

**Title 16
SUBDIVISIONS**

Chapters:

[16.04 General Provisions](#)

[16.08 Procedure](#)

[16.12 Design Requirements and Improvements](#)

Chapter 16.04
GENERAL PROVISIONS

Sections:

[16.04.010 Definitions.](#)

[16.04.020 Authority -- purpose.](#)

[16.04.030 Policy.](#)

[16.04.040 Enforcements--Violations.](#)

[16.04.050 Planned unit development.](#)

[16.04.060 Violation--Penalty.](#)

16.04.010 Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this title have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this title shall be construed to have its usual legal meaning. Words used in the present tense include the future, the singular includes the plural and plural the singular. The word "lot" includes the word "plat." The word "used" includes "designed" or "intended" to be used. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.

"Abutting property owners" means the official owners of record, whose property is contiguous to the subject property; any property which would touch at any point the subject property ignoring all rights-of-way, easements, alleys, and the like.

"Access" means the way over which traffic moves to or from the property abutting a street or alley and the way over which traffic moves to or from an arterial street to a collector street or from a street to an alley.

"Alley" means a permanent public service right-of-way as secondary access to the side or rear of those properties when principal frontage is on some other right-of-way and is not intended for general traffic.

"Area" means the total area within the lot lines.

"Area plan commission" means the Evansville-Vanderburgh County area plan commission.

"Basic improvements" means all storm sewers, sanitary sewers, water lines, streets, curbs, gutters, sidewalks, alternative walkways permitted in lieu of or in combination with sidewalks, and any stormwater drainage facilities including, but not limited to, retention/detention facilities or other facilities of which the County or other appropriate local entity would normally accept the

maintenance and operational responsibility.

“Block” means a tract of land bounded on all sides by streets or a combination of streets and public parks, cemeteries, railroad right-of-way, etc., or a combination thereof, whether partially or wholly occupied by buildings or containing only vacant lots.

“Bond” means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the area plan commission or appropriate delegate.

“Building” means a structure having a roof supported by columns or walls, used or intended to be used, for the shelter or enclosure of persons, animals, or property.

“Building setback lines” means the lines indicating the minimum horizontal distance between the right-of-way of any street and the foundations of any building nearest the right-of-way of any street.

“Commission” means the area plan commission of Evansville and Vanderburgh County.

“Comprehensive plan” means the complete plan or any of its parts for the development of the city and/or county, prepared by the area plan commission and adopted in accordance with IC 36-7-4-101, et seq.

“Cul-de-sac” means a local street with only one outlet having an appropriate terminal for the safe and convenient reversal of traffic movement.

“Easement” means an authorization or grant by a property owner to specific persons or to the public to use land for specific purposes.

“Executive director” means the executive director of area plan commission of Evansville and Vanderburgh County.

“Flood hazard area” means any floodplain, floodway, floodway fringe district, or combination thereof.

“Floodplain” means the relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The floodplain includes the channel, floodway, and floodway fringe.

“Improvements” means all storm sewers, sanitary sewers, water lines, water supply lines, gas lines, electrical lines, telephone lines, streets, curbs, gutters, sidewalks, alternative walkways permitted in lieu of or in combination with sidewalks, and any stormwater drainage facilities including, but not limited to, retention/detention facilities.

“Interested parties” means those parties who are the owners of properties adjoining or abutting the

proposed subdivision as shown on the plat.

“Legal drain” means an open ditch or a tiled ditch, or a combination of the two, which are subject to the jurisdiction and control of the Vanderburgh County drainage board.

“Legislative body” means the board of county commission of Vanderburgh County.

“Location map” means a small inset map showing the location of a tract of land in relation to a larger area.

“Lot” means the tract of land within a subdivision marked by the subdivider on the plat as a numbered, lettered, or other identified tract of land to be offered for sale, dedication, or development, which is an identifiable parcel of land having frontage on a public street, or right-of-way, or acceptable easements.

1. “Corner lot” means a lot located at the intersection of two or more streets, the interior angle of such intersections not exceeding 135 degrees.
2. “Double frontage lot” means a lot other than a corner lot with frontage on more than one street or through lots abutting two streets.
3. “Interior lot” means a lot with only one frontage on a street.

“Parcelization” means a division of land into lots two or more in number, each lot with area greater than five acres, and not involving any new street or other means of access.

“Planned unit development” or “PUD” means a subdivision designed for residential, commercial, or industrial use or a combination of all or any of the above for the purpose of selling or leasing individual lots.

“Plat” means a map, drawing, or chart upon which the subdivider’s plan of the subdivision is presented and which he submits for approval and intends to record in the final form.

“Primary approval” means approval (or approval with conditions imposed) granted to a subdivision by the area plan commission after having determined in a public hearing that the subdivision complies with this title.

“Primary checklist” means a document provided by the area plan commission staff which is necessary for the application for primary approval.

“Regulatory flood” means the flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred (100) year period. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

“Replat” means a change in a recorded subdivision plat if such change affects any street layout on

such plat, or area reserved thereon for public use, or any lot line, except as otherwise exempted in this title.

“Right-of-way” means a strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

“Secondary approval” means approval insuring that the plat reflects all terms, conditions, and commitments given by the subdivider or required by the area plan commission at the hearing for primary approval.

“Secondary checklist” means a document provided by the area plan commission staff which is necessary for application for secondary approval.

“Street” means a thoroughfare within the right-of-way which affords the principal means of access to abutting property. A street may be designated an avenue, boulevard, drive, highway, land, parkway, place, road, court, or appropriate name. Streets are identified according to type of use, as follows:

1. “Arterial street” means a street which serves the major movement of traffic within or through a metropolitan area.
2. “Collector street” means a street serving internal traffic movement and provided access to arterial streets.
3. “Controlled access street” means a road fully or partially controlled by public authority.
 - a. “Fully controlled” means a street where preference to through traffic is given by providing access connections with selected public roads only and by prohibiting crossings at grade.
 - b. “Partially controlled” means a street where preference to through traffic is given, in addition to providing access connections with some crossings at grade.
4. “Half street” means a part of a street which is approximately equal to the remainder.
5. “Local street” means a street whose primary function is to provide access to immediately adjacent lands. It generally serves the residential and minor commercial areas of the community.
6. “Partial street” means a street which is, or will become, a part of a whole or complete street.

7. "Private street" means a local street that is not dedicated or accepted for public use or maintenance, which provides vehicle and pedestrian access.
8. "Public street" means a street dedicated, owned, and maintained by a public entity for the purpose of vehicle and pedestrian access.
 - a. "Acceleration lane" means an auxiliary lane constructed as part of the driveway which enables egressing vehicles to increase speed prior to entering the through traffic stream.
 - b. "Deceleration lane" means an auxiliary lane constructed as part of the driveway which is used by ingressing vehicles to reduce speed prior to entering a site. The lane may also provide some deceleration vehicle storage.
 - c. "Frontage road" means a through road auxiliary to and located adjacent to a public road for service to abutting property.
 - d. "Passing blister" means an auxiliary lane constructed opposite of the driveway which enables through traffic to maneuver around vehicles turning left into a site.

