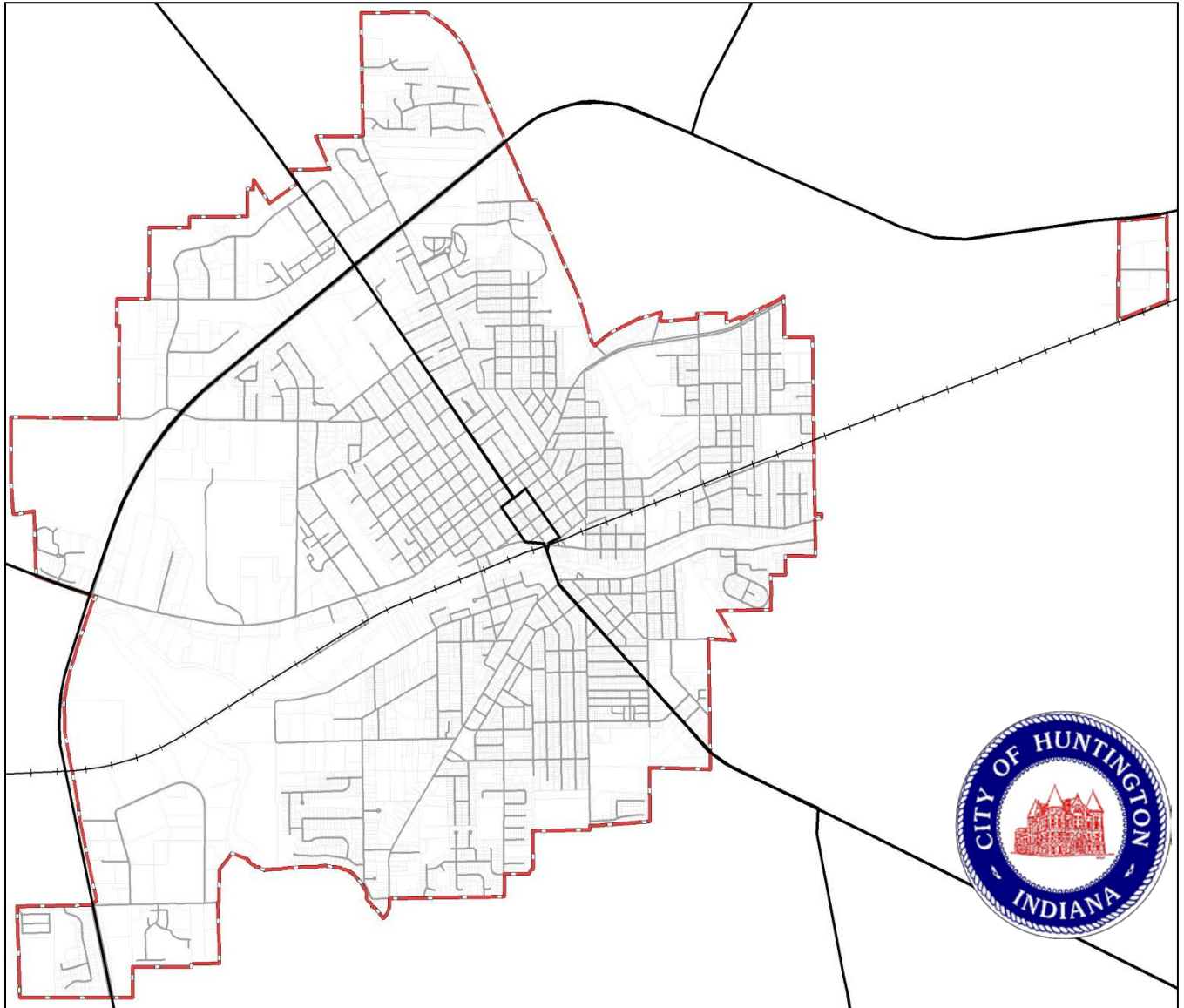


CITY OF HUNTINGTON, INDIANA



SUBDIVISION ORDINANCE

REFERENCE BOOK

Updated September 1st, 2014

HUNTINGTON CITY SUBDIVISION ORDINANCE
Table of Contents

<u>Section No.</u>	<u>Title</u>
156.001	Title
156.002	Purpose
156.003	Authority
156.004	Definitions
156.005	Policy
156.006	Interpretation
156.007	Administration
156.008	Subdivision Review Process
156.009	Minor Subdivision Review Process
156.010	Major Subdivision Review Process
156.011	Minor Subdivision Submittal Requirements
156.012	Major Subdivision - Primary Plat Submittal Requirements
156.013	Major Subdivision - Secondary Plat Submittal Requirements
156.014	General Requirements
156.015	Design Principles and Standards
156.016	Requirements for Subdivisions Prior to Dedication of Public Utilities
156.017	Improvements and Maintenance Bonds
156.018	Vacation of Plat
156.019	Vacation of Public Rights-of-Way, or Place, or Easement
156.020	Replat
156.021	Variance Procedure
156.022	Appeals
156.023	Access to Property / Inspections
156.024	Savings Provision
156.025	Amendments
156.026	Separability
156.027	Enforcement, Violations, Remedies, and Penalties

SECTION 156.001 TITLE

This Ordinance, and all ordinances supplemental or amendatory hereto, shall be known and cited as the Subdivision Code of the City of Huntington, Indiana.

SECTION 156.002 PURPOSE

The purposes of the subdivision code are:

- A. To protect and provide for the public health, safety, and general welfare.
- B. To guide development in accordance with the Comprehensive Plan.
- C. To provide for the safety, comfort, and soundness of the built environment and related open spaces.
- D. To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
- E. To insure that adequate facilities and infrastructure will be provided in conjunction with the new development.
- F. To conserve and protect natural resources.
- G. To promote the coordination of existing and proposed roads, utilities, and community facilities.

SECTION 156.003 AUTHORITY

- A. The provisions in this Ordinance are enacted pursuant to Indiana Code 36 7 4 700 Series and Indiana Code 36-7-4-1000 Series.
- B. The Huntington City Plan Commission has exclusive control over the approval of plats and replats.
- C. The Department is hereby authorized and directed to administer and enforce all provisions of this chapter. The Director of the department is the administrative official of the department responsible for the administration and enforcement of this chapter.
- D. The jurisdiction of the Commission shall include any areas within the corporate limits of the city and any contiguous unincorporated area where the city has exercised extraterritorial jurisdiction under IC 36-7-4-205.
- E. The Commission does not review, approve, or enforce covenants. Covenants are private land use and development restrictions enforced by the property owners within the subdivision.
- F. Restrictions, notes, easements, building setback lines, and similar annotations on a recorded subdivision plat are enforced by the Commission.

