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Fountain County, Indiana

Fountain County Board of Commissioners

Ordinance 2024-7

An Ordinance for Subdivision Controls

December 2024

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Section 1: Basic Provisions

1.01 Title

This Ordinance and all Ordinances supplemental or amendatory hereto shall be known as the Subdivision Ordinance of Fountain County and may be cited as such and will be referred to herein as “this Ordinance”.

1.02 Overview & Scope of Regulations

The standards in this document layout the procedures and qualifiers for administrative, minor and major subdivisions. This ordinance defines major subdivisions review and acceptance process and subdivision standards.

No Improvement Location Permits or Certificates of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the Subdivision Ordinance effective date, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with building code standards adopted by the County if they have been enacted and are in force.

A. Exempt Division of Land

An Exempt division of land, the administrative review process and the preliminary and secondary plat approval procedures of this Ordinance are not required. An exempt division must be one of the following types of division:

- a. A division of land for the transfer of tract or tracts to correct errors in an existing legal description;
- b. A division of land for federal, state, or local government to acquire street right-of-way;
- c. A division of land for the direct use of utilities to meet the public’s needs for sewer, water, gas, or electrical service;
- d. A combination or retracement of an existing parcel(s) of record in which either a survey plat does not exist, a survey error is being corrected, or an error associated with an existing legal description is being resolved;
- e. A division of land for the purpose of straightening property boundary lines, provided that the division does not cause a change in the existing land use;
- f. A division of land to correct administrative errors, and that administrative update does not recast the land as a Major Division or Minor Division;
- g. A division of land pursuant to an allocation of land in the settlement of a decedent’s estate or court decree for the distribution of property;
- h. A division of land for the unwilling sale of land as a result of legal condemnations, or foreclosure as defined and allowed by State law;
- i. d. A division of land for the transfer of a tract or tracts between adjoining lots,

provided that the division does not create a buildable lot for a principal use structure;

B. Administrative Subdivisions

1. Types of Administrative Subdivisions

An administrative subdivision is a subdivision of land that, unless specified otherwise, is specifically exempted from the preliminary and secondary plat approval procedures of this Ordinance. Administrative Subdivisions are exempt from most provisions of this Ordinance, may not result in or require the creation of a public easement or the installation of public improvements, and must be one of the following types of division:

- a. **A division of land for residential use into no more than two (2) additional tracts from the parent tract** of which all tracts are at least one (1) acre or more in size with the parent tract maintaining a minimum of one (1) acre;
- b. **A division of land into no more than five (5) tracts for agricultural use.** If the parcel was formed from a previous division of land and formed since the adoption date of the original Subdivision Ordinance date, the APC will determine if it should be classified as an administrative, minor, or major subdivision;
- e. A division of land into cemetery plots for the purpose of burial of corpses;

2. Administrative Subdivision Review

An administrative subdivision shall be reviewed by the APC in accordance with IC 36-7-4-710, as amended from time to time. The APC shall make comments regarding the application and either approve, approve with conditions, require further review, or deny the application.

3. Recording an Administrative Subdivision

Before the deed of a parcel that is created through an administrative subdivision may be recorded with the Fountain County Recorder, the APC shall place a notation on the deed to the effect that the parcel was created through the administrative subdivision processes. The notation shall be signed by the APC. The approved deed shall then be recorded with the Fountain County Recorder's Office.

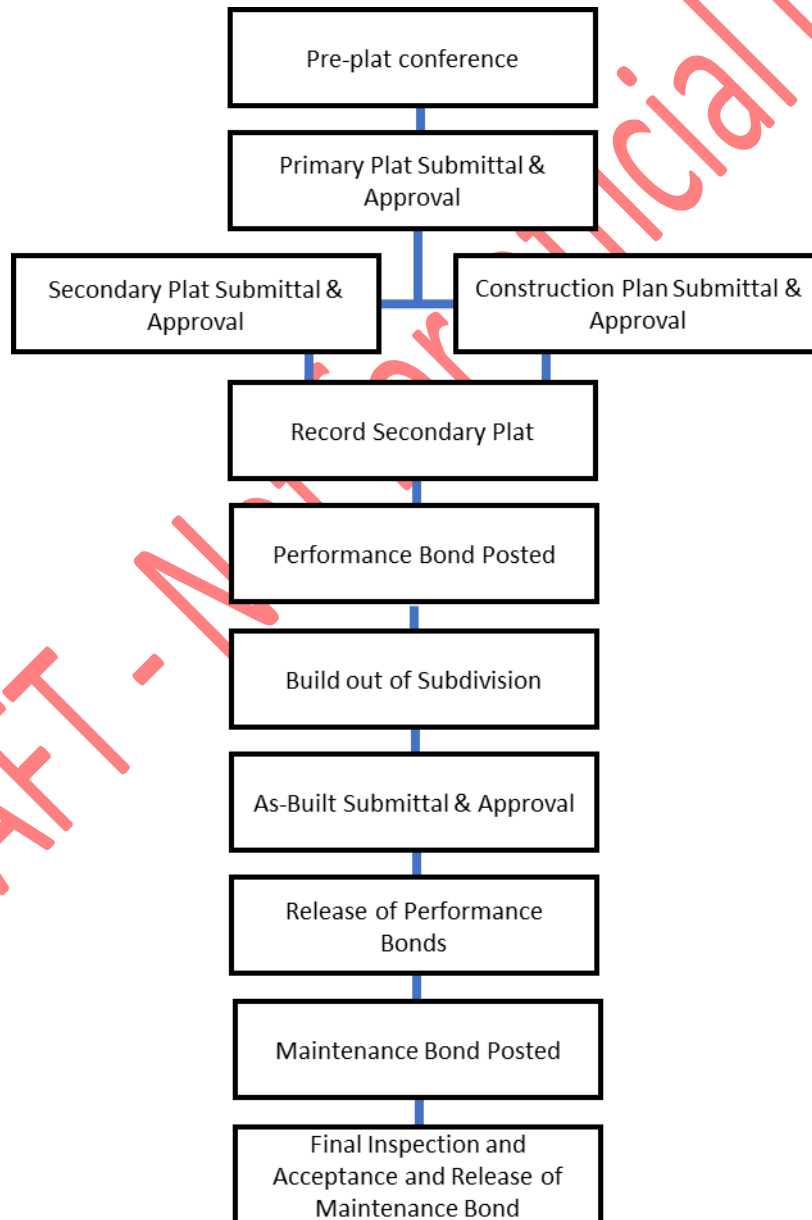
C. Major Subdivisions (residential or non-residential)

Major subdivisions include any land, vacant or improved, which is divided or proposed to be divided into a total of six (6) or more lots of record for the purpose of offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Properties subdivided for commercial purposes shall follow the requirements for Major Subdivision. Major subdivisions are subject to a two-step approval process: primary and secondary review and approval. Recording of the plat is not authorized until after secondary plat approval is granted and the APC (Advisory Plan Commission) signs off on the secondary plats. All subdivision of land for non-residential and

non-agriculture use shall be subject to the major subdivision process. Any subdivision, for the purpose of commercial or industrial use, shall follow the process for a major subdivision.

Major subdivisions that have been approved by the APC have 4 years from the date of the approval to fully complete the build-out of the infrastructure. At least 50% of the infrastructure must be built out according to approved plans within 24 months of APC approval. This does not include the house, buildings or vertical structures, as those may be built out over a longer time period by owners and developers.

Figure 1.0 Major Subdivision Process Flow



D. Minor Subdivisions (residential)

Residential minor subdivisions may be subject to a one-step approval process. If an applicant is seeking approval for a subdivision of five (5) lots or less that does not involve the construction of any new street or road, or the imposition of any adverse effect upon the use of the remainder of the land or adjacent property as determined by the APC, and the activity does not conflict with either a provision or portion of the Comprehensive Plan, the Official Zoning Map, the Zoning Ordinance, approval of the minor subdivision plat may be given by the APC at a single meeting. If the parcel was formed from a previous division of land and formed since the adoption date of the original Subdivision Ordinance date, the APC will determine if it should be classified as an administrative, minor, or major subdivision.

The applicant shall provide the APC with a plat and any other such information as deemed necessary by the staff. Recording of the plat is not authorized until after plat approval is granted.

Minor subdivisions that have been approved by the APC have 4 years from the date of the approval to fully complete the build-out of the infrastructure. At least 50% of the infrastructure must be built out according to approved plans within 24 months of APC approval. This does not include the house, buildings or vertical structures, as those may be built out over a longer time period by owners and developers.