"Subdivider" means the person or persons who own all or any part of the real estate included within the plat at the time of the secondary approval of said plat.

"Subdivision" means any land vacant or improved which is divided or proposed to be divided into two or more lots, parcels, sites, units, plats, or interest for the purpose of offer, sale, lease, or development. "Subdivision" includes the division or development of residentially and nonresidentially zoned land, whether by deed, metes and bounds description, or other recorded instruments.

1. "Major subdivision" means all subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of three or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.
2. "Minor subdivision" means any subdivision containing not more than two lots fronting on, or having access to, an existing street, not including creating any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel for adjoining property, and not in conflict with any provision or portion of the comprehensive plan, thoroughfare plan, zoning ordinance, or these regulations.
3. "Nonresidential subdivision" means a subdivision in which the intended use is other than residential, such as commercial or industrial.

“Subdivision Review Committee” means a Technical Review Committee established by the Area Plan Commission which may be appointed by the Area Plan Commission to assist with the technical evaluation of subdivisions, to make recommendations to the Area Plan Commission, and, where authorized under this Title, to grant primary approval, with or without amendments or conditions, to minor subdivision applications and requests for waiver or modification of sidewalk requirements. It is sometimes referred to in this Title as the “Technical Review Committee” and is the same as the “plat committee” authorized under IC 36-7-4-701(e).

“Thoroughfare plan” means a plan and maps established by the board of county commissioners of Vanderburgh County pursuant to law as a portion of the Comprehensive Plan, showing the location of streets and roads, functionally classified public facilities, utilities, and describing future infrastructure. The plan is approved, adopted, and established by law, and any amendments or additions including those resulting from filing and approval of subdivision plats, are adopted by the board of county commissioners of Vanderburgh County as a continuous updating of the plan.

(Ord. 10-15-011 § 1, amended 10-20-2015; Ord. 01-15-001 § 1, amended 2-3-2015; prior code § 151.01)

16.04.020 Authority -- purpose.

A. This title is enacted pursuant to the authority given under IC 36-7-4-700, et seq. as added by Acts 1981, P.L. 309, 23; 1982, P.L. 211, 4., by action of the board of county commissioners of Vanderburgh County.

B. The purpose and intent of these regulations is to serve as a guideline encouraging the proper planning and development of subdivisions in order to:

1. Protect and provide for the public health, safety, and general welfare of Vanderburgh County;
2. Guide the future growth and development of Vanderburgh County in accordance with the comprehensive plan;
3. Provide for adequate light, air, and privacy, secure safety from fire, flood, and other danger and to prevent overcrowding of land and undue congestion of population;
4. Protect and conserve the value of land throughout Vanderburgh County and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings;
5. Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, and other public requirements and facilities;
6. Establish reasonable standards of design and procedures for subdivisions, in order to

further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land;

7. Encourage the extension of public facilities to adequately serve the proposed subdivision;
8. Prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout Vanderburgh County to preserve the quality of life, integrity, stability, and beauty of the community and the value of the land.

(Prior code § 151.02)

16.04.030 Policy.

It is the policy of the county to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the area plan commission for the orderly, planned, efficient, and economical development of the county, and to require conformance with Title 17 of this code. (Prior code § 151.03)

16.04.040 Enforcements--Violations.

A. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the area plan commission, in accordance with the provisions of these regulations, and filed with the county recorder.

B. The division of any lot or any parcel of land into a subdivision, as defined in this title, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of one or more new building sites shall not be permitted, except as permitted hereunder. All such described divisions shall be subject to all of the appropriate requirements of this title.

C. No zoning use permit shall be issued for any property subject to the provisions of this title until the appropriate requirements are met and the approvals required by this title are granted.

(Prior code § 151.05)

16.04.050 Planned unit development.

This title also applies to the subdivision of a PUD. However, the design and development of a PUD may deviate from the standards prescribed in this title. A primary subdivision plat may be submitted to area plan commission at the time of submission for PUD petition. Primary approval may be granted subject to proper zoning. (Prior code § 151.29)

16.04.060 Violation--Penalty.

A. Any person who violates the provisions of this title or any regulations herein contained for which no other penalty is provided, shall be guilty of a misdemeanor and, upon conviction, shall be

fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) for each day's violation.

B. Any person who violates any provision of Section 16.12.080 shall be subject to a civil penalty of not less than ten dollars (\$10.00) nor more than two thousand five hundred dollars (\$2,500.00) for each violation. Each day a violation exists shall be considered a separate violation, and a court may assess a monetary civil penalty for each day the violation exists. (Prior code § 151.99)

**Chapter 16.08
PROCEDURE**

Sections:

[16.08.010 Pre-application consultation.](#)

[16.08.020 Application for minor subdivision.](#)

[16.08.030 Application for primary approval--Major subdivision.](#)

[16.08.040 Fee schedule.](#)

[16.08.050 Notice.](#)

[16.08.060 Hearing before commission-- Primary approval.](#)

[16.08.070 Secondary approval.](#)

[16.08.080 Recording of plat.](#)

[16.08.090 Unrecorded plat.](#)

[16.08.100 Modification and waiver of subdivision standards.](#)

[16.08.110 Waiver of a Primary Plat Condition Imposed by the Area Plan Commission.](#)

16.08.010 Pre-application consultation.

A. Prior to submission of the written application for subdivision approval, the subdivider should consult with the executive director about the following factors:

1. Suitability of the site for development;
2. Proposed type of development;
3. Accessibility of the site;
4. Availability of public facilities (schools, parks, water, sanitary and storm sewerage, etc.) and public services;
5. The effect on the subdivision of any contemplated improvements of the proposals of any comprehensive plan and these regulations.

B. After reaching conclusions informally about his general program and the objectives of this title the subdivider may proceed with his formal application for the proposed subdivision.

