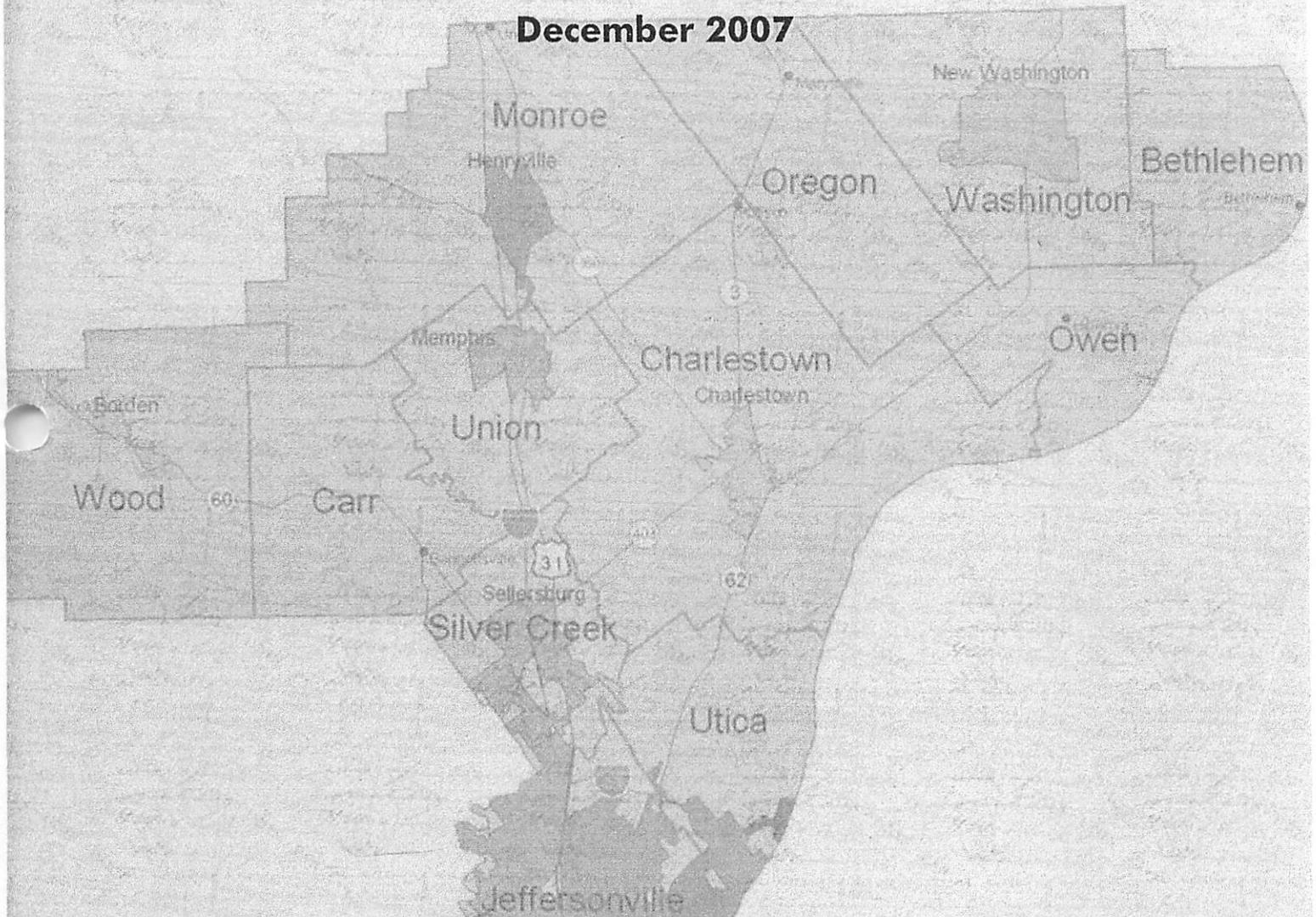


Clark County

18-2007

SUBDIVISION CONTROL ORDINANCE

December 2007



Prepared for:

Clark County

501 East Court Avenue, Jeffersonville, Indiana 47130

Phone: 812.285.6275

Prepared by:

BERNARDIN, LOCHMUELLER & ASSOCIATES, INC.

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of Clark County, Indiana

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Replaces February 2000 Subdivision Control Ordinance

ACKNOWLEDGEMENTS

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Clark County was awarded a Community Planning grant by the Indiana Department of Transportation (INDOT) in February 2004 to conduct local and regional community planning activities. This grant will aid in the development of responsible community growth associated with the impact of the Louisville-Southern Indiana Ohio River Bridges.

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AUTHORITY/PURPOSE

TITLE

This ordinance shall hereafter be known and cited as the Subdivision Control Ordinance of Clark County.

POLICY

1. It is hereby declared to be the policy of Clark County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the official comprehensive plan and related policies (such as those embodied in the Clark County Zoning Ordinance) for the orderly and efficient development of Clark County.
2. Land to be subdivided shall be of such a character that it can be developed without peril to health or peril from flood, fire or other menace, and land shall not be subdivided until having access to available existing public facilities and until improvements and proper provisions have been made for drainage, water, sewerage, and transportation facilities adequate for serving the subdivision. Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the Clark County Zoning Ordinance and approved by the Clark County Health Department.
3. Both existing and proposed public facilities serving the subdivision should be properly related and conform to the Clark County Comprehensive Land Use Plan, the official zoning map of Clark County, the Clark County Zoning Ordinance and all other rules, regulations and ordinances relating to housing and building.

PURPOSES OF THESE REGULATIONS

1. To protect and provide for the public health, safety, and general welfare of Clark County residents.
2. To guide the future development and renewal of the County in accordance with the Comprehensive Land Use Plan.
3. To provide for the safety and comfort of the environment and related open spaces.
4. To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
5. To guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land uses, conserve natural resources such as natural beauty, woodlands, open spaces, and energy both during and after development.

AUTHORITY AND JURISDICTION

1. This Ordinance, which was enacted pursuant to Indiana planning enabling legislation (I.C. 36-7-4-700 series, as amended), authorizes the Plan Commission to review and approve or disapprove plats for subdivision throughout the County. This authority extends to the development or resubdivision of undeveloped portions of already recorded plats.

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2. No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations.

ENACTMENT

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted.

INTERPRETATION, CONFLICT AND SEPARABILITY

1. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
2. Conflict with Public and Private Provisions:
 - a. Public Provisions. This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other provision of this ordinance or any other ordinance, rule, or other provision of law, those provisions which are more restrictive or impose higher standards shall control.
 - b. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Plan Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder. (Note: Private Provisions can only be enforced privately unless a public agency has been made party to such agreements.)
3. Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in any controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County except as shall be expressly provided for in this Ordinance.

REPEALER

Upon the adoption of the Clark County Subdivision Control Ordinance according to law, the Subdivision Ordinance of Clark County adopted February 1, 2000 as amended is hereby repealed, except for such sections expressly retained herein.