1.03 Condominiums

Section 32-25 of Indiana Code states that **condominiums are exempt from local subdivision control ordinances**, meaning that the platting of condominium units regulated by Indiana Code 32-25: Condominiums, is exempt for the provisions of this Ordinance. Conversely, a condominium is formed by the filing of the Declaration with the County Recorder. Among other things, the Declaration will contain the following: the description of the land, the building (including the number of stories and units), the common areas, the limited common areas, the percentage of the undivided interest in the common areas, restrictions and the bylaws will be attached. While exempt from the platting requirements of this Ordinance, all condominium projects shall comply with all other applicable standards and regulations adopted by Fountain County. Therefore, prior to obtaining a building permit for the construction of condominium property, the builder(s) or developer(s) shall file a copy of the executed and recorded declaration of the project as a condominium project with the APC.

1.04 Planned Unit Developments

Following adoption of an ordinance by the County Council providing for a Planned Unit Development (PUD), the procedure for platting within the districts shall be the same as that prescribed for subdivisions in this Ordinance and in compliance with the procedures and regulations set forth in Planned Unit Development Section of the Fountain County Zoning Ordinance, as amended from time to time.

1.05 Purpose

This Ordinance is adopted for the following purposes of:

- assisting the orderly and efficient development of the County;
- providing for the coordination of new subdivisions, streets with existing and planned streets or

highways;

- promoting the health, safety and general welfare of the residents of the County;
- ensuring the coordination with and extension of community facilities and utilities;
- and establishing the procedure for the Fountain County APC review and action on applications for subdivision plats.

The procedure is intended to provide orderly and expeditious processing of such applications.

1.06 Authority

This Ordinance shall apply to all unincorporated land within Fountain County, Indiana.

A. Plat Approval Authority

This Ordinance, which was enacted pursuant to Indiana home rule and planning legislation (IC 36-1-3-4 and the 700 Series of IC 36-7-4, as amended) authorizes the APC and Fountain County to review and approve or disapprove plats for subdivision throughout the jurisdiction of Fountain County. This authority extends to the development or re-subdivision of undeveloped portions of previously recorded plats.

B. Designation of the Administrator

The APC and/or their designee is hereby designated as the Administrator for the purposes of administering and enforcing this Ordinance.

1.07 Severability

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby and shall remain in full force and effect.

1.08 Effective Date

This Ordinance shall apply to all Fountain County, Indiana as of the date from and after its adoption and approval by the APC as stated herein and any publication as required by law.

1.09 Repeal

The provisions of any prior or hereby inconsistent with any provisions of this Ordinance are hereby superseded and repealed.

1.10 Citation Reference

Any reference to specific provisions of Indiana Code or Indiana Administrative Code, and Standard Specifications shall also include subsequent amendments.

1.11 Conflicting Provisions

Whenever there is a difference between standards or provisions specified herein and those contained in other regulations, resolutions or ordinances of the County or State, the most restrictive standards shall govern and the governing body of the most restrictive standards shall be the governing authority of said standards

1.12 Authority to Inspect & Copy Records

- A. The APC reserves the right to inspect road construction and ensure tight adherence to the approved Engineering and Survey designs.
- B. The road and streets construction shall comply with this Ordinance, the Roads & Streets Ordinance, all other relevant local Ordinances, and the approved Engineering and Survey designs.
- C. The property owner shall permit the APC to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

1.13 Waiver

A. General

Where the Commission finds that unnecessary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest served, provided that the waivers shall not have the effect of nullifying the intent and purpose of these regulations, and further provided the Commission shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that the following apply:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other nearby property.
2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
4. The waiver will not in any manner contravene the provisions of the Subdivision Ordinance.

B. Conditions

In approving waivers, the Commission may require conditions to, in its judgment; secure substantially the objectives of the standards or requirements of these regulations.

C. Procedures

A petition for any waiver shall be submitted in writing by the applicant at the time when either the primary or secondary plat is filed for consideration by the Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.14 Pre-Annexation Agreements

The APC is hereby authorized and delegated the authority to enter into Pre-Annexation Agreements with applicants. Under circumstances deemed appropriate by the APC, such agreements would set forth the terms and conditions whereby applicants would complete certain off-site improvements and agree to annexation of town property to the county in exchange for the extension of County services to the subdivision.

For annexation of county property to townships, the township ordinances, if present, will guide the requirements and the process.

1.15 Appeals

Pursuant to IC 36-7-4-1016, any person aggrieved by a final decision of the Fountain County APC under this Ordinance may present to the Court of competent jurisdiction, a petition, duly verified, setting forth that such decision is illegal in whole or in part and specifying the grounds of illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision of the APC.

1.16 Amendments

For the purpose 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. All amendments shall be considered and adopted in compliance with I.C. 36-7-4-700 et. seq. and any applicable Rules of Procedure adopted by the APC or the Commissioners of Fountain County.

Section 2: Definitions

For the purpose of administering and enforcing this ordinance, certain numbers, abbreviations, terms, words, and phrases used by this Ordinance shall be used, interpreted, and defined as set forth below.

2.01 Definitions

For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:

1. The word "person" includes as individual, firm, association, organization, partnership, trust, company, corporation, or any legal entity.
2. The masculine includes the feminine.
3. The present tense includes the past and future tense; the singular includes the plural.
4. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
5. The words "used" and "occupied" include the words "intended, arranged, designed to be used or occupied."
6. The word "owner" includes as individual, firm, association, organization, partnership, trust, company, corporation, or any legal entity that owns the property and/or subdivision.
7. The word "developer" includes as individual, firm, association, organization, partnership, trust, company, corporation, or any legal entity that is developing the property and/or subdivision.

The following pages define the words and phrases used within this Ordinance.

ALLEY. A permanent service way providing secondary means of access to abutting lands.

APPLICANT. Any person who undertakes the subdivision of land as defined herein. The applicant may be the owner or the authorized agent of the owner of the land to be subdivided.

APC or APC. Fountain County APC.

BLOCK. Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets and railroad rights-of-way, waterways, unsubdivided areas or other definite barrier.

BUILDING. Any structure, or part thereof, affixed to the land.

BUILDING SETBACK LINE. A line extending across a lot establishing the minimum open space to be provided between the front line, rear line, and side lines of buildings and the lot line.

CLEAR SIGHT TRIANGLE. An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.

COMMISSION or ADVISORY PLAN COMMISSION. The Advisory Plan Commission of the County.

COMPREHENSIVE PLAN. The Comprehensive Plan of Fountain County, indicating the general locations recommended for circulation facilities, community improvements and land uses.

CONDOMINIUM. A condominium development, formerly referred to in Indiana as Horizontal Property Regimes, is a real estate term in which a portion is designed for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of the portions. The total land stays under one ownership interest while the buildings located on that undivided ground is sold to homeowners.

CROSSWALK. A public right-of-way which crosses a block to furnish access for pedestrians to adjacent streets or properties.

CUL-DE-SAC. A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

ENGINEERS. The designated Fountain County Engineer or Engineering Consultant of Fountain County, Indiana.

FOUNTAIN COUNTY STANDARD DRAWINGS. The Standard Drawings that include specifications all roads, sidewalks, storm networks, utilities and erosion control.

HALF STREET. One side of a street divided longitudinally by a property line.

HEALTH BOARD. The Indiana State Board of Health and County Board of Health.

HEREIN. In these regulations.

INSPECTOR. An authorized representative of the County assigned to make any or all necessary

inspections of the work performed and materials furnished by the developer.

LOT. A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development. In determining the size of a lot, no part of a street right-of-way or crosswalk may be included. LOT includes the words PLOT, PARCEL and TRACT.

LOT DEPTH. The mean horizontal distance between the front and rear lines of a lot.

LOT, DOUBLE FRONTAGE. A lot, the generally opposite ends of which both abut on streets.

LOT WIDTH. The mean horizontal distance between side property lines of a lot.

PARENT TRACT. A parcel as listed in the Fountain County Auditor's Transfer Book as having a Parcel ID number with 000 in the first set of three numbers after the period. For instance, a parcel with Parcel ID number of 23-07-03-109-001.000-014 is a parent parcel. A split of the parent parcel subdivided from that parent parcel will have a Parcel ID number of 23-07-03-109-001.001-014. Any additional splits of the parent parcel will have sequential numbering in the first set of three numbers after the period.

50 IAC 26-8-1 Real parcel numbering system for real property

Currentness

Authority: IC 6-1.1-31-1; IC 6-1.1-31.5-3.5

Affected: IC 6-1.1-31.5; IC 32-19-3-1

Sec. 1. (a) A county shall maintain a parcel index numbering system in accordance with subsection (b).

