

Chapter 7, Subdivision Administration and Procedures

A. General Provisions.

1. **Applicability.** A subdivider shall follow the applicable procedures contained in this chapter for the type of subdivision for which approval is sought. The specific subdivision classification as defined herein shall be made by the Administrator.
2. **Authority.** The authority to subdivide property within the State of Indiana is granted by IC 36-7-4-700 Series.
3. **Compliance with UDO.** The platting of land, when required by the UDO, shall be done in compliance with the provisions of this UDO. Land required by the UDO to be platted may not be subdivided by any legal description other than with reference to a plat approved in accordance with this UDO.

B. Plan Commission (PC).

1. **Establishment and Membership.** See Chapter 8, Zoning Administration and Procedures, Section B(1), Establishment and Membership.
2. **Duties and Powers.** See Chapter 8, Zoning Administration and Procedures, Section B(2), Duties and Powers.
3. **PC Authority.** The PC is hereby authorized to perform those duties and functions specified in IC 36-7-4, Local Planning and Zoning, and other applicable chapters and sections of Indiana law. The PC shall have the following authority:

Table 7-1, Plan Commission (PC) Authority			
APPLICATION TYPE	PC'S ACTION	UDO PROCESS	APPLICABLE INDIANA CODE (IC)
Major Subdivision, Primary Plat	Final	Section 7.B.7	<u>IC 36-7-4-700 Series</u>
Primary Plat, Major Amendment	Final	Section 7.B.8	<u>IC 36-7-4-700 Series</u>
Plat Vacation	Final	Section 7.B.9	<u>IC 36-7-4-711</u>
Subdivision Standards Waiver or Modification	Final	Section 7.B.10	<u>IC 36-7-4-702(c)</u>
Minor Subdivision ¹	N/A	Section 7.C.1	<u>IC 36-7-4-700 Series</u>
Notes: 1. The Minor Subdivision Process allows for consolidation of the Primary Plat and Secondary Plat and is delegated by the Plan Commission to a Plat Committee. N/A – Not Applicable			

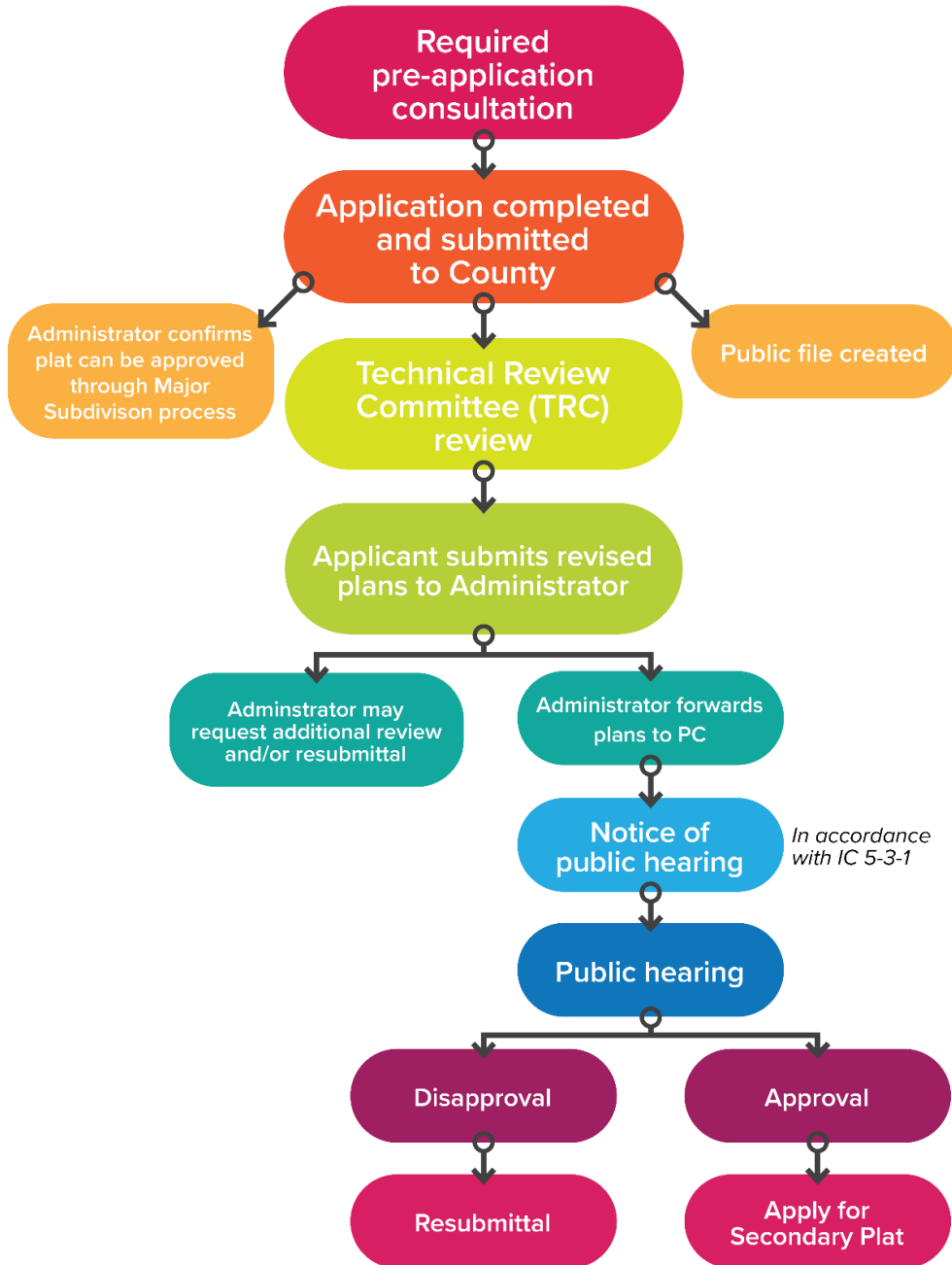
4. **PC Meetings, Public Records, Quorum and Actions.** See Chapter 8, Zoning Administration and Procedures, Section B(4), PC Meetings, Public Records, Quorum and Actions.
5. **PC Processes for All Application Types.** See Chapter 8, Zoning Administration and Procedures, Section B(5), PC Process for All Application Types.

6. **Pre-Application Subdivision Consultation.** This pre-application step is a required part of the subdivision process. This step gives the subdivider the opportunity to discuss the process with the Administrator as well as the County's requirements for subdivisions, including, but not limited to the reservation of land, dedication of right-of-way, and utility service requirements. In addition, the applicant receives feedback from the Administrator about their proposal before investing time and energy into the plat process. After the pre-application conference, the Administrator shall direct the subdivider to the appropriate subdivision process.
7. **Major Subdivision - Primary Plat Process.** The development or modification of property requires subdivision plat approval. In accordance with IC 36-7-4-700 Series and the PC Rules and Procedures, the PC shall hear and make decisions regarding applications for Major Subdivisions in accordance with the following:
- a. *Applicability.* All subdivisions are required to complete the Major Subdivision process unless the Administrator determines that the criteria are met for the subdivision to be completed through the Minor Subdivision process found within this UDO.
 - b. *Application Submittal.* The subdivider shall submit an application for the Primary Plat process in accordance with the application requirements adopted by the PC as part of the PC Rules and Procedures and prepared in accordance with the formats including Section F, *Document and Drawing Specifications for Major Subdivisions*; Section H, *Construction and Development Process*, and according to the application requirements adopted as part of the PC Rules and Procedure.
 - c. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the proposed subdivision plat and supporting information to the Technical Review Committee (TRC) for review. At the discretion of the Administrator, the TRC may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the public file.
 - d. *TRC Revisions.* The subdivider shall address all the comments from the TRC members and submit revised plans to the Administrator per the adopted schedule. The Administrator may request additional internal review and/or the resubmittal of additional revisions before forwarding the subdivision plat.
 - e. *Public Notice.* Notice of public hearing shall be made in accordance with IC 5-3-1. In the event the hearing has been properly noticed, but the plans are not finished per Section (d) above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider.
 - f. *Public Hearing.* The PC shall consider the Primary Plat of a Major Subdivision at a public hearing. The subdivider or their representative shall be in attendance to present it and address any questions or concerns of the PC.
 - g. *Approval Process.*
 - 1) *Grant of Approval.* If the PC determines that the Primary Plat complies with the standards set forth in this UDO, it shall grant primary approval.

