width | 60' | 60' | 50' | 50' | 12' | 30' |
| Prepared Base Width* | 36' | 36' | 36' | 36' | 10' | 20' |
| Maximum Grade | 7.5% | 12% | 14% | 14% | --- | 14% |
| Minimum Angle for Intersection | 90° | 90° | 80° | 80° | --- | 80° |
| Minimum Curb Radius | 35' | 25' | 20' | 20' | --- | 10' |
| Grades for 25' Before Intersection | 3% | 3% | 3% | 3% | ---- | 3% |
| Horizontal Alignment (Minimum sight Distance) | 600' | 400' | 200' | 100' | --- | 100' |
| Vertical Curves (Minimum sight Distance) | 500' | 350' | 200' | 100' | --- | 100' |

❖ Driving surface width as required by the County Road & Street Standards (Section 36-7-4-406 of the County Code)

504 Blocks: The minimum length of a block shall be four hundred (400) feet. Blocks shall not ordinarily exceed this length, pedestrian ways, easements, or both may be required near the center of the block.

505 Lots: The lot and yard sizes shall conform with the requirements of the County Zoning Ordinances and the lots shall be designed in accordance with the following design standards:

505.1 Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private vehicle purposes and shall be served by a

public or private street system, established in accordance with this Ordinance and connected to the Count Highway street system.

- 505.2 Side lines of lots shall be approximately at right angles to straight streets and on radial lines on curved streets whenever feasible. Pointed or very irregular lots shall be avoided unless such variations shall improve the over-all neighborhood design.
- 505.3 Double frontage lots shall be avoided unless the subdivision is adjacent to a platted road, then it may be desirable to place the rear of the lots against that road. Corner lots do not fall within this category.
- 505.4 Corner lots shall have extra width of twenty five (25) percent to permit the establishment of building setback lines.
- 505.5 Lots abutting a watercourse shall have additional minimum width or depth to provide adequate minimum usable area.

- 506 Easements: Where alleys are not provided, easements for utilities shall be platted. Those easements shall have a minimum width of twenty (20) feet, and where located along interior lines, one-half (1/2) the width should be taken from each lot. Before determining the location of those easements, the subdivider shall discuss the planned locations with all affected utility companies to assure the proper placing for the installation of services.

Guy line easements shall be provided, where necessary, as prescribed by the utility companies.

If a subdivision is traversed by a watercourse, the subdivider shall provide a storm water easement or drainage right-of-way as required by I.C. 36-9-27.

Where paths and trails are proposed they shall not exceed fifteen (15) feet in width and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.

All utility easements as dedicated on the face of the plat shall be kept free of all permanent structures, including but not limited to septic systems and all associated components, and the removal of any obstructions such as structures, trees, shrubbery, fences, or other installations thereon, whether temporary or permanent, by a utility company in no way obligate the utility company in damages, or to restore the obstruction in its original form.

- 507 Water and Sewer System: The water supply and sewage disposal systems for the subdivision shall meet the design standards and requirements of the State and County Boards of Health.
- 508 Planned Unit Development: The design standards of this Ordinance may be modified by the Plan Commission in the case of a plan utilized an unusual concept of development which meets the requirements of this section. The Planned Unit Development provision is intended to encourage original and imaginative subdivision

designs, which preserves the natural amenities of the site and provides for the general welfare of the County.

508.1 The unit plan shall be consistent with the spirit and intent of this Ordinance.

508.2 The area of land to be developed shall not less than five (5) acres.

508.3 Properties adjacent to the unit plan shall not be adversely affected.

Article 6 – Improvements

601 General: No subdivision shall be granted secondary approval until the Ordinance Administrator shall certify that the improvements described in the plans and specifications of the subdivider, together with agreements, meet the minimum requirements of all County Ordinances and Codes.

602 Monuments and Markers: The following monuments and markers shall be used:

602.1 Permanent monuments shall be of concrete with minimum dimensions of four (4) inches by four (4) inches, or six (6) inches in diameter, and thirty-six (36) inches long, with a metal dowel one-half (1/2) inch in diameter and at least twelve (12) inches long, imbedded so that the top of the dowel shall not be more than one-quarter (1/4) inch above the surface and at the center of the monument. Each monument shall be installed so that its top is level with the finished grade adjoining it.

