

**SUBDIVISION CONTROL REGULATIONS  
TOWN OF MOORES HILL, INDIANA**

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**1. ADMINISTRATIVE PROVISIONS**

- 1.1. **Purpose.** These regulations establish standards governing the subdivision, platting, and re-platting of land in order to:
  - 1.1.1. Protect public health, safety and welfare;
  - 1.1.2. Improve vehicle and pedestrian safety on streets and sidewalks;
  - 1.1.3. Improve accessibility for emergency response services;
  - 1.1.4. Provide more cost-effective and uniform provision of public services; and
  - 1.1.5. Increase property values.
- 1.2. **Applicability.** Except as specified in this Ordinance, these regulations shall apply to the layout and platting of land, lots, streets, alleys, sidewalks, stormwater drainage systems, public utilities, and all associated improvements whenever land is subdivided within the planning and zoning jurisdiction of the Town of Moores Hill.
- 1.3. **Exemptions.** Any division of land that satisfies one or more of the following conditions is exempt from compliance with the terms of this Ordinance:
  - 1.3.1. Any land that was subdivided while in the Town of Moores Hill prior to the effective date of this Ordinance and in accordance with the then-effective regulations concerning the subdivision of land;
  - 1.3.2. Any land that was subdivided prior to annexation into the Town of Moores Hill;
  - 1.3.3. Any land that is subdivided by order of a court of law of competent jurisdiction;
  - 1.3.4. A division of land for a unit of government or a railroad to acquire or improve a right-of-way.
  - 1.3.5. Any land that is subdivided into plots in an approved cemetery; or
  - 1.3.6. An adjustment of lot lines between existing adjoining lots which:
    - 1.3.6.1. Does not change the number of lots;
    - 1.3.6.2. Does not make an existing lot or an improvement on that lot become non-compliant with the minimum standards in this Ordinance or the Town's zoning ordinance; and
    - 1.3.6.3. Does not increase the non-compliance of an existing lot or improvement on that lot that is already not in compliance with one or more of the minimum standards in this Ordinance or the Town's zoning ordinance.

14. **Project Costs**. Except where noted, the developer shall be responsible for payment of all expenses related to the preparation and recording of all plans, plats and associated requirements.
15. **References to Regulations**. All references to regulations, standards, codes, ordinances, statutes or other citations shall mean the most recent version thereof, including all amendments or replacement.
16. **Severability**. The provisions of this Ordinance shall be deemed separable and the invalidity of any provision shall not affect the validity of the remainder.
17. **Amendment or Replacement**. The Plan Commission shall give notice and hold a public hearing on proposed amendments to or replacement of this Ordinance pursuant to IC 36-7-4-701(b).
18. **Enforcement**. Except where otherwise provided in this Ordinance, the Plan Commission of the Town of Moores Hill shall be responsible for enforcement of the provisions of this Ordinance.
19. **Penalties**. Any person found to be in violation of this Ordinance shall be fined two-hundred and fifty dollars (\$250) per violation. Each day that a violation continues shall constitute a new violation. An appeal of a penalty assessed under the terms of this Ordinance shall be made in accordance with IC 36-7-4-1016.

## 2. DEFINITIONS

The following words or terms shall have the associated meanings wherever used in this Ordinance:

**“Board of Zoning Appeals”** The Advisory Board of Zoning Appeals of the Town of Moores Hill.

**“Commission”** See “Plan Commission.”

**“Council”** See “Town Council.”

**“Design Professional”** A registered professional engineer or a registered land surveyor, as those terms are defined in Indiana law, who is trained and licensed to prepare and certify plans and/or plats as required by Indiana law.

**“Developer”** The person proposing to subdivide, plat or re-plat land.

**“Easement”** An interest granted to one party that authorizes a specific limited use or enjoyment of land that is owned by another party.

**“IC”** The Indiana Code.

**“Owner”** Any person having legal title to, controlling interest in, or sufficient proprietary interest in land.

**“Person”** An individual, agency, partnership, corporation, group, organization, governmental entity, trust, estate, or any other legal or commercial entity.

**“Plan Commission”** The Advisory Plan Commission of the Town of Moores Hill.

**“Primary Plat”** A plan for the proposed subdivision of land showing the layout of lots, right-of-ways, streets, alleys, sidewalks, easements, topographic features, public utilities and other infrastructure and associated improvements that will be required to adequately prepare the land and surrounding

area for development, and provide the proposed subdivision with adequate public services.

**"Registered Land Surveyor"** A person who is registered in the State of Indiana as a land surveyor pursuant to IC 25-21.5-1 et seq.

**"Registered Professional Engineer"** A person who is registered in the State of Indiana as a professional engineer pursuant to IC 25-31-1 et seq.

**"Right-of-Way"** A strip of land dedicated for use primarily for streets, alleys, sidewalks, transportation support facilities such as signs and signals, and stormwater drainage improvements, and that may also be used incidentally for public utilities or other special and approved uses.