SECTION 156.004 DEFINITIONS

Alley - A public or private access way primarily designed to serve as secondary access to the side or rear of a property.

Applicant - The owner(s) or designated representative thereof, of land proposed to be subdivided.

Arterial Street - A street intended to carry a high proportion of the total vehicular traffic of the City.

Block - A tract of land bounded by streets, or by a combination of streets or other rights of way.

Building - A structure having a roof supported by columns or walls designed, built, or used for the enclosure, shelter, or protection of persons, animals, or property.

Central Sewage System - A community sanitary sewer system including collection and treatment facilities established by the developer to serve a new subdivision; or an existing public sanitary sewer system.

Central Water System - A community water supply system, including wells and/or surface water sources, treatment facilities, and distribution lines established by the developer to serve a new subdivision; or an existing public water system.

Collector Street - A street intended to move traffic from local streets to arterial streets.

Commission - The Huntington City Plan Commission.

Condominium - The division of building(s) and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by the Indiana Code, 32-1-6, 1 through 31.

County - Huntington County, Indiana.

Covenant - A restriction placed on the use or development of land through a recorded document.

Cul-de-sac - A local street with only one (1) vehicular traffic outlet and a turnaround at the end of the street.

Dead End Street - A street with only one (1) vehicular traffic outlet, and no turnaround at the end of the street.

Department - The Community Development and Redevelopment Department.

Detention Basin - A manmade or natural water collector facility designed to collect surface and sub surface water in order to impede its flow and to release the same at a rate acceptable to the Commission.

Developer - The owner(s) or designated representative thereof, of land proposed to be subdivided.

Development - The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; use or change in use of any buildings or land; or any extension of any use of land or any clearing, grading or other movement of land under the jurisdiction of the Commission.

Director - The Director Community Development and Redevelopment Department.

Drainage - The removal of surface water or groundwater from land by drains, grading or other means.

Drainage System - The system, through which water flows from the land, including all watercourses, water bodies, and pipes.

Drive, Private - A vehicular access way to three (3) or more lots that is not an accepted City or County Road or a road maintained by the City or County.

Driveway - A vehicular drive to not more than two (2) lots which provides access to parking spaces, garage, dwelling, or other structure.

Easement - An authorization granted by a property owner(s) for limited use of private land specifically specified on the plat.

Erosion - The detachment and movement of soil or rock fragments, or the wearing away of the land surface, by water, wind, ice or gravity.

Floodplain - The channel proper and the areas adjoining any wetland, lake, or watercourse, which have been, or hereafter may be covered by the regulatory flood. (Additional Flood definitions and regulations are contained in the Huntington City Zoning Ordinance).

Frontage - The width of a lot measured along the street or private drive.

Health Department - The Huntington County Health Department

Individual Sewage Disposal System - Any sewage treatment device approved by the Health Department to service an individual lot.

Infrastructure - Facilities and services needed to sustain residential, commercial, and industrial activities.

Interested Parties - Those property owners defined by the Rules of Procedure of the Commission who are to be notified of required public hearings.

Legal Description - A description which definitively describes property by reference to government surveys, coordinate systems or recorded maps.

Legal Drain - Any drainage system that is under the jurisdiction of the Huntington County Drainage Board as provided by IC 36 9 27.

Local Street - A street intended to provide access to other streets from individual properties.

Location Map - A map showing the location of the property proposed to be subdivided and its relationship with the closest intersecting streets in all directions.

Lot - A tract, parcel, plot, or portion of a subdivision or any other parcel of land intended as a unit for the purpose of transfer of ownership or of building development.

Lot Area - The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot, Corner - A lot situated at the intersection of two (2) streets.

Lot, Double Frontage - A lot which has frontage upon two parallel streets, or which has frontage upon two streets, which do not intersect at the boundaries of the lot.

Lot Line - A line dividing one lot from another lot or from a street, alley, or other right of way.

Lot Line, Front - The line separating a lot from a street right-of way.

Lot Line, Rear - The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

Lot Line, Side - Any lot line other than a front or rear lot line.

Maintenance Bond - A form of security, which may be required by the City to ensure, that required public improvements will function as required for a specific period of time.

Monument - An object, which marks the location of a corner of a lot or subdivision; or other survey point.

Parent Tract - A separate and distinct parcel of land as recorded at the time of adoption of this Ordinance.

Plat - A drawing indicating the subdivision of land filed for approval by the Commission and recorded with the Huntington County Recorder.

Plat Committee - A committee established under the Rules of Procedure of the Commission responsible for review of subdivisions requiring Commission action.

President - The president of the Huntington City Plan Commission.

Primary Plat - The preliminary drawing(s), described in this ordinance, indicating the proposed design of the subdivision to be submitted to the Commission.

Private Drive - Vehicular access way to three (3) or more lots that is not an accepted City or County Road or a road maintained by the City or County.

Property Owner - Any person, firm, corporation, partnership, association, organization, or any other group that acts as a unit or legal entity.

Public Improvement - Any street, sanitary sewer line, potable water line, storm water line, drainage structure, or other facility for which the City may ultimately assume the responsibility for maintenance and operation.

Replat - Any change in a recorded plat of a subdivision.

Retention Basin - A manmade or natural water collector facility designed for the permanent storage of water.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, sidewalk, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, county drain, special landscaping, or for another special use.

Secondary Plat - The final drawing(s), described in this ordinance, indicating the final design of the subdivision.

Secretary - The secretary of the Huntington City Plan Commission.

Storm Water Detention - Provision(s) for storage of storm water run-off and the controlled release of such run off.

Street - A public right of way used, or intended to be used, for passage or travel by motor vehicles.

Street Manual - Chapter 100: Streets, Sidewalks, and Rights-of-way of the City of Huntington, Indiana Code of Ordinances.

Subdivision - The division of a parcel of land into two (2) or more lots, parcels, tracts, or units of land.