AMENDMENTS

For the purposes of providing for the public health, safety, and general welfare, the County, on recommendation of the Commission, may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Commission and/or the County in the manner prescribed by law.

DEFINITIONS

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this Ordinance 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 "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 and/or **Interested Parties** means official owners of record as shown by the records of the Clark County Auditor, 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 a lot to a street, road or alley and the way over which traffic moves to or from an arterial street/road to a collector street/road or from a street or road to an alley.

Alley means a permanent public service right-of-way 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.

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

Bond means a surety bond (either Subdivision Performance bond or Subdivision Maintenance bond, as appropriate) issued by an insurance company authorized by the State of Indiana to do business in the State of Indiana, an irrevocable letter of credit by a bank licensed to do business in the State of Indiana or a cash deposit in an amount and form satisfactory to the Plan Commission. All initial Subdivision Performance bonds shall be approved by the Plan Commission whenever a bond is required by this Ordinance.

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.

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Building Setback Lines means the lines indicating the minimum distance between the right-of-way of any road or the centerline of any road and the foundation of any building nearest the right-of-way or centerline of any road as specified herein.

Comprehensive Plan means the complete plan or any of its parts for the development of the County, prepared by the Plan Commission and adopted in accordance with IC 36-7-4-101, et. Seq., as amended.

Cul-De-Sac means a local road right-of-way with only one (1) 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 Executive Director of the Plan Commission.

Final Approval means approval insuring that the plat reflects all terms, conditions, and commitments given by the Subdivider or required by the Plan Commission at the hearing for preliminary approval and that the plat complies with this Subdivision Control Ordinance.

Flood Hazard Area means any floodplain, floodway, floodway fringe district, or combination thereof, as more particularly shown on the Flood Insurance Rate Maps for Clark County.

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, as more particularly defined in the Floodplain Ordinance of Clark County.

Infrastructure Improvements means the installation of storm sewers, sanitary sewers, water supply lines, streets, curbs, gutters, gas lines, electrical lines, telecommunication lines, water lines, sidewalks and other related utility services.

Legislative Body means the Board of County Commissioners of Clark County.

Letter of Credit means any form of instrument of credit in an amount and form satisfactory to the Plan Commission issued by a bank or other financial institution.

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, lease, dedication, or development, which is an identifiable parcel of land having frontage on a public road, or right-of-way. This tract or parcel of land must be of sufficient size to meet the minimum zoning requirement for use and area and to provide such yards and other open spaces as are herein required.

1. **Corner Lot** means a lot situated at the intersection of two (2) or more roads.
2. **Double Frontage Lots** or **Through Lot** means a lot other than a corner lot with frontage on more than one road or through lots abutting two (2) roads.
3. **Interior Lots** means a lot other than a corner or double frontage lot.

Plan Commission or **Commission** means the Clark County Plan Commission.

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Plat means a map, drawing or chart upon which the Subdivider's plan of the subdivision is presented and which he/she submits for approval and intends to record in the final form.

Plat Committee means a body appointed by the Plan Commission to approve plats and replats.

Preliminary Approval means approval (or approval with conditions imposed) granted to a subdivision by the Plan Commission after having determined in a public hearing that the proposed subdivision complies with this Ordinance.

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 (1%) in any given year.

Replat means a change in a recorded subdivision plat if such change affects any road layout on such plat, any area reserved thereon for public use, or any lot line including the division of any lot by plat or otherwise that creates an additional building site on any lot located within a previously approved subdivision plat.

Right-of-Way means a strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other 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.

Sight Distance Triangle means the triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and twelve feet above established grade, determined by a diagonal line connecting two points measure at least fifteen (15) feet equidistant from the street corner along each property line, provided however greater distance may be required to meet American Association of State Highway and Transportation Officials (AASHTO) standards due to the prevailing speed and traffic control at the intersection.

Street or Road means a thoroughfare within the right-of-way that carries traffic between land use activities and/or provides access to abutting properties. A road may be designated an avenue, boulevard, drive, highway, lane, parkway, place, street, court, or appropriate name. Roads are identified according to type of use or function, as follows:

1. **Major Arterials.** Major Arterials include interstates, freeways/expressways and principal arterials. The National Highway System of 155,000 miles includes the nation's most important rural Principal Arterials in addition to interstates.
 - a. **Interstates/Freeways/Expressways.** Freeways and expressways are the highest category of arterial streets and serve the major portion of the through-traffic entering and leaving the metropolitan area (i.e., inter-urban traffic). These roadways carry the longest trips at the highest speeds, and are designed to carry the highest volumes. In metropolitan areas, intra-urban traffic (such as between the central business district and outlying residential areas and between major inner-city communities or major urban centers) may also be served by streets of this class. Interstates are fully-controlled access facilities that are grade-separated from other roads and railroads, such as Interstate 65. All roadways that are on the nation's interstate system of approximately 45,000 miles are fully grade-separated with full access control. Freeways are non-interstate, fully-controlled access facilities that are also grade-separated from all intersecting transportation facilities. Expressways are partially-controlled access facilities that may have occasional at-grade intersections.
 - b. **Principal Arterials.** Principal Arterials (sometimes termed Other Principal Arterials under the federal functional classification system) are the highest

category of arterial streets without grade separation. This functional class complements the freeway/expressway system in serving through-traffic entering and leaving the metropolitan area. Within the metropolitan area, major intra-urban trips are served between the central business district and suburbs, and between major suburban activity centers. Although Principal Arterials may lack access control, some level of access control is highly desirable such as the minimum spacing of intersections with public roads and the control of driveway entrances. For Principal Arterials, maintaining traffic-carrying capacity for through-traffic is more important than providing access to abutting property.

2. **Minor Arterials.** Minor Arterials, the lowest category of arterial streets, serve trips of moderate length and offer a lower level of mobility than Principal Arterials. This class augments the Major Arterials, distributing traffic to smaller geographic areas, and linking cities and towns to form an integrated network providing interstate highway and inter-county service. Minor Arterials also provide urban connections to rural collectors.
3. **Collector Streets.** Collector streets serve as the link between local streets and the arterial system. Collector streets provide both access and traffic circulation within residential, commercial and industrial areas. Moderate to low traffic volumes are characteristic of these streets. In rural areas, the Major Collectors provide service to county seats, larger towns (2,500 or more persons) and other major traffic generators that are not served by arterials. These roads serve the most important intra-county corridors. Minor Collectors link local roads in rural areas and serve the smallest rural communities (fewer than 2,500 persons).
4. **Local Streets.** Local streets are composed of all streets not designated as collectors or arterials. Primarily serving abutting properties, local streets provide the lowest level of mobility and, therefore, exhibit the lowest traffic volumes. Through-traffic on local streets is deliberately discouraged. This class of street is not part of any town or county thoroughfare network, and is not eligible for federal aid with the exception of bridges and bikeway/walkway facilities.
5. **Private Road.** A private road is a local street that is not dedicated or accepted for public use or maintenance, which provides vehicle and pedestrian access, and for which long-term maintenance responsibility has been explicitly defined before such roadways are built.

