

ORDINANCE NO. 82-15

AN ORDINANCE AMENDING SECTIONS 1,2,3,4,5 and 6 OF ORDINANCE NO. ~~65-10~~ 79-31
KNOWN AS THE SUBDIVISION ORDINANCE OF THE CITIES OF LAFAYETTE
AND WEST LAFAYETTE, THE TOWNS OF BATTLE GROUND AND DAYTON, AND
TIPPECANOE COUNTY, INDIANA, BE AND IS HEREBY AMENDED AS FOLLOWS:

Section I: That Subsection 1.2(3) Policy line 8 is hereby amended
be replacing the word "Master" with "Comprehensive".

Section Ia: That Subsection 1.7(2)(a) Interpretation, Conflict,
and Separability, Conflict with Public and Private Provisions
line 5 be amended by adding a "." "after law", deleting "whichever
provisions are more", and adding "Where any provisions of this"
before the word "ordinance" in line 6.

Section II: That Subsection 1.8 Saving Provision is amended by
adding the following paragraph:

1.8(4)

Any subdivision qualifying under paragraphs (1) or (2)
of Subsection 1.8, having been granted either sketch
plan, preliminary, or final approval under previous
ordinances and prior to September 1, 1982, and subsequently
having completed the requirements for recording under
those ordinances, may be signed by the designated officials
as having been granted secondary approval and permitted
to record the plat.

Section III: That Subsection 1.13(1)(c) Enforcement, Violations,
and Penalties lines 5 and 6 be amended by deleting "and the con-
ditions of final plat approval".

Section IV: That Subsection 1.13(2) Enforcement, Violations,
and Penalties Limits of Land Transfers line 7 be amended by adding
"by the designated officials and recorded" before "in accordance
with the provisions of this ordinance".

Section V: That Subsection 2.2 Words and Terms Defined CERTIFICATE
line 2 be amended by deleting the word "major"; and by replacing
the word "approved" with granted secondary approval".

Section VI: That Subsection 2.2 Words and Terms Defined be amended
by adding after the definition of DEAD-END ROAD the following:

DESIGNATED OFFICIALS. The President and Secretary of
the Tippecanoe County Area Plan Commission or their
nominees who may sign subdivision documents per I.C. 36-7-4-700
SERIES-SUBDIVISION CONTROL.

Section VII: That Subsection 2.2 Words and Terms Defined FINAL SUBDIVISION PLAT be amended by changing lines 4 and 5 to read "secondary approval, and which if approved and signed by the designated officials, may be submitted to the County Recorder for filing."

Section VIIa: That Subsection 2.2 Words and Terms Defined be amended by adding the following:

INTERESTED PARTIES. As per I.C. 36-7-4-706, interested parties shall be those adjoining or adjacent property owners as shown on the sketch plan.

Section VIII: That Subsection 2.2 Words and Terms Defined PRELIMINARY SUBDIVISION PLAT line 1 be amended by deleting the word "preliminary".

Section IX: That Subsection 2.2 Words and Terms Defined PRELIMINARY SUBDIVISION PLAT be amended by changing line 3 to read "subdivision meeting conditions of the Subdivision Ordinance to be submitted to the Commission for primary approval and prepared by a Registered Land Surveyor or Engineer".

Section X: That Subsection 2.2 Words and Terms Defined be amended by adding after the definition of PRELIMINARY SUBDIVISION PLAT the following:

PRIMARY APPROVAL. An approval or approval with conditions imposed, granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed by the Unified Subdivision Ordinance per I.C. 36-7-4-700 SERIES-SUBDIVISION CONTROL.

Section XI: That Subsection 2.2 Words and Terms Defined RESUBDIVISION line 1 be amended by replacing the word "final" with "secondary".

Section XII: That Subsection 2.2 Words and Terms Defined be amended by adding after the definition of ROAD RIGHT-OF-WAY WIDTH the following:

SECONDARY APPROVAL. An approval granted to a subdivision with Primary Approval, found to be in conformance with the Primary Approval by the Staff, or the Commission at a Public Hearing, after adequate assurances have been provided to the Commission to cover the installation and completion of improvements in compliance with the ordinance, signed and certified by the Designated Officials to permit recordation.