**"Secondary Plat"** A plan showing the actual and final layout of lots, right-of-ways and related features, which is recorded in the office of the County Recorder following approval by the Plan Commission, in accordance with this Ordinance and Indiana law.

**"Sidewalk"** The improved part of a right-of-way that is used primarily for pedestrian traffic.

**"Street"** The improved part of a right-of-way that is used primarily as a thoroughfare for vehicular traffic and that typically provides primary vehicular access to more than one lot or parcel of property.

**"Subdivision"** The division of a single parcel, tract or lot into two (2) or more parcels, tracts or lots of any size, whether by deed, metes and bounds description, device, intestacy, lease, map, plat, or other recorded instrument.

**"Town"** The Town of Moores Hill, Indiana.

**"Town Council"** The elected Town Council of the Town of Moores Hill, Indiana.

### 3. OVERVIEW OF PLATTING REQUIREMENTS

3.1. **Subdivision and Platting of Land.** Under Indiana law, any division of land that is defined by the Town's adopted zoning ordinance as a "subdivision" of land must be approved by the Plan Commission in a two-step process; namely, a primary plat and a secondary plat. In order to simplify the platting process and to work out as many details as possible on an informal level, the Plan Commission also requires review of a "preliminary plat" before proceeding to the formal primary and secondary plat review processes. The following described generally each level of review:

3.1.1. **Preliminary Plats.** Preliminary review of a proposed plat is a less-formal process involving the developer, Town Council, Plan Commission and utility services providers, in which all parties review the proposed plan for compliance with the requirements of the Town's comprehensive plan, zoning ordinance, and this Subdivision Control Ordinance, and the requirements of any other public services providers.

3.1.2. **Primary Plats.** The primary plat provides in significant detail the proposed subdivision of the land, including but not limited to the layout of lots, right-of-ways, infrastructure, topographic features, existing structures, and public services that will serve the subdivision. The plat is drawn to scale in all matters.

The formal approval of the Town Council is required for all primary plats. Indiana law requires that a public hearing be conducted by the Plan Commission before they may approve a primary plat. Refer to IC 36-7-4-700 et seq.

3.1.3. **Secondary Plats.** The secondary plat provides much less detail about utilities and streets, showing instead only the layout of the lots, right-of ways, certain topographic features and related features, together with dimensions of all lines. Streets, alleys, structures, Infrastructure and utility lines are not shown. The Town Council does not approve secondary plats, but must approve the form of financial surety that may be provided in lieu of installation of the required public improvements in the primary plat.

The secondary plat can only be approved by the Plan Commission after all required public infrastructure and services shown on the primary plat have been installed as required, or after sufficient financial surety has been provided by the developer to ensure their installation.

A public hearing is not required for Plan Commission approval, and the right to grant approval can be delegated to others by the Plan Commission if they desire. Once approved, the secondary plat must be recorded with the Dearborn County Recorder before the lots in the subdivision may be sold or conveyed. Refer to IC 36-7-4-700 et seq.

#### 4. PLAT AMENDMENTS

4.1. **Amendments to Plats.** Generally, an amendment to a primary plat requires a public hearing unless certain conditions are satisfied. An amendment to a secondary plat requires that a primary plat amendment be prepared and approved by the Plan Commission at a public hearing, followed by approval of the amended secondary plat, all in the same manner as an approval of an original primary and secondary plat. The amended plat is not effective until it has been recorded with the Dearborn County Recorder by the developer. Refer to IC 36-7-4-700 et seq.

4.2. **Amendment Process.** The amendment of an approved primary or secondary plat shall be completed in the same manner described in this Ordinance for an original primary or secondary plat approval. The plat to be amended shall be titled: "Amended Primary (or Secondary) Plat of Lots (insert lot numbers that are affected) in the (name of original primary or secondary plat)."

4.3. **Features on Amended Plats.** All descriptive lines of the original plat shall be shown by dashed lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity or confusion.

4.4. **List of Amendments.** The developer shall provide a list of all amendments to a plat at the same time as the draft version of the amended plat is delivered for preliminary review.

#### 5. VACATION OF PLATS

5.1. **Vacation of Lots in a Plat.** The vacation of lots in a plat is the process by which some or all of the lots in a recorded plat are converted back to their unplatted state. The vacation of lots in a plat requires a public hearing by the Plan Commission after which the Commission may approve or disapprove the request. The vacated plat is not effective until an amended secondary plat has been recorded with the Dearborn County Recorder by the owner(s) of the vacated lots. The procedures in this Ordinance for amending a plat should be used for the vacation of lots in a plat. Also refer to IC 36-7-3-10 and IC 36-7-3-11 and IC 36-7-4-711.

5.2. **Vacation of Public Lands and Easements in a Plat.** The vacation of a public right-of-way or easement that does not involve the vacation of platted lots must be determined by the Town Council after a public hearing. The Plan Commission is not involved except when requested by the Council. Refer to IC 36-7-3-12 and IC 36-7-3-16(b).