(b) The county parcel index numbering system shall be as follows:

(1) Keyed to the geographic location of each parcel on a county section map that:

(A) was established using United States public land surveys referenced in IC 32-19-3-1; and

(B) is otherwise based on the applicable Indiana coordinate systems referenced in IC 32-19-3-1.

(2) Structured as "00-00-00-000-000.000-000". The digits indicated shall reference the following:

(A) The first "00" digits shall reference the county.

(B) The second "00" digits shall reference the congressional township and range.

(C) The third "00" digits shall reference the section number assigned under the United States public lands survey.

(D) The fourth “000” digits shall reference block numbers in urban areas (if no block number is necessary, they remain all zeros).

(E) The fifth “000.000” digits shall reference the permanent parcel number assigned to identify each parcel.

(F) The last “000” digits shall reference the state assigned taxing district in which the parcel is located (if it is only a two (2) digit number the first digit is to remain a zero (0)).

PERSON. Includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.

PLAT. A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

REGULATIONS. The regulations of this Ordinance.

STREET. A right-of-way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. All streets shall also be identified in accordance with the Fountain County Comprehensive Plan as one of the following:

- a. Arterial streets: Streets providing for traffic movements between traffic generation areas.
- b. Collector streets: Streets providing connection primarily between arterial streets or arterial and local streets.
- c. Local Streets: Streets serving primarily as access to abutting properties not intended as major arteries carrying through-traffic.

SUBDIVISION. The division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land or the division thereof by means of streets and alleys, parking areas or leaseholds, for the purpose, whether immediate or future, of transfer of ownership or leaseholds for residential, commercial or industrial purpose.

USED or OCCUPIED. Include the words "intended, arranged, or designed to be used or occupied."

WATERCOURSE. The word watercourse shall include channel, creek, ditch, drain, river and stream.

Other words and phrases not defined

1. All other words not herein defined shall be defined according to any recent edition of a dictionary of the American language.
2. Whenever any words and phrases used herein are not defined, but are defined in the Indiana Code, such definition shall be deemed to apply to such words and phrases, unless stated otherwise.

Section 3: Application, Submittal, Review & Approval

No person proposing a development plan shall proceed with any grading and improvements for streets or installation of public utilities until the primary plat of the proposed subdivision is approved by the APC. In addition, no person proposing a development plan shall sell, agree to sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision, or construct or commence the construction of any building in a subdivision until secondary approval of the plat of the proposed subdivision, and the same is recorded in accordance with the following provisions.

3.01 Non-Residential Subdivisions

A non-residential subdivision shall be subject to all of the requirements of this Ordinance and amendments hereto, as well as such additional standards required by the Commission, and shall conform to the proposed land uses and standards established in the Zoning Ordinance. The applicant shall demonstrate that the proposed pattern of the non-residential subdivision is specifically adapted to its anticipated uses, and also takes into account other uses in the vicinity. The following principles and standards shall be observed:

A. Parcel Identification

Each non-residential area or parcel shall be shown and marked on the plat as to its intended purpose. Proposals for incremental lot-by-lot subdivision shall also be noted.

B. Lot Area and Dimensions

Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.

C. Street Rights-of-Way and Pavement

Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of anticipated traffic.

D. Non-residential subdivisions adjacent to Residential development

The Commission may impose special requirements in order to protect adjacent residential areas from any potential nuisance caused by a non-residential subdivision, including the provision of extra depth on parcels backing onto existing or potential residential areas, and for permanent landscape buffers when necessary.

E. Streets and Truck Routes

Streets carrying non-residential traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas. Truck routes shall be established as necessary to prevent truck traffic from encroaching into adjacent residential areas.

F. Drainage

Non-residential subdivision shall be subject to all of the drainage requirements, as defined in the County drainage ordinance.

3.02 Pre-Plat Conference and Zoning Administrator Meeting

The petitioner shall meet with the Zoning Administrator to ensure the subdivision application for any exempt, administrative, minor, or major subdivision is prepared in accordance with the Ordinance requirements. The Zoning Administrator can approve or deny administrative and exempt subdivisions, and an APC meeting is not required for administrative or exempt subdivision approvals; unless the petitioner does not agree with the findings of the Zoning Administrator. If the petitioner does not agree with the Zoning Administrator's findings, then the petitioner can request, in writing, an APC meeting.

The petitioner shall meet with the APC prior to submitting an application for any minor or major subdivision or primary plat. The purpose of the APC meeting shall be for the petitioner to provide the APC general information concerning the proposed plat as well as to familiarize the petitioner with the procedures and requirements of the Commission and appropriate County ordinances. The APC may also advise the applicant, when appropriate, to discuss the proposed subdivision with officials whose jurisdiction may be affected. The conceptual plan review is intended only for these purposes; neither the petitioner nor the County is bound by any decision made during the initial consultation and conceptual plan review.

3.03 Submittals

A. Place of Filing

Applications and petitions shall be filed in writing on a form provided by the APC. Conceptual Plans, Primary plat, Construction Plans, and Secondary plats shall be filed with the Assessor's office located at 301 4th Street, Covington, IN 47932.

B. Form, Number and Scale

Applications shall be made on forms supplied by the APC. All applications shall be accompanied by the application documents required by this Ordinance in the number and scale specified on the application and checklist. Incomplete applications shall not be processed and may be returned to the petitioner at the petitioner's expense.

C. Certificates and Notations

Please refer to the appendix for verbiage on Certificates and Notations referenced below.

D. Drafting Standards and Submittal Requirements

1. Conceptual Plan

The conceptual plan for a subdivision shall be drawn to scale or with adequate dimensions to understand scale and shall include the following:

- a. The proposed name of the subdivision;
- b. A legal description of the property;
- c. A location map showing the parent tract;
- d. The location of all existing property lines, existing easements, and existing watercourses; location, width and names of existing streets within or adjacent to the

- tract; and names of adjoining property owners of the proposed subdivision;
- e. Location of existing utilities within the tract and immediately adjacent thereto;
- f. Existing natural features and topographic or geological constraints;
- g. Approximate location and widths of proposed streets;
- h. Preliminary proposals for connection with existing water and sewer systems;
- i. Preliminary provisions for collecting and discharging surface water; and
- j. Approximate location and area of all parcels of land to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community-wide purposes.

2. Primary Plat

The primary plat shall be prepared by a registered land surveyor at a scale of not more than 1" = 100', except when the plat at the scale of 1" = 100' requires more than the largest acceptable sheet (30" x 36"), the plat may be drawn at a scale of up to 1" = 200'. Standard engineering symbols shall be used, with a legend or explanation of all symbols provided on all submitted drawings. The primary plat shall be of a size not less than 18" x 24" nor more than 30" x 36". In addition, all documents submitted as part of a primary plat application shall also be submitted electronically in PDF format. Electronic CAD files will be submitted upon request. The primary plat shall show the following information:

- a. The proposed name of the subdivision.
- b. The name, address and telephone number of the owners of the land to be subdivided, and of the applicant if other than the owner.
- c. Name, address, telephone number, email and registration number of the registered land surveyor responsible for the legal boundaries and the platting of the subdivision and their stamp and signature on all sheets.
- d. Name, address, telephone number, email and registration number of the registered professional engineer responsible for the design of the subdivision and infrastructure.
- e. An accurate metes and bounds description of the tract and its title as shown by the records in the Office of the Fountain County Recorder. Metes and bounds of road centerlines and all curve information must also be included.
- f. Date, graphic scale bar and north point.
- g. Location, widths, dimensions, and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way or easements within and adjacent to the tract.
- h. Location and names of all existing or prior platted parks and other public and private recreation areas within and adjacent to the tract.
- i. Location of all existing buildings and structures within the tract.
- j. All section, township, range, and civil township boundaries, including any official monumentation, with the districts properly designated within and adjacent to the tract.
- k. Location of subdivision property with respect to surrounding property owners,

including the names of all adjoining property owners of record and the names of adjoining developments.

- l. Layout of proposed streets, their names, widths and type of surfacing material; the locations of alleys, crosswalks, and sidewalks; and the location of any construction access roads as required by the APC or as deemed necessary by the developer.
- m. Layout of proposed lots including their numbers, dimensions, and square footage.
- n. Parcels of land intended for dedication for public use, or which are to be set aside for the use of property owners in the subdivision.
- o. All building setbacks.
- p. Location, dimensions, and types of all proposed easements.
- q. Whenever the primary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of no more than 1" = 200', a sketch of the entire holding, including the proposed subdivision area, showing an indication of the probable future street and drainage systems for the remaining portion of the tract. This can be on a separate page if needed.
- r. A vicinity map showing streets and other general development of the surrounding area.
- s. A Certificate of Approval of Primary Plat by the APC.
- t. Such other information as the APC may require.