- 2) *Notification of Approval.* Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any conditions, written commitments, changes, or revisions required by the PC's approval.
- 3) *Effect of PC's Plat Approval.* Approval of a Primary Plat by the PC signifies:
 - a) The general acceptability of the layout submitted;
 - b) Assurances have been made that potable water is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
 - c) Assurances have been made that sanitary sewage disposal complies with federal, state, and local laws and regulations; and
 - d) The subdivider has taken all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- h. *PC Requested Revisions.* Per IC 36-7-4-702, the PC may require changes or revisions to the proposed subdivision plat as a condition of primary approval to ensure the best interest and general welfare of the County, including, but not limited to the layout, grading, and improvement of public ways or other services.
- i. *Expiration.* Approval of a Primary Plat shall be effective for two (2) years from the date of the PC decision. Failure to receive secondary approval for all or a minimum of one (1) section of the plat before this (2) two-year period ends shall void the Primary Plat approval. Once primary approval has expired, a new application for a Primary Plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
- j. *Extension.*
 - 1) *Automatically by Secondary Plat Approval.* Secondary Plat approval of at least one section of the approved Primary Plat shall automatically extend the approval for the entire primary subdivision plat for two (2) years.
 - 2) *Request to Plan Commission.* Upon written request by the subdivider, and no less than thirty (30) days prior to the expiration date of the primary approval, the PC may extend approval of a Primary Plat up to a maximum of one (1) additional year without further notice, public hearing, or fees.
- k. *Disapproval.*
 - 1) *Notification.* If the PC disapproves a Primary Plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or by electronic transmission within ten (10) days of the public hearing, stating the specific reasons for disapproval.
 - 2) *Resubmittal.* After disapproval, the petitioner may only resubmit a revised Primary Plat application if there is a significant change that addresses the reason for disapproval.

- I. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the Major Subdivision, Primary Plat application process.

MAJOR SUBDIVISION - PRIMARY PLAT PROCESS



8. **Primary Plat Amendments.** At any time after Major Subdivision Primary Plat approval, the subdivider may request that an amendment be made to the Primary Plat. The amendment process shall not apply to an expired or voided Primary Plat.

a. *Major Amendments.* Plan Commission approval after a public hearing is required for major amendments to a previously approved Primary Plat. A major amendment is required for the following:

- 1) An increase in the total number of lots;
- 2) Increases or decreases in lot area for one or more lots;
- 3) Changes to phasing order of sections or to section boundaries;
- 4) Reduction in or substantial redesign of perimeter buffer, subdivision amenities or open space;
- 5) Widening or narrowing an easement from the approved Primary Plat;
- 6) Modification of street design resulting in relocation of an intersection by more than five (5) feet, shortening or lengthening a street segment by more than five percent (5%) of its original design length, or adding more than fifty (50) lineal feet of new streets;
- 7) Modification of pedestrian and/or bicycle facility design resulting in the removal of sidewalks, trails, or sidepaths along a segment of street, reducing the width of a sidewalk, trail, or sidepath, or removing a mid-block crossing.
- 8) Notable realignment of streets;
- 9) Relocation of an entrance by more than five (5) feet from its approved location;
- 10) Any change that would result in noncompliance with the design standards in the Subdivision Regulations or a written commitment;
- 11) A proposed minor amendment that adds to previously approved minor amendments, to cumulatively comprise a major change to the approved Primary Plat; or
- 12) Any proposed deviation from a provision determined by the Administrator or County Highway Engineer to be essential for protecting health, safety, and welfare.

b. *Minor Amendments.* See Sec. 7-C-5, *Primary Plat, Minor Amendment*.

9. **Plat Vacation Process.**

a. *Generally.* The PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.

b. *Vacation When All Owners Agree.*

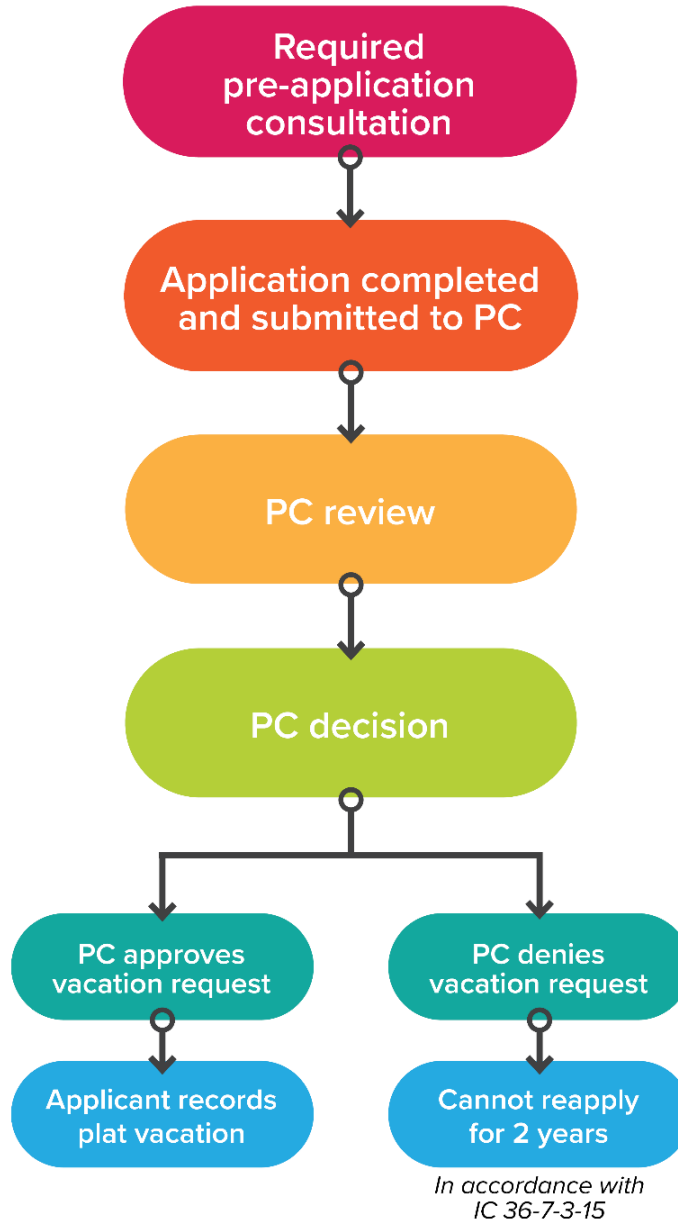
- 1) *Submittal.* As provided in IC 36-7-3-10, if all the owners of land agree on a proposed vacation of all or part of the plat, the owner(s) must first submit the instrument to the PC for approval prior to recordation.

- 2) *PC Decision.* The PC may consider and rule on the proposed instrument without notice or a public hearing. The PC shall attach its written decision before the vacation is submitted for recording.
- 3) *Effect of Vacation Approval.* As provided in IC 36-7-3-10, an instrument approved for vacation and recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. Vacation approval also terminates all public rights in the public ways and public places described in the plat or part of the plat.
- 4) *Effect of Vacation Denial.* If the PC denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years from the date of the PC's denial, as provided in IC 36-7-3-15.
- 5) *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the plat vacation application process when all owners are in agreement.