Subdivision, Major - The division of a parcel of land wherein a proposed lot(s) are provided access from, or have frontage on, a new street or new private drive.

Subdivision, Minor - The division of a parcel of land wherein all proposed lots have frontage on an existing, approved street or private drive.

Yard - A required open space clear from the ground upward, unoccupied and unobstructed by any building or structure except as expressly permitted by the Zoning Ordinance.

Yard, Front - A yard extending the full width of the lot between the nearest line of the building or structure and the front lot line.

Yard, Rear - A yard extending the full width of the lot between the nearest line of the building or structure and the rear lot line.

Yard, Side - A yard extending the full length of the lot between the nearest line of the building or structure and the side lot lines, which extend from the front lot line to the rear lot line.

Zoning Ordinance - The Huntington City Zoning Ordinance.

SECTION 156.005 POLICY

- A. The subdivision of land is subject to the policies set forth in the Comprehensive Plan and Zoning Ordinance for the orderly and efficient development of the City.
- B. Land shall not be subdivided until proper provision has been made for drainage, water, sewerage, transportation facilities, and other elements of viable community infrastructure.
- C. All required public improvements shall comply with the ordinances and regulations of the City. All streets and private drives shall be constructed in accordance with the Street Manual.
- D. No plat that includes right-of-way will be accepted by the City if the improvements in that right-of-way are to remain private.
- E. Any plat submitted to the City for approval that includes improvements in the right-of-way shall have those improvements completed and accepted by the City prior to the issuance of any Improvement Location Permit or Building Permit on a lot within said subdivision plat.

- F. The usage of the term "right of way" for land platting purposes shall mean that every right of way thereafter established and shown on a secondary plat is to be separate and distinct from the lots or parcels adjoining such right--of way and not included within the dimensions or areas of such lots or parcels. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the applicant on whose plat such right of way is established.
- G. The width of all rights of way to be dedicated to the City shall be in accordance with the Street Manual.

SECTION 156.006 INTERPRETATION

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. The Director is responsible for all interpretations of this Ordinance. An appeal to an interpretation may be filed with the Commission in accordance with Section 156.22.

SECTION 156.007 ADMINISTRATION

- A. No land under the jurisdiction of the Commission shall be subdivided until approval is granted by the Plat Committee or Commission. No document transferring ownership of a lot which was created by subdivision shall be filed and recorded in the County Auditor's or Recorder's Office without approval by the Plat Committee or Commission.
- B. No Improvement Location Permit or Building Permit shall be issued for any lot within a major subdivision, which requires Commission approval until all required public improvements are completed and accepted by the City.
- C. No Improvement Location Permit or Building Permit shall be issued for any lot within a subdivision that is to be served by public improvements prior to the acceptance of those public improvements by the City.
- D. The Commission, when acting upon applications for subdivision approval, shall have the authority to grant variances from the requirements of this Ordinance in accordance with Section 156.21.
- E. In specific cases and for documented reasons, the Commission may waive the submission of a particular document or item required.
- F. A Plat Committee shall be established by the Commission for the purpose of reviewing all subdivisions requiring action by the Commission to ensure conformance with the regulations of this Ordinance. The Committee shall be established and conduct its activities in conformance with the Commission's Rules of Procedure. The Committee shall have authority to make final decisions on all minor subdivisions, and shall prepare a report and submit its findings to the Commission prior to the primary plat public hearing for all major subdivisions.

SECTION 156.008 SUBDIVISION REVIEW PROCESS

- A. The Director shall make a determination on whether a subdivision is to be reviewed as a minor or major subdivision.
- B. The decision of the Director regarding the determination may be appealed to the Commission.

- C. A sketch plat of a subdivision may be submitted for review by the Plat Committee, and will be reviewed as follows:
1. Application and sketch plat drawing shall be filed in accordance with this Ordinance and the Rules of Procedure of the Commission. There is no filing fee for sketch plat review.
 2. All applications shall be reviewed by the Plat Committee in accordance with the review schedule established by the Committee.
 3. The Plat Committee shall review the sketch plat drawing and provide the applicant with any information available regarding the proposed subdivision.
 4. Any comments made by Plat Committee members are for information purposes only, and are not binding decisions. The information obtained through the review is to be utilized to prepare and submit a subdivision application.
- D. The Plat Committee may conduct a site inspection of the property proposed to be subdivided.

SECTION 156.009 MINOR SUBDIVISION REVIEW PROCESS

- A. Subdivision of land wherein all proposed lot(s) have frontage on an approved street or private drive shall be reviewed as follows:
1. Application, primary plat survey, and required documentation shall be filed in accordance with this chapter and the Rules of Procedure of the Commission.
 2. All applications filed shall be reviewed by the Plat Committee in accordance with the review schedule established by the Committee.
 3. The Plat Committee meeting shall be open to the public. Notice to interested parties and legal notice publication is not required. The Commission shall make written findings of fact prior to making a decision on the subdivision.
 4. When reviewing the application, the Plat Committee may consider any of the following factors, including but not limited to:
 - a. Proximity of proposed lot(s) to structures and other improvements on neighboring properties;
 - b. Topography of the proposed lot(s) and adjacent area;
 - c. Soil classification of the proposed lot(s) and adjacent area;
 - d. Size of the proposed lot(s) as it relates to storm water runoff;
 - e. Watershed;
 - f. Ability to provide acceptable access to each lot.
 5. Based upon the review of the application, the Plat Committee may require the following before making a decision on the application:
 - a. Submittal of a drainage plan, which shall include a proposal for the management of storm water runoff from the proposed new lot(s);