3. Construction Plans

Construction plans shall be prepared for all required improvements to be installed by the applicant. Plans shall be prepared by a registered professional engineer or land surveyor at a scale of not more than 1" = 100', and the plan sheets shall be of the same size as the primary plat. Standard engineering symbols shall be used, with a legend or explanation of all symbols provided on all submitted drawings. It shall include all additions, corrections and deletions of the primary plat required by the Commission. Construction plans shall show the following information:

- a. Profiles showing existing and proposed elevations along center lines of all streets or roads. Where a proposed street intersects an existing street or road, the elevation along the center line of the existing street or road within 100 feet of the intersection shall be shown.
- b. Plans and profiles showing the locations and typical cross-sections of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, catch basins, and street sign locations, the location, size and invert elevations of existing or proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, or other underground utilities or structures. If no public sewer or water is available for site, then follow Septic and Well Ordinance standards, and submit plans to the Fountain County Health Department.
- c. Plans and profiles showing the location, size, elevation and other appropriate descriptions of any existing facilities or utilities, including but not limited to, existing or proposed streets, sewers, drains, water mains, easements, water bodies, streams, floodplains, and other pertinent features within the proposed subdivision.

- d. Preliminary and/or final drainage plans approved by the Fountain County Drainage Board as required by the County Storm Water Drainage Control Ordinance and all amendments and supplements thereto.
- e. Final grading plans for the full site shall include existing and proposed contours. All contours shall be labeled. Details regarding ponds, swales, and ditches.
- f. Erosion control plan for full site shall be included in the Construction plans. Any site disturbance exceeding 1-acre in size will require compliance with the Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP). The CSGP is a performance-based regulation designed to reduce pollutants that are associated with construction and/or land-disturbing activities.
- g. Include any details necessary for construction that are not already referenced in the Fountain County Standard Drawings. Follow the Directions for Use in the Fountain County Standard Drawings when referencing details included in Fountain County Standard Drawings.
- h. Certification of Approval of Construction Plans.

4. Secondary plat

The primary plat shall be prepared by a registered land surveyor at a scale of not more than 1" = 100', except when the plat at the scale of 1" = 100' requires more than the largest acceptable sheet (30" x 36"), the plat may be drawn at a scale of up to 1" = 200'. Standard engineering symbols shall be used, with a legend or explanation of all symbols provided on all submitted drawings. The primary plat shall be of a size not less than 18" x 24" nor more than 30" x 36". In addition, all documents submitted as part of a primary plat application shall also be submitted electronically in PDF format. Electronic CAD files will be submitted upon request. The primary plat shall show the following information:

- a. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in ten thousand (10,000) feet.
- b. Accurate distances and directions to the nearest official monuments. Reference corners shall be accurately described on the plat.
- c. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- d. Accurate metes and bounds description of the boundary.
- e. Street names as approved by the APC staff.
- f. Complete curve notes for all curves included in the plan.
- g. Street center lines with accurate dimensions in feet and hundredths of feet.
- h. Lot numbers and dimensions
- i. Accurate locations of easements for utilities and any limitations on such easements.
- j. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use.
- k. All building and yard setback lines and dimensions.
- l. Locations, type, material and size of all monuments and lot markers.
- m. Plans and specifications for the improvements and lot markers.

- n. A Certificate of Dedication, dedicating roads, easements, buffers, or land, if applicable.
- o. A Certificate of approval of the Primary Plat
- p. A Land Surveyor's Certificate.
- q. A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision, if applicable.
- r. Such other information as the Commission may require.

D. Fees

All primary and secondary plat applications shall be accompanied by all applicable fees as prescribed by the Official Fee Schedule, which is in addition to the cost of publishing a legal notice in all local papers.

3.04 Primary Plat Approval

The approval of the primary plat shall be by an affirmative vote of the Commission at a public hearing conducted in conformance with IC 5-3-1, as amended from time to time. Primary plat approval may be denied by the Commission if a plat is not in total conformity with the guidelines, requirements or the purposes of these regulations. The lack of information under any item specified within this Ordinance or improper information supplied by the applicant may also be cause for denying primary approval. Any person desiring approval of a primary subdivision plat shall file the following with the APC:

A. Written application required

A written application which complies with the requirements of this Section for approval of the primary plat to the APC Office for technical conformity with the standards of this Ordinance shall be required.

B. Fees

The filing fee as prescribed by the Official Fee Schedule as amended from time to time. The applicant shall also pay in full the mailing costs incurred by the APC in furnishing notice of the public hearing and the publication of a legal notice in all local papers, as required by law and the Fountain County Subdivision Ordinance, prior to the date the application and plat are considered for primary plat approval by the APC.

C. Primary Plat

Copies of the primary plat which complies with the requirements of this Ordinance in the number and form required by the APC shall be required. The proposed plat shall represent the entire tract the applicant intends to develop and over which they have an ownership or financial interest and/or control. If the plat is a sell-off, the plat shall also represent the entire tract from which the applicant acquired their tract.

D. Covenants, Codes, and other Restrictions

1. Information as to any agreements which have been entered into with other property owners

- within the neighborhood in which the proposed subdivision is located.
2. Existing covenants and/or restrictions of all types which run with the land, if any.

3.05 Secondary Plat Approval

The approval of the Secondary Plat shall be by an affirmative vote of the APC. The disposition of the secondary plat shall be covered by IC 36-7-4-700, this Ordinance, and by rule of the APC. The lack of information under any item specified within this Ordinance or improper information supplied by the applicant may be cause for denying secondary plat approval. The APC will consider secondary approval of a plat only after being shown satisfactory evidence the applicant has accomplished the following:

- A. Secondary plat approval
- B. Construction guarantee

Guaranteed all of the improvements required by this Ordinance, or by the conditions placed upon the primary plat by the Commission, and which are in accord with said improvement construction plans on file.

- C. Compliance with all standards, requirements, terms and conditions

Total compliance with the requirements of this Ordinance and any amendments hereto, and to the terms and conditions of approval shall be required.

- D. Approved performance/maintenance guarantee

An applicant shall have received approval of a performance guarantee and/or maintenance guarantee by the Fountain County APC.

- E. Filing with the APC

1. Copies of the secondary plat which complies with the requirements of this Section and the Rules and Procedures of the APC. This secondary plat shall comply substantially with the primary plat approved by the Commission.
2. The filing fee as prescribed by the Official Fee Schedule as amended from time to time. The applicant shall also pay in full the mailing costs incurred in furnishing notice of the public hearing and the publication of a legal notice in all local papers, as required by law and the Fountain County Subdivision Ordinance, prior to the date the application and plat are considered for secondary plat approval by the APC.
3. Electronic PDF files must be submitted for Concept plans, Primary plats, As-Builts plans, Secondary plats.
4. All formal, irrevocable offers of dedication to the public of all streets, utilities, parks, easements and other local governmental uses in a form approved by the Fountain County Attorney. All formal, irrevocable offers of dedication shall be recorded as a notation on the plat.
5. A general warranty deed to all lands offered for dedication in proper form for recording.
6. Restrictive covenants in a form acceptable by the Commission, where proposed by the applicant or required by the Commission.

7. A certificate of dedication.
8. A performance bond, if applicable.
8. A maintenance guarantee, if applicable.
9. A letter of credit, if applicable.
10. A pre-annexation agreement approved by the APC, if required.

E. Recording Secondary Plats

The Secondary Plat approval by the APC may occur once all the Secondary Plat filings are reviewed and the APC renders the decision to approve. The formal signing of the approved Secondary Plat is contingent upon the submittal and the APC's approval of the complete set of design documents.

3.06 Sectional/Partial Secondary Plats

A. Plats divided into two or more sections

At the time of primary plat approval, the Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the secondary plat sections as it may deem necessary to assure the orderly development of the subdivision. With the exception of non-residential subdivisions, such sections shall contain at least 10% of the total number of lots contained in the entire plat. The applicant shall specifically describe and designate such sections on the primary plat.

B. Performance guarantee

The Commission may require that the performance guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance guarantee principal amount until the remaining sections of the plat are offered for secondary approval. The same policy shall apply to the installation of improvements.

C. Irrevocable offers

The developer may also file irrevocable offers to dedicate streets and public improvements in the sections to be filed and may defer filing offers of dedications for the remaining sections of the plat until the remaining sections, subject to any conditions imposed by the Commission, are offered for secondary approval.

D. Recording

All partial subdivision sections which have been granted secondary approval and signature by the APC shall be filed with the Fountain County Recorder.