Section XIII: That Subsection 2.2 Words and Terms Defined SKETCH PLAN be amended by deleting "The initially submitted graphic representation of a proposed subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form" and adding the following:

The initially submitted graphic representation of a proposed major subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form acceptable to the Commission; and, in the case of a minor subdivision, the drawing or drawings indicating the proposed manner of layout of the subdivision meeting the conditions of the subdivision ordinance to be submitted to the Commission for primary approval.

Section XIV: That Subsection 3.2(3) All Subdivisions: Sketch Plan Application Procedure Classification of Subdivision lines 8, 9, and 10 be amended by deleting "No certificate of approval as per Section A.1(7) shall be required for a minor subdivision."

Section XV: That Subsection 3.3(1) Major Subdivisions General Procedures lines 13 and 14 be amended by replacing the words "found in compliance with the preliminary plat as approved by the Commission or otherwise approved" with "granted secondary approval and signed by the designated officials"; and line 15 be amended by deleting the words "signed and"; and adding per I.C. 36-7-4-700 SERIES-SUBDIVISION CONTROL after "recorded".

Section XVI: That Figure 2. MAJOR SUBDIVISION APPROVAL PROCESS be amended by adding line and arrow to below "Subdivider requests & Commission holds hearing on compliance" and adding the words "At least 30 days" to said line.

Section XVII: That Subsection 3.3(4) Major Subdivisions Preliminary Subdivision Plat Procedure be amended as follows:

(a) Submission Requirements line 4, add the word "primary" after the word "for"

(b) Placement on the Commission Agenda line 2, replace the words "preliminary plat" with "primary"

(d) Public Hearing Notification and Sign Posting Requirements line 5, replace the word "a" with "two" and replace the word "newspaper" with "newspapers"

(d) Public Hearing Notification and Sign Posting Requirements line 6, add "(per I.C. 5-3-1)" after the word "hearing"

(d) Public Hearing Notification and Sign Posting Requirements line 9, add "advising interested parties of the hearing," after the word "posters"

(d) Public hearing Notification and Sign Posting Requirements line 13, replace the word "proof" with "proofs" and replace the word "notice" with "notices"

(d) Public Hearing Notification and Sign Posting Requirements line 14, replace the word "was" with "were"

(d) Interested parties shall be notified by the applicant of the time, date, place, and purpose of the public hearing on the subdivision at least 10 days in advance of the hearing by certified mail. The applicant shall file with the Commission at the time of the public hearing an affidavit so testifying.

(e) Approval of the Preliminary Plat, delete Subsection 3.3(4)(e) and replace with the following:

3.3(4)(e) Approval of the Preliminary Plat. (Primary Approval)

After the Commission has held a hearing upon the preliminary plat, the Staff's report, checkpoint recommendations, and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall at a public meeting, grant primary approval, or disapprove the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat within five (5) days of the public hearing. Before the Commission grants primary approval of a plat showing park reservation or land for other local government unit, the Commission shall obtain approval of the park or land reservation from the participating jurisdiction. Primary approval by the Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of primary approval, per I.C. 36-7-4-708(d).

(f) Field Trip line 3, replace the words "preliminary plat" with "primary"

(g) Effective Period of Preliminary Approval, delete Subsection 3.3(4)(g) and replace with the following:

3.3(4)(g) Effective Period of Primary Approval.

Unless extended, the approval of a preliminary plat shall be effective for a period of five (5) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for sketch plan review and certificate subject to all the zoning restrictions and subdivision regulation and procedures in effect at the time of resubmission. Upon request of the applicant the Commission may extend the primary approval of a plat in increments of two (2) years beyond an expiration date without further notice and public hearing.

