

SUBDIVISION CONTROL ORDINANCE
MARSHALL COUNTY, INDIANA

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MARSHALL COUNTY PLANNING & BUILDING DEPARTMENT
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PLYMOUTH, IN 46563

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CHAPTER 1 GENERAL PROVISIONS

1.01 **TITLE**

These regulations shall be known and may be cited and referred to as the “Subdivision Control Ordinance of Marshall County, Indiana,” and shall hereafter be referred to as “these regulations.”

1.02 **POLICY**

1. **Subject to Comprehensive Plan** -- It is hereby declared to be policy of Marshall County to consider the subdivision of land and the subsequent development of the subdivision plat as subject to the Comprehensive Plan and related policies for the orderly and efficient development of Marshall County.
2. **Development without Peril** -- Land to be subdivided shall be of such a character that it can be developed without peril of health, flood, fire or other menace. Subdivided land shall have access to available existing public facilities and improvements and shall have proper provisions for drainage, water, sewage and other necessary public improvements such as schools, parks, and recreation and transportation facilities adequate for serving the subdivision. A private well and a septic system in lieu of public water and sewer facilities are allowable where such facilities do not exist and where permitted under the Zoning Ordinance and approved by the Marshall County Health Department and a soil scientist, if appropriate. See also Section 2.07, Character of the Land.
3. **Public Facilities to Conform** -- Both existing and proposed public facilities serving the subdivision shall conform to the Comprehensive Plan and related policies.

1.03 **PURPOSE**

1. **Guide Development** -- To guide the future development and redevelopment of Marshall County in accordance with the Comprehensive Plan and related policies.
2. **Safety, Comfort and Soundness** -- To provide for the safety, comfort, and soundness of the man-made environment and related open space.
3. **Protection** -- To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

4. **Guide Policy** -- To guide public and private policy and action so as to provide adequate and efficient public and private facilities to achieve the most aesthetically pleasing and beneficial interrelationship between land uses, and to conserve energy and natural resources such as natural beauty, woodlands and open spaces, both during and after development.

1.04 AUTHORITY AND JURISDICTION

1. **Authority Given by State** -- These regulations are enacted pursuant to Indiana Home Rule and planning enabling legislation. Indiana Code 36-1-3-4 and 36-7-4-700 Series authorizes that the Marshall County Advisory Plan Commission has exclusive control to review and approve or disapprove plats for subdivisions throughout the unincorporated area of Marshall County and those municipalities within the County having an interlocal agreement for subdivision regulation. This authority also extends to the re-subdivision of undeveloped portions of a previously recorded plat.
2. **Metes and Bounds Tracts** -- Any undeveloped parcel of land with a metes and bounds description established after the effective date of these regulations and shall comply with the provisions of these regulations to be eligible for an improvement location permit. Any metes and bounds tract created in compliance with the Subdivision Control Ordinance in effect at that time of the tract creation shall be considered exempt from these regulations. The following standards were in effect for tracts created and recorded:
 - a. On or after 7/1/74 -- minimum tract size of 1 Acres, except that after 2 lots less than 5 acres have been recorded from the original plat. Each lot after the 2 plats less than 5 acres must be 5 acres or more.
 - b. After enactment of this ordinance, the minimum lot size is 1 acre from parcels in existence on the passage of this ordinance.
 - c. before 07/1/74 -- no minimum tract size

3. Density Regulations for A-1 Agricultural, A-2 Agricultural Conservation and A-3 Agricultural Residential Zones.

The lot width minimum will be 210 feet and depth minimum would be 207.5 feet. These dimensions equal 43,575 square feet, just over the 43,560 square feet needed for the one acre minimum requirement for building lots in any of the above zones.

This rule would apply to parcels of record upon the enactment of this rule.

A-1 Zoning District Density

<u>Parcel size</u>	<u>Number of splits before a subdivision is required</u>
40 acres or less	2
41 to 80 acres	3
81 acres to 120 acres	4
121 acres to 160	5
161 acres or more	6

After the above allowable splits are made any parcel of forty (40) acres or more split from the original parcel would be exempt the subdivision rule. Any smaller parcel splits beyond the above numbers would require a subdivision plan approval.

All lots must be contiguous

A-2 Agricultural Conservation.