- b. Application and approval of a drive cut permit from the City Engineer, Huntington County Highway Department or Indiana Department of Transportation, as appropriate;
 - c. Approval of the Huntington County Drainage Board, if applicable;
 - d. Soils evaluation to determine the ability of the proposed lot(s) to support a septic system.
6. The Plat Committee may approval a primary plat only upon determination in writing that:
 - a. The minor subdivision is in compliance with all applicable City codes and ordinances;
 - b. Adequate water, sewage, and other utility services can be obtained for each proposed lot;
 - c. Adequate storm water management facilities are provided for each lot;
 - d. A city, county or state driveway approach permit can be obtained for each lot.
7. The Plat Committee shall make an affirmative finding on each of the factors described in §156.09(A)(6) in order to approve a primary plat. The decision of the Plat Committee shall be signed by the President of the Plat Committee.
8. The Plat Committee may impose reasonable conditions as part of its primary plat approval. Reasonable conditions include, but are not limited to:
 - a. Shared vehicular access points for driveways;
 - b. Swales and detention basins to detain storm water runoff;
 - c. Protection of an area on the lot from soil disturbance;
 - d. Relation of known field tiles;
 - e. Providing a way for the natural flow of water to cross the lot.
9. The Plat Committee may defer any decision on primary plat approval to the Commission for its review and decision.
10. An applicant may appeal to the Commission any primary plat decision of the Plat Committee. An appeal must be filed within ten days of the date of the Plat Committee's Decision.
11. The Commission may impose reasonable conditions as part of its primary plat approval.
12. Primary plat approval or disapproval by the Commission or the imposition of a condition on primary plat is a final decision of the Commission that may be reviewed as provided in IC 36-7-4-1016.
13. Secondary plat approval under IC 36-7-4-710 shall not occur until after expiration of the time provided for under the appeal section of IC 36-7-4-708. All plans and documentation required for secondary plat shall be submitted with the application.
14. The secondary plat shall be reviewed by the Director. The director may approve a secondary plat only upon a determination that:
 - a. No appeals have been filed; and
 - b. All conditions placed upon the primary plat approval have been satisfied.
15. The Director shall acknowledge its approval by affixing appropriate signatures to the face of the plat.
16. The approved secondary plat must be recorded within two (2) years from the date of secondary plat approval. Failure to do so shall void the plat.

17. If the secondary plat is inconsistent with the approved primary plat, the Director may defer the plat to the Commission. The Commission may require the applicant to refile for primary plat approval.
18. The Plat Committee may defer any decision on secondary plat to the Commission for their review and decision.
19. An applicant may appeal to the Commission any decision of the Director. An appeal must be filed within ten days of the date of the Director's decision.
20. If secondary plat approval or denial is decided by the Commission because of an appeal or deferral from the Director, the approval or denial is a final decision of the Commission that may be reviewed as provided in IC 36-7-4-1016.

SECTION 156.010 MAJOR SUBDIVISION REVIEW PROCESS

- A. Any subdivision of land wherein a proposed lot(s) are provided access from, or have frontage on, a new street or private drive shall be reviewed as follows:
 1. Application, primary plat drawing, and required documentation shall be filed in accordance with this Ordinance and the Rules of Procedure of the Commission.
 2. Within thirty (30) days after receipt of the application for primary plat approval, the Department shall announce the date for a public hearing before the Commission.
 3. Prior to the scheduled public hearing before the Commission, the Plat Committee and Department shall review the primary plat for conformance with the regulations of this Ordinance and the Zoning Ordinance. The Plat Committee and Department shall prepare a report and submit its findings to the Commission prior to the primary plat public hearing.
 4. A public hearing shall be held by the Commission on the primary plat. Notice to interested parties shall be in accordance with the Rules of Procedure of the Commission. The Commission shall make written findings of fact prior to making a decision on the primary plat.
 5. The Commission may approve a primary plat only upon a determination in writing that:
 - a. The primary plat is in compliance with all applicable City codes and ordinances;
 - b. Adequate water, sewage, and other utility services can be obtained for each proposed lot;
 - c. Adequate storm water management facilities are provided for each lot;
 - d. Adequate vehicular access facilities are provided for by the applicant; and
 - e. A city, county or state driveway approach permit can be obtained for each lot.
 6. The Commission shall make an affirmative finding on each of the factors described in Section 156.10 (A) (5) in order to approve a primary plat. The decision of the Commission shall be signed by the President of the Commission.
 7. The Commission may impose reasonable conditions as a part of its approval.
 8. Primary plat approval or disapproval by the Commission or the imposition of a condition on primary plat approval is a final decision of the Commission that may be reviewed as provided in IC 36 7 4 1016.

9. Application for secondary plat approval shall be submitted within two (2) years from the date of approval of the primary plat, or primary plat approval becomes invalid. If the secondary plat is for only a section or phase of the primary plat, the entire primary plat remains valid. All plans and documentation required for secondary plat shall be submitted with the application.
10. The secondary plat shall be reviewed by the Plat Committee and Department. The Plat Committee may approve a secondary plat only upon a determination in writing that:
 - a. The secondary plat is in compliance with all applicable City codes and ordinances;
 - b. The secondary plat is consistent with the approved primary plat; and
 - c. All conditions of approval of the primary plat are complied with.
11. If the secondary plat is inconsistent with the approved primary plat, the Plat Committee may defer the plat to the Commission. The Commission may require the applicant to re-file for primary plat approval.
12. The Plat Committee may defer any secondary plat to the Commission for their review and decision.
13. Secondary plat approval shall not occur until a minimum of thirty (30) days after the date of primary plat approval.
14. The Plat Committee shall make an affirmative finding on each of the factors described in Section 156.10 (A) (10) in order to approve a secondary plat. The decision of the Plat Committee shall be signed by the President of the Plat Committee.
15. The Plat Committee may impose reasonable conditions as a part of its approval.
16. An applicant may appeal to the Commission any decision of the Plat Committee. An appeal must be filed within ten (10) days of the date of the Plat Committee's decision.
17. If a secondary plat is deferred or appealed to the Commission, the Commission shall consider the factors described in Section 156.10 (A) (10). An affirmative finding shall be made on each factor in order to approve a secondary plat. The decision of the Commission shall be signed by the President of the Commission.
18. The Commission may impose reasonable conditions as a part of its approval of a secondary plat.
19. If secondary plat approval or denial is decided by the Commission because of an appeal or deferral from the Plat Committee, the approval or denial is a final decision of the Commission that may be reviewed as provided in Indiana Code 36 7 4 1016.
20. Once a secondary plat is approved, the required signatures within the certification blocks on the plat shall be obtained prior to recording the secondary plat.
21. The signed secondary plat shall be recorded by the applicant in the Huntington County Auditor's and Recorder's Office. The secondary plat shall be recorded within one (1) year from the date of its approval or it becomes invalid.
22. The secondary plat shall remain in the Department office until the date it is recorded by the applicant.