The designation of roads by type of use or function is defined by the functional classification of the Federal Highway Administration and Indiana Department of Transportation unless otherwise defined by future county ordinance or amendment of this ordinance.

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 final approval of said plat.

Subdivision means the division of any land into two (2) or more lots or parcels. A plat prepared by a licensed Professional Land Surveyor and approved by the Plan Commission is required for all subdivisions. The two types of subdivisions provided for under this ordinance are defined as follows:

1. "major subdivision" means subdivision not classified as minor subdivisions including, but not limited to, subdivision of seven (7) or more lots, or any size subdivision requiring any new road or extension of public facilities, or the creation of any public improvements.
2. "minor subdivision" means any subdivision containing not more than six (6) lots. These lots are fronting on, or having access to, an existing road; not including creating any new road, or the extension of public facilities, or the creation of any public improvement; but

allowing the dedication of additional rights-of-way or easements for public roads and public facilities; 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 this Ordinance.

3. A subdivision of land which shall never create a building site or sites is not subject to the minimum lot size requirements of the Zoning Ordinance.

Subdivision Review Committee means a technical review committee established by the Plan Commission which may be appointed by the Plan Commission to assist with the technical evaluation of subdivisions.

RESUBDIVISION AND/OR REPLATTING OF LAND

PROCEDURE FOR RESUBDIVISIONS/REPLATTING

If any change in an approved or recorded subdivision plat affects any street layout shown on such plat, any area reserved thereon for public use, or any lot line including the division of any lot by plat or otherwise that creates an additional building site on any lot located within a previously approved subdivision plat, such change shall be considered a replat of the entire previously approved plat and shall be approved by the Plan Commission by the same procedure, rules, and regulations as for subdivisions. Such change also must be made in conformity with the statutes governing platting and vacating of public ways (I.C. 36-7-3, et seq., as amended).

PROCEDURE FOR SUBDIVISIONS WHERE FUTURE SUBDIVIDING IS INDICATED

Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission may require that such parcel of land allow for the future opening of roads and the ultimate extension of adjacent roads. Easements providing for the future opening and extension of such roads may be made a requirement of the plat.

VACATION OF PLATS

Any recorded plat or part of any recorded plat may be vacated only in accordance with I.C. 36-7-3 as amended.

ENFORCEMENT, VIOLATIONS, AND PENALTIES

GENERAL

- a. It shall be the duty of the Executive Director to enforce these regulations and to bring any violations or lack of compliance to the attention of the Plan Commission Attorney [or if there is none, the County Prosecutor].
- b. No owner, or agent of the owner, of any parcel of land located in a subdivision shall transfer, lease or sell any such parcel before a plat of such subdivision has

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been approved under Final Approval by the Plan Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.

- c. No Improvement Location Permit or Building Permit required under the Uniform Building Code, the Zoning Ordinance or this Ordinance shall be issued until the provisions of this Ordinance have been complied with.

VIOLATIONS AND PENALTIES

Any person who violates a provision of this Ordinance or any regulations herein contained, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10) and not more than three hundred dollars (\$300) for each day's violation.

RESTRAINING PROVISIONS

- a. Any land subdivided in violation of the terms of this Ordinance after the effective date hereof, is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.
- b. The Commission may institute an injunction suit requesting an individual or governmental unit be directed to remove a structure erected in violation of this Ordinance, or to make the same comply with its terms. If the Commission is successful in its suit, the respondent shall bear the costs of the action, including reasonable attorney fees.
- c. The Commission may institute a suit for mandatory injunction requesting an individual, partnership, association, corporation, governmental unit, or other entity be may directed, where such individual entity has violated any provisions of this Ordinance, to comply with the provisions of this Ordinance. If the Commission is successful in its suit, the respondent shall pay the Commission's reasonable attorney fees and all costs related to the enforcement of this Ordinance.

APPLICATION FOR MINOR SUBDIVISION

1. Any division of land which results in the creation of not more than six (6) lots and does not involve the opening or creation of new public rights-of-way and complies in all other respects with this Ordinance and the Zoning Ordinance, said proposed division may be approved as a minor subdivision by submission of a proposed plat to the executive director in a manner as set forth in paragraph C and shown in the Clark County Subdivision Approval Process Flow Chart. Following the provisions of 36-7-4-701(D) and (E) as amended, the Plat Committee must approve the minor subdivision unless a technical problem is discovered which endangers the public's health, safety or welfare.
2. Notice shall be given according to the provisions of I.C. 36-7-4-701 (d), as amended.
3. An application for a minor subdivision shall require the following data:
 - a. Name of subdivision and legal boundary description.
 - b. Location map of subdivision, north point and scale.

- c. Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey which complies with 365 IAC 1-12 in the field which has been balanced and closed, as well as physically located by monumentation.
- d. Location and description of all monuments with references by distance and bearings to 1/4 section corners, section corners, grant corners, or recorded subdivision corners.
- e. Length of lot lines and area of lots, angles or bearings at all points of deflection of all continuous lines, radii, arcs, and curve data necessary to construct the horizontal curves.
- f. All lots numbered or lettered and all roads with appropriate names.
- g. Public right-of-way widths, width of ingress and egress, maximum grades, approximate curves, and utility easements. Any additional right-of-way to be dedicated to meet the minimum right-of-way widths in Exhibit 1. No buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written review and approval by the appropriate agency.
- h. Building setback of front yard lines and side yard lines for corner lots.
- i. Thoroughfare setback lines, if applicable.
- j. 100-year flood contour line from the Flood Insurance Rate Map (FIRM), or statement that all areas are outside flood plain and the limits of the floodway as may be appropriate.
- k. Existing water, sewer and other municipal services.
- l. Name of developer and/or owner, and land surveyor.
- m. Zoning classification of subject property and of abutting property.
- n. Names and addresses of abutting property owners.
- o. Any existing buildings and their placement on the lots.
- p. Copy of proposed plat submitted to County Health Department.
- q. Natural drainage easements designated with statement that no buildings, structures, fences, shrubs, or trees shall be placed in easements. Legal drain designated, if applicable.
- r. Six (6) copies of proposed plat.

Certificates

- a. By a licensed professional Land Surveyor.
 - b. By the owner (notarized).
 - c. By the Plan Commission Executive Director (compliance with code).
 - d. By the owner for dedication of public utilities, sewer, water drainage and private access easements.
4. The minor plat shall be submitted to the Executive Director on a reproducible material.