## 6. WAIVERS AND VARIANCES

- 6.1. **Plan Commission Waivers.** The Plan Commission may waive only those requirements in this Ordinance that are specifically identified as eligible for Plan Commission waiver, and then only to the degree permitted and under those conditions outlined for each waiver. The Plan Commission may not grant variances from or waivers of the requirements of the zoning ordinance or of any other ordinance or law.
- 6.2. **Board of Zoning Appeals Variances.**
  - 6.2.1. **Authority.** As permitted by IC 36-7-4-918 (series) the Board of Zoning Appeals may consider and grant variances only from standards in the zoning ordinance. The Board of Zoning Appeals has no authority to grant variances from the requirements of any other ordinance or law except the Town's zoning ordinance.
  - 6.2.2. **Variances in Primary Plats.** Where a primary plat has design elements that are covered under the zoning ordinance, and where the developer requests a variance from one or more zoning ordinance requirements, such variance or variances must be granted by the Board of Zoning Appeals prior to the Plan Commission's approval of the primary plat. The Board of Zoning Appeals has no authority to grant variances in a primary plat that has been approved by the Plan Commission. Changes to an approved primary plat must be made by plat amendment, at which time the Board of Zoning Appeals may consider any variances requested.
  - 6.2.3. **Variances in Secondary Plats.** The Board of Zoning Appeals has no authority to grant variances in secondary plats.
- 6.3. **Town Council Waivers.** Only the Town Council may consider and approve variances from or waivers of the following design standards:
  - 6.3.1. Potable water design standards.
  - 6.3.2. Sanitary sewer (wastewater) design standards.
  - 6.3.3. Stormwater drainage design standards.
  - 6.3.4. Right-of-way, street, alley, sidewalk and related design standards.
  - 6.3.5. Fire hydrant design standards.

## 7. PRELIMINARY PROJECT REVIEW

- 7.1. **Preliminary Review.** The developer must deliver copies as required of the preliminary plat, infrastructure plans, and associated requirements to utility providers, the Town's street and sewer superintendents, the Indiana Department of Transportation, and any other potentially affected parties or providers of public services, for their review and comment. The recommendations received by the developer are to be incorporated into the plans and plats to the maximum extent possible prior to filing an application for primary plat approval.

## 8. PRIMARY PLATS

- 8.1. **Application for Primary Plat Approval.** A request for primary plat approval must be made in writing to the Secretary of the Plan Commission, Town Hall, 16504 South Manchester Street, P.O. Box 323, Moores Hill, Indiana 47032. The request shall contain the following information:
  - 8.1.1.  A statement requesting primary plat approval.
  - 8.1.2.  Name, address and phone number of the applicant.

- 8.1.3.  Name, address and phone number of the developer.
- 8.1.4.  Names of all owners of the property as shown on the deeds.
- 8.1.5.  Project name.
- 8.1.6.  General location of the project with details, including land area, number of proposed lots and proposed use of the lots, and other information that adequately describes the project and the requirements for the project.
- 8.1.7.  The existing zoning designation and any zoning changes or zoning variances that will be required to support the project.
- 8.1.8.  Names of utility services providers.
- 8.1.9.  The application must be signed and dated by the applicant and submitted with the plat.

Attach the following documents to the application:

- 8.1.10.  Copies of all current deeds for the property.
- 8.1.11.  A notarized affidavit for each current owner of property in the proposed development who is not a signatory on the letter requesting primary plat approval. The affidavit must state that the property owner is aware of the pending request and consents to the applicant representing their interests in the matter.
- 8.1.12.  A copy of the current survey for the property.
- 8.1.13.  A copy of the county auditor's plat map showing the land to be developed and all surrounding parcels of land to a depth of two (2) lots.
- 8.1.14.  A list of all owners of property to a depth of two (2) lots or parcels surrounding the property to be developed. Ditches, streams, rivers, streets and railroads shall not be counted as lots for purposes of determining the two-lot depth. Also include the owners of the streets, streams, railroads, etc. This list must include the complete names and addresses of all such owners as they are listed in the current property records of the Dearborn County Auditor.
- 8.1.15.  The drawings and other all other documents that make up the plat.

82. **Town Council Review and Approval.** Following receipt by the Plan Commission of the primary plat, the supporting documentation, the drawings, and the application for primary plat approval, all such plans and documents shall be delivered as soon as practicable to the Town Council for review and approval. The Town Council shall consider the request at the first available meeting of the Council that is at least thirty (30) days following the date of receipt of the plans and documents by the Plan Commission. A public hearing is not required, and public notice is required only in accordance with IC 5-14. At the conclusion of the meeting which may be continued by the Council as necessary, the Council shall either:

- 8.2.1. Grant approval of the primary plat as presented if the Council determines that the plat complies with the requirements of this Ordinance and other applicable ordinances of the Town;
- 8.2.2. Grant contingent approval of the primary plat, conditioned on the developer satisfying specific requirements attached to the approval by the Council; or
- 8.2.3. Disapprove the primary plat.