Section XVIII: That Subsection 3.3(5) Major Subdivisions Approval of Construction Plans be amended as follows:

(a) Submission Procedure and Requirements line 3, replace the words "final plat" with "secondary"

(b) Review Process line 10, replace the words "final plat" with "secondary"

(c) Installation of Improvements lines 6, 8, and 9, replace the words "final plat" in each line with "secondary"

Section XIX: That Subsection 3.3(6) Major Subdivisions Final Subdivision Plat Procedure be amended as follows:

(a) Submission Requirements line 2, replace the words "Following approval of the preliminary plat and" with "Following primary approval and approval of"

(a) Submission Requirements line 6, replace the word "final" with "secondary"

(a) Submission Requirements line 13, add the word "final" after "the"

(a) Submission Requirements lines 15, 16, and 17, replace lines 15, 16, and 17 with the following:

(iv) Totally comply with the ordinance and the terms and conditions of primary approval.

(a) Submission Requirements lines 22, 23, 24, 25, and 26, delete the words "and shall include a provision that the principal of the bond shall comply with all terms of the resolution of the subdivision plat approval as determined by the Commission"

Section XX: That Subsection 3.3(6)(b) Major Subdivisions Final Subdivision Plat Procedure, Determination of Conformance or Additional Approval be amended by deleting Subsection 3.3(6)(b) and replacing it with the following:

3.3(6)(b) Determination of Conformance (Secondary Approval). In order to be recorded, a final subdivision plat shall be found to be in conformance with the primary approval either by the Staff, or by the Commission at a public meeting. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new primary approval. The subdivider submitting a final plat conforming to the primary approval shall choose as to whether this review is performed by the Staff, or by the Commission at a public meeting.

(i) Should the subdivider not choose Commission review, the Staff shall within ten (10) working days, review the items submitted as per Section 3.3(6)(a) in order to ascertain conformance with the primary approval. If the submission is found to be in conformance and complete, the Staff shall recommend the signing of the certificate granting secondary approval.

(ii) Should the subdivider choose Commission review, the Commission shall perform the same function but at a public meeting. The subdivider shall request in writing Commission review no less than thirty (30) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Commission shall place the matter on its next regular meeting agenda.

Staff shall review the proposal and submit a written report and recommendations to the Commission and the

applicant; and the Commission, at the public meeting shall approve or disapprove the final plat. If granted secondary approval it shall be signed by the designated officials. If not granted secondary approval then the subdivider shall be informed as to the insufficiency of his submittal.

Section XXI: That Subsection 3.3(6)(c) Major Subdivisions Final Subdivision Plat Procedure, Sectionalizing Plats, be amended as follows:

line 2, replace the word "final" with "secondary"

lines 18 and 19, replace the words "preliminary subdivision" with "primary"

Section XXII: That Subsection 3.3(7)(a) Major Subdivisions Signing and Recording a Plat, Signing of Plat, be amended as follows:

lines 2 and 3, replace the words "President and Secretary of the Commission" with "designated officials"

line 4, add the word "secondary" before "approval"

lines 6 and 7, replace the words "all the conditions of the resolution pertaining to the preliminary plat" with "all conditions of the primary approval"

line 10, replace the words "President and Secretary of the Commission" with "designated officials"

line 11, add the word "secondary" before "approval"

line 13, replace the word "preliminary" with "primary"

Section XXIII: That Subsection 3.3(7)(b) Major Subdivisions Signing and Recording a Plat, Assurance to Subdivider, be amended as follows:

line 3, replace the words "final plat" with "secondary"

line 5, replace the word "substantially" with "completely"

line 6, replace the words "preliminary plat as approved" with "primary approval"

line 7, delete the words "have no other recourse than to"

line 8, replace the words "final plat" with "secondary"

Section XXIV: That Subsection 3.3(7)(c) Major Subdivisions Signing and Recording a Plat, Recording of Plat, be amended as follows:

line 2, replace the words "President and Secretary" with "designated officials"

line 3, add the words "granting secondary approval" after "certificate"

lines 9 and 10, delete the words "the Executive Director"

line 10, add the words "in the presence of the Executive Director or his designee" after "subdivider"

Section XXV: That Subsection 3.4 Minor Subdivisions be amended as follows:

(1) General Procedures, line 8 replace words "and either approve conditionally approved or rejected" with "for primary approval"; lines 12 and 13, replace the words "found in compliance with the sketch plan or otherwise approved in order to be signed and" with "granted secondary approval and signed by the designated officials in order to be"; and adding after "recorded." per I.C. 36-7-4-700 SERIES-SUB-DIVISION CONTROL.