SECTION 156.011 MINOR SUBDIVISION SUBMITTAL REQUIREMENTS

- A. All requests for minor subdivision approval shall be submitted with the following information:
1. Completed application form, including the property owner(s) signatures
 2. Filing fee of \$ 25.00 per lot paid to the Department.
 3. Drawing, prepared by a land surveyor licensed by the State of Indiana, on one or more sheets of paper measuring not more than 24 inches by 36 inches, drawn to a scale not smaller than 100 feet to the inch, and including the following information:
 - a. Legal description of each of the lots
 - b. Date of the survey, north arrow, and scale
 - c. The location, dimension, bearings, and area of all proposed lots
 - d. Location of all existing platted streets, alleys and rights-of-way intersecting the boundaries of the subdivision
 - e. Location of all existing easements, including county drainage easements
 - f. Location, type and size of all monuments
 - g. Location and size, including setbacks, of any existing structures
 - h. Location of any lands which are within the floodway or 100-year floodplain
 - i. Name, signature, license number, seal, and address of land surveyor
 - j. Name and address of the property owner(s)
 4. Copy of surveyor's report.
 5. Any additional information requested by the Department, Plat Committee, or Commission relating to compliance review.
 6. Six (6) copies of the drawing shall be submitted with the application.

SECTION 156.012 MAJOR SUBDIVISION – PRIMARY PLAT SUBMITTAL REQUIREMENTS

- A. All requests for primary plat approval shall be submitted with the following information:
1. Completed application form, including the property owner(s) signatures.
 2. Filing fee of \$200.00 paid to the Department.
 3. Drawing, prepared by a land surveyor licensed by the State of Indiana, on one or more sheets of paper measuring not more than 24 inches by 36 inches, drawn to a scale not smaller than 100 feet to the inch, and including the following information:
 - a. Legal description of the subdivision
 - b. Location map
 - c. Name of the subdivision to be shown at the top of the drawing
 - d. Date of the survey, north arrow, and scale
 - e. Acreage of the tract to the nearest tenth of an acre
 - f. The location, dimension, bearings, and area of all proposed lots

- g. Location of all existing platted streets, alleys, and rights of way intersecting the boundaries of the subdivision
 - h. Location of existing easements, including but not limited to, utility and County drainage easements
 - i. Location and width of existing and proposed streets, alleys, and other rights of way, and their acreage
 - j. Proposed street name or street number in accordance with §96
 - k. Location, purpose, and width of proposed easements
 - l. Lot numbers, to be consecutively numbered
 - m. Location, type, and size of all existing and proposed monuments
 - n. Location and size, including setbacks, of any existing structures
 - o. Location, bearing, and length of all boundary lines of the subdivision to be expressed in feet and decimals of a foot
 - p. Deed record (book and page number) of properties adjacent to the subdivision, or reference adjacent subdivisions by name
 - q. Location of any lands which are within the floodway or 100-year floodplain, including elevation and flood zone designation(s)
 - r. Location of any streams, water bodies, buildings, or other pertinent features
 - s. Name, signature, license number, seal, and address of land surveyor
 - t. Name and address of the property owner(s)
4. Drainage plan submitted in accordance with the City of Huntington Storm Water Control Ordinance.
 5. Documentation on capacity and availability of water and sewerage systems as follows:
 - a. If the subdivision is to be served by a public water or sanitary sewer system, the applicant must provide documentation that such system has the capacity and capability to serve the subdivision and guarantees of a sufficient number of connections to serve all lots in the subdivision.
 - b. If the subdivision is to be served by a private water or sanitary sewer system, the applicant must provide documentation that the system design has been, or can be, approved by the Indiana Department of Environmental Management, that there are arrangements to ensure continued operation and maintenance of the system, that the system has or will have sufficient capacity to serve the subdivision, and guarantees of a sufficient number of connections to serve all lots in the subdivision.
 - c. If the subdivision is to be served by individual water or sewage disposal systems, the applicant must provide documentation that such systems have been, or can be, approved by the Health Department.
 6. Documentation on access to existing City, County, State, or Federal roadways.
 7. Copy of the deed of the parent tract.
 8. Documentation sufficient to show all streets and public improvements will comply with the requirements of this Ordinance and all other City ordinances.
 9. Copy of surveyor's report.
 10. Any additional information requested by the Department, Plat Committee, or Commission, which relates to compliance review.

B. Ten (10) copies of the drawing and five (5) copies of the drainage plan shall be submitted with the application.

SECTION 156.013 MAJOR PLAT – SECONDARY SUBMITTAL REQUIREMENTS

A. All requests for secondary plat approval shall be submitted with the following information:

1. Drawing, prepared by a land surveyor licensed by the State of Indiana, containing the same information as required on the primary plat, except for any changes or additions required by the conditions of primary plat approval. The primary plat may be used as the secondary plat if it meets these requirements and is revised in accordance with the Commission's primary plat approval and conditions.
2. Filing fee of \$50.00 paid to the Department.
3. If not previously submitted for approval, construction plans for all public improvements.
4. If any approvals, information, or documentation has changed or is different from that submitted for primary plat approval, the applicant shall submit such revised documents to the Plat Committee for their review.

B. The following certifications shall be placed on the face of the plat:

“Approved by the Huntington City Plan Commission on the ____ day of _____, 20__.

PRESIDENT	SECRETARY	DIRECTOR
-----------	-----------	----------

I, the undersigned registered land surveyor, licensed in compliance with the laws of the State of Indiana, hereby certify that the hereon plat represents a survey as made under my direction, and that this survey has been completed in accordance with Indiana Administrative Code 865 and any amendments thereto.

BY: _____

The owner(s) or representative thereof hereby irrevocably offers for dedication to the City all the streets, easements, and other public improvements as shown on the subdivision plat.

NAME _____	NAME _____
DATE _____	DATE _____

STATE OF INDIANA)
) SS:
 COUNTY OF HUNTINGTON)

Before me, the undersigned, a Notary Public in and for said County and State, this ____ day of _____, 20____ personally appeared _____, and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

(_____) Notary Public

My Commission Expires: _____

My County of Residence is: _____

The dedication of rights of way indicated on this subdivision plat are hereby accepted by the Board of Board of Public Works and Safety of the City of Huntington, Indiana.

This acceptance does not constitute agreement by the City to construct or maintain any public improvement within the right of way.

Accepted this _____ day of _____, 20____.