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PLAT VACATION PROCESS

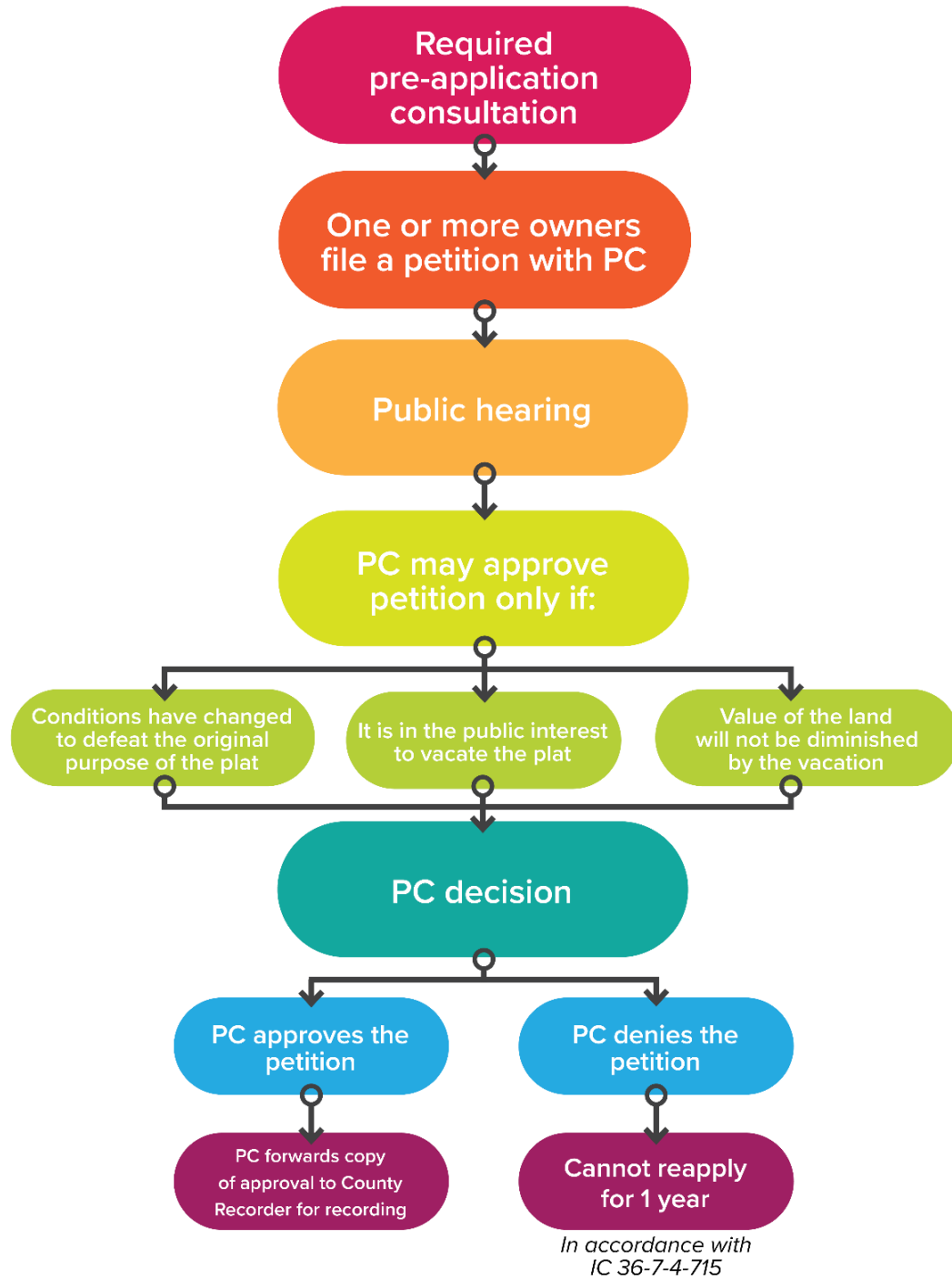
When Owners Agree



- c. *Vacations When All Owners Are Not in Agreement.* As provided in IC 36-7-4-711, if all the owners of land in a plat do not agree to a proposed vacation, one or more of the owners may file with the PC a petition to vacate all the plat or that part of the plat that pertains to land owned by the petitioner(s).
- 1) *Public Hearing.* At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
 - 2) *Conditions for Approval.* The PC may approve the petition only if it finds that the conditions below are met.
 - a) Conditions in the platted area have changed to defeat the original purpose of the plat;
 - b) It is in the public interest to vacate all or part of the plat; and
 - c) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.
 - 3) *Recording.* The PC shall furnish a copy of its approval to the County Recorder for recording.
 - 4) *Denial.* If the PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC denies a vacation request under this section, it shall not consider another vacation request which requests substantially similar relief concerning the same property for at least one (1) year after the denial, as authorized by IC 36-7-4-715.
 - 5) *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the plat vacation application process when all owners are not in agreement.

PLAT VACATION PROCESS

When Owners Are Not in Agreement



- d. *Vacation of Plats with Public Right-of-Way.* See IC 37-7-3-12.
- e. *Vacation of Platted Easements.* See IC 36-7-3-16.

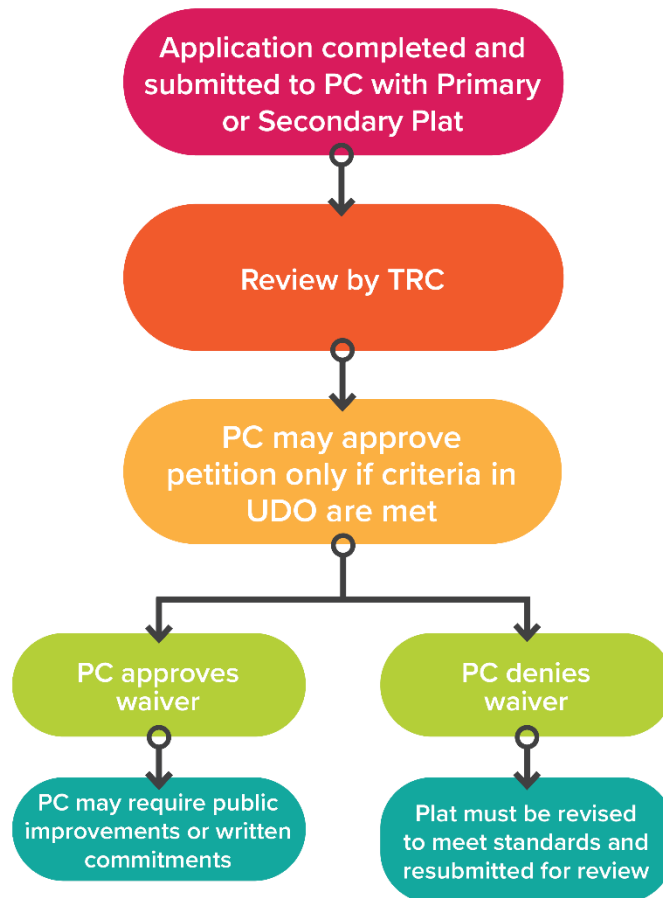
10. Waiver or Modification Process.

- a. *Generally.* Pursuant to IC 36-7-4-702(c), a waiver or modification may be granted by the PC for a provision in Chapter 6, *Subdivision Design Standards*, provided that the plat meets all other standards of the criteria of this Section and all other standards of the UDO are met. Any variations from the standards in Chapter 2, *Zoning Districts*, Chapter 3, *Site Development Standards*, and/or Chapter 4, *Use Development Standards*, require a variance by the BZA (See Chapter 8, *Zoning Administration and Procedures*).
- b. *Application.* A petition for a waiver or modification shall be submitted in writing by the subdivider at the time when the Primary Plat or Secondary Plat is filed. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.
- c. *Criteria for Waivers or Modifications.* The PC shall not approve waivers or modifications unless it finds, based upon the evidence presented to it in each specific case, that all the following criteria are met:
 - 1) Unnecessary hardship would result from the strict application of this UDO;
 - 2) The purposes and intent of this UDO may be better served by an alternative proposal that meets the intent of the UDO regulation(s), which is submitted for Plan Commission's consideration;
 - 3) The granting of the waiver or modification will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - 4) The site conditions upon which the request is based are unique to the property for which the relief is sought and are not generally applicable to other property;
 - 5) The reason for the waiver or modification is not due to an issue caused by the property owner, past or present;
 - 6) The request is not primarily for the economic benefit of the petitioner;
 - 7) The waiver or modification will not have a significant detrimental impact on adjacent properties;
 - 8) The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan or its components; and
 - 9) Where the waiver or modification impacts the design, construction, or maintenance obligations of public facilities, the appropriate public agency has reviewed and endorsed in writing the proposed waiver or modification. Said written endorsement may be by electronic transmission to the Administrator.
- d. *Public Improvements.*
 - 1) *Adjustments.* The PC may waive or modify at the time of primary approval and subject to any appropriate conditions, the provision for any or all, public

improvements that in the judgement of the County Surveyor or County Highway Engineer, as appropriate, are:

- a) Not required in the interests of the public health, safety, and general welfare;
 - b) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities; or
 - c) Inappropriate for other reasons presented to and agreed on by the PC.
- 2) *Deference*. Improvement and/or installations may be deferred in accordance with **Section 7.H.3.b, Option 2: Post Performance Surety then Record Plat**, of this Chapter of the UDO.
- e. *Written Findings*. The PC shall make written findings of fact on all waiver or modification requests.
 - f. *Conditions of Waiver Approval*. In approving waivers or modifications, the PC may require conditions or written commitments as part of said waiver or modification. Such written commitments shall be expressly set forth in the action granting the waiver or modification and be in accordance with the County's process and format for written commitments. Violation of any condition or written commitment shall be a violation of this UDO and subject to the provisions of Chapter 10, *Enforcement, Violations, and Remedies*.
 - g. *Flowchart*. The following flowchart is for illustrative purposes only to show the steps associated with the subdivision waiver application process.

SUBDIVISION WAIVER PROCESS



C. Plat Committee.

1. **Establishment and Membership.** See Chapter 8, *Zoning Administration and Procedures*, Section B(1), *Establishment and Membership*.
2. **Duties and Powers.** See Chapter 8, *Zoning Administration and Procedures*, Section B(2), *Duties and Powers*.
3. **Plat Committee Authority.** The Plat Committee is hereby authorized to perform those duties and functions specified in *IC 36-7-4, Local Planning and Zoning*, and other applicable chapters and sections of Indiana law.
4. **Plat Committee Meetings, Public Records, Quorum and Actions.** See *Chapter 8, Zoning Administration and Procedures, Section B(4), PC Meetings, Public Records, Quorum and Actions*.
5. **Minor Subdivision Process.** The development or modification of property requires subdivision plat approval. In accordance with *IC 36-7-4-700 Series* and the *PC Rules and Procedures*, the Plat Committee shall hear and make decisions regarding applications for Minor Subdivisions in accordance with the following:
 - a. *Purpose.* The Minor Subdivision platting process is intended to allow the subdivision of land with a reduction of approval time and filing procedure. It is not the intent to allow the Minor Subdivision process to circumvent the County's subdivision requirements or the intent of the County's comprehensive plan and its components. A Minor Subdivision shall be subject to all the requirements of the County's UDO and the subject zoning district for the project.
 - b. *Applicability.* The Minor Subdivision platting process shall only be used for subdivisions, that the Administrator determines:
 - 1) Results in the creation of three (3) or fewer lots;
 - 2) Does not create any new public or private rights-of-way, extension of public facilities, or create any public improvements; and
 - 3) Complies in all other respects with this UDO.
 - c. *Minor Subdivision Combined Primary and Secondary Plat.* The Primary Plat and Secondary Plat may be combined by the subdivider into one single process for a Minor Subdivision.
 - d. *Discretion to Shift to Major Subdivision Process.* If, at any time, the Administrator or Plat Committee believes that the circumstance of the application warrants the full review and consideration of a Major Subdivision, then the Administrator or Plat Committee shall provide in writing to the subdivider one (1) or more reasons as to why the Major Subdivision process will be required for their application.
 - e. *Minor Subdivision Limit.* A maximum of one Minor Subdivision is permitted per parent tract that was in existence at the time this UDO was adopted. Any additional subdivisions of the parent tract will be considered a Major Subdivision and shall follow the Major Subdivision process set forth in this ordinance. Any additional subdivision of a lot in a minor plat that would result in more than 3 lots total for that Minor Subdivision