APPLICATION FOR MAJOR SUBDIVISION

PRELIMINARY APPROVAL

1. A person desiring the approval of a plat or replat of land for a major subdivision shall submit to the Executive Director a written application for approval, the completed preliminary checklist, and fees hereinafter provided. The plat shall include, but not be limited to, the provisions listed below. The preliminary plat shall be presented to the Subdivision Review Committee for technical review and recommendations. This process is shown in the Clark County Subdivision Approval Process Flow Chart.
2. An application for preliminary approval of a major subdivision shall require the following data:
 - a. Name of subdivision and legal boundary description.
 - b. Location map of subdivision, north point and scale.
 - c. Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey, conforming with 865 IAC 1-12, in the field which has been balanced and closed, as well as physically located by monumentation.
 - d. Location and description of all monuments with references by distance and bearings to both 1/4 section corners, section corners, grant corners, or recorded subdivision corners.
 - e. Length of lot lines, minimum width, depth and area of all lots.
 - f. All lots numbered or lettered and all roads labeled with appropriate names.
 - g. Public way widths, width of ingress and egress, maximum grades, approximate curves, co-ordination of subdivision public ways with current and planned public ways within the subdivision, and utility easements. No buildings, structures, fences, shrubs or trees shall be placed in the public right-of-way without prior written review and approval by the appropriate agency.
 - h. Roads and alleys adjacent to the new subdivisions with their names.
 - i. Building setback of front yard lines and side yard lines for corner lots.
 - j. Thoroughfare setback lines, if applicable.
 - k. Contours shown at vertical intervals of two (2) feet if the general slope of the site is less than two percent (2%), and at vertical intervals of five (5) feet if the general slope is greater than two percent (2%), as taken from available county, state or federal maps.
 - l. 100 year flood contour line from the Flood Insurance Rate Map (FIRM) and the limits of the floodway as may be appropriate.
 - m. Existing water, sewer and other municipal services, if applicable.
 - n. Name of developer and/or owner and land surveyor and/or engineer.

- o. Zoning classification of subject property and of abutting property.
 - p. Names and addresses of abutting property owners.
 - q. Any existing buildings and their placement on the lots.
 - r. Copy of proposed plat submitted to County Health Department, Indiana State Department of Health or Indiana Department of Environmental Management.
 - s. 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.
 - t. Natural drainage easements designated with statement that no buildings, structures, fences, shrubs or trees shall be placed in easements. Legal drain designated, if applicable.
 - u. Information documenting the adequacy of existing or proposed roadway improvements including:
 - i. The sight distance triangle and adequacy of the sight distance at the intersection of any new dedicated public street or road with any existing or new public street or road.
 - ii. The typical cross section including right-of-way, pavement width, curb and gutter (if applicable), storm sewer or drainage swale/ditch, and walkway (if applicable) for roads interior or abutting the subdivision.
 - iii. The typical cross section of the primary access road to the subdivision from the nearest major collector or arterial road functionally classified by the Federal Highway Administration and Indiana Department of Transportation.
 - iv. Current traffic counts on roads abutting the subdivision and the proposed future traffic generated by the new development (typically calculated as nine (9) trips per house within the subdivision).
3. The Subdivider may be permitted to revise the preliminary plat to conform to agreed upon recommendations of the Review Committee prior to the hearing before the Plan Commission if Plan Commission Executive Director is given forty-five (45) days to review before the public hearing.

All subdivision plat applications must be accompanied by six (6) full sized sets of plats on either 18" by 24" or 24" by 36" paper and by fifteen (15) copies of reduced sized plats on 11" by 17" paper for both preliminary and final plat approvals. The full sized sets shall be distributed as follows: four (4) to the planning director who will distribute copies to the County Engineer and County Surveyor, one (1) to the County Drainage Board, and one (1) to the sewer company or County Health Department.

FEE SCHEDULE

At the time of filing his/her application for subdivision approval, the Subdivider shall pay to the Plan Commission the fee provided for in this section.

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Filing Fees: Filing fees for applications for major or minor subdivisions and major or minor subdivision replattings shall be charged in accordance with a fee schedule as may be established by the Plan Commission.

Legal Advertising: The cost of any advertisement or legal notice shall be paid for by the Subdivider.

NOTICE

The provisions of I.C. 36-7-4-706, as amended, requiring a specific method of notice or other procedure shall at all times be adhered to and/or incorporated herein.

HEARING BEFORE PLAN COMMISSION (PRELIMINARY APPROVAL)

1. The preliminary plat shall be presented at a public hearing of the Plan Commission.
2. If, after the hearing, the Plan Commission determines that the application and plat comply with the standards in the Subdivision Control Ordinance, it shall make written findings and decision granting preliminary approval to the plat signed by the presiding member of the Plan Commission or the delegated authority.
3. If, after the hearing, the Plan Commission disapproves the plat, it shall make written findings, within ten (10) days, that set forth its reasons and a decision denying preliminary approval, and shall provide the Subdivider with a copy signed by the presiding member of the Plan Commission or the delegated authority.
4. The Plan Commission or its Executive Director may not impose any additional terms, conditions, or commitments after preliminary approval is given.

NOTICE:

In addition to all other notices as required by this ordinance or state law, notice of all hearings on preliminary subdivision plat applications, variance requests which seek a variance from any provision of the subdivision control ordinance, special uses, and special exceptions shall be posted in a conspicuous place on the subject property along all road frontage of the subject property at least every five hundred (500) feet at least ten (10) days prior to the date of the hearing. Such signs shall be no smaller than two (2) feet in height and four (4) feet in width and shall bear lettering large and bold enough to be read from the road frontage. Each such notice shall state as a minimum: "The owner of this property has made a request before [choose one: the County Plan Commission or the County Board of Zoning Appeals] to [choose one: subdivide the property, grant a use variance, grant a developmental standard variance, grant a special use or grant a special exception]. A public hearing will be held on the request at Room 308, County Building, 501 East Court Avenue, Jeffersonville, Indiana, on the ___ day of _____ 20___, at _____ o'clock __.m."

All such signs shall be removed within ten (10) days following final action.

FINAL APPROVAL

1. The Plan Commission may grant final approval of a plat or replat under this chapter.
2. No notice and hearing are required for final approval.
3. The purpose of final approval is to insure that the plat reflects all terms, conditions, and commitments given by the Subdivider or required by the Plan Commission at the hearing on preliminary approval and that the plat complies with this Subdivision Control Ordinance.
4. A plat of subdivision may not be recorded in the office of the Clark County Recorder unless it has been granted final approval and signed and certified by the president of the Plan Commission.
5. Final approval may be granted when construction plans for all public improvements have been prepared by the Subdivider's engineer and/or surveyor and recommended for approval by the County Engineer, County Drainage Board, County Surveyor, or other appropriate agencies and all improvements shall be completed and accepted in accordance with such plans.
6. Final approval may not be granted to a plat for a subdivision unless one of the following occurs:
 - a. the basic improvements and installations have been fully complied with and completed, installed and/or constructed, including roads, curbs, gutters, drainage facilities, electric lines, sewer lines (where available), water lines, fire hydrants, sidewalks (when required), street lights (when required), internet lines or cables (when required), any and all other utilities as required by this ordinance or any other ordinance of the county, and everything else set forth in the Approved Final Plat, the Construction Drawings, the Drainage Plans, and the Erosion Plans; or, alternatively
 - b. the Subdivider provides: (i) contracts or written evidence of contracts with utility companies that electric, water, and sewer (where available) utilities will be provided to the subdivision; and, (ii) a Performance Agreement in a form created by the Plan Commission Attorney; and, (iii) a Subdivision Performance bond to the county in a form created by the Plan Commission Attorney that the subdivision will be completed in full conformance with this ordinance, the Performance Agreement, the approved final plat, the construction drawings, the drainage plans, and the erosion plans, and, when applicable, the approved Planned Unit Development plats and drawings. Such Subdivision Performance bond shall:
 - i. be payable to Clark County in an amount set by the Plan Commission sufficient to complete the basic improvements and installations in compliance with the ordinance; and
 - ii. be in a sum which is at least 120% of the amount estimated to complete the roads, drainage structures and all other work or improvements to the subdivision required by this section or the above referenced subdivision documents; and
 - iii. provides that the claim period under the bond shall not expire sooner than twelve (12) months after the required completion date as provided