3.07 As-Builts and Completion of Improvements

All applicants shall be required to complete all street, sanitary and public improvements, throughout the subdivision and among the individual lots, specified by the APC in the approved construction plans and

secondary plat, and submitted approved as-builts. Such improvements shall be completed to the satisfaction of the County Engineer and the APC, and the applicant shall dedicate such improvements to the county free and clear of all encumbrances. Once approval of the improvements is granted, the developer has up to 30 days to record the secondary plat, dated from the APC secondary plat approval signatures.

The developer, upon completion of all development, shall provide the County Engineer with the exact measurements of the location of: building footprints; roads; utility lines; easements; dedicated parks, open spaces, and facilities; etc. erected during the development are necessary for public record and shall therefore be recorded. The developer shall submit a copy of the approved as-built plans of all infrastructure that will be in public right of way or easement. This would include: stormwater network, sewer network, other utilities and roads and public right-of-ways. The County Engineer, after being satisfied that the as-builts are substantially the same as indicated on the originally approved final plan(s), shall forward his approval recommendation to the APC for final approval and signature of said as-built Plans for the project.

3.08 Performance Bonds & Maintenance Guarantees

A. Staff Approval

The developer shall submit separate performance bonds for each public improvement. The bonds shall be in the form prescribed by the County. The amount of any bond shall be approved by the County to ensure compliance with the provisions in (B). Once the form and amounts of a bond have been administered, the bonds shall be filed with the APC. The authority for administration and enforcement of the bonds shall then lie with the APC.

B. Types of Performance Bonds

The following types of performance bonds may be filed with the County:

1. Insurance bond

The petitioner shall post an insurance bond securable to the County in the amount equivalent to one hundred ten percent (110%) of the applicants estimated cost of completion of the required public improvements.

2. Certified check

In lieu of a bond, the petitioner may submit a certified check made payable to the County in an amount equivalent to one hundred ten percent (110%) of the applicants estimated cost of completion of the required public improvements.

3. Certificate of deposit

In lieu of a bond, the petitioner may submit a certificate of deposit made out to the County and developer in an amount equivalent to one hundred ten percent (110%) of the cost of completion of the required public improvements. All interest accrued on the certificate of deposit shall be payable to the developer.

4. Other methods of assurance

Other methods of assurance of completion of improvements may be approved subject to the discretion of the County Attorney.

C. Force and Effect of Bond

A performance bond shall be deemed by the APC or his designee to be in full force and effect until the time the bond is released by official action and written notice by the APC or his designee. If the developer has not satisfactorily completed the bonded improvements within twenty-four (24) months of the date of acceptance of the original performance bond, the County reserves the right to require the developer to re-submit current bond estimates and, if deemed necessary by the County, re-submit updated performance bonds.

D. Performance Bond Released/Maintenance Bond Received

1. Upon completion of the public improvements within a subdivision or development (or sections thereof), the developer's engineer shall request inspection, submit a certificate of completion and compliance, and submit as-built plans of the improvements. Upon receipt of this request, the APC and / or other appropriate County representatives shall inspect the improvements and submit a recommendation to the APC. Any deficiencies found in the design and workmanship of public improvements shall be corrected by the developer prior to release of the performance bond.
2. At such time as the public improvements are acceptable to the Administrator or their designee, the Administrator shall release the performance bond in lieu of a three-year maintenance bond. The amount of the maintenance bond shall be equal to or greater than twenty percent (20%) of the corresponding performance bond. Maintenance bonds shall be in one (1) of the forms as deemed acceptable for performance bonds. Maintenance bonds shall also be required after acceptance of completed improvements for which no performance bond was posted.

E. As-Built Plans Required

As a condition for release of a performance bond, the developer shall have met the requirements to have filed as-builts and received the approval of the County Engineer on the as-builts.

F. Release of Maintenance Bond

At least sixty (60) days prior to the expiration date of a maintenance bond, it shall be the responsibility of the developer to make a written request to the Administrator for final inspection and full acceptance of responsibility of the public improvement. Upon receipt of the request, the Administrator shall instruct the Building Department and other appropriate representatives to inspect the improvements. Any deficiencies found in the workmanship or materials shall be corrected by the developer prior to release of the maintenance bond. At the time the improvements are acceptable to the APC, the APC shall release the maintenance bond and the County shall thereby assume full and permanent responsibility for maintenance of the public improvement.

G. Acceptance by the County

Construction and maintenance of a public improvement shall be deemed as the full responsibility of the developer until the public improvement is accepted by official action and written notice by the APC. Expiration of a maintenance bond does not relieve a developer from

the responsibility of having the public improvements meet County standards and specifications prior to official acceptance by the County. Such improvements shall be completed to the satisfaction of the County Engineer, and the applicant shall dedicate such improvements to the County free and clear of all encumbrances.

3.09 Inspection of Public Improvements

If the participating jurisdiction finds upon inspection that any of the public improvements have not been constructed in accordance with the approved construction plans, the applicant shall be responsible for completing the public improvements according to such plans. Where the cost of the public improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the public improvements according to specifications.

3.10 Recording of Subdivision Plat

A. Legal Effect of Subdivision

The plat of the subdivision is without legal effect unless and until approved and signed by the APC as herein provided and filed with the Auditor and the Recorder of Fountain County. Unless the plat is duly recorded within ninety (90) days from the date of the secondary plat approval, the APC approval of the plat shall expire and shall be of no effect until subsequently reinstated by the APC.

B. Extension

Recording of a secondary plat upon granting of secondary approval may be extended by the APC until improvements are completed and the plat is signed if it is the intention of the petitioner to complete the improvements before the plat is signed rather than posting a performance bond.

Section 4: Design & Improvement Standards and Regulations

4.01 Character of the Land

A. Unsuitable land

Any land which is unsuitable for subdivision or development because of improper drainage, steep slopes, rock formations, adverse earth formation or topography, utility easements or other features which might reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer to solve the problems created by the unsuitable land conditions.

B. Inclusion of a thoroughfare

Whenever a tract to be subdivided embraces any part of a major street, boulevard or parkway, this part of the proposed public way shall be platted by the applicant and the locations and the widths indicated. Due consideration shall also be given by the applicant and owners of adjoining property for the provisions of school sites, park sites, right-of-way for public utility lines, sites for business centers, industrial locations and other features as indicated on the Comprehensive Plan.

4.02 Subdivision Names:

The proposed name of the subdivision, and its street, shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or Mobile Home Park within the jurisdiction of the Fountain County APC. The Commission shall reserve final authority to approve the name of the subdivision at the time of preliminary approval.

4.03 Political & Jurisdictional Boundaries

To eliminate potential jurisdictional disputes, and to facilitate effective coordination and control of development, the Commission shall be guided by the following policy.

A. Access via another government's jurisdiction

Whenever access to the subdivision is required to cross land within another local government jurisdiction, the Commission shall request assurance from the attorney for said jurisdiction that such access is legally established, and from the designated engineer for said jurisdiction that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.

B. Delineation of lot lines

Lot lines shall be laid out so as not to cross boundary lines between adjacent units of local government, each of which has a separate, autonomous governing body.

4.04 Material & Construction Control:

To assure compliance with good engineering practices, the applicant shall be required to follow the latest issue of the Fountain County Ordinances including " Streets & Roads Ordinance, Zoning Ordinance,

Driveway Ordinance, Septic & Well Ordinance, Drainage Ordinance, and Standard Drawings", as amended from time to time, for material and construction control, except when different specifications are explicitly prescribed in these regulations or adopted and approved by rule by the Commission.

4.05 Boundary Line Markers & Monuments

A. General

All markers/monuments will be properly set flush with the ground and approved by a State of Indiana registered land surveyor after the Commission grants approval to the secondary plat.

B. External Boundaries

1. The applicant shall place monuments at the intersection of all lines forming angles in the boundary of the subdivision and at all intersections of street right-of-way lines and at the beginning and end of all curves along street right-of-way lines.
2. Monuments shall be of an iron or steel solid bar at least 30 inches in length and not less than 5/8 of an inch in diameter, or of concrete with dimensions of four inches square-or four inches in diameter at least 30 inches in length and marked with a cross, brass plug, iron rod or other durable material securely embedded so that the top of the dowel is flush with the top of the monument. Monuments shall be set following grading of each phase of the subdivision.

C. Internal Boundaries

1. The applicant shall place markers, unless otherwise located by a monument, at all points where lot lines intersect street right-of-way lines, at all angles in the lot property lines, and at all other lot corners.
2. Markers shall be galvanized steel or wrought iron pipe or steel bars at least 5/8 of an inch in diameter and at least 24 inches in length. They shall be set prior to the issuance of any building permit.