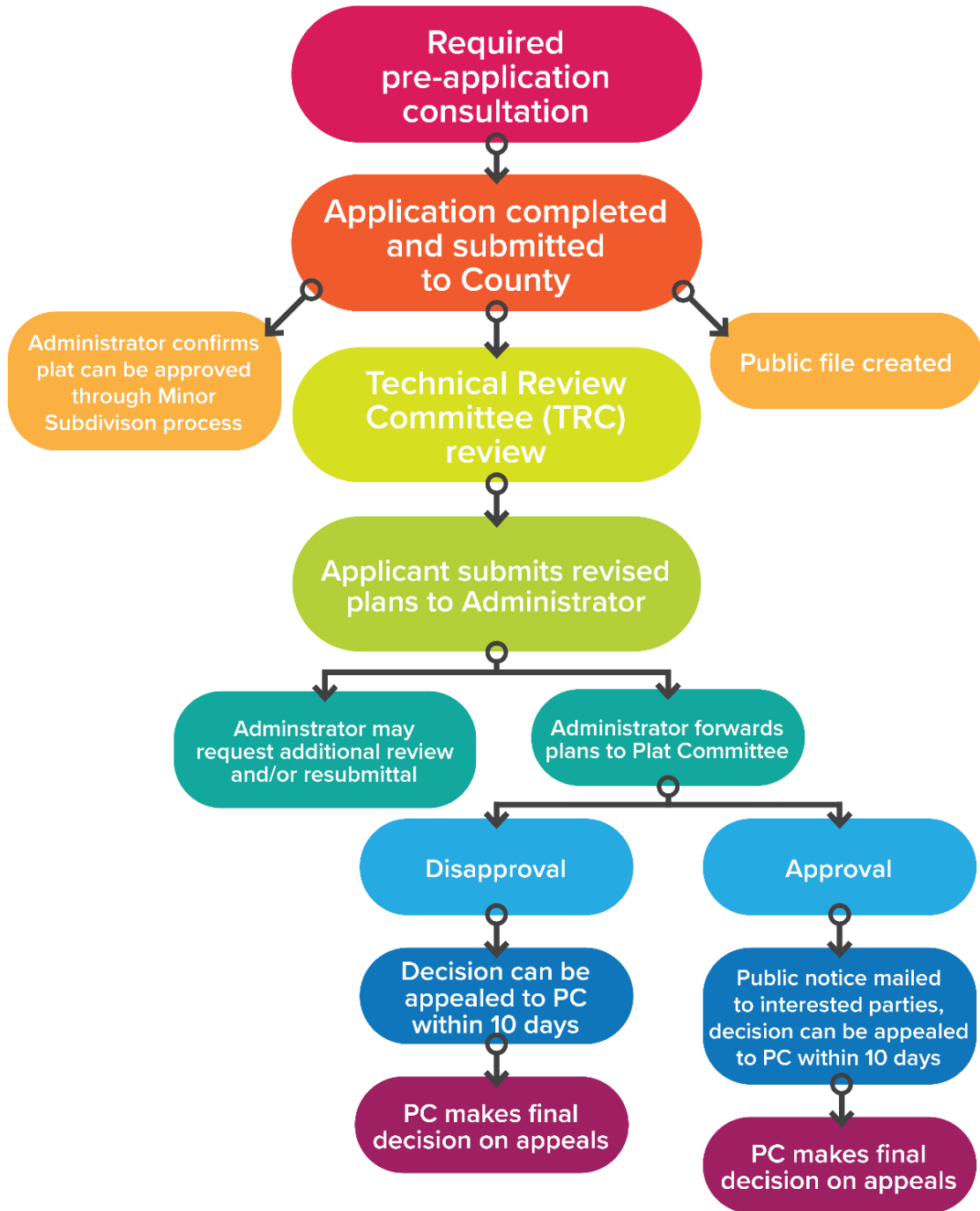
shall be considered a Major Subdivision and shall follow the Major Subdivision process set forth in this ordinance.

- f. *Application Submittal.* The subdivider may apply concurrently for both the Minor Subdivision Primary Plat and the Minor Subdivision Secondary Plat in accordance with the PC Rules and Procedures and prepared in accordance with the formats described in Section G, *Document and Drawing Specifications for Minor Subdivisions*, and Section H, *Construction and Development Process*.
- g. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the proposed Minor Subdivision plat, and supporting information to the TRC for review. At the discretion of the Administrator, the TRC review may be held in person or remotely. The Administrator shall compile the TRC's written comments for distribution to the applicant and shall also include them in the public file.
- h. *TRC's Revisions.* The subdivider shall address all the comments from the TRC members and submit revised plans to the Administrator per the adopted schedule. The Administrator may request additional internal review and/or the resubmittal of additional revisions.
- i. *Plat Committee.* The Plan Commission hereby delegates the review and decision on Minor Subdivisions to the Plat Committee.
 - 1) *Review.* The committee shall review the plat for compliance with the UDO.
 - 2) *Representation.* The subdivider or their representative may attend the Plat Committee's meeting to present the minor plat and address any questions or concerns from the Plat Committee.
 - 3) *Action.* Action by the Plat Committee shall be by a majority vote.
 - a) *Approval.*
 - (1) *Generally.* If the PC determines that the proposed Minor Subdivision plat complies with the standards set forth in this UDO, the Plat Committee shall grant approval to the plat.
 - (2) *Notification to Subdivider.* Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and shall list any changes or revisions deemed necessary by the Plat Committee as a term of its approval.
 - (3) *Changes or Revisions to Proposed Plat.* In accordance with IC 36-7-4-702, the Plat Committee may introduce changes or revisions to the proposed plat as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
 - (a) The way any shared driveways shall be laid out, graded, and/or improved;
 - (b) The provision for potable water supply, sanitary sewage disposal, and other utility services; and

- (c) The provision for other services as specified in this UDO.
- (4) *Approval Certificate.* The Chairman and Secretary of the Plat Committee are authorized to sign the approved plat after the expiration of the comment period.
- b) *Disapproval.*
- (1) *Notification.* If the Plat Committee disapproves the proposed primary or combined primary and secondary Minor Subdivision Plat, then the Plat Committee shall make written findings of fact and the Administrator shall notify the subdivider in writing or by electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TRC members, stating the specific reasons for disapproval.
- (2) *Resubmittal.* After disapproval by the Plat Committee, the subdivider may resubmit a new Minor Subdivision Plat application only if the new application addresses the reason for disapproval.
- 4) *Public Notification.* Approval for a Minor Subdivision plat may be granted by the Plat Committee without public notice and hearing. Within ten (10) days after approval the applicant shall provide due notification by mail of the Plat Committee's decision to interested parties. Such notice shall include a notification of the right to appeal the Plat Committee's decision.
- 5) *Comment Period.* A notice of appeal must be filed with the Administrator within ten (10) days after a copy of notice is mailed.
- 6) *Appeals.* Appeals of the Plat Committee's decision by an interested party shall be governed in accordance with Section 8-C-6, *Administrative Appeals*.
- 7) *Approval of Secondary Minor Plat:* If subdivider chooses to separate the primary and Secondary Plat processes, instead of combining the processes, secondary approval shall be by the Administrator.
- 8) *Expiration.* Approval of a Minor Subdivision Plat shall be effective for one (1) year from the date of the Plat Committee decision. If approval was for a Primary Minor Plat, failure to receive secondary approval before this one (1) -year period ends shall void the primary minor plat approval. Once primary minor plat approval has expired, a new application for a minor plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
- 9) *No Minor Plat Amendment.* After Minor Subdivision Plat approval, the subdivider may not request that an amendment be made to the Minor Plat. If changes are desired, a new plat shall be filed.
- j. *Flowchart.* The following flowchart is for administrative purposes only to show the steps associated with the Minor Subdivision application process.

MINOR SUBDIVISION PROCESS

Primary and Secondary Plats may be Combined for Minor Subdivisions



D. Administrator.

1. **Duties and Powers.** See Chapter 8, *Zoning Administration and Procedures*, Section D(1), *Duties and Powers*.