If approved or if approved with conditions, each member of the Council shall sign the plat and it shall be forwarded together with a written statement by the Secretary of the Council to the Plan Commission stating the findings and any requirements on approval by the Council. The plat and statement shall be forwarded within thirty (30) days after the Council's meeting. If disapproved, the plat shall not be signed, and the Secretary of the Council shall forward the plat to the Plan Commission together with a written statement outlining the reason(s) for disapproval.

83. **Filing Fees.** The applicant shall pay any applicable filing fees that are listed in the adopted Rules of Procedure of the Town Council and of the Plan Commission.

8.4. Notice of Plan Commission Public Hearing. Upon receipt of the application for approval and the complete plat and other required documents, and payment of required fees, the Plan Commission shall:

- 8.4.1. Set a date for a public hearing on the proposed plat within thirty (30) days after receiving the approval of the Town Council.
- 8.4.2. Notify the applicant in writing as to the date, time and location of the hearing.
- 8.4.3. Provide legal notice of the hearing as required by IC 36-7-4-706 and IC 5-3-1.
- 8.4.4. Provide notice to interested parties at least ten (10) days before the date of the hearing, or as required by IC 36-7-4-706, and as required by the Plan Commission's adopted Rules of Procedure. "Interested parties" shall be the owners of surrounding properties listed in the application for approval as described above.
- 8.4.5. The applicant shall be responsible for paying all costs of the legal notice and notice to interested parties.

8.5. Plan Commission Review and Approval. After a primary plat has been approved by the Town Council and forwarded to the Plan Commission, a public hearing shall be conducted at the next available regular meeting date of the Commission but not less than thirty (30) days following receipt of the plans and documents from the Council, and in accordance with the Plan Commission's adopted Rules of Procedure. The Commission may at its option waive the minimum thirty day requirement.

The Plan Commission shall not consider approval of a primary plat that has not been approved by the Town Council. The Commission must include in any approval those conditions on approval that were included in the approval of the Council.

At the conclusion of the hearing which may be continued by the Plan Commission as necessary, the Commission shall make written findings concerning its decision and shall either:

- 8.5.1. Grant approval of the primary plat as presented if the Plan Commission determines that the plat complies with the requirements of this Ordinance;
- 8.5.2. Grant contingent approval of the primary plat, conditioned on the developer satisfying specific requirements attached to the approval by the Plan Commission; or
- 8.5.3. Disapprove the primary plat.

If approved, the President and the Secretary of the Commission shall sign the plat on behalf of the Commission. If disapproved, the Secretary shall notify the applicant about the Commission's decision in writing within thirty (30) days after the meeting, and shall include a copy of the plat with appropriate notations specifying the aspects in which the proposed plat fails to conform to the requirements of this Ordinance.

8.6. Effective Term of Primary Plat Approval. Primary plat approval shall be effective for thirty (30) months from the date of the hearing at which the Plan Commission approved the plat.

8.7. Extensions of Primary Plat Approval. A request for extension of primary plat approval must be made in the same manner and by the same procedures as the original request.

8.8. Authorization to Proceed with Improvements. Primary plat approval shall constitute authorization to proceed with construction of the required improvements.

8.9. Appeal of Decisions. The following applies to appeals of decisions concerning primary plats:

- 8.9.1. Appeal of a Town Council Decision. A decision of the Town Council may be appealed to the Council in writing within thirty (30) days of the date of the Council's decision.

Each appeal must state in detail the hardship that is or will be endured by the developer in complying with the requirements for which the Council denied plat approval or on which the Council conditioned plat approval, and must specify the minimum level of relief that is necessary in order to abate the hardship. Financial considerations do not constitute hardship.

The Council will consider the appeal at their next regular meeting, but not less than thirty (30) days following receipt of the appeal documents from the developer. The Council may at their option choose to hear the appeal within thirty (30) days of their receipt of the appeal documents. Each appeal must be considered at a public meeting. A public hearing is not required, and public notice is required only in accordance with IC 5-14. At the conclusion of the meeting which may be continued by the Council as necessary, the Council will determine whether or not to approve the appeal with or without conditions, or to deny the appeal. The Council's determination on an appeal may be reviewed by certiorari.