(Prior code § 151.08)

16.08.020 Application for minor subdivision.

- A. If the proposed subdivision does not involve the opening of a new public way, contains not more than two lots, and complies in all other respects with this title and Title 17, a person desiring the approval of a plat for a minor subdivision shall submit to the executive director a completed minor checklist and fees hereinafter provided. The parcelization of land shall not be deemed a subdivision. The minor plat shall be presented to the technical review committee for review, recommendations, and approval.
- B. Notice shall be given according to the provisions of IC 36-7-4-701(d).
- C. Minor Subdivision Checklist.
1. Name of subdivision and legal boundary description;
 2. Location map of subdivision, north point, and scale;
 3. Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey in the field which has been balanced and closed, as well as physically located by monumentation;
 4. Location and description of all monuments with references by distance and bearings to one quarter section corners;
 5. Length of lot lines and area of lots, angles at all points of deflection of all continuous lines, radii, arcs, and complete curve data for all horizontal curves;
 6. All lots numbered or lettered and all roads and streets with approved names;
 7. Public way widths, maximum grades, approximate curves, and coordination of subdivision public ways with current and planned public ways within the subdivision;
 8. Building setback of front yard lines and side yard lines for corner lots;
 9. Thoroughfare setback lines, if applicable;
 10. Contours shown at vertical intervals of two and one-half feet if the general slope of the site is less than two percent, and at vertical intervals of five feet if the general slope is greater than two percent as taken from available county, state, or federal maps;
 11. One hundred (100) year flood contour line from FIA map, or statement that all areas are outside floodplain;
 12. Extension of water, sewer, and other municipal services;
 13. Legally established function district if applicable (German Township water district);

14. Name of developer or owner, and land surveyor;
15. Zoning classification of subject property and of abutting property;
16. Names and addresses of abutting property owners;
17. Any existing buildings and their placement on the lots;
18. Detailed erosion control and sediment control plan with timetable stating that erosion control methods will be implemented within forty-five (45) days of ground disturbance;
19. Copy of proposed plat submitted to soil conservation office for soils interpretative data;
20. Natural drainage easements designated with statement that no buildings, structures, fences, shrubs, or trees be placed in easements. Legal drain designated, if applicable;
21. Seven copies of proposed plat;
22. Certificates.
 - a. By a registered land surveyor,
 - b. By the owner (notarized),
 - c. By the area plan commission (president),
 - d. By the area plan commission executive director (compliance with code).

D. The minor plat shall be submitted to the area plan commission in the form of an original tracing using black drawing ink on tracing cloth or mylar. "Stick-on" lettering or sheets are not acceptable. The plats may be prepared on paper using "stick-on" from which a permanent mylar is made. Ammonia process mylars are not acceptable. The standard size tracings shall be twenty-four (24) inches by thirty-six (36) inches using a scale of one inch equals fifty (50) feet. Larger scales up to one inch equals one hundred (100) feet may be used to accommodate large plat areas with the approval of the area plan commission. For small plat areas, tracings may be prepared on eighteen (18) inch by twenty-four (24) inch sheets using one inch equals fifty (50) feet.

(Prior code § 151.10)

16.08.030 Application for primary approval--Major subdivision.

A. A person desiring the approval of plat or replat of land for a major subdivision shall submit to the executive director a written application for approval, the completed primary checklist, and fees hereinafter provided. The plat shall include, but not be limited to, the provisions listed below. The primary plat shall be presented to the subdivision review committee for technical review and recommendations. The subdivision review committee or area plan commission may request

additional information.

- B.
1. Name of subdivision and legal boundary description;
 2. Location map of subdivision, north point, and scale;
 3. Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey in the field which has been balanced and closed, as well as physically located by monumentation;
 4. Location and description of all monuments with references by distance and bearings to both one quarter section corners as set out herein;
 5. Length of lot lines, minimum width, depth, and area of all lots;
 6. All lots numbered or lettered and all roads and streets with approved names;
 7. Public way widths, maximum grades, approximate curves, and coordination of subdivision public ways with current and planned public ways within the subdivision;
 8. Streets and alleys adjacent to the new subdivisions with their names;
 9. Building setback of front yard lines and side yard lines for corner lots;
 10. Thoroughfares setback lines, if applicable;
 11. Contours shown at vertical intervals of two and one-half feet if the general slope of the site is less than two percent, and at vertical intervals of five feet if the general slope is greater than two percent, as taken from available county, state, or federal maps;
 12. One hundred (100) year flood contour line from FIA map, or statement that all areas are outside floodplain;
 13. Extension of water, sewer, and other municipal services, if applicable;
 14. Legally established function district if applicable (German Township water district);
 15. Name of developer or owner and land surveyor;
 16. Zoning classification of subject property and of abutting property;
 17. Names and addresses of abutting property owners;
 18. Any existing buildings and their placement of the lots;
 19. Copy of proposed plat submitted to soil conservation office for soils interpretative data;

20. Parcels of land to be reserved for schools, parks, playgrounds, or other public purposes;
21. Location of all property that is dedicated for public use and all property that may be reserved by covenant for the common use of the property owners in the subdivision;
22. Detailed erosion control and sediment control plan stating that erosion control methods will be implemented within forty-five (45) days after disturbing the soil;
23. Natural drainage easements designated with statement that no buildings, structures, fences, shrubs, or trees be placed in easements. Legal drain designated, if applicable;
24. Thirteen (13) copies of proposed plat.

C. The subdivider may be permitted to revise the primary plat to conform to agreed upon recommendations of the review committee prior to the hearing before the area plan commission if area plan commission executive director is given sufficient time for review before the public hearing.

D. The primary plat shall be submitted to the area plan commission in the form of an original tracing using black drawing ink on tracing cloth or mylar. "Stick-on" lettering or sheets are not acceptable. The plats may be prepared on paper using "stick-on" from which a permanent mylar is made. Ammonia process mylars are not acceptable. The standard size tracings shall be twenty-four (24) inches by thirty-six (36) inches using a scale of one inch equals fifty (50) feet. Larger scales up to one inch equals one hundred (100) feet may be used to accommodate large plat areas with the approval of the area plan commission. For small plat areas, tracings may be prepared on eighteen (18) inch by twenty-four (24) inch sheets using one inch equals fifty (50) feet. Larger scales up to one inch equals one hundred (100) feet may be used to accommodate large plat areas with the approval of the area plan commission.

(Prior code § 151.11)

16.08.040 Fee schedule.

The fee schedule shall be posted at the area plan commission office in a place readily available to the public.

16.08.050 Notice.

The provisions of IC 36-7-4-700, et seq. requiring a specific method of notice or other procedure shall at all times be adhered to or incorporated herein.

(Prior code § 151.21)

16.08.060 Hearing before commission-- Primary approval.

A. The primary plat shall be presented at public hearing to the area plan commission for review and approval.

B. If, after the hearing, the area plan commission determines that the application and plat comply with the standards in the subdivision control ordinance, it shall make written findings and decision granting primary approval to the plat signed by the presiding member of the area plan commission or the delegated authority.

C. If, after the hearing, the area plan commission disapproves the plat, it shall make written findings, within ten (10) days, that set forth its reasons and a decision denying primary approval, and shall provide the subdivider with a copy signed by the presiding member of the area plan commission or the delegated authority.

D. The area plan commission or its executive director may not impose any additional terms, conditions, or commitments after primary approval is given.