Table 7-2, Administrator Authority			
APPLICATION TYPE	PC'S ACTION	UDO PROCESS	APPLICABLE INDIANA CODE (IC)
Major Subdivision, Secondary Plat	Administrator	Section 7.D.2	<u>IC 36-7-710</u>
Minor Subdivision, Secondary Plat	Administrator	Section 7.D.3	<u>IC 36-7-710</u>
Replat	Administrator	Section 7.D.4	<u>IC 36-7-4-700 Series</u>
Primary Plat, Minor Amendment	Administrator	Section 7.D.5	<u>IC 36-4-705</u>
Secondary Plat Amendment	Administrator	Section 7.D.6	<u>IC 36-4-703</u>

2. Major Subdivision, Secondary Plat.

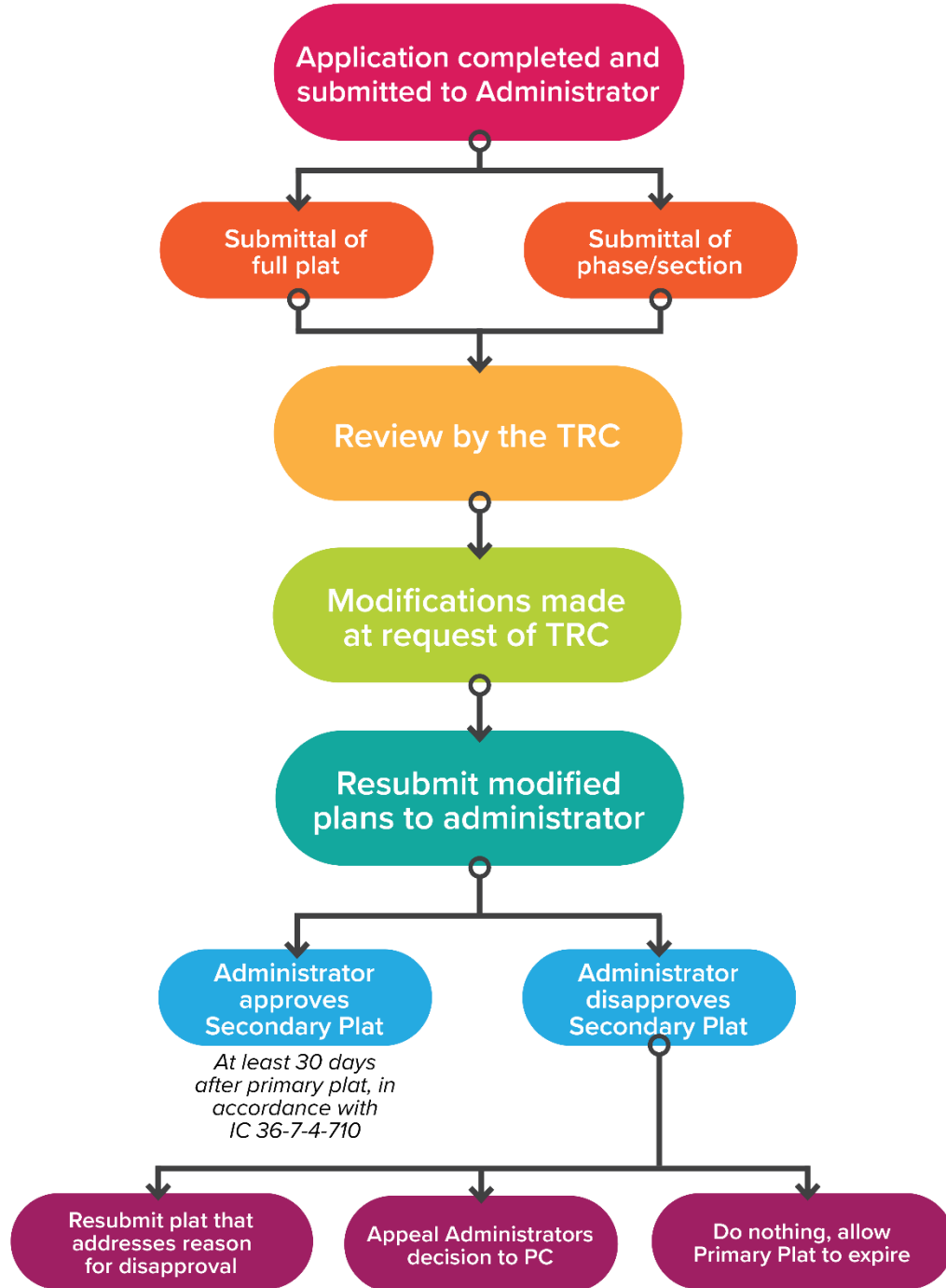
- a. *Application.* The subdivider shall submit an application for a Secondary Plat prepared that in accordance with the format described in this UDO, including Section F, *Document and Drawing Specifications for Major Subdivisions*; Section H, *Construction and Development Process*, and according to the application requirements adopted as part of the *PC Rules and Procedure*.
- b. *Format of Submittal.* To allow for flexibility, a Major Subdivision, Secondary Plat may be submitted in one of the following ways:
 - 1) *Full Plat.* The subdivider may submit the Secondary Plat for the entire subdivision.
 - 2) *Phase/Section.* The subdivider may submit the Secondary Plat for a phase or section of lots as laid out on the Primary Plat which shall include all necessary infrastructure serving such lots.
- c. *Technical Review.* After receiving a complete application and creating a publicly available file, the Administrator shall forward the proposed Secondary Plat and supporting information to the Technical Review Committee (TRC) for technical review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the publicly available file.
- d. *Secondary Plat Standards.* The subdivider shall address the comments from the TRC members and submit revised plans to the Administrator. The Administrator shall then determine if the proposed Secondary Plat meets the principles and standards set forth in this UDO.
- e. *Plat Approval.* If the Administrator determines that the Secondary Plat complies with the standards set forth in this UDO and is in conformance with the Primary Plat, the Administrator shall grant secondary approval to the plat. Secondary Plat approval may

be granted to a plat only after expiration of the thirty (30) day appeal period of the Primary Plat as provided in IC 36-7-4-710.

- f. *Plat Disapproval.* If the Administrator disapproves the Secondary Plat, then the Administrator shall make written findings of fact and shall notify the subdivider in writing or electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TRC committee members. After disapproval by the Administrator, the subdivider may:
 - 1) Resubmit a revised final plat that addresses the reason for disapproval;
 - 2) Appeal the Administrator's decision to the PC; or
 - 3) Do nothing and allow the approved Primary Plat to expire.
- g. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the Major Subdivision, Secondary Plat application process.