(2) Official Submission Date and Placement on the Agenda, line 2, replace the words "sketch plan approval shall be submitted" with "primary approval of a minor subdivision sketch plan shall be submitted"

Add, after Subsection 3.4(3) Sketch Plan Review Process, new subsections as follows:

(4) Staff Review.

Subsequent to placement on the agenda, and prior to the date of public hearing, the Commission's Staff shall review the proposal and prepare a final written report to the Commission and applicant indicating Staff's recommendation with regard to the subdivision being proposed.

- (5) Public Hearing Notification and Sign Posting Requirements.

The Commission shall hold a public hearing on the sketch plan and notice of such hearing shall be in two local newspapers of general circulation ten (10) days prior to the hearing (per I.C. 5-3-1) at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the applicant has placed posters advising interested parties of the hearing provided by the Staff of the Commission at the locations designated by the Staff on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested parties shall be notified by the applicant of the time, date, place, and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing by certified mail. The applicant shall file with the Commission at the time of the public hearing an affidavit so testifying.

Replace the number and words "(4) Approval of the Sketch Plan." with "(6) Approval of the Sketch Plan (Primary Approval)."

(6) Approval of the Sketch Plan (Primary Approval) line 6, delete the words "at a regularly scheduled meeting,"

(6) Approval of the Sketch Plan (Primary Approval) line 7, add the words "grant primary approval" delete "approve, conditionally approve"

(6) Approval of the Sketch Plan (Primary Approval) line 12, add, after the words "the public meeting." the following:

Primary approval by the Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of primary approval, per I.C. 36-7-4-708(d).

(5) Final Subdivision Plat Procedure, replace "(5)" with "(7)"

(7) (a) Final Subdivision Plat Procedure, Application Requirements, line 2, add the word "primary" after "Following"

(7) (a) Final Subdivision Plat Procedure, Application Requirements, line 5, replace the word "final" with "secondary"

(7) (a) (iii) line 1, add the word "final" after "of the"

(7) (a) (iv), replace "Substantially comply with the sketch plan as approved, and with conditions of any conditional approval fulfilled." with "Totally comply with the ordinance and the terms and conditions of primary approval."

(7) (a) (v) lines 5, 6, 7, 8, and 9, delete the words "and shall include a provision that the principal of the bond shall comply with all the terms of the resolution of the subdivision plat approval as determined by the Commission"

(7) (b) Final Subdivision Plat Procedure, Determination of Conformance or Additional Approval, replace the words "or Additional Approval" with "(Secondary Approval)"

(7) (b) line 3, delete the word "either"

(7) (b) line 4, replace the words "approved sketch plan" with "primary approval either"

(7) (b) lines 5, 6, and 7, replace the words "meeting, or if substantially different from the approved sketch plan, shall be approved by the Commission at a public meeting" with "meeting. If the final subdivision plat deviates from the sketch plan that received primary approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new primary approval."

(7) (b) line 9, replace the words "an approved sketch plan" with "the primary approval"

(7) (b) (i) line 3, add "," after "days"

(7) (b) (i) line 4, replace "3.4(5) (a)" with "3.4(7) (a)"

(7) (b) (i) line 5, delete the words "their sufficiency as to"

(7) (b) (i) line 6, replace the words "approved sketch plan" with "primary approval"

(7) (b) (i) lines 8 and 9, replace the words "plat to allow it to be recorded" with "certificate granting secondary approval."