- 8.92. Appeal of a Plan Commission Decision. The approval or disapproval of a primary plat is a final decision of the Plan Commission that may be reviewed by certiorari pursuant to IC 36-7-4-708(d) and IC 36-7-4-1016.
- 8.10. Plat Sheet Size and Copies. The developer shall prepare three (3) complete paper copies of the plat and supplementary sheets, each measuring twenty-four inches (24") high by thirty-six inches (36") wide. One (1) set shall be delivered to the Town Council and two (2) sets shall be delivered to the Plan Commission at least thirty (30) days or more before the public hearing. Each set shall also include a copy of the application for plat approval. After approval, two (2) complete reproducible sets of the approved plat (Mylar® or equivalent) must be delivered to the Plan Commission for signatures. One set of reproducible prints will be returned to the developer after it has been signed by the Plan Commission. The other set shall be retained by the Commission.
- 8.11. Primary Plat Requirements. The following information must be included on each primary plat:
  - 8.11.1.  The title, which should read: "Primary Plat of (project name), an Addition to the Town of Moores Hill."
  - 8.11.2.  The scale of the drawing, which is preferred between 1"=20' and 1"=60', with appropriate scales for legibility of details on profile and cross section sheets. Other scales will be considered where there is no compromise of legibility.
  - 8.11.3.  The plat scale.
  - 8.11.4.  A small map of the Town showing the location of the proposed development.
  - 8.11.5.  North arrow.
  - 8.11.6.  Symbols legend.
  - 8.11.7.  List of survey benchmarks.
  - 8.11.8.  Zoning designation from the Town's zoning districts map.
  - 8.11.9.  Only those covenants or restrictions required by the Plan Commission to ensure conformance with this Ordinance or any other ordinance of the Town shall be noted on a plat. All other covenants and restrictions that are not specifically required by this Ordinance or another ordinance of the Town shall be in the form of a separate document that is not approved by nor enforced by the Town of Moores Hill or its agents covenants or restrictions.
  - 8.11.10.  The name of the current property owner and the deed record and the page number, on each parcel of land that is in and surrounding the development.
  - 8.11.11.  The certification of ownership and signature of the owner(s) of the land in the area to be platted, with the acknowledgment of a notary public.
  - 8.11.12.  A statement that the owners hereby dedicate all right-of-ways and easements to the Town of Moores Hill, with the typed name, signature and date of the owner(s).

8.11.27. Potable Water Service. The developer shall provide a potable water distribution system designed to comply with the minimum standards of the latest edition of the "Recommended Standards for Water Works" (the "Ten States Standards") promulgated by Health Education Services of Albany, New York. The following minimum design standards shall be observed:

- 8.11.27.1.  Static water pressure shall be not less than twenty (20) psi measured at any point in the system.
- 8.11.27.2.  Minimum pipe diameter shall be six inches (6") using AWWA 150 psi class C900 PVC or approved equivalent.
- 8.11.27.3.  No main shall exceed six-hundred and fifty (650) feet in length without a cross connection to another water main of the same provider.
- 8.11.27.4.  Each dead-end main shall be terminated by either a flushing device of not less than two (2) inches attached to a valve, or by a fire hydrant.
- 8.11.27.5.  All properties served by the potable water system that also have well water or water from any other system shall have a backflow prevention valve installed in the potable water system.
- 8.11.27.6.  There shall be no cross connections between any other water distribution system and potable water systems.
- 8.11.27.7.  Non-automatic air release valves shall be installed at each high point and at any other point in a water main where air pockets are likely to develop.
- 8.11.27.8.  Tracing wire shall be installed with all non-metallic mains and laterals.
- 8.11.27.9.  Any part of the system that is to be located in right-of-ways must be approved by the Town Council.

8.11.28. Fire Hydrants. Fire hydrants shall be provided as follows:

- 8.11.28.1.  Class A type hydrants, Clow model Eddy or equivalent, shall be installed on all water mains. Each hydrant shall: have a tall upper barrel; be attached to a valve; have a 6 inch inlet; have a 5 $\frac{1}{4}$  inch pumper nozzle; and have two (2) 2 $\frac{1}{2}$  inch outlet nozzles.
- 8.11.28.2.  Hydrants shall be installed so that all areas of each lot are five-hundred (500) feet or less from a hydrant.

8.11.29. Electric Service. The developer shall provide not less than the following minimum electric service:

- 8.11.29.1.  A complete two-phase, 120-volt, 60-cycle electric service system, or better as required, located within right-of-ways or public utility easements.
- 8.11.29.2.  Any part of the system that is to be located in right-of-ways must be approved by the Town Council.

8.11.30. Street Lights. The developer shall provide street lights as follows:

- 8.11.30.1.  At all street intersections.
- 8.11.30.2.  At intervals of not less than two-hundred (200) feet along all streets.

8.11.31. Natural Gas and Communications Services. The developer may at their option arrange for the provision of a natural gas distribution system, and for telephone, cable television and other communications services, which may be located within right-of-ways or public utility easements.

- 8.11.31.1.  Any part of any natural gas, telephone, cable television, or other communications distribution system that is to be located in right-of-ways must be approved by the Town Council.

8.11.32. Plan and Profile Drawings and Specifications. The developer shall prepare plan and profile drawings showing:

8.11.32.1.  Sizes, dimensions, cross sections, existing and finished grades, construction details, and material specifications for all infrastructure and utility improvements.

8.11.32.2.  On the plan sheets show the sizes and locations of all utility lines and related features in and serving the development.