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MAJOR SUBDIVISION - SECONDARY PLAT PROCESS

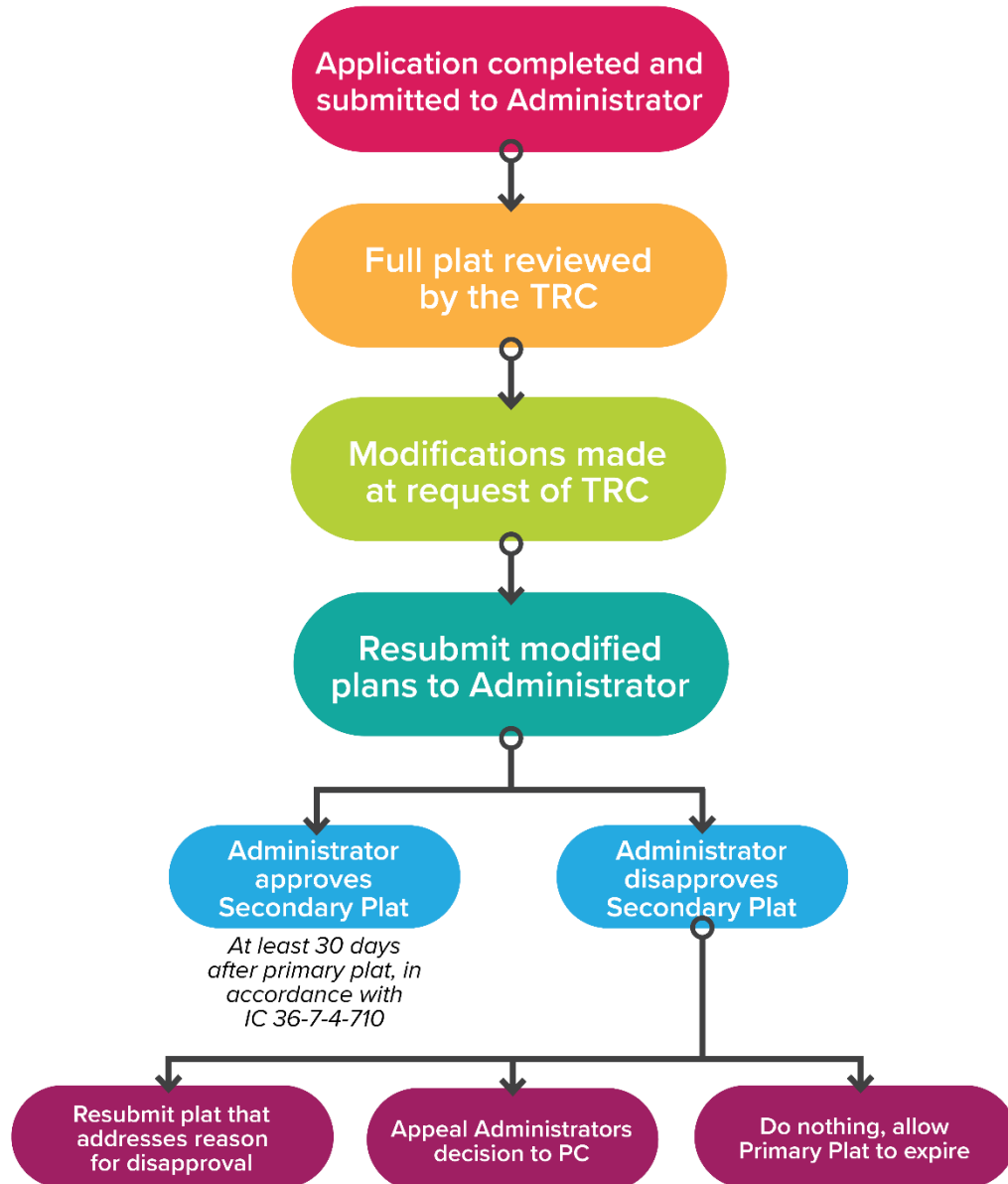


3. Minor Subdivision, Secondary Plat.

- a. *Application.* If the subdivider chose to separate the Minor Subdivision primary and Secondary Plat processes, instead of using the combined process, as allowed by Section 7.C.5, *Minor Subdivision Process*, then the subdivider shall submit an application for a Secondary Plat prepared in accordance with the format described in this UDO, including Section G, *Document and Drawing Specifications for Minor Subdivisions*; and Section H, *Construction and Development Process* according to the application requirements adopted as part of the PC Rules and Procedure.
- b. *Format of Submittal.* A Minor Subdivision Secondary Plat shall be submitted as a full plat for the entire subdivision.
- c. *Technical Review.* See **Section 7.D.2.c**, *Technical Review*.
- d. *Secondary Plat Standards.* The subdivider shall address the comments from the TRC members and submit revised plans to the Administrator. The Administrator shall then determine if the proposed Secondary Plat meets the principles and standards set forth in this UDO.
- e. *Plat Approval.* If the Administrator determines that the Secondary Plat complies with the standards set forth in this UDO and is in conformance with the Primary Plat, the Administrator shall grant secondary approval to the plat. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the Primary Plat as provided in IC 36-7-4-710.
- f. *Plat Disapproval.* If the Administrator disapproves the Secondary Plat, then the Administrator shall make written findings of fact and shall notify the subdivider in writing or electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TRC members. After disapproval by the Administrator, the subdivider may:
 - 1) Resubmit a revised final plat that addresses the reason for disapproval;
 - 2) Appeal the Administrator's decision to the PC; or
 - 3) Do nothing and allow the approved Primary Plat to expire.
- g. *Flowchart.* The following flowchart is for administrative purposes only to show the steps associated with the Minor Subdivision, Secondary Plat application process.

MINOR SUBDIVISION - SECONDARY PLAT PROCESS

Only Required if Minor Subdivision Primary Plat was Approved Separately



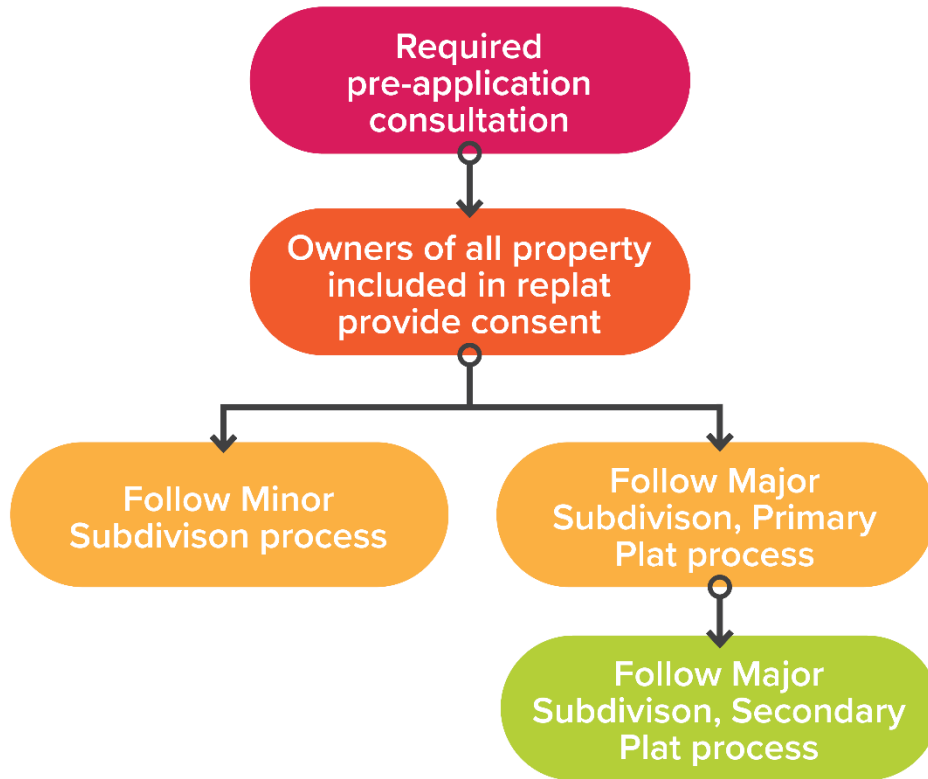
4. Replat.

- a. *Prerequisite for Replat.*
 - 1) The Secondary Plat shall have been approved and recorded.
 - 2) All property owners within the area for the replat shall provide written consent.
- b. *Circumstances for a Replat.* For the purposes of this UDO, a replat shall include:
 - 1) Any change in any street layout or any other public improvement;
 - 2) Any change in any lot line; and
 - 3) Any change in the amount of land reserved for public use or the common use of lot owners.
- c. *Process for Replat Approval.* Whenever an owner of land desires to replat, the owner shall obtain approval for the replat by the same procedures prescribed for the subdivision of land set in this Chapter of the UDO.
- d. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the replat application process.

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REPLAT PROCESS

Available Only After Secondary Plat Has Been Approved and Recorded



5. Primary Plat, Minor Amendment.

- a. *Applicant Process.* An applicant may seek minor amendments to an approved Primary Plat that do not adversely impact the integrity of the approved Primary Plat and that does not require a major amendment approval, as outlined in the previous section.
- b. *Approval.* A minor amendment to a Primary Plat may be approved by the Administrator without a public hearing. A minor amendment authorized by the Administrator shall be reported in writing to the Plan Commission at their next regular meeting.

6. Secondary Plat Amendment.

- a. *Request.* At any time after Secondary Plat approval, the subdivider may request that an amendment be made to a Secondary Plat.
- b. *Plat Review.* The Administrator shall solicit comments from the appropriate TRC members on the proposed amendment in accordance with the same requirements for the respective Secondary Plat approval process. See **Section 7.D.2.c, Technical Review.**
- c. *Withdrawal.* The subdivider may withdraw the proposed amendment at any time prior to the Administrator's decision.
- d. *Approval / Disapproval.* The Administrator shall approve or disapprove any proposed amendment, as applicable, per the requirements of Section 7.D, *Administrator.*
- e. *Recording of Plat.* If a Secondary Plat is approved, the Administrator shall coordinate the required PC signatures and seal on the document. The subdivider shall record the approved Secondary Plat and any associated documents but shall not do so until the Administrator releases it for recording, in accordance with the procedures set forth in this UDO.

E. Technical Review Committee. See Chapter 8, **Zoning Administration and Procedures, Section E, Technical Review Committee.**

F. Document and Drawing Specifications for Major Subdivisions. Major Subdivisions shall submit separate Primary Plat and Secondary Plat drawings. A Minor Subdivision may combine the required Primary and Secondary Plat drawings into one submission.

1. Primary Plat Specifications – Major Subdivision

- a. *Prepared by Surveyor.* The Primary Plat shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. The sheet shall be signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
- b. *Scale and Format.* All sheets shall be formatted as 24" x 36" and drawn to a convenient scale.
- c. *Applicant Responsibilities.* The applicant is responsible for all title searches, recorded easements, mail delivery provisions, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and disclose this fact to all buyers.

- d. *Project Information.* The following project information shall be submitted with a Primary Plat:
- 1) Name of the project/subdivision followed by "Primary Plat."
 - 2) Location of the property by street, block, and adjacent subdivisions (with block and lot numbers) or section, township, range, and county if adjacent property if not subdivided.
 - 3) Total acreage within the project and the number of lots.
 - 4) Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.
 - 5) Existing zoning of the subject property and all adjacent properties.
 - 6) Name and address of the owner, developer, and land surveyor and/or engineer.
 - 7) Listing of any covenants on the parcel(s).
 - 8) A location map with north arrow at a scale of one-inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project, road names, any water features and covering the general area within which it is to be located.
 - 9) Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with Rule 865 Indiana Administrative Code (IAC) 1-12, in the field which has been balanced and closed, as well as physically located by monumentation.
 - 10) Location and description of all monuments with references by distance to bearings to both $\frac{1}{4}$ section corners, section corners, grant corners, or recorded subdivisions.
 - 11) A traffic impact analysis or study, if required. See Chapter 6, *Subdivision Standards*.
- e. *Site Conditions.* The following site condition information shall be submitted with a Primary Plat:
- 1) Existing buildings/structures and their placement on the lots.
 - 2) Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
 - 3) The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.
 - 4) The regulatory flood (100-year flood and 500-year flood) elevation based on NAVD 1988. Also include all FEMA floodplain designations in addition to notes about the site's location.
 - 5) General site conditions, including aerial map, topography, utilities, flood elevations, available mapping, parcel data, etc.
 - 6) General proposed street layout, if applicable, and general lot layout, drawn to a scale. Note if driveway closures or additional access points are expected.