(7) (b) (ii) lines 14 and 15, replace the words "approved it shall be signed by the President and Secretary of the Commission. If not approved" with "granted secondary approval it shall be signed by the designated officials. If not granted secondary approval"

(7) (c) Final Subdivision Plat Procedure, Sectionalizing Plats, line 2, replace the word "final" with "secondary"

(6) Signing and Recording a Plat, replace "(6)" with "(8)"

(8) (a) (i), replace entire paragraph beginning "When a bond is required" with the following:

When a bond is required, the designated officials shall endorse secondary approval on the plat after the bond has been approved, and all conditions of the primary approval have been satisfied.

(8) (a) (ii) line 2, replace the words "President and Secretary of the Commission" with "designated officials"

(8) (a) (ii) line 3, add "secondary" after "endorse", and add "by signing the certificate" after "plat"

(8) (a) (ii) line 4, replace the words "sketch plan" with "primary approval"

(8) (b) Assurance to Subdivider, line 3, replace the words "final plat" with "secondary"

(8) (b) line 5, replace the word "substantially" with "completely"

(8) (b) line 6, replace the words "sketch plan as approved" with "primary approval"

(8) (b) line 7, delete the words "have no other recourse than to"

(8) (b) line 8, replace the word "final" with "secondary"

(8) (c) (i) lines 1 and 2, replace "President and Secretary shall endorse the approval by signing" with "designated officials shall sign the certificate granting secondary approval which shall be part of"

(8) (c) (ii) lines 1 and 2, replace "the Executive Director and the subdivider" with "the subdivider in the presence of the Executive Director or his designee"

Section XXVI. That Figure 3. MINOR SUBDIVISION APPROVAL PROCESS be amended by adding lines and arrows between "Commission or its Exec. Committee approves, conditionally approves or rejects sketch plan" and "Subdivider requests & Commission holds hearing on compliance" and adding the words "At least 30 days" to said lines.

Section XXVII. That Subsection 4.1 Improvements and Performance Bond be amended as follows:

(1) Completion of Improvements, line 2, replace "the plat is signed by the President and Secretary" with "any final plats are submitted for secondary approval,"

(1) Completion of Improvements, line 3, delete the words "of the Commission"

(1) Completion of Improvements, lines 4 and 5, replace the words "the approval and this ordinance" with "primary approval, construction plan approval and this ordinance"

(1) Completion of Improvements, lines 7, 8, and 9, add a period after the word "subdivision" and delete the remainder of the sentence.

(2) Performance Bond (a) line 3, replace the word "approval" with "submission"

(2) (a) line 14, replace "3.4(6)(a)(i)" with "3.4(8)(a)(i)"

(2) (b) line 7, replace "3.4(6)(a)(i)" with "3.4(8)(a)(i)"

(2) (c) line 8, replace "3.4(6)(a)(i)" with "3.4(8)(a)(i)"

(2) (d) line 8, replace "3.4(6)(a)(i)" with "3.4(8)(a)(i)"

(2) (e) line 7, replace the word "shall" with "may"

(2) (e) lines 8 and 9, replace the words "resolution approving the preliminary subdivision plat" with "primary approval"

(2) (e) line 10, insert a period after the word "bond"; replace the word "and" with "Bonds"

(2) (e) line 11, replace the word "final" with "secondary"

(4) Cost of Public Improvements, line 3, replace the word "applicant" with "subdivider"

(6) Failure to Complete Public Improvements, lines 4, 5, and 6, replace the words "the period specified by the Commission in the resolution approving the preliminary plat, or the sketch plan in the case of a minor subdivision, the" with "five (5) years of the date of primary approval, that"

(6) Failure to Complete Public Improvements, line 13, replace the words "final plat approval" with "primary approval and construction plan approval"

(7) Acceptance of Dedication Offers, line 2, insert the word "secondary" before the word "approval"; insert the word "final" before the word "subdivision"

Section XXVIII. That Subsection 4.2 Inspection of Public Improvements be amended as follows:

(1) General Procedure, line 3, replace "3.4(6)(a)(ii)" with "3.4(8)(a)(ii)"