4.06 Block & Lot Requirements

A. Blocks

1. Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted for perimeter lots, in blocks adjacent to major streets and railroad right-of ways and industrial/commercial areas.
2. The lengths, widths and shapes of blocks shall be appropriate for the locality and the type of development contemplated and in compliance with the Fountain County Zoning Ordinance and amendments thereto.

B. Lots

1. Lot arrangements shall be designed in such a way that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits or Improvement Locations Permits to build on all lots in compliance with the Fountain County Zoning Ordinance and Fountain County Driveway Ordinance and other regulations; and in

- providing safe driveway access to buildings on such lots from an approved street.
2. Lot dimensions shall not be less than the minimum requirements specified by the Fountain County Zoning Ordinance and amendments thereto, for the district in which the lot is located.
 3. Designing Engineers shall make a best effort to set Side lot lines at right angles to straight street lines and radial to curved street lines. The Commission may consider variations from this rule if such result in a street or lot plan which better serves the purposes of this Ordinance.
 4. Building set-back lines for individual lots shall follow the requirements of the Fountain County Zoning Ordinance, and amendments thereto, for the district in which the lot is located.
 5. Provisions shall be made for off-street parking in the subdivision design following the requirements of the Fountain County Zoning Ordinance, and amendments thereto, for the district in which the lot is located.
 6. Double frontage and reversed 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. The use of frontage roads to allow residential development to front on arterial streets is encouraged.
 7. All lots shall abut on a street which is accessible to an established public street already in use.
 8. Lots shall be laid out to provide drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
 9. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left deposited on any lot or street at the time the buildings are ready for occupancy.
 10. An applicant may be required to furnish and install fences wherever the Commission determines that a hazardous condition exists. Fencing shall be constructed according to the provisions in the Fountain County Zoning Ordinance or Fountain County Drainage Ordinance and amendments thereto. If the specific hazardous condition is not addressed with fencing standards in either ordinance, then the APC will issue the required fencing.
 11. Except where alleys are provided for this purpose, each lot shall have an easement for utilities along the front or side.
 12. When the terrain is so required, easements for sanitary sewers along lot lines other than the front lot lines shall be provided.

4.07 Streets

A. General requirement

In order to provide subdivision streets of suitable location, width and construction; and to afford access to police, fire fighting, snow removal, sanitation and road maintenance equipment; and to coordinate subdivision street development with the existing street system and the Comprehensive Plan, all subdivision streets in the secondary plat submitted for approval shall be designed in accord with the standards set forth in this Section, as amended from time to time, as well as Fountain County Standard Drawings, as amended from time to time. In the event that there is a conflict between this Ordinance and the Specifications adopted by the Board of Public Works and Safety, the more restrictive standard shall apply.

B. Arrangement standards

The layout of subdivision streets shall conform to the following:

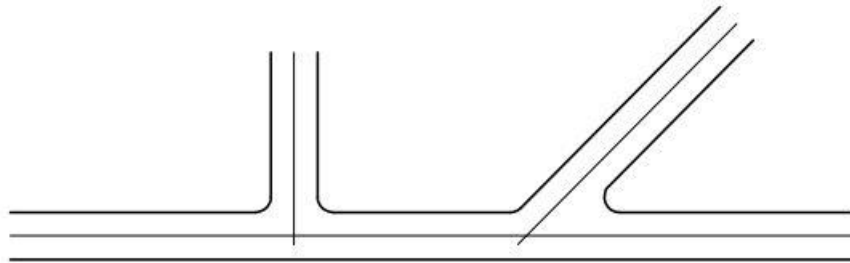
1. Local streets shall be so arranged as to discourage their use by through traffic.
2. Subdivision streets shall extend to the boundary lines of the subdivision tract and be installed as stub-streets in order to provide for their future extension into adjacent areas.
3. Streets and access ways in business and industrial developments shall be planned in connection with the grouping of buildings, the location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, and parking areas to minimize conflict of movement between the various types of vehicular and pedestrian traffic.
4. All streets and alleys shall have a clear vertical clearance from the roadway surface to any overhead obstruction of at least fifteen (15) feet.

C. Intersection standards

The following standards shall apply to all subdivision street intersections:

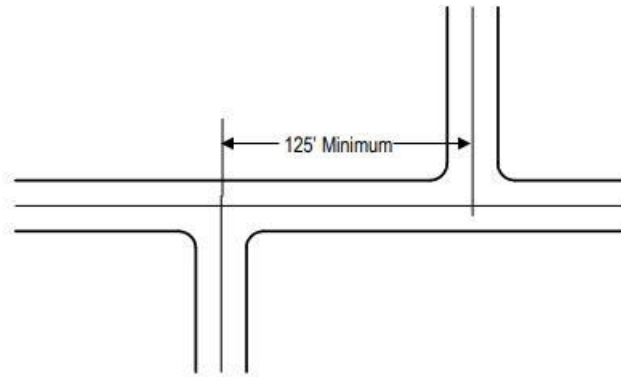
1. With the exception of roundabouts, the centerlines of intersecting streets shall intersect as near as possible at right angles (90 degrees), in which case the intersecting angles of said streets shall be no less than seventy-five (75) degrees. All intersections are subject to approval of the APC.

Figure 1: Intersection Centerlines and Angles



2. The simultaneous intersection of streets resulting in traffic from more than four (4) streets is prohibited.
3. The property, or right-of-way lines, of corner lots at street intersections shall be rounded at the corner with an arc, of at least fifteen (15) feet minimal radius, or as required by traffic use, drawn tangent to each of the intersection property lines.
4. The minimum distance between the centerlines of parallel or approximately parallel streets intersecting a cross-street from opposite directions shall be one-hundred twenty-five (125) feet.
5. The maximum slope approaching an intersection shall be five percent (5%).

Figure 2: Distance between Cross-streets



D. Curves

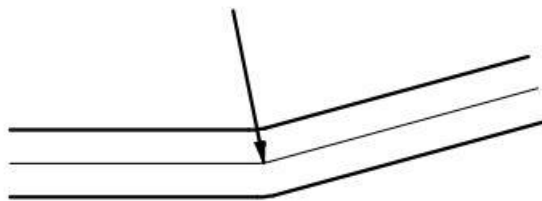
The following standards shall apply to all subdivision street curves:

1. When the street centerlines deflect more than ten (10) degrees, the minimum radius of horizontal curvature, measured on the centerline of the street, shall be:

Table 1: Minimum Radius of Horizontal Curvature

Category	Minimum Radius in Feet
Arterial	600
Collector	400
Local	200
Cul-de-sac	100
Alley	100

Figure 3: Minimum Radius

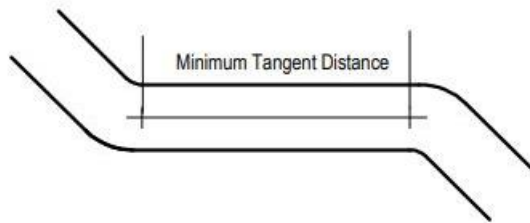


2. The minimum tangent distance between reversed curve shall be:

Table 2: Minimum Tangent Distance Between Reversed Curve

Category	Minimum Radius in Feet
Arterial	500
Collector	350
Local	200
Cul-de-sac	100
Alley	100

Figure 4: Minimum Tangent Distance



E. Topography

1. Subdivision streets shall be arranged in proper relation to the topography in a manner which results in usable lots, safe streets and acceptable gradients; and in a manner which does not cause unnecessary destruction of drainage courses, trees and other natural features of the land.
2. Rectangular, "gridiron" streets shall be avoided, and the use of curvilinear streets shall be encouraged where such use will result in a more desirable layout and topographical relationship. Innovative, varying geometrical street patterns shall be encouraged where such provide a sense of order and enhance esthetic interest.
3. Right-of-way widths in excess of the standards specified by these regulations shall be required whenever additional width is necessary, due to topographical conditions, to provide for adequate and stable earth slopes. Such slopes shall not be in excess of a three to one (3:1) height to width ratio.

F. Alleys

Alleys may be allowed in all commercial and industrial districts. Alleys shall not be permitted in residential districts except where justified by unusual conditions or consistent with the proposed development pattern.

G. Cul-de-sacs/dead end streets

Cul-de-sacs shall not be permitted in any district where such are in conflict with the

Comprehensive Plan. No permitted cul-de-sac shall provide principal frontage to more than twenty (20) lots or be longer than five hundred (500) feet, including a turn-around, whichever is less. Whenever a collector street exclusively serves an industrial or commercial area, a cul-de-sac of up to one thousand (1,000) feet in length may be allowed. This special provision shall be allowed only in areas where access is difficult, or which are otherwise unsuitable for normal subdividing. The minimum radii for cul-de-sacs shall be as prescribed in the Fountain County Roads and Streets Ordinance, adopted by Fountain County, as amended from time to time.