(Prior code § 151.23)

16.08.070 Secondary approval.

A. The Area Plan Commission may grant secondary approval of a plat or replat under this Title or may delegate authority to the Executive Director to grant such secondary approval.

B. No notice and hearing are required for secondary approval.

C. The purpose of secondary approval is to ensure that the plat reflects all terms, conditions, and commitments given by the subdivider or required by the Area Plan Commission at the hearing on primary approval.

D. A plat of a subdivision may not be filed with the Vanderburgh County Auditor, and the Recorder may not record it, unless it has been granted secondary approval and signed and certified by the Executive Director.

E. Secondary approval may be granted to a plat for a subdivision in which the basic improvements and installations have not been completed as required by this Chapter, but only if the following requirements are met:

1. The subdivider must:

a. provide a letter of credit issued by a bank or other financial institution, in a form(s) prescribed by the Area Plan Commission, that:

i. is in an amount determined by the Area Plan Commission to be sufficient to complete the basic improvements and installations in compliance with the ordinance, which amount must include an estimate of all known costs plus a contingency allowance equal to 10% of known costs; and

ii. provides security by a bank or financial institution satisfactory to the Area Plan

Commission; or

b. as to installation of sidewalk basic improvements only, comply with and set forth in a certificate on the plat the following requirements:

i. Each purchaser of, or successor in interest to, an individual lot or lots from the owner of record at the time the plat is recorded must install the required sidewalk(s) on the purchased lot or lots within five (5) years from the date of purchase or acquisition of interest.

ii. The owner of record at the time the plat is recorded must install the required sidewalk(s) on all lots to which the owner still holds title within ten (10) years from the date the plat is recorded.

iii. No certificate of occupancy will be granted for any new building on any lot in the subdivision unless and until the required sidewalk on that lot is installed.

iv. Sidewalks installed in a new subdivision must be installed to the standards meeting the latest edition of the Vanderburgh County Code and all applicable standards required by the Americans with Disabilities Act (ADA) and the regulations thereunder.

v. Failure to install a required sidewalk in accordance with all ordinances and in the time allotted in this subsection is an ordinance violation that may be corrected by County employees or contractors in accordance with the provisions of IC 36-1-6-2 and any amendment or recodification thereof, with both the direct and administrative costs of such correction being a lien against the property and being eligible to be placed on the tax duplicate by the County Auditor in accordance with the procedures prescribed by state law.

2. All letters of credit pursuant to this subsection must be written in the amount of the estimate and contain the language and terms set forth in a letter of credit form(s) approved by the Area Plan Commission. Letters of credit that do not comply with the Area Plan Commission form(s), that are written for amounts that do not reflect the approved cost estimate, or that are based on unacceptable cost estimates will be returned to the financial institution. In the event a letter of credit is not accepted and is returned, an acceptable letter of credit must be filed with the Area Plan Commission before the plat can be recorded. All letters of credit issued must contain the following clauses:

The liability and obligations of the issuer of this letter of credit shall be governed by the laws of the State of Indiana. In the event of any dispute or controversy arising out of this letter of credit, the issuer agrees that the forum for any cause of action filed by any party shall be the County of Vanderburgh.

3. Any money received from the letter of credit required under this subsection must be used only for making the basic improvements and installations for which the letter of credit is provided.

4. The basic improvements or installations, whether completed by the property owner, the County, or otherwise, must conform to the standards of such basic improvements or installation as provided by this code of ordinances, including the Subdivision Control Ordinance, as well as those standards for basic improvements or installations as set forth by all agencies that assist in reviewing and commenting upon the technical requirements of the Subdivision Control Ordinance or that are responsible for maintaining any improvements within a subdivision as defined by the Subdivision Control Ordinance.

F. The Area Plan Commission shall, by rule, prescribe the procedure for determining whether all basic improvements and installations have been constructed and completed as required by the Subdivision Control Ordinance. The rule must designate the person or persons responsible for making the determination.

G. A person desiring the secondary approval of a plat or replat of land for subdivision must submit to the Area Plan Commission the plat of the proposed subdivision with the required certificates attached. The following certificates must be affixed to the plat before recording:

1. by the registered Professional Surveyor to the effect that the plat represents a survey made by him, that all monuments shown thereon exist, and that their locations are as shown;
2. by the owner or owners, a notarized statement that he is the owner of the lands and that the platting of the subdivision is his voluntary act and deed, and the owner must also declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat;
3. by the Area Plan Commission, fixed with the seal of the Area Plan Commission, signed by the President or presiding officer of the Area Plan Commission, and attested to by the Executive Director of the Area Plan Commission, and the certificate must disclose that proper public notice was given and that a majority of the members of the Area Plan Commission concur in its approval;
4. by the Executive Director of the Area Plan Commission to the Vanderburgh County Recorder that the plat complies with the provisions of this section;
5. by the Vanderburgh County Drainage Board certifying that all drainages plans conform to the current design standards adopted by the Vanderburgh County Drainage Board; and
6. by the Vanderburgh County Commissioners certifying that all road construction plans

conform to the current design standards adopted by the Board of County Commissioners.

H. Except as provided for in Subsection I of this Section, a plat or replat of a subdivision must be recorded by the following deadlines, or the primary approval given by the Area Plan Commission shall be null and void:

1. for major subdivisions, within five (5) years from the year in which primary approval was granted; however, the Area Plan Commission may extend the time for recording a plat in up to five (5) year increments upon written request by the subdivider prior to the plat expiration;
2. for minor subdivisions, within one (1) year from the year in which primary approval was granted; however, the Area Plan Commission may extend the time for recording a plat in up to one (1) year increments upon written request by the subdivider prior to the plat expiration.

I. Secondary Approval in Sections.

1. Plats that have been granted primary approval after the adoption of the ordinance codified in this Title may be submitted for secondary approval in sections with the approval of the Executive Director of the Area Plan Commission and in accordance with this subsection.
2. Additional sections may be submitted for secondary approval without repeating primary approval if they substantially conform to the geometrics of the original primary plat.
3. The plat may be deemed to substantially conform to the primary plat if the geometrics of the secondary plat are substantially the same layout. The removal of right-of-way for a public street that precludes street construction or compliance with the requirements of this Title and additions to the total number of lots shall result in a resubmission of the plat for primary approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity unless the secondary plat removes needed offsite easements shown on the primary plat.
4. With the recording of any section of the approved primary plat, the period for recording the secondary plat as established in Subsection H of this Section is automatically renewed for another five (5) years as to major subdivisions and another one (1) year as to minor subdivisions.

(Ord. 01-15-001 § 2, amended 2-3-2015; prior code § 151.25)(Amended portion E & F 9/15/97)(16.08.070, Amended, 06/28/2005, Subsection J amended.; 16.08.070, Amended, 06/28/2005, Subsection I amended.)