- 7) Existing contours based in NAVD 1988 datum with vertical intervals of two (2) feet if the general slope of the site is less than two percent (2%) and vertical intervals of five (5) feet if the general slope is greater than two percent (2%). A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.
 - 8) Location, widths, and type of construction of all existing access easements, private roads, rights-of-way, alleys, or other public ways, street classifications as per the Thoroughfare Plan, street names, railroad and utility rights-of-way or easements, parks, trees [four (4) inches in diameter or greater shall be located and identified], trails, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/DNR maps, and bridges. Other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within five hundred (500) feet of the proposed project.
 - 9) Layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots.
 - 10) Building and thoroughfare (if applicable) setback lines, showing dimensions.
 - 11) All lots or blocks intended for sale or lease shall be:
 - a) Designated with boundary lines;
 - b) Identified with letters;
 - c) In alphabetical order; and
 - d) Lots shall be numbered consecutively within each block.
 - 12) General location of proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land.
 - 13) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled.
 - 14) Internal and perimeter sidewalk system/pedestrian circulation plan, if required.
 - 15) External access and circulation plan, identifying existing roadways, and any future collector or other connecting roadways, in accordance with the Thoroughfare Plan and/or the Access Management and Control Ordinance.
 - 16) For Major Residential Subdivisions, a perimeter buffer landscape plan.
 - 17) Such other information as may be deemed necessary for proper review of the Primary Plat by the Administrator, the County Engineer, County Surveyor, or PC.
- f. *Title Block.* The following information within a title block shall be submitted with a Primary Plat:
- 1) The proposed name by which the project shall be legally and commonly known;

- 2) Date of survey, scale, and north point; and
- 3) Revision dates.
- g. *Endorsements and Explanations.* The following endorsements and explanations shall be submitted with a Primary Plat:
 - 1) Form for endorsement by Owner.
 - 2) Description of drainage easements, site easements, reservations, etc.
 - 3) Surveyors Certificate.
 - 4) Deed of Dedication.
 - 5) Description of Real Estate/Property.
 - 6) Stormwater Narrative.
2. **Secondary Plat Specifications.**
 - a. *Prepared by Surveyor.* The plat sheet(s) shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. The sheet shall be sealed and signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
 - b. *Form and Scale.* All sheets shall be formatted as 24"x36" and drawn to a convenient scale.
 - c. *Conformity to Primary Plat.* The Secondary Plat may be deemed to substantially conform to the Primary Plat if the geometrics of the Secondary 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 approval by the PC rather than the Administrator unless such changes were a condition of the Primary Plat approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity.
 - d. *Monuments.* Monuments shall be set on all lot corners in accordance with Rule 865 of IAC 1-12.
 - e. *Project Information.* The following project information shall be submitted with a Secondary Plat:
 - 1) Name of the project.
 - 2) All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes.
 - 3) Proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and locations.
 - 4) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plat and plans.
 - 5) Building setback lines, showing dimensions.

- 6) Street sign locations and monument sign location, including dedicated easement or dedicated common area.
- 7) Easements.
- f. *Endorsements and Explanations.* The following endorsements and explanations shall be submitted with a Secondary Plat:
 - 1) Form of endorsements by PC President and Administrator;
 - 2) Form for Recording Data;
 - 3) Form for endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
 - 4) Notation of any self-imposed restrictions;
 - 5) Surveyors Certificate;
 - 6) Deed of Dedication;
 - 7) Description of Real Estate/Property; and
 - 8) By the subdivider(s)/landowner(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 land, and the platting of the subdivision is the subdivider's and/or other owner's voluntary act and deed. The subdivider(s) and/or landowner(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.
- g. *Record Drawings.* Record drawings shall be submitted in the current format required by the jurisdiction.
- h. *Construction Drawings.* As part of the submittal of a construction drawing, the following shall be provided:
 - 1) *Applicant Responsibilities.* All items required for the Primary Plat in **Section 7.F.1.c, Applicant Responsibilities**, of this Chapter of the UDO.
 - 2) *Project Information.* All items required for the Primary Plat in **Section 7.F.1.d, Project Information**, of this Chapter of the UDO.
 - 3) *Site Conditions.* All items required for the Primary Plat in **Section 7.F.1.e, Site Conditions**, of this Chapter of the UDO, as well as full landscape, signage, and lighting plans.
 - 4) *Additional Plans.* Plans and profiles showing:
 - a) Roadways;
 - b) Sewers;
 - c) Water and fire hydrants;

- d) The locations and typical cross-sections of all street pavements including curbs and gutters; sidewalks; drainage easements; servitudes; rights-of-way; manholes; and catch basins;
- e) The location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, water mains, and fire hydrants;
- f) The connection to any existing or proposed utility system;
- g) The location and size of all water or other underground utilities and structures;
- h) Compliance with ADA requirements for sidewalks and crosswalks;
- i) Additional info as required by the Administrator and/or County Surveyor or County Highway Engineer; and
- j) A set of digital as-builts that must be submitted for all public information and must be survey accurate.
- k) If the subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, pursuant to Rule 327 of *IAC 15-5*, as amended, as administered by Indiana Department of Environmental Management (IDEM) shall be submitted to County Soil and Water Conservation District.
- l) Drainage plans shall be submitted to the Johnson County Drainage Board, as applicable. Prior to approving a Secondary Plat, the County Drainage Board must approve the drainage plans, as applicable.

G. Document and Drawing Specifications for Minor Subdivisions. A Minor Subdivision may combine the required Primary and Secondary Plat drawings into one submission.

1. Plat Specifications – Minor Subdivision

- a. *Prepared by Surveyor.* The Minor Subdivision Plat shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. The sheet shall be signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
- b. *Scale and Format.* All sheets shall be formatted as 24" x 36" and drawn to a convenient scale.
- c. *Applicant Responsibilities.* The applicant is responsible for all title searches, recorded easements, mail delivery provisions, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and disclose this fact to all buyers.
- d. *Project Information.* The following project information shall be submitted with a minor plat:
 - 1) Name of the project/subdivision followed by type (e.g., "Agricultural Minor Plat" or "Residential Minor Plat."
 - 2) Location of the property by street, block, and adjacent subdivisions (with block and/or lot numbers) or section, township, range, and county if adjacent property if not subdivided.

- 3) Total acreage within the project and the number of lots.
 - 4) Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.
 - 5) Existing zoning of the subject property and all adjacent properties.
 - 6) Name and address of the owner, developer, and land surveyor and/or engineer.
 - 7) Listing of any covenants on the parcel(s).
 - 8) A location map with north arrow at a scale of one-inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project, road names, any water features and covering the general area within which it is to be located.
 - 9) Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with Rule 865 of *IAC 1-12*, in the field which has been balanced and closed, as well as physically located by monumentation.
 - 10) Location and description of all monuments with references by distance to bearings to both $\frac{1}{4}$ section corners, section corners, grant corners, or recorded subdivisions.
 - 11) A traffic impact analysis or study, if required. See Chapter 6, *Subdivision Standards*.
 - 12) Easements.
- e. *Minor Plat Site Conditions*. The following site condition information shall be submitted with a minor plat:
- 1) Existing buildings/structures and their placement on the lots.
 - 2) Existing water mains, fire hydrants, storm sewers, sanitary sewers, septic systems, water wells, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
 - 3) The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.
 - 4) The regulatory flood (100-year flood and 500-year flood) elevation based on NAVD 1988. Also include all FEMA floodplain designations in addition to notes about the site's location.
 - 5) General site conditions, including aerial map, topography, utilities, flood elevations, available mapping, parcel data, etc.
 - 6) Any driveway closures or proposed access points.
 - 7) Existing contours based in NAVD 1988 datum with vertical intervals of two (2) feet if the general slope of the site is less than two percent (2%) and vertical intervals of five (5) feet if the general slope is greater than two percent (2%). A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.