## 9. SECONDARY PLATS

9.1. Application for Secondary Plat Approval. A request for secondary plat approval shall be made in writing to the Secretary of the Plan Commission, Town Hall, 16504 South Manchester Street, P.O. Box 323, Moores Hill, Indiana 47032. The request shall contain the following information:

9.1.1.  A statement requesting secondary plat approval.

9.1.2.  Name, address and phone number of the applicant.

9.1.3.  Names of all owners of the property as shown on the deeds.

9.1.4.  Project name.

9.1.5.  The legal description of the boundary of the land included in the plat.

9.1.6.  General location of the project with details including land area, number of lots, zoning district, proposed use of the lots, and other information that describes the project.

9.1.7.  A statement that the request includes all or only part of the primary plat, and if only part, a list the lots, streets and other improvements that are to be approved.

9.1.8. Either:

9.1.8.1.  A statement that the public utilities and infrastructure, including but not limited to the potable water distribution system, wastewater system, electric distribution system, natural gas distribution system, streets, alleys, and sidewalks, that were required as a condition of primary plat approval, have been completed and approved by the owner or provider of the service or improvement; or

9.1.8.2.  Attach an acceptable plat performance bond or letter of credit, posted as financial surety to guarantee the installation of all remaining public infrastructure and improvements, which surety must be in the amount of the cost of all materials and labor outstanding, and must be approved by the Town Council and the Plan Commission.

9.1.9. A statement that:

9.1.9.1.  The secondary plat complies with all requirements of the primary plat approval; or

9.1.9.2.  The secondary plat does not comply with all requirements of the primary plat approval, and a list of exceptions to the primary plat approval.

9.1.10.  The application must be signed and dated by the applicant and submitted with the plat.

9.2. Filing Fees. The applicant shall pay any applicable filing fees that are listed in the adopted Rules of Procedure of the Town Council and of the Plan Commission.

9.3. Town Council Review and Approval. The approval of the Town Council is required whenever a bond or letter of credit is to be posted to ensure the installation of the public improvements that were required by the primary plat and that are to be owned and maintained by the Town of Moores Hill. The surety must conform with the requirements under IC 36-7-4-709, and:

9.3.1. Must be drawn on a financial institution that is licensed to do such business in the State of Indiana;

8.11.13.  The Town Council's certification which reads: "Approved by the Town Council of the Town of Moores Hill, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_," with signature lines and printed names of each member of the Town Council.

8.11.14.  The Plan Commission's certification which reads: "Approved by the Town of Moores Hill, Indiana, Plan Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_," with signature lines and printed names of the President and Secretary of the Plan Commission.

8.11.15.  The certification, signature, printed name and stamp of the registered land surveyor who prepared the plat.

8.11.16.  As required, the certification, signature, printed name and stamp of the registered professional engineer who designed any of the improvements on the plat.

8.11.17.  The certifications of the Dearborn County Auditor and the Dearborn County Recorder, as required by those offices.

8.11.18.  Draft versions of the plat shall be marked in large face type: "DRAFT – NOT APPROVED FOR CONSTRUCTION." The approved plat shall not be so marked.

8.11.19. Boundaries. The boundaries of the development must be dimensioned using standard survey terminology. In addition:

8.11.19.1.  Provide the legal description of the outer boundary of the area to be included in the plat, including section, township, range and county.

8.11.19.2.  Show the outer boundary of the area to be platted by a heavy line that clearly identifies the boundary of the plat.

8.11.19.3.  Label the corporate limits of the Town.

8.11.20. Lots. The area and dimensions of all lots shall comply with the minimum requirements of the Town's zoning ordinance for the zoning district in which the lots are located. In addition:

8.11.20.1.  Dimension existing and proposed lots.

8.11.20.2.  Show the building setback lines required by the zoning ordinance on each lot. Label setbacks with the distance in feet from the point of measurement.

8.11.20.3.  Label and number parcels as tracts rather than lots if they are to be further subdivided at a future date.

8.11.20.4.  Number all lots and tracts beginning with number one (1) for each.

8.11.20.5.  Show proposed parks and other open public spaces, and parcels of land to be dedicated or temporarily reserved for public use or set aside for use of the property owners in the subdivision.

8.11.20.6.  Show and dimension existing and proposed parking spaces.

8.11.20.7.  Show existing (but not proposed) buildings and other significant structures or improvements in and around the development.

8.11.21. Streets, Alleys and Sidewalks. The design of streets, alleys, curbs and gutters, sidewalks and related improvements, and their right-of-ways shall comply with the requirements of the Town's regulations on street design and construction.

8.11.21.1.  Show and dimension all existing and proposed right-of-ways and the paved surfaces of existing and proposed streets, alleys and sidewalks, in and serving the development.