16.08.080 Recording of plat.

“A plat release fee shall be paid to the Area Plan Commission by the subdivider before the Area Plan Commission may grant secondary plat approval.”

(16.08.080, Amended, 06/28/2005)

16.08.090 Unrecorded plat.

“Any plat previously approved by the Area Plan Commission that has not been recorded and has not expired as of the adoption date of this amended section must be recorded by the end of the calendar year in 2010. Those plats that remain unrecorded by the end of the 2010 calendar year are null and void. The Area Plan Commission may extend the time limit to record a plat upon written request.”

(Prior code § 151.28)(16.08.090, Amended, 06/28/2005)

16.08.100 Modification and waiver of subdivision standards.

A. Pursuant to IC 36-7-4-702, the subdivision design standards in this title pertaining to the area of lots, public way widths, curves, and the coordination of subdivision public ways with current and planned public ways, extension of water, sewer and other utility services, and any other standards related to the purposes of this chapter, may be modified or waived upon request at the sole discretion of the Area Plan Commission. The authority to grant modifications and waivers acknowledges the possibility that the purposes of this Title and the public interest may also be served by an alternative proposal. However, the APC authority shall be limited such that modifications and waivers shall not have the effect of nullifying the intent and purposes of these regulations.

B. The APC Subdivision Application shall contain a Subdivision Design Standard Modification or Waiver Form that must be completed and filed before or with the subdivision plat application when a waiver or modification is requested. The applicant shall state the standard requested to be modified or waived, the extent of the modification or waiver, and the reason(s) why the standard should not be applied to the site as it is in other locations.

C. The APC shall solicit and consider comments from the appropriate local government agency(ies) in evaluating a modification or waiver request. Modifications and waivers of subdivision design standards do not constitute modification or waiver of any requirements in other local, state or federal laws, or standards of the agencies charged with enforcing those laws.

D. In addition, no modification or waiver request shall be granted except on a finding that each of the following factors is true:

1. The waiver or modification will not be injurious to the public health, safety or general welfare;
2. The land use or value of the area adjacent to the property involved in the waiver will not be affected in a substantially adverse manner;
3. The strict application of the Subdivision Code standard at issue will result in practical

difficulties in the use of the site;

4. The site is not within a PUD, and the standard in question is not already subject to modification or waiver under a different section of the Subdivision Code;
5. The need for the modification or waiver is due to special site characteristics or circumstances not generally applicable to other property;
6. The modification or waiver will not undermine compliance with other applicable local, state or federal laws, and if it pertains to the provision of public ways, public facilities, or private sewage disposal systems, there are no objections from a public agency having jurisdiction over such laws;
7. The requested modification or waiver will not constitute or have the practical effect of modification or waiver of any standards prescribed in the Zoning Ordinance.

E. As a condition of granting a subdivision standard modification or waiver, the Area Plan Commission may allow or require a commitment to be made by the property owner binding the owner, their heirs, legal representatives, successors and assigns concerning the use or development of that parcel pursuant to I.C. 36-7-4-1015.

F. The APC shall consider the comments of the Subdivision Review Committee, and shall approve or deny a modification or waiver request before considering the accompanying proposed subdivision plat, and shall notify the applicant in writing of its decision and any conditions of approval imposed. The decision of the APC on a modification or waiver is final.

(Ord. 06-13-006 § 1, added, 06/18/2013)

16.08.110 Waiver of a Primary Plat Condition Imposed by the Area Plan Commission.

Pursuant to I.C. 36-7-4-701(f), any condition imposed by the Area Plan Commission upon primary approval of a subdivision plat may be waived by a majority vote of the Board of Commissioners of Vanderburgh County during a public meeting. A request to waive a primary plat condition or conditions shall be made in writing to the Board of Commissioners of Vanderburgh County setting forth the primary plat condition or conditions sought to be waived and the reason for such waiver request. The Board of Commissioners of Vanderburgh County shall hear the waiver request during a public meeting within thirty (30) days of such request. A person aggrieved by the decision rendered by the Board of Commissioners of Vanderburgh County concerning a waiver of a primary plat condition or conditions may appeal such determination to the Vanderburgh Circuit Court in accordance with I.C. 36-2-2-27.

(Ord. 04-17-008, added, 6/27/2017)

Chapter 16.12
DESIGN REQUIREMENTS AND IMPROVEMENTS

Sections:

[16.12.010 Purpose.](#)

[16.12.020 Required improvements.](#)

[16.12.030 Roads, streets and alleys.](#)

[16.12.035 Street Sign and Traffic Control Sign Requirements](#)

[16.12.040 Blocks and lots.](#)

[16.12.050 Public spaces.](#)

[16.12.060 Intersections within subdivisions.](#)

[16.12.070 Flood control and drainage.](#)

16.12.010 Purpose.

It is the purpose of these general requirements to assure the predetermined character and type of development of each subdivision.

(Prior code § 151.30)

16.12.020 Required improvements.

A. Streets. Streets and alleys shall be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered land surveyor and/or registered professional engineer and shall be approved by the board of public works who shall receive two sets of plans as approved and shall supervise construction of the streets and alley improvements.

B. Curbs, Gutters and Sidewalks.

1. Curbs and Gutters.

a. The subdivider must provide curbs and gutters for all streets within and bounding the subdivision, except where this requirement is specifically waived or modified by the Board of County Commissioners.

b. Curbs and gutters must conform to the standards adopted by the Board of County Commissioners.

2. Sidewalks.

a. The subdivider must provide sidewalks for all streets within and bounding the

subdivision, except where this requirement is specifically waived or modified by the Board of County Commissioners or the Subdivision Review Committee in the case of minor subdivisions as set forth below, subject to the following:

i. Modifications of this requirement must be consistent with the purposes of this Title, but may be in any manner including, without limitation, by approval of a plan for alternative walkways instead of, or in combination with, sidewalks.

ii. For major subdivisions, the waiver or modification request must first be presented to the Area Plan Commission, which shall make a recommendation to the Board of County Commissioners as to whether the request should be approved, denied, or approved with amendments. The request and the Area Plan Commission's recommendation shall then be forwarded to the Board of County Commissioners for final approval, denial or approval with amendments at its next regularly scheduled meeting.

iii. For minor subdivisions, the request for waiver or modification must be submitted to the Subdivision Review Committee with the Subdivision Application as provided under VCC [16.08.020](#), and the Area Plan Commission may delegate authority to the committee to approve the request, with or without amendments, by affirmative vote of a majority of the committee's membership. In the event the Subdivision Review Committee approves the waiver or modification, the request need not proceed to the Board of County Commissioners. In the event the Subdivision Review Committee does not approve the request or approves it with conditions unacceptable to the applicant, the applicant may submit the request to the Area Plan Commission and the Board of County Commissioners pursuant to the procedure in subsection B.2.a.ii. otherwise pertaining to major subdivisions.

b. Sidewalks and alternative walkways must conform to the standards adopted by the Board of County Commissioners and all applicable standards required by the Americans with Disabilities Act (ADA) and the regulations thereunder.

i. Sidewalks must conform to the established location and width of existing sidewalks within the same block, but must not be less than four feet in width.

ii. In commercial and other congested areas, the Area Plan Commission, or the Subdivision Review Committee in the case of a minor subdivision, may require sidewalks of greater width constructed adjacent to the curb.

iii. The subdivider must provide a plan showing the location of each sidewalk, ADA compliant ramp, and alternative walkway, if any.