H. Continuation of streets, alleys and easements

Whenever a dedicated or platted portion of a street, alley or easement exists adjacent to a proposed subdivision, the continuation of the street, alley or easement right-of-way at the prescribed width, shall be platted within said subdivision unless the Commission deems such continuation unnecessary.

I. Minimum right-of-way and pavement widths

Subdivision streets and alleys shall be designed in accordance with the Fountain County Roads and Streets Ordinance adopted by the Board of Public Works and Safety, as amended from time to time.

J. Construction standards

All subdivision streets shall be constructed according to the following standards:

1. Subdivision streets shall be completed to the grades specified on their respective plans, profiles and cross-sections as approved by the Commission.
2. The minimum specifications for subdivision street construction and materials shall be as set forth in the applicable sections of the "Fountain County Roads and Streets," and "Fountain County Standard Drawings" as amended from time to time, except where the Commission has by rule adopted a different set of standards and specifications, or as required in this Ordinance. Street surfaces shall be of a character suitable for expected traffic and shall be in harmony with similar improvements in the surrounding area.

K. Railroads and limited access highways

If a proposed subdivision plat adjoins a railroad right-of-way and/or a limited access highway, the following requirements shall apply:

1. In all residential districts, a buffer strip of at least twenty-five (25) feet in depth, in addition to the normal lot depth required for such districts by the Fountain County Zoning Code, shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the submitted primary plat as follows: "This strip is reserved for screening. The placement of structures hereon, other than earth berms, walls, fences and other landscape screening devices approved by the Commission is prohibited."

2. In all districts, streets running parallel to a railroad right-of-way shall be located at least one hundred fifty (150) feet from said right-of-way upon intersecting with a street which crosses the railroad at grade.

L. Street names

Subdivision street names shall not duplicate any existing street name within the County except in the case of a direct extension. Street names that are spelled differently from, but sound the same as, existing streets shall not be allowed. In no instance shall any street name include the word north, south, east or west, unless it denotes a geographic location. In event of a conflict, the APC shall have final authority to name all streets upon granting preliminary or secondary plat approval.

M. Street dedications and reservations

1. All subdivision streets shall be dedicated to public use. The Commission may consider allowing private streets in the event of unusual physical conditions and if the applicant can provide evidence that a private street is the only feasible solution. Such private streets may be authorized provided that the standards applied in their construction comply with this Section and the Fountain County Specifications adopted by the Board of Public Works and Safety, and that adequate covenant provisions are made for direct responsibility and control, by the property owners involved, for the perpetual operation, liability and maintenance of said private streets at no expense to the County.
2. Subdivision street systems shall be laid out in a manner which eliminates or avoids new perimeter half-streets. When an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the applicant. The Commission may authorize a new perimeter street where the applicant improves and dedicates the entire required right-of-way within his own subdivision's boundaries.
3. Whenever a proposed subdivision borders an existing street, the Commission may require the reconstruction or widening of such street as a condition of preliminary or secondary plat approval. Land reserved for any street purposes may not be counted in satisfying the yard or area requirements of the Zoning Ordinance or amendments thereto.

4.08 Traffic Control Devices

A. Installation of street signs

The applicant shall install street name signs in accordance with the standards adopted by the Commission and the Board of Public Works and Safety, and the Manual on Uniform Traffic Control Devices of Indiana. One sign shall be installed at each intersection indicating the name of each intersecting street. Installation of all regulating signs are the responsibility of the developer/owner.

B. Installation of warning signs and other traffic control devices

The County shall be responsible for the installation of all warning signs and other traffic control devices, except where warranted in industrial and commercial areas. The developer may be

required to pay the cost of the study to establish a need for said traffic signal as well as the installation and interconnection of said traffic signal.

4.09 Sidewalks

All sidewalks shall adhere to Fountain County Roads & Streets Ordinance sidewalk standards and Fountain County Standard Drawings.

4.10 Curbs & Gutters

All curbs and gutters shall adhere to Fountain County Roads & Streets Ordinance sidewalk standards and Fountain County Standard Drawings.

A. Installation requirement

The applicant shall be required to install curbs and gutters on each side of any subdivision street surface, except as provided in Division (B) below, constructed of concrete. Curbs and gutters shall adhere to the specifications defined in Fountain County Streets & Roads Ordinance.

When in subdivisions of one to twenty-five (1-25) lots, curbs and gutters are not required. Subdivisions that consist of twenty-six (26) lots or more shall require curbs and gutters on both sides of road or street.

B. Exceptions

Curbs and gutters may be omitted in any subdivision if all of the following conditions are met:

1. When final topography, street longitudinal profiles, and drainage system designs are acceptable.
2. When adequate provisions are made in the protective covenants running with the land to permit access to, and freedom from, obstruction of the drainage system.
3. When the street is properly acceptable to the Commission as a local street.
4. When every lot fronting on a street has a minimum lot area of forty thousand (40,000) square feet and a minimum width of one hundred fifty (150) feet.

4.11 Drainage & Storm Sewers

All drainage and storm sewers shall conform to the Fountain County Stormwater Drainage Control Ordinance, as amended from time to time.

4.12 Water Facilities

A. General requirements

The applicant shall extend or create a water supply system capable of providing water for domestic use and fire protection. The applicant shall, where a public water main is accessible, install adequate water facilities, including fire hydrants, subject to State and Local requirements and approvals, the requirements of this Ordinance and amendments hereto, and such requirements as the Commission may adopt by rule.

B. Fire hydrants

For all subdivisions served by quasi-public water systems, fire hydrants for residential use shall be located not more than 750 feet apart and within 500 feet of any structure, and shall be of a design approved by the Commission and the Fire Department. For higher risk areas, different spacing of the hydrants may be required by the Fire Department.

C. Water systems

The applicant shall install a subdivision water system by one of the following methods:

1. Quasi-public utility

A complete water main system connected into the water main system of a utility company authorized to operate within the area where the subdivision is located and which is subject to the control of the Indiana Utility Regulatory Commission. The Applicant shall submit plans for the complete installation of the subdivision water main system showing size, location, depth, material and all connections for approval of the appropriate Board of Health and/or the Indiana Department of Environmental Management prior to application for secondary plat approval.

2. Private

A community water supply system including wells, pumps and all appurtenances necessary to supply a minimum pressure of forty (40) pounds per square inch is required. The applicant shall submit plans showing the location, depth, size and material of mains, valves and connections for the approval of the appropriate Board of Health and/or the Indiana Department of Environmental Management prior to application for secondary plat approval.

3. Individual wells

If the applicant submits acceptable evidence to the Fountain County Board of Health and the Commission that neither of the above two water systems is necessary due to low density of the development, the lack of limiting physical site conditions, or the proximity of the development to existing or planned public or quasi-public water systems, then the Commission may permit an individual water supply for each lot in the development subject to compliance with all of the requirements of and approval by the Fountain County Board of Health.

4.13 Sanitary Sewage Facilities

A. General requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by this Ordinance, and amendments hereto, and by requirements adopted by Commission rule. All attendant plans shall be designed in accordance with the rules, regulation and standards of the County Board of

Health and all other appropriate county, state and federal agencies.

B. Sewerage locations

Sanitary sewers shall be located within street or alley right-of-ways or utility easements unless topographic conditions require an alternative location.

C. Manholes

Manholes shall be placed in public right-of-ways where a sewer line in a private easement intersects such public right-of way. Access shall be provided for all manholes located in private property easements.

D. Type of installation

The applicant shall install a subdivision sanitary sewerage system by one of the following means:

1. Municipal

A complete system which conveys sewage into an established municipal or other public agency sanitary sewage disposal and treatment system, and which is approved in writing by said municipal or public agency. The applicant shall submit plans, prepared by a registered land surveyor at the applicant's expense, showing all location, materials, size, profiles and connections at the time of application for secondary approval.

2. Private

A complete sanitary sewage system to convey sewage to a treatment plant provided by the applicant, or others, in accordance with the requirements of the Fountain County Board of Health and the Indiana Department of Environmental Management.

3. Individual septic systems

If the applicant submits acceptable evidence to the Fountain County Board of Health and the Commission that neither of the above two sewage systems is necessary due to low density of the development, the lack of limiting physical site conditions, or the proximity of the development to existing or planned public or quasi-public sanitary sewer systems, then the commission may permit individual sanitary sewer systems for each lot in the development subject to compliance with all of the requirements of and approval by the County Board of Health.