for in the Performance Agreement executed by the Subdivider in favor of the county regarding construction of the subdivision in accordance with this ordinance, the approved Final Plat, the construction drawings, the drainage plans and the erosion plans; and

- iv. be on a standard form created by the Plan Commission Attorney.
7. Any money received by Clark County from a bond or otherwise shall be used only for making the required improvements and installations for which the performance bond was provided. This money may be used for these purposes without appropriation. The improvements or installations must conform to the standards provided for such improvements or installations by the county as well as the Subdivision Control Ordinance.
8. The County Engineer or his/her designated inspectors who shall report to him/her (with regards to road and right-of-way compliance as well as drainage and erosion control compliance) shall make inspections from time to time when requested by the Subdivider or the County Commissioners to determine if the subdivision has been constructed in accordance with the approved Plat, Construction Plans and Drainage and Erosion Plans. Any deficiencies found by such inspections shall be promptly brought to the attention of the Subdivider who shall correct and complete such deficiencies. If the Subdivider has not completed construction within the time or in the manner as provided by the Performance Agreement (or an amended Performance Agreement) and if the County Engineer acting on specific authority of the County Commissioners does not obtain an amended Performance Agreement from the Subdivider and a replacement Subdivision Performance bond in an amount determined by the County Engineer sufficient to complete all improvements, then the County Engineer shall immediately notify the Plan Commission Attorney who shall enforce compliance with the Performance Agreement and/or collect under the bond. The secretary for the Plan Commission shall forward each original Performance Agreement and original Subdivision Performance bond for each Final Plat approved by the Plan Commission to the County Engineer immediately after receipt of such documents by the Plan Commission. The Plan Commission shall retain copies of both documents along with a copy of the transmittal letter to the County Engineer for its file.
9. A person desiring the final approval of a plat or replat of land for subdivision shall submit to the Plan Commission the plat of the proposed subdivision with the required certificates attached.

The following certificates shall be affixed to the plat before recording:

CERTIFICATES:

- a. By the registered land surveyor to the effect that the plat represents a survey made by him/her on _____ and recorded in _____ that all monuments shown thereon exist or will be set, and that their locations are as shown or will be as shown.
- b. By the Subdivider(s)/applicant(s) and/or any other owner(s) of record, a notarized statement that said Subdivider(s) and/or other landowner(s) is/are the owner(s) of the lands and the platting of the subdivision is the Subdivider's and/or other owner's voluntary act and deed. The Subdivider(s) and/or owner(s) shall 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.
- c. By the Plan Commission, fixed with the seal of the Plan Commission, signed by the president or presiding officer of the Plan Commission, and attested to by the

Subdivision Control Ordinance for Clark County, Indiana

executive director of the Plan Commission. The certificate shall disclose that proper public notice was given, and that a majority of the members of the Plan Commission concur in its approval.

All subdivision plat applications must be accompanied by six (6) full sized sets of plats on either 18" by 24" or 24" by 36" paper and by fifteen (15) copies of reduced sized plats on 11" by 17" paper for both preliminary and final plat approvals. The full sized sets shall be distributed as follows: four (4) to the planning director who will distribute copies to the County Engineer and County Surveyor, one (1) to the County Drainage Board, and one (1) to the sewer company or County Health Department.

10. Except as provided for in subpart 11, below, a plat or replat of subdivision MUST BE GIVEN FINAL APPROVAL AND BE RECORDED within eighteen (18) months of preliminary approval. Upon written request, the Plan Commission may extend the time limitation for one (1) year. If the Subdivider fails to record within this time period, the preliminary and final approval given by the Plan Commission shall be null and void.
11. Plats that have been granted preliminary approval after the adoption of this Ordinance may be submitted for final approval in sections as deemed most advantageous by the Subdivider with the approval of the Executive Director of the Plan Commission. Additional sections may be submitted for final approval without repeating preliminary approval if they substantially conform to the geometrics of the original preliminary plat. The eighteen (18) month limit for recording the final plat is automatically renewed with the recording of any section of the approved preliminary plat.

The plat may be deemed to substantially conform to the preliminary plat if the geometrics of the final plat are substantially the same layout. The addition, removal, or alteration of road patterns, lot sizes, and total number of lots shall result in a resubmission of the plat for preliminary approval unless such changes were a condition of the preliminary plat approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity.

12. The final coat of road asphalt shall not be installed by the Subdivider until such time as primary buildings have been completed on at least 80% of all lots shown on the recorded plat. After: (i) the completion of all improvements and installations as provided in the Performance Agreement in a good and workmanlike manner and approval of same by the County Engineer acting with the specific authority from the County Commissioners after consultation with the County Engineer (as to roads and right-of-way areas), County Drainage Board (as to drainage and water quality), County Surveyor (as to monuments), fire department district (as to fire hydrants) and soil and water conservation (as to IDEM erosion control) and (ii) the posting of a Subdivision Maintenance bond by the Subdivider, the Performance Agreement and the Subdivision Performance bond shall be released by the county. The Subdivision Maintenance bond shall be in favor of the county, be valid for a period of two (2) years and be in an amount determined by the County Engineer as reasonably sufficient to maintain the subdivision roads, drainage and snow removal if not done by the Subdivider for said two (2) year period.
13. Unless there is a separate construction entrance to the construction site, a Subdivider, person, corporation, association, partnership or other entity who develops land in sections or phases such that the development of one section requires construction traffic, truck traffic and/or heavy equipment to cross over existing subdivision roads shall be required to file and provide a maintenance bond with the county prior to the earlier of the following: the commencement of construction, or the approval of any preliminary and/or final plat application for the section where construction has not yet begun. Such maintenance bond shall be in an amount considered adequate by the County Engineer in order to assure the restoration of the roads and other improvements to full compliance

Subdivision Control Ordinance for Clark County, Indiana

with all road specifications in the event of damage caused by the development. Such bonds shall be for no less than one (1) year. Such bonds shall be set in an amount deemed adequate by the County Engineer. Such bonds shall be released after inspection and approval of the site by the County Engineer.