8.11.21.2.  Show names of existing streets, railroads, ditches and streams.

8.11.21.3.  Label proposed streets with their proposed names. Names of existing streets which abut and are to be extended into the subdivision shall be used in the new development. Except for such extensions, no proposed street name shall duplicate that of any other street in the Town or in the unincorporated areas of Dearborn County. As provided by IC 36-7-4-405(c), the President of

the Town Council is authorized to name streets in the Town and as such must approve a proposed street name or assign a new name.

8.11.22. Easements. Easements shall be provided for public utility and/or drainage purposes as follows:

- 8.11.22.1.  Public utility and drainage easements that are not less than twenty (20) feet wide shall be provided and so labeled on each lot, parallel to the front and rear lot line of each lot. Easement width may be increased by the Plan Commission where it is determined by utility providers or by the drainage requirements that twenty feet of width is insufficient.
- 8.11.22.2.  Label each easement as a public utility and drainage easement, an ingress and egress easement, or other specific purpose for which the easement is required.
- 8.11.22.3.  Show the dimensions of existing and proposed easements in and serving the development.

8.11.23. Topography. Show contours of the land as follows:

- 8.11.23.1.  Where slopes are less than five percent (<5%), show vertical intervals of one (1) foot.
- 8.11.23.2.  Where slopes are between five and ten percent (5-10%), show vertical intervals of two (2) feet.
- 8.11.23.3.  Where slopes exceed ten percent (>10%), show vertical intervals of five (5) feet.

8.11.24. Floodplains. Where lands are identified on the federal Flood Insurance Rate Map (FIRM) as flood hazard areas, show:

- 8.11.24.1.  The Community-Panel number corresponding to the area shown on the plat.
- 8.11.24.2.  The floodplain designation in which the property is located.
- 8.11.24.3.  The elevation of the regulatory flood.
- 8.11.24.4.  The edge of the floodway and the edge of the floodway fringe.

8.11.25. Sanitary Sewer Service. The developer shall provide a wastewater collection system that complies with the requirements of the Town's regulations on wastewater system design and construction.

8.11.26. Stormwater Control System. The developer shall provide a stormwater control system that includes on-site stormwater detention in all residential and mobile home park subdivisions of two (2) or more acres, and in all non-residential subdivisions. Detention capacity shall be designed for a fifty (50) year event for the fully-developed subdivision, with a discharge rate not exceeding the ten (10) year undeveloped property discharge rate. The system shall also be designed to prevent stormwater in a street from crossing an intersecting street during a one-hundred (100) year event for the fully-developed property. Additional design requirements shall include:

- 8.11.26.1.  Where the water-rise level is more than four (4) feet above the floor of the detention area, a full perimeter chain-link fence not less than six (6) feet in height shall be installed with a lockable access gate for maintenance.
- 8.11.26.2.  Side slopes shall have a rise/run ratio of 1:3 or flatter.
- 8.11.26.3.  A concrete ribbon measuring sixteen (16) inches wide by six (6) inches deep shall be installed in the bottom of the detention basin to permit trickle-through drainage in low-flow conditions.

- 9.3.2. Cannot provide for any party except the Town Council of the Town of Moores Hill to cancel or amend the terms of the surety;
- 9.3.3. Must be in an amount that is equal to the total dollar value of all materials and labor necessary to complete the installation of all required public improvements in the primary plat;
- 9.3.4. The total cost must be certified by a professional engineer; and
- 9.3.5. The term of the surety shall be not less than eighteen (18) months unless the Council determines that a shorter period of time will be more appropriate for the scope of a given project.

- 9.4. **Plan Commission Review and Approval.** Following the approval of the Town Council and receipt of the application for secondary plat approval from the Secretary of the Council, together with the complete plat and all other required documents, the Secretary of the Plan Commission shall place the request on their agenda for consideration at the next regular meeting of the Commission and shall notify the applicant in writing as to the date, time and location of the meeting. The meeting shall be conducted in accordance with the Plan Commission's Rules of Procedure. A public hearing is not required, and public notice is required only in accordance with IC 5-14.

At the conclusion of the meeting which may be continued by the Plan Commission as necessary, the Commission shall make written findings concerning its decision and shall either:

- 9.4.1. Grant approval of the secondary plat as presented if the Plan Commission determines that the plat complies with the requirements of this Ordinance and the requirements of the primary plat approval;
- 9.4.2. Grant contingent approval of the secondary plat, conditioned on the developer satisfying specific requirements attached to the approval by the Plan Commission; or
- 9.4.3. Disapprove the secondary plat.

If approved, the President and Secretary of the Commission shall sign the secondary plat on behalf of the Commission. If disapproved, the Secretary shall notify the applicant about the Commission's decision in writing within thirty (30) days after the meeting, and shall specify with particularity the aspects in which the secondary plat fails to conform to the requirements of this Ordinance or of the primary plat approval.