ATTEST:

Huntington City Clerk-Treasurer"

- C. Six (6) copies of the drawing shall be submitted.
- D. One (1) drawing shall be submitted on reproducible mylar or equivalent stock paper.

SECTION 156.014 GENERAL REQUIREMENTS

- A. If revisions are required or made to a submitted survey or subdivision plat, a list of those revisions shall be submitted with the revised survey or subdivision plat.
- B. If the survey, subdivision plat, or drainage plan is required to be revised, or is revised by the applicant, more than three (3) times prior to obtaining approval, the Plat Committee or Commission may deny the application and require the applicant to file a new application and repay the filing fee.
- C. No lot shall be sold which was created by the subdivision of land until that subdivision is approved by the Plat Committee or Commission.
- D. Prior to the commencement of any construction work on private drives or public improvements within or a part of a subdivision, construction plans shall be submitted to the Department for review and approval by the appropriate City officials.
- E. The proposed name of the subdivision shall not duplicate, or closely approximate, the name of any other subdivision within the City of Huntington or Huntington County, Indiana. The Commission shall have final authority to approve the name of the subdivision.
- F. Street names or numbers shall be assigned by the Department in accordance with §96.
- G. If land upon which a subdivision is proposed is located in more than one jurisdiction, approvals from the Plan Commission of the jurisdiction from which public utilities are provided shall be required.
- H. Monumentation within the subdivision shall be set on the property as follows:

1. At the intersection of all lines forming angles in the boundary of the subdivision.
 2. At the intersection of street right of way lines.
 3. At all lot corners.
- I. Monumentation on the property shall be set in accordance with Indiana Administrative Code 865, as amended. For minor subdivisions, monumentation shall be set prior to the signature of the Committee President on the survey. For major subdivisions, monumentation shall be set prior to approval of the Secondary Plat.
- J. If a farm drainage tile exists on or crosses land proposed to be subdivided, the applicant shall provide a twenty (20) foot easement, ten (10) feet either side of the tile, for the protection and maintenance of the tile. The tile may be relocated at the expense of the subdivider.
- K. Frontage on limited access streets on which driveways cannot connect to or open on shall not constitute legal frontage.
- L. As built plans of all public improvements shall be submitted to the Department prior to acceptance of the improvements by the City.
- M. If a private drive or drives provides access to a subdivision, the following requirements shall be adhered to:
1. Each proposed lot shall maintain the minimum lot frontage on the private drive as required within the applicable zoning district.
 2. The private drive shall be constructed in accordance with the Street Manual. No Certificate of Occupancy shall be issued on any building constructed, which is provided access by a private drive until the drive is completed in accordance with the Street Manual.
 3. A note shall be placed on the face of the subdivision plat indicating: "The streets in this subdivision are classified as private drives, and are not accepted by the City in to the City Street System. The City does not maintain private drives."
- N. Addresses for lots provided access by a private drive shall be assigned according to where the private drive accesses off the City or County Road.

SECTION 156.015 DESIGN PRINCIPLES AND STANDARDS

- A. The design principles and standards contained in this Section apply to all subdivisions.
- B. All proposed lots shall meet the minimum lot width, frontage, and area requirements established for the applicable zoning district by the Zoning Ordinance.
- C. All proposed streets, alleys, and other rights of way, and all private drives, shall be designed and constructed in conformance with the Street Manual.
- D. If a subdivision is proposed to be serviced by public water, sanitary sewer or other public improvements, the applicant, property owner and/or developer of the subdivision shall be responsible for all costs and

construction activity associated with the extension of all water, sanitary sewer, and other public improvements unless otherwise agreed upon by the service provider.

- E. The layout of new streets, alleys, and other rights of way shall be designed in relation to existing streets and must be approved by the Commission. The Commission may require the following:
 - 1. Connection to existing streets adjacent to the subject property, abutting the property, or within a reasonable distance from the property.
 - 2. More than one (1) point of ingress and egress.
 - 3. Provisions for future extension of the street(s) beyond the boundary line of the subdivision.
 - 4. Temporary cul-de-sacs on streets, which are proposed for continuation.
 - 5. Dedication of any additional right of way necessary along existing City roads.
 - 6. Frontage road
 - 7. Acceleration and deceleration lanes
- F. In residential subdivisions, the road system shall be designed to serve the needs of the neighborhood.
- G. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- H. Curb and gutter are required on all new streets when the subdivision contains three or more lots per gross acre.
- I. Each proposed lot shall have frontage on a private drive or dedicated City, County, State, or Federal street of a width as required by the applicable zoning district. Each lot shall be able to have direct access from the lot to a private drive or dedicated City, County, State, or Federal Street.
- J. Buildings on residential lots shall front on streets within the subdivision whenever possible.
- K. On double frontage lots within a residential subdivision, a no-access easement shall be provided along collector and arterial streets to prohibit access to those streets.
- L. Corner lots shall be sufficiently larger than interior lots to provide land necessary to comply with required setbacks on each street.
- M. Lots shall be designed to provide suitable building sites and related yard areas. Irregularly shaped lots may be permitted by the Commission where it deems such a pattern to be more appropriate to the site conditions than regularly shaped lots. Financial advantage for the subdivider and/or the ability to create a greater number of lots is not in itself sufficient reason for allowing irregularly shaped lots.
- N. Block lengths in agricultural or residentially zoned areas shall not exceed one thousand four hundred (1,400) feet.