14. The County Engineer shall make a written report which is a fixed item on each meeting agenda to the County Commissioners concerning each subdivision still under construction, which has not been completed by the completion date provide for in the Performance Agreement, the Subdivider's progress toward fulfilling the obligations of the Performance Agreement, and the need to either obtain an amended Performance Agreement and replacement Subdivision Performance bond or make a claim on the existing Subdivision Performance bond.
15. No road shall be accepted into the county's inventory of roads until such time when the County Engineer has recommended same and the County Commissioners have accepted same at a public meeting.
16. If the major subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, pursuant to 327 IAC 15-5 (Rule 5), as amended, as administered by the Indiana Department of Environmental Management should be submitted to the Clark County Drainage Board.

UNRECORDED PLAT

Any plat which has been previously approved by the Plan Commission, but not recorded within eighteen (18) months of the passage of this Ordinance is null and void, and must be resubmitted pursuant to the provisions of this chapter.

PLANNED UNIT DEVELOPMENT

This chapter also applies to the subdivision of a Planned Unit Development (PUD). However, the design and development of a PUD may deviate from the standards prescribed in this chapter. A preliminary subdivision plat may be submitted to the Plan Commission at the time of submission for PUD petition. Preliminary approval may be granted subject to proper zoning.

GENERAL SUBDIVISION REQUIREMENTS

PURPOSE

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

REQUIRED IMPROVEMENTS

1. Roads:

Roads shall be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer. The County Engineer, who shall receive two (2) sets of plans as approved and shall supervise the construction of the road improvements, must recommend approval to the County Commissioners.

2. Curbs, Gutters, and Sidewalks:

The curbs and gutters for all roads within and bounding the subdivision shall conform to the standards shown in **Exhibit 1**.

The Subdivider shall have sidewalks in subdivisions with lots 9,600 square feet or smaller and may provide sidewalks in subdivision with lots greater than 9,600 square feet for all roads within and bounding the subdivision.

- a. Curbs and gutters must be of integral concrete or other approved design, and materials and methods of construction must conform to the latest approved minimum requirements of the Standard Specifications or any subsequent amendment thereto, as adopted by the County.
- b. Sidewalks shall conform to the Standard specifications or any subsequent amendment thereto, as adopted by the County.
 - i. Sidewalks shall conform to the established location and width of existing sidewalks within the same block, but not be less than four (4) feet in width.
 - ii. In commercial and other congested areas, the Board of County Commissioners of Clark County may require sidewalks of greater width constructed adjacent to the curb.
 - iii. The owners of property abutting sidewalks in the County are required to repair that part of the sidewalk adjoining property belonging to them, at their own expense, by repairing any holes, uneven surfaces and other defective places therein, by using materials as nearly similar as possible to that of which the sidewalk is constructed.
 - iv. Sidewalks shall conform to Americans with Disabilities Act (ADA) standards.

3. Sewerage Facilities:

- a. General Requirements. The Subdivider shall install sanitary sewer facilities in accordance with the rules, regulations, and standards of the Health Department, the Indiana Department of Environmental Management and other appropriate State and Federal agencies. (In the case of a city system extended into the County, the city's engineering and other standards, etc. would prevail.)
- b. Sanitary Sewerage System Requirements. Where provided, sanitary sewerage facilities shall connect with public sanitary sewerage systems, and shall be installed to serve each lot to grades and sizes required by approving officials and agencies. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Health Officer, participating jurisdiction, and appropriate State agency.
- c. Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Health Department and the standards of the Zoning Ordinance establishing lot areas for individual sewerage disposal systems.

4. Water:

When there is an available municipal or community water supply approved by the Indiana Department of Environmental Management at the time of approval of the final plat, then the Subdivider shall provide the subdivision with a complete water main system connected to said existing water system, and where a water main of suitable size and pressure abuts the subdivision, the developer shall install water mains and fire hydrants adequate for fire protection within the subdivision. All new water systems in any flood hazard area must 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 either:

- a. provide a water supply system to each lot in the subdivision in accordance with minimum requirements of the Indiana Department of Environmental Management.
- b. if applicable, affix a certificate to the mylar stating that said purchaser shall install on said lot an individual water supply in accordance with the minimum requirements of the Indiana State Board of Health.

5. Storm Drainage:

The Subdivider shall provide the subdivision with an adequate storm water system in accordance with plans and specifications prepared by the Subdivider's Professional Engineer or Professional Land Surveyor and approved by the Clark County Drainage Board after inspection.

6. Monuments and Markers:

Monuments and markers should be constructed to the standard as set forth under 865, I.A.C., 1-12-18.

ROADS, STREETS AND ALLEYS

1. The road and street design of the subdivision shall provide direct access for lots and parcels of land within the subdivision and shall provide for continuity of arterial or collector roads and streets. The Plan Commission shall require the extension of certain roads or streets to the exterior boundary of the subdivision and shall 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. Roads not immediately extended shall terminate in a legal cul-de-sac which may eventually be vacated.
2. If the subdivision has fifty (50) or more residential units, there shall be two (2) separate entrances onto two (2) separate roads. If the subdivision only fronts a single road, the subdivision shall have two (2) entrances onto the road provided there is appropriate distance between entrances and other roadways and intersections. If there is not appropriate distance between entrances and other roadways and intersections, then a single entrance with a median divider is allowed. Each lane of the single entrance with a median divider shall be at least sixteen (16) feet if roll curbs are used or eighteen (18) feet if barrier curbs are used. The median shall be twelve (12) feet in width to accommodate a separate left-turn lane if necessary. The median divider shall extend from the entrance of the intersection to the first crossroad or first intersection within the subdivision.

3. The minimum width or rights-of-way shall be in accordance with the Zoning Ordinance and/or Thoroughfare Plan. The minimum width for utility easements shall be ten (10) feet (five feet each side of the centerline of the easement). A dead-end street or cul-de-sac, if permitted by the Commission, shall terminate in a circular right-of-way providing for a minimum outside diameter of one hundred (100) feet. The standard design requirements for roads, curbs and sidewalks are set forth in this section in **Exhibit 1**.
4. Frontage or service roads separate local traffic from the higher speed through-traffic of major transportation arteries.

Frontage or service roads may also be required by the 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.

Design of frontage or service 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.

5. Auxiliary lanes must conform to the approved plans and specifications.
6. Intersections involving more than four (4) legs (approaches to the intersection) should be avoided. Three-legged 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 roads, the angle of intersection of the road centerlines may not be less than seventy-five (75) degrees.

Intersections must be approached on all sides by near level areas. Where the grade exceeds seven percent (7%) 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 maximum of two percent (2%).

Design of curb or edge or pavement radii shall conform to the applicable standards adopted by the Board of County Commissioners.

Minimum sight distance at intersections 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.