602.2 Permanent monuments shall be installed at all quarter section points on the boundaries of, or within the area proposed to be platted; at the intersection of all boundary lines of the proposed plat; at the beginning and end of all curves and points of tangency of the perimeter of that plat; at the intersection of all street centerlines within said plat; and at such other points as are necessary to defiantly establish all major plat lines except those described individual lots. No two (2) permanent monuments shall be more that one thousand (1000) feet apart.

602.3 All lot corners not marked by concrete monuments shall be marked be galvanized or wrought iron pipe or iron or steel bars at least eighteen (18) inches long and not less than one-half (1/2) inch in diameter. The top of the pipe or bar shall be set level with the established grade of the ground.

602.4 In addition, a minimum of one (1) permanent benchmark shall be established for each twenty (20) acres, or fraction thereof subdivided and at a location designated be the Ordinance Administrator. This monument shall be of concrete with a minimum dimension of four (4) inches by four (4) inches, or six (6) inches in diameter, and forty-eight (48) inches long with a brass plate securely fastened to the surface. The number and elevation of the benchmark shall be inscribed on the brass plate. That elevation being based on mean sea level datum as established by the U.S. Coast and Geodetic Survey. That bench mark shall be established from a third order bench mark established by the U.S. Coast and Geodetic Survey or equal and shall have a maximum error in elevation of 0.05 M where M is the distance in miles.

603 Streets: All new streets dedicated or platted after March 1, 1975 shall be graded to the grades and dimensions shown on plans and profiles as approved by the Plan Commission and shall comply with the Road and Street Standards (County Code Section 36-7-4-406).

604 Storm Drainage:

604.1 All developments shall comply with the requirements and regulations spelled out in the Kosciusko County Stormwater and Erosion Control Ordinance.

604.2 If the area proposed to be platted is not located with regard to an adequate public storm sewer system, then all open ditches within the area proposed to be platted shall be graded and all pipes, culverts, intersectional drains, drop inlets, bridges, headwalls, and similar or related installations necessary to provide adequate surface water drainage of that area proposed to be platted, shall be constructed and installed in accordance with the plans and specifications submitted by the applicant.

604.3 Drainage ditches or channels shall have a minimum gradient of one tenth (.1%) percent.

605 Sidewalks: Sidewalks may be required to be constructed one (1) foot from the property lines of the lot and at intersections along that line as extended. The Board may require thoroughfares where heavier traffic volumes would present safety problems for pedestrians.

The minimum widths of sidewalks for thoroughfare streets and streets fronting on commercial, industrial, and multiple family development, where required, shall be five (5) feet. The minimum width of sidewalks for single family development shall be four (4) feet. The minimum thickness shall be four (4) inches along the frontage of lots.

606 Water Supply, Fire Hydrants, and Sanitary Sewer System: Before granting primary approval of a subdivision, the Plan Commission will consider the availability of sanitary sewer facilities, or the lack of them to the proposed subdivision. This determination shall be made with the advice of the Ordinance Administrator and the State Board of Health.

606.1 If the soils and land area permit County Board of Health approved sewage, on-lot systems may be permitted.

606.2A State approved community sewage disposal system serving the entire subdivision may be permitted.

606.3 If individual wells and septic tanks are to be located upon the same lot or tract, the subdivider shall furnish information to the Plan Commission demonstrating that the installation of these wells and septic tanks have received the approval of the State and County Boards of Health.

607 Erosion Control: The subdivider shall cause all grading, excavations, open cuts, side slopes, and other surface disturbances to be mulched, seeded, sodded, or otherwise protected so that erosion, siltation, sedimentation, and washing are prevented in accordance with plans and specifications and within such time periods approved by the Plan Commission.

- 607.1 Sod, if required, shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- 607.2 Shoreland drainage facilities shall, if required by the Plan Commission, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge directly into streams or lakes. The design criteria, the size, type, grades, installation of all storm drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Plan Commission.
- 607.3 All requirements laid out in the Kosciusko County Stormwater and Erosion Control Ordinance shall be met.