Section XXIX. That Subsection 4.3 Maintenance of Public Improvements be amended as follows:

(1) line 1, replace the word "applicant" with "subdivider"

(2) line 1, replace the word "applicant" with "subdivider"

Section XXX. That Subsection 4.4 Waiver of Required Public Improvements, line 1, be amended by replacing the word "preliminary" with "primary"

Section XXXI. That Subsection 4.5 Issuance of Building Permits, line 2, be amended by inserting the word "recorded" after the word "final"

Section XXXII. That Subsection 5.1 General Improvements (7) Subdivision Name, line 7, be amended by replacing the words "sketch plan" with "the time of primary"

Section XXXIII. That Subsection 5.3 Roads be amended as follows:

(1) General Requirements, (f) Road Names, line 4, replace the words "preliminary subdivision approve" with "primary approval specify"

(2) Design Standards, (b) Road Surfacing and Improvements, line 15, replace the words "for plat" with "prior to secondary"

Section XXXIV. That Subsection 5.4 Drainage and Storm Sewers, (2) Nature of Storm Water Facilities, (3) Effect on Downstream Drainage Areas, be amended as follows:

line 12, insert the word "primary" after the word "withhold"

line 14, insert the words "granted primary" after the words "shall be"

line 15, replace the word "approved" with "approval"

Section XXXV. That Subsection 5.7 Sidewalks, (2) Pedestrian Accesses, line 6, be amended by replacing the words "the plat" with "preliminary and final plats."

Section XXXVI. That Subsection 5.8 Utilities, (2) Easements, be amended as follows:

line 4, insert the words "and drainage;" after "municipal)"

line 12, replace the words "the plat" with "preliminary and final plats."

Section XXXVII. That Subsection 5.9 Parks, Playgrounds, Recreation Areas and Other Community Facilities, (6) Maintenance of Reserved Land, line 3, be amended by replacing the word "preliminary" with "primary"

Section XXXVIII. That Subsection 5.11 Nonresidential Subdivisions be amended as follows:

(1) General, line 8, replace the words "preliminary plat" with "primary"

(1) General, line 13, replace the words "final plat" with "secondary"

(1) General, line 15, replace the words "preliminary plat" with "primary"

(1) General, line 26, insert a comma after the word "changed" and delete the words "by the final plat,"

(2) Standards, (b) lines 1 and 2, replace the words "final plat" with "secondary"

Section XXXIX: That Subsection 6.1 Sketch Plan, (1) Name, (b) line 4, be amended by inserting "or secondary approval;" after the word "approval"

Section XXXIXa: That Subsection 6.1 Sketch Plan, (4) Features (a) line 5 be amended by inserting "and addresses" after the word "names".

Section XL: That Subsection 6.2 Preliminary Plat, (2) Features, (j) line 2 be amended by replacing the word "as" with "to be"

Section XLI: That Subsection 6.4 Final Subdivision Plat, (1) General, be amended by replacing lines 3,4,5,6, and 7 with the following:

tracing cloth or reproducible mylar at an appropriate scale on sheets not larger than twenty-four by thirty six (24 x 36) inches, and show any changes or additions required by the conditions of primary approval. All revision dates must be shown as well as the following:

Section XLII: That Appendix A. REQUIRED FORMS AND CERTIFICATES, A.1, be amended as follows:

Delete lines 7,8,9,10,11,12,13, and 14 and replace with the following:

- (1) Application for Sketch Plan Review, Primary Approval and Certificate;
- (2) Application for Major Sketch Plan Review and Certificate;
- (3) Request for Primary Approval of a Major Subdivision Plat;
- (4) Notice of Public Hearing on Subdivision Plat;
- (5) Notice of Public Hearing Release Form;
- (6) Sign Posting Affidavit
- (7) Request for Secondary Approval of Subdivision Plat;
- (8) Certificate of Approval;

Aug. 30, 1982

[Signature]
Sue M. Reen
Eugene R. Moon

ATTEST:

[Signature]
Michael E. Smith, County Auditor