7. All plans shall conform to the current design standards as set forth in this ordinance. Private roads which are installed shall conform to the thickness standards for roads as set forth in this Ordinance.
8. The primary access road in the subdivision must be of adequate width and design to accommodate emergency vehicles and regular daily traffic, including being above the 100-year FEMA flood elevation, and the sight distance for any entrances of the subdivision onto a public road or street shall be adequate.
9. All roads within the subdivision must be above the 100-year FEMA flood elevation.
10. Subdivisions having fifty (50) or more residential units shall be required to prepare and submit a traffic impact study to the Plan Commission. The traffic study shall be prepared by an independent licensed professional engineer.

BLOCKS AND LOTS

1. The width of blocks should be sufficient to allow two (2) tiers of lots. Blocks shall not be less than four hundred (400) feet, and shall not exceed one thousand, three hundred and twenty (1,320) feet in length, unless the Plan Commission determines that a longer length will not be detrimental to local traffic flow.
2. 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 the Zoning Ordinance.
 - a. If sanitary sewers are not available, the developer shall receive from the Clark County Health Department prior to preliminary plat approval a letter indicating the soils in the subdivision are generally acceptable for the subdivision. Before the final approval, a letter is required from the Health Department stating that all lots are approvable for individual septic systems.
 - b. All lots shall front on a dedicated public or approved private road.
 - c. Building setback lines shall be established behind road and street right-of-way lines, as prescribed for "front yards" in the Zoning Ordinance.
 - d. All lots must be in compliance with the Thoroughfare Plan. Lots shall not be designed in such a manner that there would be insufficient area remaining to build on after building setback lines and thoroughfare setback lines are established in accordance with the Zoning Ordinance and the thoroughfare plan of the Clark County Code of Ordinances.
 - e. The side lot lines should be at right angles or radial to road lines.
 - f. Double frontage and reverse frontage lots shall be discouraged except where necessary to provide separation of residential development from arterial roads or to overcome specific disadvantages of topography and orientation.
 - g. 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 ten (10) feet in width (five feet on either side of the lot line).

PUBLIC SPACES

Where a park, school, playground or areas for other public uses (excluding streets, public utilities and drainage ways) should be provided in the subdivision in accordance with the Clark County Comprehensive Plan, such areas should either be dedicated to the proper public agency or should be reserved for acquisition by such agency within one (1) year.

INTERSECTIONS WITHIN SUBDIVISIONS

1. At road intersections, property line corners shall be rounded by an arc at least twenty-five (25) feet in radius.
2. All roads intersecting a road should do so at right angles, or as nearly as possible, and the intersection angle shall not be less than seventy-five (75) degrees. The foregoing radii shall be increased not less than forty (40) feet.

EROSION AND SEDIMENTATION CONTROL

If any area to be used for commercial uses is disturbed, or if over one (1) acre of area for residential uses is disturbed, Erosion Control and Sediment Control Plans, as required pursuant to this Ordinance, shall be provided as required by 327 I.A.C. 15-5 (Rule 5), as amended, as administered by the Indiana Department of Environmental Management.

NONRESIDENTIAL SUBDIVISIONS

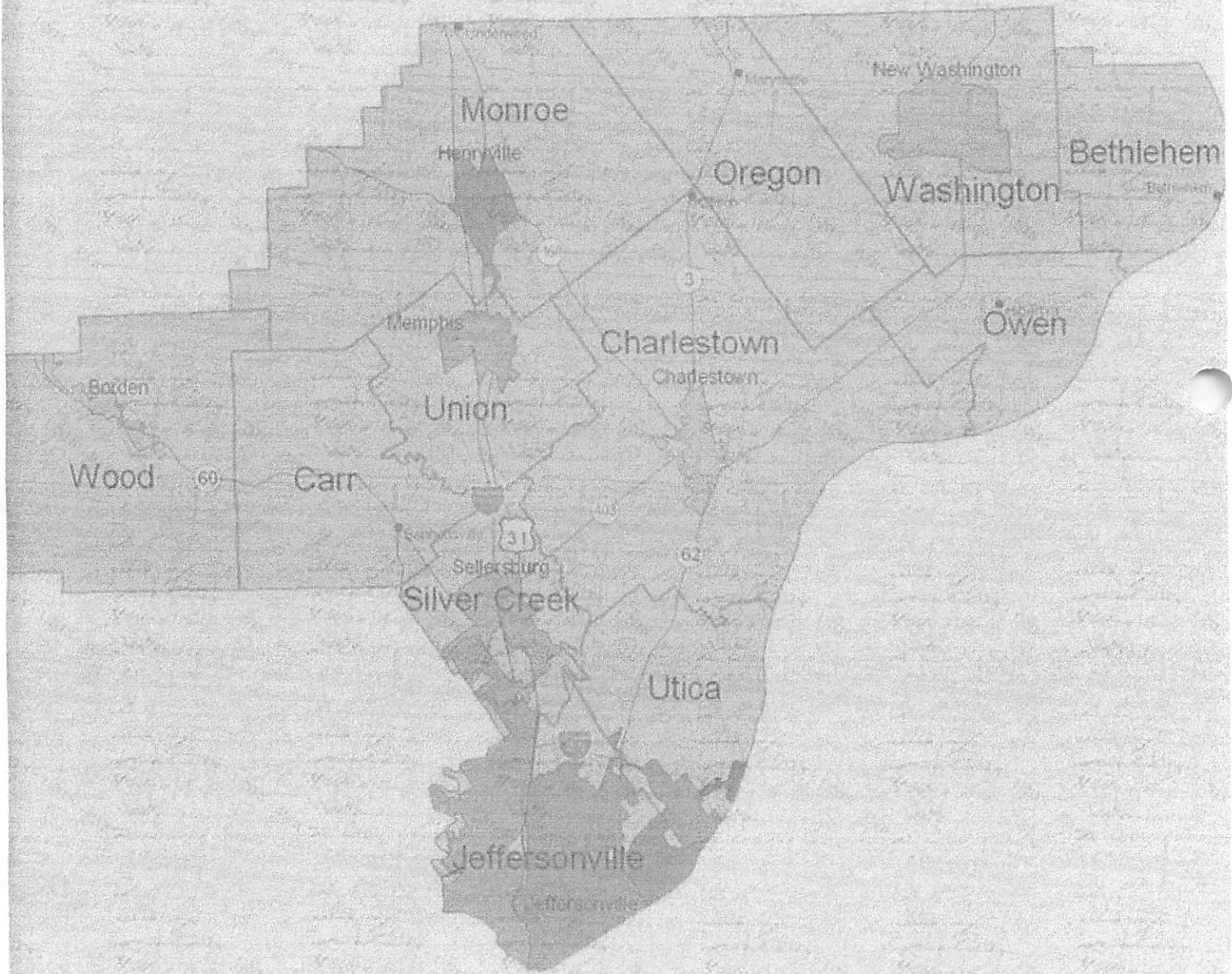
1. **General.** If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall meet such special provisions as the Plan Commission finds appropriate and requires. A nonresidential subdivision shall also be subject to all the requirements set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the Commission and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance, except that where lot lines are to be established incrementally they need not be shown on the sketch plan or the preliminary plat for preliminary approval.
2. **Standards.** In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the road, parcel, and block pattern proposed are appropriate for the uses anticipated and adequately take into account other uses in the vicinity. The following principles and standards shall be observed.
 - a. Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of industrial development anticipated. Proposals for incremental lot by lot subdivision must be made clear in a statement on the preliminary plat which is satisfactory to the Commission.
 - b. Road rights-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - c. Special requirements may be imposed by the Commission upon recommendation of the County Engineer and County Drainage Board with respect to road, curb, gutter, and sidewalk design and construction.
 - d. Special requirements may be imposed by the Commission with respect to the installation of public utilities, including water, sewer, and storm water drainage and preprocessing of sewage. Special requirements may also be imposed regarding the storage and disposal of toxic materials.
 - e. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing onto existing or potential residential development and provision of a permanently landscaped buffer strip where necessary.
 - f. Roads carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Exhibit 1
(Minimum Standard Design Requirements)