- 608 Public Utilities: Where it is determined to be practical and feasible, and at an equivalent cost, all new utility, telephone, and electrical lines shall be placed underground entirely throughout a subdivided area; these conduits or cables shall be placed in dedicated public way or easements when necessary in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.
- 609 Landscaping: All improved areas within the dedicated street area or other public use areas shall be graded and seeded in an approved manner.
- 610 Street Signs: Street name signs of a type adopted or approved by the Board shall be installed at each street intersection by the subdivider, on a location specified by the County Highway Department or County Ordinance.
- 611 Subdivision Indicator signs: Sub-Division Indicator structures are permitted in connection to any legally platted sub-division. Subdivisions approved by the Kosciusko County Area Plan Commission and/or recorded subsequent to the enactment of this amendment are permitted signs as specified within this section. The sign may designate the subdivision entrance with the development/subdivision name and address.

Subdivisions requesting signs under this section of the ordinance must show on the preliminary and final plat the intended and delineated sign easement.

All sign proposals must have review by the Kosciusko County Technical Committee and approval by the Kosciusko County Area Plan Commission. The Kosciusko County Technical Committee may review the structure proposal at the time of preliminary plat review if the below documents and information are provided at such time. If all required documentation is not provided or the developer wishes to wait until a later date the proposal must be submitted within 48 hours of the next Kosciusko county Technological Committee meeting and will be acted on in the same fashion as a final plat at the subsequent Area Plan Commission meeting.

1. Required documentation including but not limited to full elevation drawings and scaled drawings, of the proposed sign / monument indicating the size of the signage, the size of the base, and the location of the sign.
2. A copy of the private restriction indicating the party responsible for future maintenance.

The Kosciusko County Technical Committee will evaluate the proposed sign on a site-by-site basis taking into consideration the following;

1. Will the location and placement of the sign be so as not to cause problems of sighting from any existing driveways, right-of-ways, or intersections
2. Is the sign illuminated in any manner, which causes undue distraction, confusion, or hazard to traffic, or reflect light upon adjoining residential districts or road right-of-ways, easements, or access drives
3. Is there a clearly established sign easement on the face of the plat
4. Are the unique circumstances, features, or practical difficulties that should be considered and designed around.

If the Area Plan Commission finds that, the structure proposal is in accordance with the requirements with this Ordinance and receives favorable recommendation from the Kosciusko County Technical Committee, it shall grant the approval and the developer shall obtain a Sign permit from the Kosciusko County Area Plan Commission.

Article 7 – Administration

- 701 Inspection: When the plans of streets and other improvements have been approved as provided for in this Ordinance, the subdivider shall first notify the Ordinance Administrator of his or her intention to proceed with the construction or installation of those streets and improvements. The subdivider shall notify the Ordinance Administrator at least twenty-four (24) hours before any construction or installation commences so that all responsible County officials may inspect the installation and construction of those streets and improvements in the course of the work being performed.
- 702 Acceptance: After streets and improvements have been installed and constructed to the requirements contained in this Ordinance and if the subdivider desires to have the County accept those streets and improvements, the subdivider shall notify all responsible County officials that the construction and installation had been completed, and shall supply the Board with a copy of the as-built plan on which the street or improvement question has been constructed or installed. The plan shall clearly designate the number of lineal feet of the street or improvement, which the subdivider desires to be accepted by the County.
- 703 Appeals: Any decision or requirement of the Plan Commission made under the authority of this Ordinance is subject to the right of appeal and review be certiorari.
- 704 Penalties: Any person who violates any provision of this Ordinance shall be guilty of an ordinance violation and, upon conviction, shall be fined not less than Ten Dollars (\$10.00) and not more than Three Hundred Dollars (\$300.00) for each offence. Each day the violation continues shall constitute a separate offence.
- 705 Nuisance: The erection, construction, enlargement, conversion, moving, or maintenance of any structure or the use of land contrary to any provision of this Ordinance is hereby declared to be a public nuisance and in violation of this Ordinance and unlawful. The Plan Commission may institute a suit for injunction in the County Circuit Courts to restrain any person from violating any provision of this Ordinance and to cause that violation to be prevented, abated, or removed. That action may also be instituted by any property owner who may be damaged by the violation of any provision of this Ordinance.