- 8) Existing site conditions shall include all land within five hundred (500) feet of the proposed project:
- a) Location, widths, and type of construction of all existing access easements, private roads, public rights-of-way with classifications per the Thoroughfare Plan, trails, and other public ways;
 - b) Railroad and utility rights-of-way or easements;
 - c) Parks, trees four (4) inches in diameter or greater shall be located and identified], cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/DNR maps, and bridges;
 - d) Other data may be added which is considered pertinent by the PC or the Administrator for the subject land.
 - e) Layout of the proposed project/subdivision showing lot lines and lot numbers, that show length, width, depth, and area of each lot.
 - f) Building and thoroughfare (if applicable) setback lines, showing dimensions.
 - g) General location of proposed water mains, fire hydrants, storm sewers, sanitary sewers, septic fields, water wells, culverts, bridges, and any other utility structures or facilities within, adjacent to, or serving the subject land.
 - h) Common areas shall be designated as such and clearly labeled.
 - i) Remainders of parent tract parcels shall be designated as such and clearly labeled.
 - j) Such other information as may be deemed necessary for proper review of the Minor Plat by the Administrator, the County Engineer, County Surveyor, or PC.
- f. *Title Block.* The following information within a title block shall be submitted with a minor plat:
- 1) The proposed name by which the project shall be legally and commonly known;
 - 2) Date of survey, scale, and north point; and
 - 3) Revision dates.
- g. *Endorsements and Explanations.* The following endorsements and explanations shall be submitted with a minor plat:
- 1) Form of endorsements by PC President and Administrator;
 - 2) Form for Recording Data;
 - 3) Form for endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
 - 4) Notation of any self-imposed restrictions;
 - 5) Surveyors Certificate;

- 6) Deed of Dedication;
 - 7) Description of Real Estate/Property;
 - 8) Stormwater Narrative; and
 - 9) By the subdivider(s)/landowner(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 land, and the platting of the subdivision is the subdivider's and/or other owner's voluntary act and deed. The subdivider(s) and/or landowner(s) shall declare in this certificate by description or reference to the plat the purpose of all easements, and other reservations shown on the plat.
- h. *Record Drawings.* Record drawings shall be submitted in the current format required by the jurisdiction.
- i. *Construction Drawings.* As part of the submittal of a construction drawing, the following shall be provided:
- 1) *Additional Plans.* Plans and profiles showing:
 - a) Water and fire hydrants;
 - b) The location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, water mains, and fire hydrants;
 - c) The connection to any existing or proposed utility system;
 - d) The location and size of all water or other underground utilities and structures;
 - e) Compliance with ADA requirements for sidewalks and crosswalks;
 - f) Additional info as required by the Administrator and/or County Surveyor or County Highway Engineer; and
 - g) A set of digital as-builts that must be submitted for all public information and must be survey accurate.
 - h) If the subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, pursuant to Rule 327 of *IAC 15-5*, as amended, as administered by IDEM shall be submitted to County Soil and Water Conservation District.
 - i) Drainage plans shall be submitted to the Johnson County Drainage Board, as applicable. Prior to approving a Secondary Plat, the County Drainage Board must approve the drainage plans, as applicable.

H. Construction and Development Process.

1. **Generally.** Once primary and Secondary Plats and the associated construction plans have been approved by the Administrator, the PC and/or any other required agencies, as appropriate, the construction and development process may commence.
2. **Bond Determination Letter.** Per each development, a bond determination letter will be sent to the developer to determine how much and which performance / maintenance bonds will be required. Bonds include but are not limited to water, stormwater, street, sidewalk,

monumentation, signage, landscaping, electric, pavement erosion control, fire hydrants, etc. Any infrastructure or public works installed by the County that requires reimbursement must be bonded by the developer regardless of which construction option is chosen below in **Section H.3**, *Construction Process Options*, of this Chapter of the UDO.

3. **Construction Process Options.** A developer may choose to construct the improvements and then record the plat, or they may post performance surety and then record the plat. Shown below is the process required for each of the two different options.
 - a. *Option 1: Construct Improvements then Record Plat.*
 - 1) *Install Infrastructure.* Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
 - 2) *Inspect Infrastructure.* Once complete, the improvements shall be reviewed and inspected by the County Highway Engineer to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, street signs, sidewalks, drainage facilities, water facilities, sewer facilities, electric facilities, and any other utilities as required by this UDO or any other applicable ordinance. The County Highway Engineer does not inspect infrastructure not owned or managed by the County. Utilities are inspected by each respective utility. All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of these should be directly coordinated with the respective local providers.
 - 3) *Cost Estimate and Deposit for Final Coat of Asphalt.* The applicant shall submit a reliable estimate for the cost of completing the final coat of asphalt on the roadways to the satisfaction of the County Highway Engineer. Once approved by the County Highway Engineer, the applicant shall pay cash funds to the County in an amount equal to one hundred and twenty percent (120%), or amount as approved by the County, of the approved estimate amount.
 - 4) *Execute and Record Plat.* The plat shall be executed and recorded in accordance with Section (D)5 of this Chapter of the UDO.
 - 5) *Complete Final Coat of Asphalt.* Once development has occurred to the satisfaction of the County Highway Engineer and at least eighty percent (80%) of the lots are developed, the final coat of asphalt for the roadways shall be installed by the applicant. Base and subbase courses of asphalt shall not be exposed to a freeze thaw cycle. In all cases, the base and subbase courses of asphalt pavement shall be covered with a surface course by November 1 of each calendar year. A sealant may be used in lieu of a surface course if approved by the Administrator.
 - 6) *Post Maintenance Surety and Release Funds.* The applicant shall post maintenance surety for the roadways and/or other determined sureties, in accordance with Section (D)4 of this Chapter of the UDO. When the final coat of asphalt has been installed on the roadways to the satisfaction of the County Highway Engineer and County Commissioners, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the final coat of asphalt be released by the County and returned to the applicant. The remaining funds will be applied to the

Maintenance Surety. The County Highway Engineer will not release any funds without being requested by the applicant.

b. *Option 2: Post Performance Surety then Record Plat.*

- 1) *Post Performance Surety.* Once the Secondary Plat and the associated construction plans have been approved by required agencies, as appropriate, the developer can choose to post performance surety and then immediately record the plat.
- 2) *Bond Determination and Cost Estimates.* The developer is required to provide a certified estimate of cost from a professional engineer for the County to review. It should include estimated amounts for both performance and maintenance bonds as determined by the bond determination letter.
- 3) *Delivery of Performance Bonds.* Once bonds have been determined and cost estimates approved, the developer will provide the required performance bonds.
- 4) *Recording Plat.* The plat shall be signed by necessary required parties before being recorded. It shall be the responsibility of the subdivider to record the signed Secondary Plat with the Johnson County Recorder's Office. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped Secondary Plat in the format(s) required by the Administrator. A plat or replat of the subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two (2) years. If the Subdivider fails to record within this time period, the plat shall be null and void.
- 5) *Post Maintenance Surety and Release Performance Surety.* The applicant shall post maintenance surety for the roadways and/or other determined sureties, in accordance with Section (D)4 of this Chapter of the UDO. When the final coat of asphalt has been installed on the roadways to the satisfaction of the County Highway Engineer and County Commissioners, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the final coat of asphalt be released by the County and returned to the applicant. The remaining funds will be applied to the Maintenance Surety. The County Highway Engineer will not release any funds without being requested by the applicant.

4. **Maintenance Surety.**

- a. *Generally.* Maintenance surety shall be posted by the applicant to ensure that the improvements have been properly installed for the development. The amount of surety shall be approved by the County Highway Engineer and in a form to the satisfaction of the County Highway Engineer. After three (3) years, the applicant can request that the County Highway Engineer release or return the maintenance surety. The County Highway Engineer will not release any funds without being requested by the applicant.
- b. *Form of Surety.* Maintenance surety shall be a bond or cash deposit.
- c. *Release of Surety for Cash Deposits.* When the final coat of asphalt has been installed on the roadways to the satisfaction of the County Highway Engineer, the applicant can request eighty percent (80%) of the cash funds from the performance surety be released

by the County and/or returned to the applicant. The remaining balance will be applied to the maintenance surety.

- d. *County Use of Funds.* Any monies received by the County shall be used only for making the required improvements and installations for which the surety was provided in the event the subdivider defaults on the agreement. This money may be used for these purposes without appropriation. The improvements and installations must conform to the standards of this UDO and any other County standards.

5. Recording of Secondary Plats.

- a. *Plat Execution.* Prior to recordation at the Recorder's Office, the plat shall be signed by the necessary required parties.
- b. *Plat Recordation.*
 - 1) *Subdivider Responsibilities.* It shall be the responsibility of the subdivider to record the signed Secondary Plat with the Recorder's Office. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped Secondary Plat in the format(s) required by the Administrator.
 - 2) *Timeframe to Record.* A plat or replat of a subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two (2) years. If the Subdivider fails to record within this timeframe, the plat shall be deemed to be null and void.
- c. *Recordation Prohibition.* Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the Johnson County Auditor, and the Johnson County Recorder may not record it, unless it has been granted secondary approval, signed, and certified by the Administrator. The filing and recording of the plat are without legal effect unless approved by the Administrator.

6. Recording Minor Subdivisions.

- a. *Recording Minor Plat.* The minor plat shall be signed by all necessary required parties before being recorded. It shall be the responsibility of the subdivider to record the signed minor plat with the Johnson County Recorder's Office. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped minor plat in the format(s) required by the Administrator.
- b. *Minor Plat Expiration.* A Minor Plat must be recorded within one (1) year of being executed. Upon written request, the PC may extend the time limitation for two (2) years. If the Subdivider fails to record within this time period, the minor plat shall be null and void.