- O. Double frontage lots within a subdivision shall be discouraged.
- P. Blocks should have sufficient width to provide for two (2) tiers of lots of appropriate depths.
- Q. Lots shall not exceed a depth to width ratio of three (3) to one (1).
- R. Sidewalks, with a minimum width of four (4) feet, are required on both sides of the street(s) under the following circumstances:
 - 1. When the subdivision contains three (3) or more lots per gross acre;
 - 2. When the subdivision is close to pedestrian generators, such as a school or retail area;
 - 3. To continue a sidewalk on an existing street;
 - 4. To link together areas of development; or
 - 5. To provide pedestrian access to future developments.
- S. Sidewalks shall be a minimum of two (2) feet from the curb line of the street.
- T. Easements with a minimum width of fifteen (15) feet shall be provided for utilities, drainage, and similar purposes. Easements for pedestrian access shall have a minimum width of ten (10) feet. If a legal County drain exists on the property, an easement of a size in accordance with the Indiana Code requirements for legal drains shall be provided.
- U. All floodplain and floodway areas located within the subdivision shall be protected by a conservation easement. A note on the plat shall state, "No building or structure, and no filling or dredging activity, shall be allowed within the conservation easement area."
- V. Existing natural drainage ways should be maintained.
- W. Landscaping should be provided at subdivision entrances and in public areas.
- X. If a centralized water system is provided, fire hydrants shall be provided and spaced so that each residence shall be within five hundred (500) feet of a hydrant.
- Y. A dry fire hydrant shall be provided under the following circumstances:
 - 1. If the subdivision is not serviced by a central water system; and
 - 2. If a retention or wet detention pond is provided on the property.
- Z. A dry hydrant shall be installed in accordance with the specifications provided by the City.
- AA. Alleys are permissible when the gross density of the subdivision exceeds six (6) units per acre.
- BB. Alleys shall have a minimum right of way width of twenty (20) feet and a minimum pavement width of twelve (12) feet.

CC. Street name identification signs and traffic control signage shall be installed in accordance with the Street Manual.

SECTION 156.016 REQUIREMENTS FOR SUBDIVISIONS PRIOR TO DEDICATION OF PUBLIC UTILITIES

A. General Requirements

1. The applicant shall be required to maintain all public improvements on the individual subdivided lots and, if required, provide for snow removal and traffic control on the streets and sidewalks.
2. City services of trash and garbage collection shall start when the Developer submits written request to the City for the service to start. This written request shall give the City permission to use undedicated streets to provide this service, as well as other emergency services, and will hold the City harmless of any damage to the streets and curbs caused by City garbage and emergency trucks.

B. Inspection of Public Improvements

1. The subdivider shall first notify the City Engineering Office of plans to proceed with construction phase. Notification shall be made at least one (1) business day before any construction or installation of utilities. The City Engineering Office shall have opportunity to inspect the site prior to the commencement of work and arrange inspection of installation and construction of the utilities during the course of work being done.
2. Subdivider shall notify the City Engineering Office at least one (1) business day in advance before conducting compaction tests on road sub-bases, air and mandrel tests on sanitary sewers, hydrostatic tests on water mains, and start-ups of sanitary lift stations.

C. Submittal of Construction Plans

1. Subdivider shall submit four (4) sets of "As-Built" plans to the City certifying the final installation grades, inverts, and locations of all infrastructure including streets, water mains, sanitary and storm sewers, storm water detention facilities, and discharge control structures. Sanitary sewer taps shall be measured from the nearest downstream manhole.
2. A separate "tapsheet" shall be provided for all the sewer and water taps.
3. A complete list of all materials used in the installation of the utilities, including costs of installation per lineal foot of water mains, sanitary and storm sewers, and residential streets with curbs and sidewalks shall also be submitted. This shall include the lump sum costs for storm water detention facilities and sanitary pump stations.
4. Subdivider shall submit copies of certification testing results as required for each utility installed; streets – subgrade compaction reports, sanitary sewers – air and mandrel tests, water mains – hydrostatic pressure tests and disinfection results (chlorination and m.p.n. results).

SECTION 156.017 IMPROVEMENTS AND MAINTENANCE BONDS

- A. All public improvements shall be inspected by the City in accordance with applicable City Ordinances.

- B. A maintenance bond shall be submitted prior to dedication and acceptance of all public improvements in accordance with the Street Manual. The bond shall be for 10% of the total construction cost by utilizing the unit cost submitted in Section 156.16 (C) (3). The bond shall be for three years from the date of acceptance by the Board of Public Works.
- C. Sidewalks, when required, shall be completed on a lot prior to occupancy of the building or structure on the lot.

SECTION 156.018: VACATION OF PLAT

- A. A petition for vacation of all or part of a plat shall be filed in accordance with IC 36-7-3-10 and the Rules of Procedure of the Commission. Filing fee of \$50 shall be paid to the Department. The Commission may only approve the vacation of all or part of the plat upon making written affirmative findings on each of the factors listed in IC 36-7-4-711(f).
- B. The owner of land in a plat may file with the Commission a petition to vacate all or part of the plat pertaining to the land owned by the petitioner. A petition shall be filed in accordance with Indiana Code 36-7-3-11 and the Rules of Procedure of the Commission. Filing fee of \$100.00 shall be paid to the Department. The Plan Commission shall make a determination on the findings as required in Indiana Code 36-7-3-11.

SECTION 156.019: VACATION OF PUBLIC WAY, OR PLACE, OR EASEMENT

- A. A petition for vacation of all or part of a public way or place or easement shall be filed in accordance with IC 36-7-3-12 and §151.30.
- B. A petition for vacation of a platted easement shall be filed in accordance with Indiana Code 36 7 3 16.

SECTION 156.020: REPLAT

- A. No replat shall be filed with the County Auditor or County Recorder without the approval of the Plat Committee or Commission.
- B. Application shall be filed in accordance with the Rules of Procedure of the Commission.
- C. Filing fee of \$30.00 paid to the Department.
- D. The Plat Committee may approve a replat under the following circumstances:
 - 1. No additional lots are created or established.
 - 2. No lot is altered in a manner, which would reduce it below the minimum requirements of the Zoning Ordinance without approval from the Board of Zoning Appeals.
- E. The following certification shall be placed on the face of the amended plat:

“Amended plat approved by the Plat Committee this _____ day of _____, 20_____.

COMMITTEE PRESIDENT

DATE”

- F. The name of the subdivision including the language "Amended Plat of ' _____ ' " shall be placed at the top of the amended plat drawing. The plat shall reference the recording information of the original plat. A notes section shall be provided on the amended plat explaining what amendments have been made.
- G. A replat, which proposes to create additional lots, shall be reviewed by the Commission in the same manner as a minor subdivision if the proposed lot(s) have frontage on an approved street or private drive, or as a major subdivision if the proposed lot(s) are provided access from, or have frontage on, a new street or private drive.