- 9.5. **Recording of the Secondary Plat.** An approved secondary plat shall only be valid when all of the following actions have been completed:
  - 9.5.1. The plat has been approved by the Plan Commission in accordance with this Ordinance;
  - 9.5.2. The plat has been recorded by the developer in the office of the Dearborn County Recorder; and
  - 9.5.3. The developer has delivered a copy of the reproducible plat with all signatures and recording stamps to the Plan Commission at Town Hall.
- 9.6. **Effective Term of Secondary Plat Approval.** A secondary plat that has been approved but not recorded shall be effective for thirty (30) months from the date of the hearing at which the Plan Commission approved the plat. Thereafter, the plat may not be recorded until it has been approved in accordance with this Ordinance in the same manner as for an original secondary plat.
- 9.7. **Plat Sheet Size and Copies.** The developer shall prepare four (4) complete reproducible sets (Mylar® or equivalent) of the secondary plat, each measuring twenty-four inches (24") high by thirty-six inches (36") wide, which must be delivered to the Plan Commission together with the letter of application for approval of the secondary plat. After having been approved and signed by the Plan Commission, the Commission shall return all reproducible sets to the developer who shall deliver them to the Dearborn County Auditor and Recorder for their approvals,

certifications and recording of the plat. After the County's certification and recording of the plat, the Auditor and the Recorder may each retain one (1) copy of the secondary plat. The developer shall return one certified and recorded reproducible copy and two (2) complete paper copies of the plat to the Plan Commission. The developer may retain the fourth reproducible copy.

9.8. Secondary Plat - Required Information. The following information must be included on each secondary plat:

- 9.8.1.  The title, which should read: "Secondary Plat of (project name), an Addition to the Town of Moores Hill."
- 9.8.2. The scale of the drawing, which is preferred between 1"=20' and 1"=60', with appropriate scales for legibility of details on profile and cross section sheets. Other scales will be considered where there is no compromise of legibility.
- 9.8.3.  The plat scale.
- 9.8.4.  North arrow.
- 9.8.5.  Symbols legend.
- 9.8.6.  List of survey benchmarks.
- 9.8.7.  Show and dimension all lots, right-of-ways for existing and new streets, alleys and railroads, and the edges of streams and ditches, in the area to be platted and land immediately adjacent to the area. Do not show streets or alleys, only their right-of-ways.
- 9.8.8.  Show the names of all existing and new streets in the right-of-ways for the streets.
- 9.8.9.  Show, label and dimension all utility, ingress/egress, and drainage easements.
- 9.8.10.  Provide the legal description of the outer boundary of the area to be included in the plat, including section, township, range and county.
- 9.8.11.  Show the outer boundary of the area to be platted by a heavy line that clearly identifies the boundary of the plat.
- 9.8.12.  Label the corporate limits of the Town where applicable.
- 9.8.13.  Number all lots in accordance with the primary plat.
- 9.8.14.  In any development where streets, sidewalks and related improvements are to be privately maintained, the right-of-ways in which the privately maintained items are to be located shall be clearly identified on the plat and the following notation shall be made on the plat: "The improvements that are to be located in those areas on this plat which are identified as non-public improvements shall not be maintained by the Town of Moores Hill or any other unit of government. Said improvements when constructed shall be maintained by the (name) Maintenance Association, which has been established for that purpose. These non-public improvements shall at all times be open to emergency services providers and utility maintenance providers for access without restriction to all streets and properties in the development."
- 9.8.15.  Only those covenants or restrictions required by the Plan Commission to ensure conformance with this Ordinance or any other ordinance of the Town shall be noted on a plat. All other covenants and restrictions that are not specifically required by this Ordinance or another ordinance of the Town shall be in the form of a separate document that is not approved by nor enforced by the Town of Moores Hill or its agents covenants or restrictions.
- 9.8.16.  Where lands are identified on the federal Flood Insurance Rate Map (FIRM) as flood hazard areas, show
  - 9.8.16.1.  The Community-Panel number corresponding to the area shown on the plat.
  - 9.8.16.2.  The floodplain designation in which the property is located.
  - 9.8.16.3.  The elevation of the regulatory flood.
  - 9.8.16.4.  The edge of the floodway and the edge of the floodway fringe.
- 9.8.17.  The name of the current property owner and the deed record and the page number, on each parcel of land that is in and surrounding the development.
- 9.8.18.  The certification of ownership and signature(s) of the owner(s) of the land in the area to be platted, including a statement to the effect that the owners dedicate all right-

of-ways and easements shown on the plat to the Town of Moores Hill, Indiana, with the typed name, signature and date of the owner(s), and the proper acknowledgment of a notary public.

- 9.8.19.  The Plan Commission's certification which reads: "Approved by the Town of Moores Hill, Indiana, Plan Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_," with signature lines and printed names of the President and Secretary of the Plan Commission.
- 9.8.20.  The certification, signature, printed name and stamp of the registered land surveyor who prepared the plat.
- 9.8.21.  The certifications of the Dearborn County Auditor and the Dearborn County Recorder, as required by those offices.
- 9.8.22.  Draft versions of the plat shall be marked in large face type: "DRAFT – NOT APPROVED FOR RECORDING." The approved plat shall not be so marked.