C. Sewers. When there is an available sanitary sewer outlet or trunk line approved by the

Evansville water and sewer utilities board, prior to the issuance of a building permit, the subdivider shall provide the subdivision with an ample sanitary sewer system connected to the approved sewer outlet or trunk lines. All new sewer systems in any area of special flood hazard need to be located and designed to avoid impairment from flooding. If there is not an available sanitary sewer outlet or trunk line, then the subdivider shall do either of the following:

1. Install a private sewage disposal system on individual lots of a minimum lot size that is determined to be a sufficient size from a review of soil types and topography as interpreted by the Vanderburgh County Health Department from soil maps and survey information provided by the Soil Conservation Service. A MINIMUM OF ONE (1) ACRE LOT IS REQUIRED. However, on soils rated moderate to severe for septic tank absorption fields as denoted in US Department of Agriculture soil survey of Vanderburgh County, A MINIMUM OF 2.5 ACRES SHALL BE REQUIRED. Subdivisions approved and recorded prior to the date of this ordinance and existing lots which were of record prior to 1957, shall not be required to meet the above stipulations, if such property has suitable land for a private sewage disposal system provided that such determination shall be made by the Vanderburgh County Health Officer with any tests, plans and specifications the Health Officer may require to be submitted before approval of the application.
2. If applicable, affix a certificate on the mylar stating the purchaser shall install on the lot a private sewage disposal system all laid out in accordance with the minimum standards of the Evansville-Vanderburgh County health department.

D. Water. Where there is an available municipal or community water supply approved by the State Board of Health at the time of approval of the secondary plat, then the subdivider shall provide the subdivision with a complete water main system connected to said existing water system. All new water systems in any flood hazard area need to be located and designed to avoid impairment from flooding. If, prior to the issuance of a building permit, there is no available municipal or community water supply system for the subdivision, the subdivider shall do either of the following:

1. Provide a water supply system to each lot in the subdivision in accordance with minimum requirements of the State Board of Health;
2. If applicable, affix a certificate to the mylar stating that the purchaser shall install on the lot an individual water supply in accordance with the minimum requirements of the State Board of Health.

E. Storm Drainage. The subdivider shall provide the subdivision with an adequate stormwater system in accordance with plans and specifications prepared by the subdivider and approved by the county drainage board. Where a stormwater sewer system cannot be provided due to the amount of drainage required, easements for surface drainage shall be provided in accordance with

this title.

F. Monuments and Markers.

1. Monuments and markers should be constructed to the following standard or be of other approved material.
 - a. Monument. Reinforced concrete or limestone, minimum size four inches by four inches by thirty (30) inches or a bronze marker securely imbedded in concrete which extends below the frost line.
 - b. Markers. Iron pipe, minimum size twenty-four (24) inches by one-half inch, three-fourths inch diameter preferred, or iron or steel bars of same dimensions.
2. Monuments and markers must be so placed that the scored or marked point coincides exactly with the point of intersection of the lines being monumented.

G. The Town of Darmstadt Septic Tank Effluent Pumping (S.T.E.P.) Sewer System. When there is available the septic tank effluent pumping (S.T.E.P.) sewer system approved by the superintendent of municipal sewage works of the town of Darmstadt, prior to the issuance of a building permit, the subdivider shall provide the subdivision with an ample sanitary sewer system to be connected to the approved outlet or trunk lines of the septic tank effluent pumping (S.T.E.P.) sewer system. All subdividers must comply with the requirements of Ordinance No. 1987-1, as from time to time amended, of the town of Darmstadt. A minimum of one acre lot is required for connection to and use of the septic tank effluent pumping (S.T.E.P.) sewer system. Subdivisions approved prior to the date of the ordinance codified in this title and recorded within the prescribed eighteen (18) month period and lots of record prior to 1957, shall not be required to meet the above stipulations. However, as to the installation of a private sewage disposal system, subsection (C)(1) of this section shall apply.

(Ord. 10-15-011 § 2, amended 10-20-2015; Ord. 01-15-001 § 3, amended 2-3-2015; prior code § 151.31)(16.12.020, Amended, 10/26/1987)

16.12.030 Roads, streets and alleys.

A. The road, street, and alley design shall provide direct access to all lots and parcels of land within the subdivision and shall provide for continuity of arterial or collector roads and streets. The area plan commission may require the extension of certain roads, streets, or alleys, to the exterior boundary of the subdivision and may require the subdivider to provide a partial right-of-way along an exterior boundary line to correspond to an existing public right-of-way on adjoining lands, or for the purpose of extending arterial or collector roads.

B. Alleys may be required in a subdivision of land designated as commercial or industrial districts. Residential alleys are not recommended.

C. The minimum width of rights-of-way shall be fifty (50) feet except that cul-de-sacs may utilize a forty (40) foot right-of-way and eighty (80) foot diameter, or equivalent, at its terminus. The length of cul-de-sacs is limited to one thousand two hundred (1,200) linear feet unless the area plan commission determines that a longer length will not be detrimental to local traffic flow. Geometric designs for the turn-around other than a circle may be used at the terminus.

D. Rights-of-way for alleys, when required by the area plan commission in a commercial or industrial district, shall have a total width of twenty (20) feet. All others shall not be less than twelve (12) feet.

E. All roads and streets must conform to the thoroughfares plan.

F. New half or partial streets are permitted only:

1. Where the subdivider obtains an agreement in writing to dedicate and improve as required the other half of the street when the adjoining property is subdivided; or
2. Where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations; or
3. Where needed to complete existing streets.

G. Where an existing street traverses or abuts the subdivision, the entire right-of-way required by these regulations, or as much as is possible within the subdivision, must be provided. The right-of-way must be measured from the centerline of the existing roadway.

H. Frontage roads separate local traffic from the higher speed through-traffic of major transportation arteries.

1. Frontage roads may also be required by the area plan commission to be located outside the right-of-way of arterial roads and streets when the average daily traffic exceeds eight thousand (8,000) vehicles on two-lane roads and fifteen thousand (15,000) vehicles on four-lane roads and the speed limit exceeds forty (40) m.p.h., or when the number of curb cuts creates a traffic hazard or major flow impediment.