E. Pre-annexation agreement required

Where a proposed subdivision lies outside of the corporate boundaries of the County and intends to connect to the County 's municipal sanitary sewage disposal and treatment system, the applicant shall prepare and obtain approval of a pre-annexation agreement from the APC prior to secondary plat approval.

4.14 Utilities

A. Location

All utility lines, including but not limited to, gas, electric power, telephone and CATV cable shall be located underground throughout the entire subdivision and all utility service connections shall be installed at the applicant's expense to a property line of each platted lot.

B. Easements

1. Easements shall be provided for public, quasi-public and private utilities. Such easements shall be at least ten feet wide on each side, which comprises 20 feet in total width. The applicant shall establish all necessary coordination of proposed subdivision easements with existing adjoining easements with all applicable utility providers.
2. Where topographical or other conditions make the inclusion of utilities along rear lot lines impractical, perpetual, unobstructed easements, at least 20 feet in width, shall be provided alongside lot lines, with satisfactory access to either the road or rear lot lines.
3. All easements shall be indicated on the submitted secondary plat and all plats shall contain a statement to the effect that all utility easements, as dedicated for use by the utilities on the face of the plat, shall be kept free of all other permanent structures, and the removal of any obstructions shall in no way obligate the utility company in damages or to restore the obstruction to its original form.

Section 5: Permits

5.01 Permits

An owner/developer shall comply with the requirements for obtaining Improvement Location Permits for planned subdivision work. The owner/developer or owner's agent shall obtain a written permit signed by the APC prior to the following:

1. New construction, repair or alteration of any street or road in the subdivision. This includes any disturbance of the land included in the subdivision for clearing, grading, excavation or other land-disturbing activities.
2. Performing any work in a county platted subdivision

The owner or owner's agent shall contact the Fountain County APC for an initial meeting to discuss the subdivision permitting process.

A Construction Stormwater General Permit (CSGP) must be obtained and displayed on premise prior to starting work. Please refer to Indiana Department of Management - IDEM CSGP regulations for details on what qualifies for this requirement.

Section 6: Fee Schedule

6.01 Fee Schedule

The following fees are required for applicants pursuant to the Subdivision Ordinance

Item	Type of Application	Fee
0	Exempt Application	\$0
1	Administrative Application	\$50
2	Primary Plat Application (subdivisions only)	\$150
3	Secondary Plat Application (subdivisions only)	\$300
4	Construction Plans Application	\$250
5	Commercial Building Addition Application	\$50
6	Secondary Plat Recording	\$25

Certified mail (return receipt requested) postage to all adjacent and other property owners, as required by zoning ordinance or Indiana law - paid by applicant to postal service; and 2) Publication of Notice of public hearing - paid by the applicant to newspapers.

Section 7: Enforcement

7.01 Enforcement

A. Duties of the APC

1. It shall be the duty of the APC to enforce the provisions of this Ordinance in the manner and form and with the powers provided by this Ordinance, as now or hereafter amended, and as provided under the laws of the State of Indiana.
2. It shall be the duty of the APC to enforce these regulations and to bring any violations or lack of compliance to the attention of the Commission Attorney.

B. Issuance of an Improvement Location Permit or Building Permit

No Improvement Location Permit or Building Permit required under the Zoning Ordinance shall be issued for the improvement or construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

C. Authorization to proceed

No public board, agency, commission, official or other authority of the County shall proceed with the construction of, or authorize the construction of, any of the public improvements required by these regulations until the proposed subdivision has been approved by the Commission or APC in accordance with these regulations.

D. Duties of Legal Counsel

In addition to taking whatever legal action deemed necessary, legal counsel shall take steps to address any violation of these regulations.

7.02 Restraining Provisions & Remedies

A. Common Nuisances

Any land within the jurisdiction of the County 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. Injunctive Relief

1. The Commission may institute an injunction suit requesting that an individual, or governmental unit of the County 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.
2. The Commission may institute a suit for mandatory injunction requesting that any individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this Ordinance, to comply with the provisions of this Ordinance. Such action may also be initiated by any property owner who may be especially damaged by any such violations of this Ordinance.

C. Penalty

Any person who violates any provision of this Ordinance shall be fined in accordance with the Official Fee Schedule. Each day the violation continues shall constitute a separate offense.

7.03 Methods of Appeal

A. APC's Decision Final

Any decision or requirement of the APC Plat Committee made under the authority of this Ordinance is a final decision of the Commission that may be reviewed by writ of certiorari.

B. APC Decision

Any decision or requirement of the APC Plat Committee made under the authority of this Ordinance may be appealed to the Commission. A notice of appeal must be filed with the Commission within ten days after a copy of the action of the APC Plat Committee is mailed to the interested party. Notice shall be given and a hearing held by the Commission. The Commission has the same power as the APC Plat Committee to approve, disapprove, or impose conditions on the approval of secondary plats. Any decision or requirement of the APC may not be taken directly to court for review by certiorari until all administrative remedies are exhausted.

Adopted this ____ day of ____, 2024.

Board of Commissioners, Fountain County, Indiana

Name, President

Name

Name

Attest: _____
Name, Title

Appendix A: Certificates & Notations

A.01 Land Surveyor's Certificate

All plats containing material prepared by a land surveyor shall contain a surveyor's certificate. Major and minor subdivisions shall contain the following surveyor's certificate on each page of all plats:

SURVEYOR'S CERTIFICATE

To the best of my knowledge and belief the within plat represents a survey made under my supervision in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code and was completed on _____, 20___. This subdivision consists of ___ lots numbered ___ through ___ both inclusive, and streets as shown hereon. The size of lots and widths of streets are shown on this plat in figures denoting feet and decimal parts thereof. This subdivision contains _____ lineal feet of open ditches and _____ lineal feet of tile drains. Hereby certified on this _____ day of _____, 20___.

Name Registered Land
Surveyor Indiana No. _____

A.02 Certificate of Primary Plat Approval

PRIMARY PLAT APPROVAL

The following APC Certificate is used for primary plat approval for major subdivisions, and also shall appear on each page of all plats to be heard by the APC:

APC'S CERTIFICATE

Pursuant to IC 36-7-4-700 Et. Seq., and all amendments thereof, the undersigned do hereby certify that the public notice of the hearing by the Fountain County APC on the herein-named owner's application for approval, of this primary plat duly complied with IC 36-7- 4-706 and all amendments thereof, and that said plat was approved at said hearing with the majority of the members of said APC concurring in said approval. Given under our hands and seal this _____ day of _____, 20___.

APC President Name

APC Secretary Name

A.03 Certificate of Secondary Plat Approval

SECONDARY PLAT APPROVAL

The following APC Certificate is used for secondary plat approval for major subdivisions, and also shall appear on each page of all plats to be heard by the APC:

APC'S CERTIFICATE

Pursuant to IC 36-7-4-700 Et. Seq., and all amendments thereof, the undersigned do hereby certify that the public notice of the hearing by the Fountain County APC on the herein-named owner's application for approval, of this secondary plat duly complied with IC 36-7- 4-706 and all amendments thereof, and that said plat was approved at said hearing with the majority of the members of said APC concurring in said approval. Given under our hands and seal this ____ day of _____, 20__.

Void unless recorded by _____, 20__.

APC President Name

APC Secretary Name

A.04 As-Built Plans Approval

AS-BUILT PLAN APPROVAL

The following APC Certificate is used for construction plan approval for major subdivisions, and also shall appear on each page of all plats to be heard by the APC:

APC's CERTIFICATE

The undersigned do hereby certify that the named owner's construction plans are approved, of this plat duly complied with ordinance requirements and all amendments thereof, and that said as-built plans were approved at said hearing with the majority of the members of said APC concurring in said approval. Given under our hands and seal this ____ day of _____, 20__.

APC President Name

APC Secretary Name

A.05 Certificate of Dedication

I (We) the undersigned owner of said real estate shown and described hereon, do hereby, as shown, plant and subdivide said real estate and designate the same as (INSERT NAME OF SUBDIVISION).

All streets within the plat are dedicated to the public, except as shown. Building setback lines are established as shown on the plat between which lines and property lines of the street there shall not be erected or maintained any building or structures, unless as otherwise witnessed as a variance on Secondary Plat.

Strips of ground of the width shown on the plat and marked as "lane, drive, or easement" are reserved for the use of public utilities for the installation of gas, water, sanitary sewer, electric, telephone, and cable lines, and for surface water drainage, and are subject at all time to the proper authorizes and to the easements hereon reserved. No

structures are to be maintained on said strip. Other restrictive covenants apply and are filed with this document.

Witness my hand this _____ day of _____, 20_____.

Owner/President

Agent/Secretary