SECTION 156.021: VARIANCE PROCEDURE

- A. The Commission may approve a Variance from the requirements of this Ordinance only upon a determination in writing that:
 - 1. The Variance will not be injurious to the public health, safety, and general welfare;
 - 2. The use and value of the area adjacent to the property to be subdivided will not be affected in a substantially adverse manner;
 - 3. The need for the Variance arises from some condition peculiar to the property involved; and
 - 4. Because of the particular physical surroundings, shape, or topographical conditions of the subject property involved, an undue hardship to the owner would result, as distinguished from a mere inconvenience, if the strict application of these regulations are enforced.
- B. The Commission shall make an affirmative finding on each of the factors described in Section 156.21(A) in order to approve a Variance request.
- C. The Commission may impose reasonable conditions as a part of its approval.
- D. The approval or disapproval by the Commission of a Variance request is a final decision of the Commission that may be reviewed as provided in Indiana Code 36 7 4 1016.
- E. The Commission does not have the authority to grant a variance from a requirement of the Zoning Ordinance.

SECTION 156.022: APPEALS

- A. An interpretation of this Ordinance by the Director, or a decision of the Director or Plat Committee, may be appealed to the Commission. The following procedures shall apply:
 - 1. Appeal shall be filed on a form provided by the Department within ten (10) days of the date of the Director's interpretation or Plat Committee's decision.
 - 2. The Commission shall review the appeal request at their next regular or special meeting, provided the appeal is filed in time to be placed on the agenda. If the agenda has been issued, the appeal shall be scheduled for the next following Commission meeting.
 - 3. The Commission may affirm, rescind, or modify the decision of the Director or Plat Committee. Only that item or items to which an appeal is filed shall be heard and decided by the Commission.

4. A public hearing is not required for a review of an appeal. The Commission, during its review, may consider comments from interested parties on the appeal.
- B. The decision by the Commission on an appeal request is a final decision of the Commission that may be reviewed as provided in IC 36-7-4-1016.

SECTION 156.023: ACCESS TO PROPERTY/INSPECTIONS

- A. The Plat Committee, Commission, and designated persons acting on their behalf, may inspect any property in the City at any reasonable time for the purposes of determining compliance with the provisions of this Ordinance, or for administering and enforcing applicable law relating to the subject matter of this Ordinance.
- B. By making application for subdivision approval as provided in this Ordinance, the applicant(s) certify that the applicant is acting for her/him/itself and as agent for the property owner(s) relating to access to the property for the inspection purposes referred to herein.

SECTION 156.024: SAVINGS PROVISION

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

SECTION 156.025: AMENDMENTS

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

SECTION 156.026: SEPARABILITY

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

SECTION 156.027: ENFORCEMENT, VIOLATIONS, REMEDIES AND PENALTIES

- A. It shall be the duty of the Director to enforce the provisions of this Ordinance.
- B. The following shall constitute a violation of this Ordinance and be subject to the enforcement remedies and penalties provided by this Ordinance:

1. The transfer or sale of any lot or parcel of land created by subdivision before such lot or parcel has been approved by the Commission;
 2. The division of any lot or parcel of land which was not completed in compliance with the requirements of this Ordinance;
 3. Use or development of property in a manner which does not conform to the approved subdivision or plat;
 4. Failure to correctly install or properly maintain the improvements required by this Ordinance, as shown on the approved plat or construction plans. Such improvements include, but are not limited to streets, sidewalks, water lines, sanitary sewer lines, drainage improvements, or signage;
 5. Altering, damaging, or removing any improvements required by this Ordinance;
 6. Failure to comply with a condition of approval;
 7. Breach of an executed improvement guarantee posted with the City;
 8. Act contrary to the provisions and requirements of this Ordinance; or
 9. Failure to comply with a Stop Work Order issued by the Director.
- C. Any activity considered a violation of this Ordinance is declared to be a common nuisance.
- D. A person acting as owner, agent, principal, lessee, contractor, engineer, surveyor, or otherwise who, either individually or in concert with another, acts contrary to the provisions and requirements of this Ordinance, shall be liable for violating this Ordinance and maintaining a common nuisance.
- E. No improvement location permit or building permit shall be issued for any lot or parcel of land that is not in compliance with the provisions of this Ordinance.
- F. Private covenants or agreements imposing standards different than those in this Ordinance shall not modify provisions of this Ordinance or impose an enforcement obligation on the Director or Commission.
- G. The owner, tenant, or occupant of any structure or land and any architect, engineer, surveyor, contractor, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies provided.
- H. The following process shall be followed by the Director when pursuing a violation of this Ordinance:
1. The Director shall send written notice to the person responsible for the violation(s), and to the property owner of the property involved, indicating the nature of the violation and ordering the action necessary to correct it.
 2. If the violation(s) are not corrected, the Director shall send a written notice identified as being the final notice, and shall state what action the Director can take if the violation is not corrected. The notice shall indicate that an appeal may be filed to the Commission, and shall indicate the procedure for filing an appeal.

3. In all violation notices, a reasonable time period shall be allotted for compliance.
 4. If the violations are not corrected after the deadline provided for in the final notice, the Director may impose one or more of the remedies listed in Section 156.27 (I).
 5. The Director may have the Department or City Attorney file a complaint against the person(s) responsible for the violation and prosecute the alleged violation.
- I. The Director may impose any one or all of the following remedies listed below for any violation of this Ordinance:
1. A STOP WORK ORDER whereby all work on the subdivision and/or property shall cease at the time of posting. A written STOP WORK ORDER shall be sent to the property owner, contractor, or other appropriate individual as to what action is necessary to remove the STOP WORK ORDER. All corrective work or action necessary to release the STOP WORK ORDER shall be completed within the stated time limitation. Failure to adhere to this time limitation is a violation of this Ordinance.
 2. A revocation of any permit issued for work on the property.
 3. The Commission or Director may bring an action in the Circuit or Superior Court to invoke any legal, equitable, or special remedy for the enforcement of this Ordinance, or action taken under this Ordinance. Further, an action may also seek the imposition of a penalty under Indiana Code 36-7-4-1018.
 4. Bring action for injunction in the Circuit or Superior Court. This action may seek to enjoin a person or entity from violating, or continuing to violate any provision of this Ordinance and maintaining a common nuisance. Further, it may seek the prevention, removal, or abatement of the violation.
 5. Any other remedy or penalty provided for herein, or by other applicable law.
- J. Any person found to be in violation of this Ordinance in an enforcement action brought under this Ordinance shall be responsible to pay reasonable costs and expenses, including attorney fees, incurred to the Commission or Department in connection with the prosecution of such action initiated by them.