Local, Residential Road Standards	Less than 40,000 square foot lots	Greater than or equal to 40,000 square foot lots
Pavement width		
- subcollector road	30 feet including curb	24 feet
- access road/minor street	28 feet including curb	24 feet
- cul-de-sac	26 feet including curb with a turnaround of 50' radius	24 feet with a turnaround of 50' radius
Curb/shoulder	curb	Curb or 4 foot shoulder. The shoulder is not an option within the 2 mile fringe of an incorporated area
Right-of-way Widths		
- subcollector road	50 feet	50 feet
- access road/minor street	50 feet	50 feet
- cul-de-sac	50 feet/120 foot diameter turnaround	50 feet/120 foot diameter turnaround
On-street Parking	Unrestricted	None
Sidewalks	Allowed with maintenance, the responsibility of the abutting property owner	Allowed with maintenance, the responsibility of the abutting property owner
<u>Pavement Design</u>		
Subgrade Compaction	90% standard proctor	90% standard proctor
Rigid Concrete Pavement	7½ inch (balanced design), 8 inch (uniform design)	7½ inch (balanced design), 8 inch (uniform design)
Flexible Pavement (surface shall not be applied until 80% of the homes are built)	8 inch base, dense graded aggregate; 2 inch binder (HAC); 1 inch surface (HAC)	8 inch base, dense graded aggregate; 2 inch binder (HAC); 1 inch surface (HAC)

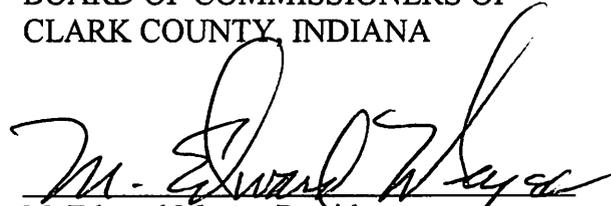
Exhibit 1 (continued)
(Minimum Standard Design Requirements)

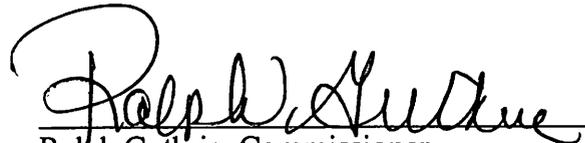
Local, Industrial and Business Road Standards	Less than 40,000 square foot lots	Greater than or equal to 40,000 square foot lots
Local Street Widths	Two 12 foot lanes with 6 foot dense graded shoulders and 2:1 slopes	Two 12 foot lanes with 6 foot dense graded shoulders and 2:1 slopes
Right-of-way Widths	50 feet	50 feet
Curb	None unless within two mile fringe of an incorporated area	None unless within two mile fringe of an incorporated area
Sidewalks	(see above Standards)	(see above Standards)
On-street Parking	None	None
Width of turning radius	Right: 75 feet with 90 degree curve	Right: 75 feet with 90 degree curve
<u>Pavement Design</u>		
Subgrade Compaction	90% standard proctor	90% standard proctor
Rigid Concrete Pavement	520 lb/cubic yard with water/cement ratio less than or equal to .53; Slump test less than or equal to 4 inches; Joint spacing: Follow Portland Cement design manual; Opening to traffic: Minimum of 7 days at 3,000 PSI; generally 28 days at 3,500 PSI; 8½ inch thickness	520 lb/cubic yard with water/cement ratio less than or equal to .53; Slump test less than or equal to 4 inches; Joint spacing: Follow Portland Cement design manual; Opening to traffic: Minimum of 7 days at 3,000 PSI; generally 28 days at 3,500 PSI; 8½ inch thickness
Flexible Pavement	6 inch type-O, #53 compacted aggregate; 4 inch #2 crushed stone; 3 inch bituminous base #5; 1½ inch binder (HAC); 1 inch surface (HAC)	6 inch type-O, #53 compacted aggregate; 4 inch #2 crushed stone; 3 inch bituminous base #5; 1½ inch binder (HAC); 1 inch surface (HAC)

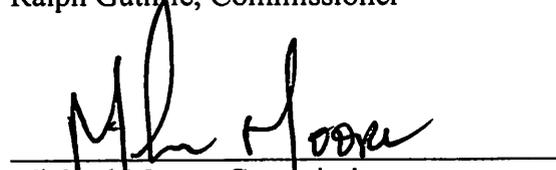


THIS SUBDIVISION CONTROL ZONING ORDINANCE WAS APPROVED
BT THE BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA ON THIS
13TH DAY OF DECEMBER, 2007.

BOARD OF COMMISSIONERS OF
CLARK COUNTY, INDIANA


M. Edward Meyer, President


Ralph Guthrie, Commissioner

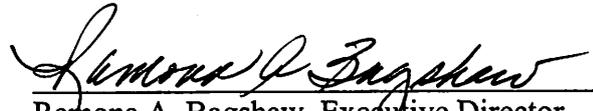

Michael Moore, Commissioner

ATTEST: Barbara Haas
Barbara Haas, Clark County Auditor

REPORT OF CLARK COUNTY PLAN COMMISSION'S
RECOMMENDING A NEW SUBDIVISION CONTROL ORDINANCE FOR
CLARK COUNTY, INDIANA

LET IT BE KNOWN, that the Clark County Plan Commission on December 5, 2007, at a called meeting voted to recommend to the Board of Commissioners for Clark County that Subdivision Control Ordinance No. 2-2002 and all Amendments be repealed and replaced with a new Subdivision Control Ordinance as submitted.

I do hereby certify that a copy of this new Subdivision Control Ordinance has been provided to the office of the Clark County Commissioners and the office of the Clark County Auditor on this 10th day of December, 2007.



Ramona A. Bagshaw, Executive Director
Clark County Plan Commission