This is an elective zone that would allow a land owner to voluntarily restrict the future usage of a parcel of land to primarily agricultural activities. Plan commission approval is required.

If any splits are to be made from the original parcel only one (1) road cut would be allowed. If more than one (1) house per road cut is proposed then subdivision approval will be required. An owner could sell one (1) acre parcel for each forty (40) acres owned but access must be with these road cuts.

A-3 Agricultural Residential

This is an elective zone that would have a one (1) acre density meant to allow more residential activity in areas of the county with less productive soils. Plan commission approval is required.

4. **Conformity with Regulations** -- No Improvement Location Permit, or Certificate of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity, with the provisions of these regulations. Also, no construction of any public or private improvement shall take place or be commenced except in conformity with the applicable standards of these regulations and the Marshall County Building Code
5. **Approval by other Plan Commissions.** If the site for the proposed subdivision is located within the 2-mile zoning jurisdiction of any Town or City in Marshall County, Indiana, except Bremen and Culver, the Primary Plat must be approved by that town or city's Plan Commission, and that approval and any conditions must be on the Primary Plat. An application within the 2-mile zoning jurisdiction without this approval is null and void.

1.05 **ENACTMENT** -- In order that land may be subdivided in accordance with the purpose and policy contained herein, these regulations are hereby adopted.

1.06 **MINIMUM STANDARDS** -- In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirement for the promotion of the public health, safety, and general welfare. The Plan Commission may require stricter standards when, in the opinion of the Plan Commission, those stricter standards are needed to fulfill the intent and purpose of this Article.

1.07 **CONFLICT**

1. **Most Restrictive Applies** -- These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive, or imposes a higher standard, shall control.

2. **Private Agreements** -- These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provision of these regulations is more restrictive or imposes a higher standard or regulation than the easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provision of the easement, covenant, or private agreement or restriction imposes a duty and obligation more restrictive, or a higher standard than the requirements of these regulations, or the determination of the Plan Commission in approving a subdivision or in enforcing these regulations, and the private provision is not inconsistent with these regulations or determination of the Plan Commission, then the private provision shall be operative and supplemental to these regulations and determinations of the Plan Commission. In no case may a private agreement be in conflict with or be less restrictive than local ordinances. A private provision can only be enforced privately. See also Section 2.04, Covenants.

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

1.09 SAVING PROVISION

1. **Regulations not Abating** -- 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 Board of Commissioners of Marshall County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any right obtained by any person, firm or corporation, by lawful action of the Board of Commissioners of Marshall County, except as shall be expressly provided for in these regulations.

2. **Approval under Prior Ordinances** --
 - a. **Primary Approval** -- Any proposed subdivision of land for which a complete application seeking primary plat approval and the filing fee has been submitted and accepted by the Secretary of the Plan Commission, prior to the date of enactment of these regulations, may be considered under the provisions of the previous Subdivision Control Ordinance. If said primary plat application does not receive approval, any future applications must be considered under the provisions of the Subdivision Control Ordinance in effect at the time the new application is made.

 - b. **Secondary Approval** -- Any proposed subdivision of land for which a complete application seeking secondary plat approval and the filing fee has been submitted and accepted by the Secretary of the Plan Commission, prior to the date of enactment of these regulations, may be considered under the provisions of the previous Subdivision Control Ordinance. If said secondary plat application does not receive approval, any future applications must be considered under the provisions of the Subdivision Control Ordinance in effect at the time the new application is made. Any proposed or actual subdivision of land having been granted primary approval by the Plan Commission under the previous Subdivision Control Ordinance is valid only if that secondary approval is granted within five years of primary approval. If the primary approval includes development in phases, secondary approval for one entire phase, including all sections

within said phase, shall automatically continue approval for the remaining phases to the same expiration date.

- c. Recording -- Any subdivision, having been granted secondary approval under the previous Subdivision Control Ordinance and prior to the effective date of these regulations and subsequently having completed the requirements for recording under the previous Subdivision Control Ordinance, may be signed by the designated officials as having been granted secondary approval and shall be permitted to record the secondary plat. Any proposed or actual subdivision of land having been granted secondary approval by the Plan Commission under the previous Subdivision Control Ordinance must be recorded within two years of secondary approval, or the secondary approval shall be considered null and void, unless an extension is granted by the Marshall County Plan Commission.