2. Design of frontage roads shall be based on providing access to the property, maintaining circulation of traffic within the subdivision, and providing for parking requirements and surface drainage.

I. Auxiliary lanes must conform to the approved Evansville urban transportation study "Access Standards Manual" or its successor.

J. Intersections involving the junction of more than two roads or streets should be avoided. Three-way intersections may be used wherever appropriate, particularly in residential areas. Right-

angle intersections must be used wherever practicable. When local roads and streets intersect arterial or collector streets, the angle of intersection of the street centerlines may not be less than seventy-five (75) degrees.

1. Intersections must be approached on all sides by near level areas. Where the grade exceeds seven percent these level areas must have a minimum length of fifty (50) feet (measured from the intersection of the centerline) within which no grade may exceed a minimum four percent.
2. Design of curb or edge of pavement radii shall conform to the applicable standards adopted by the board of county commissioners.
3. Minimum sight distances at intersection should be sufficient to avoid the hazard of a collision between a vehicle starting from a "stop" position and the vehicle approaching the intersection from the left or right.

K. All plans shall conform to the current design standards adopted by the board of county commissioners. The policy of the area plan commission shall be to discourage the installation of private roads. Private roads which are installed shall conform to the thickness standards for streets.

(Prior code § 151.32)

16.12.035 Street Sign and Traffic Control Sign Requirements

A. The developer of any subdivision ("Applicant") shall provide a plan ("Signage Plan") for the installation of all public safety related street signs, public safety related traffic control signs, and street identification signs ("Required Signage") to be filed along with the street plans for approval by the Board of Commissioners of Vanderburgh County, Indiana. Upon approval of the Signage Plan, the Applicant must provide the Required Signage as set forth in Paragraph B. of this Section at every street intersection in accordance with the approved Signage Plan. The Required Signage shall conform to the Indiana Manual on Uniform Traffic Control Devices as to shape, color, size, message, arrangement and placement unless the use of decorative street name signs is approved by the Board of Commissioners of Vanderburgh County, Indiana. The use of decorative signs shall require the Applicant to obtain an encroachment permit from the Board of Commissioners of Vanderburgh County, Indiana.

B. The following provisions shall apply to Required Signage:

1. The Applicant shall provide for Required Signage on subdivision streets as outlined below:
 - a. The installation of the Required Signage shall occur as the first layer of asphalt or the concrete is poured for a street(s) within a subdivision or a section thereof, or within 60 days of the date the first Improvement Location Permit is issued for a lot on a given

- subdivision street, whichever occurs first;
- b. The Required Signage shall also be installed on any other subdivision street(s) that provides access to the section of the subdivision being requested for street acceptance; or the section of the subdivision that has been recorded and in which Improvement Location Permits have begun to be issued.
 - c. The APC shall notify the Vanderburgh County Engineer of the dates the signs are required to be installed based on the dating of issuance of Improvement Location Permits. If the Required Signage is not installed at the time the streets are paved or within sixty (60) days following the issuance of the first Improvement Location Permit, or, is not installed properly in accordance with the approved Signage Plan, the Vanderburgh County Engineer shall inform the APC and no further Improvement Location Permits shall be issued in that subdivision until the APC is notified by the Vanderburgh County Engineer that the Required Signage has been installed and approved by the Vanderburgh County Engineer.
 - d. The Applicant shall submit a written request to the Vanderburgh County Engineer for an inspection of the Required Signage after the installation thereof is complete.
 - e. The Vanderburgh County Engineer shall complete the inspection within 30 days of the Applicant's notification.
 - f. The Vanderburgh County Engineer shall notify the APC upon approval of the installation of the Required Signage.
 - g. Any deficiencies in the Required Signage or the installation thereof noted by the Vanderburgh County Engineer must be corrected by the Applicant within 30 days of receipt of a punch list identifying the deficiencies from the Vanderburgh County Engineer. Upon correction of the deficiencies, the Applicant shall notify the Vanderburgh County Engineer in writing so that the Required Signage can be re-inspected. After all deficiencies have been corrected, the Vanderburgh County Engineer shall notify the APC that the Required Signage has been installed as required and that Improvement Location Permits can again be issued in the subdivision.
2. The approval of the Vanderburgh County Engineer of Required Signage and the installation thereof is for the purpose of ensuring public safety and such approval shall not constitute acceptance by Vanderburgh County of the streets and/or other improvements within the street right-of-way.
 3. Vanderburgh County shall be responsible for the maintenance, repair, and/or replacement of all Required Signage after it has been installed and approved by the Vanderburgh County Engineer, except where decorative signs are used, in which case, the Applicant and his heirs

and/or assigns shall be responsible for maintenance, repair and replacement of such decorative signs.

4. The APC Director may, upon written request by the Applicant, grant an extension of time for signs to be installed.

(16.12.035 Added 1/29/2008)

16.12.040 Blocks and lots.

A. The width of blocks should be sufficient to allow two tiers of lots. Blocks shall not exceed one thousand three hundred twenty feet in length unless the area plan commission determines that a longer length will not be detrimental to local traffic flow.

B. In any subdivision or part of a subdivision proposed for residential uses, the minimum width and area for lots shall conform to the requirements of Title 17 of this code.

1. Install a private sewage disposal system on individual lots of a minimum lot size that is determined to be a sufficient size from a review of soil types and topography as interpreted by the Vanderburgh County Health Department from soil maps and survey information provided by the Soil Conservation Service. A MINIMUM OF ONE (1) ACRE LOT IS REQUIRED. However, on soils rated moderate to severe for septic tank absorption fields as denoted in US Department of Agriculture soil survey of Vanderburgh County, A MINIMUM OF 2.5 ACRES SHALL BE REQUIRED. Subdivisions approved and recorded prior to the date of this ordinance and existing lots which were of record prior to 1957, shall not be required to meet the above stipulations, if such property has suitable land for a private sewage disposal system provided that such determination shall be made by the Vanderburgh County Health Officer with any tests, plans and specifications the Health Officer may require to be submitted before approval of the application.

2. All lots shall have access onto a road, public or private.

3. Building setback lines shall be established back of road and street right-of-way lines, at least to the extent prescribed for front yards in the zoning title.

4. All lots must be in compliance with the thoroughfare plan. Lots shall not be designated in such a manner that there would be insufficient area remaining to build on after building setback lines and thoroughfares setback lines are established in accordance with the zoning title and the thoroughfare plan of this code.

5. Whenever possible, side lot lines shall be at right angles or radial to street lines.

6. Double frontage and reverse frontage lots shall be discouraged except where necessary to provide separation of residential development from arterial streets or to overcome specific

disadvantages of topography and orientation.

7. Easements for utility lines along the rear lot line and along the side lot line should be provided where necessary. These easements shall not be less than six feet wide on each external lot line and five feet on an internal lot line.

C. Town of Darmstadt Septic Tank Effluent Pumping (S.T.E.P.) Sewer System. When there is available the septic tank effluent pumping (S.T.E.P.) sewer system approved by the superintendent of municipal sewage works of the town of Darmstadt, prior to the issuance of a building permit, the subdivider shall provide the subdivision with an ample sanitary sewer system to be connected to the approved outlet or trunk lines of the septic tank effluent pumping (S.T.E.P.) sewer system. All subdividers must comply with the requirements of Ordinance No. 1987-1, as from time to time amended, of the town of Darmstadt. A minimum of one acre lot is required in any subdivision or part of a subdivision proposed for residential uses where an outlet or trunk line is available for connection to and use of the town of Darmstadt septic tank effluent pumping (S.T.E.P.) sewer system. A subdivider must obtain the appropriate permit from the superintendent of municipal sewage works of the town of Darmstadt, prior to the connection to and use of the sewer system. Subdivisions approved prior to the date of the ordinance codified in this title and recorded within the prescribed eighteen (18) month period and lots of record prior to 1957, shall not be required to meet the above stipulations. Where the town of Darmstadt sewer system is not available, the subdivider shall conform with the provisions of subsection (B)(1) of this section. All other provisions of this section are applicable to the subdivision within the town of Darmstadt.

(Prior code § 151.33)(16.12.040, Amended, 10/26/1987, amended b1)

16.12.050 Public spaces.

A. Whenever the area plan commission considers that a subdivision recreation site is necessary to carry out the purposes of these regulations, the area plan commission may require the reservation of all or a portion of such site in accordance with the following standards:

1. The land to be reserved must be of suitable size, dimension, access, and general character for the proposed use;
2. The amount of land so required for this purpose must not exceed 0.01 acres of land for each lot on the primary plat;
3. In the case of an apartment development, however, the number of dwelling units shall be used to determine the required acreage instead of lots.

B. Whenever the area plan commission considers that any part of the proposed subdivision is needed in the interest of the county for a park, an open space, a recreational site, a school site, or such other legitimate purpose, the area plan commission may require that the subdivider either dedicate the area or convey the area as directed by the area plan commission, provided, however,

within six months after the approval of the primary plats:

1. The subdivider of the land to be dedicated or conveyed has been paid for the full fair market value of said real estate; or
2. The subdivider of the real estate to be dedicated or conveyed has entered into a contract satisfactory to the subdivider, to be paid the fair market value of the real estate to be dedicated or conveyed; or
3. An appropriate governmental authority has instituted legal action to condemn by eminent domain the areas which are to be dedicated or conveyed.

(Prior code § 151.34)

16.12.060 Intersections within subdivisions.

- A. At street intersections, property line corners shall be rounded by an arc at least twenty (20) feet in radius.
- B. At alley intersections, property line corners shall be rounded by an arc at least ten (10) feet in radius.
- C. All streets intersecting a through (preferential) street should do so at right angles, or as nearly as is possible, and the intersection angle shall not be less than sixty (60) degrees. The foregoing radii shall be increased not less than forty (40) percent.

(Prior code § 151.35)

16.12.070 Flood control and drainage.

- A. A notice shall be set out on the plat to the effect that the encroachment within open channels or underground conduits by any permanent structures, trees, shrubs, flowers, gardens, or vegetation other than grass is prohibited. Lot grading, in-tract drainage, and street improvements should be so designed that floods having an average recurrence interval of one hundred (100) years or less will not cause inundation or damage to buildings.
- B. According to IC 36-9-27-1 et seq., any changes to a waterway that is classified as a legal drain must have the approval of the plans by the county drainage board. It shall be the duty of the subdivider's engineer to make the necessary investigation of the watershed or watersheds in which the proposed subdivision lays and determine if the subdivision discharges stormwater directly or indirectly into a legal drain. All drainage channels, conduits, and appurtenances located outside the road or street right-of-way shall be constructed in suitable public easements or rights-of-way. Landscaping may be permitted within the easement if it does not interfere with open channels or proper access for the operation of maintenance equipment.
- C. Stormwater flows are to be carried in the street or within the street right-of-way. These should

be contained within the gutter or parking lane outside of the shoulder, but within street right-of-way or adjoining drainage easement. Design discharge that exceeds the capacity of the adopted street cross-section, or which would encroach on the traveled lanes, shall be discharged into open channels outside of the street right-of-way, or into underground storm drains. Hillside developments will require special consideration by the are plan commission in the areas of lot size and slope stability, particularly where building sites have been benched into the hillside, to protect downhill areas from slides and erosion of unstable soils.

D. The hydraulic design of the subdivision shall be such that, after accumulating all energy losses through the various drainage transmission systems within the subdivision, depths of flow in the streets shall not exceed curb heights for five-year flood, and the depth of flow or ponding shall not exceed a level which would cause inundation of the lowest finished floor including basement. Within the subdivision, catch basins or curb inlets shall be so placed along the streets that the flow of water in the gutter will not exceed the top of curb for a five-year average recurrence interval.

E. Earth channels constructed within the subdivision shall have side slopes of three to one or flatter, and a minimum bottom width of one foot. Revetment, bank stabilization, and stream bed stabilization along constructed or natural channels will be required if the channel velocities are sufficient to cause bank or invert erosion.

1. Earth channels constructed within the subdivision in those areas not revetted and having slope of less than two percent shall be seeded with a mulched mixture as determined by the soil conservation service. Mixture is to be held in place with pegged burlap, liquid asphalt, or other approved methods to establish a vegetative cover. A spray-on mulch mixture may be used in lieu of straw where it is determined by staff that straw will impede stormwater drainage.

2. Earth channels having a slope of more than two percent but less than eight percent shall be sodded with a grass similar in content to seeding mixture.

3. Earth channels having slope greater than eight percent shall be paved or lined with rip rap.

4. Open channels or underground storm drains or combination thereof with a contributory area greater than one square mile shall be designed and constructed for fifty (50) year average recurrence storm flow.

F. Underground storm drains serving only the subdivision shall have a minimum design size for an average recurrence interval of twenty-five (25) years unless stormwater storage systems are provided to limit runoff rate. The underground storm drain design when combined with surface water flow shall not cause inundation of basements or buildings at the one hundred (100) year flood level. Design quantities of flow shall be computed by the subdivider's engineer according to the

publication "County Storm Drainage Manual" (May 1981) or Project for Indiana Counties, Purdue University. Design quantities of flow for major waterways over twenty-five (25) square miles in area shall be obtained from the Indiana Department of Natural Resources, State Office Building, Indianapolis, Indiana.

(Prior code § 151.36)