- 3. **Violations of Repealed Ordinance** -- Any division of land prior to the enactment of these regulations, and subsequent to July 1, 1974, which division or act was in violation of the ordinances repealed by these regulations, shall be subject to all remedies, penalties and defenses under the repealed ordinances.

1.10 **REPEAL OF CONFLICTING ORDINANCES** -- Upon the adoption of these regulations prescribed by Indiana Code 36-7-4-700 series, the Subdivision Control Ordinance of Marshall County, Indiana adopted July 1, 1974, as amended, is hereby repealed.

1.11 **AMENDMENT** -- For the purpose of providing for the public health, safety, and general welfare, the Board of Commissioners of Marshall County upon recommendation of the Plan Commission, may from time to time amend the provisions imposed by these regulations. The Plan Commission in the manner prescribed by the Indiana Code shall hold a public hearing on any proposed amendment 36-7-4-700 series.

1.12 **CONDITIONS**

- 1. **Exercise of Police Powers** -- Regulation of the subdivision of land and the attachment of any reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Indiana to this County prescribed by Indiana Code 36-7-4-700 Series.
- 2. **Compliance with Conditions** -- The owner has the duty of compliance with any reasonable condition imposed by the Plan Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the County and to provide for the safety and general welfare of the future lot owners in the subdivision and of the County at large.

1.13 **CITATIONS TO INDIANA CODE** -- Wherever within this ordinance, references are made to a particular Indiana Code citation it shall include any subsequent revision, amendment or recodification.

1.14 **FUTURE RESUBDIVISION**

1. **Substantive Changes** -- Resubdivision shall be required if the Director determines that, there has been a substantive change in a plat of an approved or recorded subdivision plat. Substantive changes may include changes to street layout, any area reserved for public use, any lot line, or changes which affect any plat or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Such change shall be approved by the same procedure and regulations as for a subdivision.

2. **Future Opening & Extension of Streets** -- If the Plan Commission determines that, there are indications that future resubdivision will occur, including the presence of parcels containing more than one acre of land, the Plan Commission may require that the initial plat allow for the future opening of streets and the ultimate extension of adjacent streets. Easements or right-of-ways providing for the future opening and extension of such streets may be made a requirement of the plat.

1.15 **OWNER'S RESPONSIBILITY** -- The owner is ultimately responsible for compliance with these regulations and a current address for the owner must be maintained in the files of the Planning Department. In addition, if a corporation or business is the owner of the property and/or the applicant, names and address of the resident agent of the corporation must be on file with the Planning Department, regardless if another representative is used.

CHAPTER 2

MINIMUM DEVELOPMENT STANDARDS

2.01 **INTRODUCTION** -- This chapter sets forth the minimum development standards required for major, minor, and cluster subdivisions. It explains what government standards and regulatory functions are involved and must be followed. Its provisions help to ensure the protection of the health and welfare of the future occupant(s) of an approved subdivision, assure the quality of new development and minimize the adverse effects of the construction of subdivisions on surrounding environment.

2.02 **CONFORMANCE**

1. **Other Regulations** -- In addition to these regulations, all subdivision plans shall comply with the following laws, rules, and regulations, when applicable:

- a. **Other Government Regulations** -- All applicable federal, state and local provisions;
- b. **Other County Regulations** -- The Zoning Ordinance; Building Code; The Marshall County Storm Drainage and Sediment Control Ordinance; The Marshall County Health Department sewage disposal requirements (Marshall County Ordinance number 8 and policies and Indiana Code 410 IAC 6.-8.1 or 410 IAC 6-10); and all other applicable laws of the County;
- c. **Comprehensive Plan** -- The Comprehensive Plan, including all components or elements of the plan;
- d. **Health Department** -- Any rules or regulations of the Marshall County Health Department or corresponding state agencies;
- e. **INDOT** -- The rules and regulations of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state or federal highway;
- f. **Highway and Drainage** -- The highway and drainage standards and regulations adopted by the Board , County Drainage Board and Marshall County Highway Department.

2. **Approval may be Withheld** -- Subdivision approval may be withheld if a subdivision is not in conformity with the above guidelines, requirements or these regulations.

2.03 **FINAL CONSTRUCTION PLANS**

The final construction plans shall be the plans that have received final approval and bear the stamp and signature of the Plan Commission Secretary or his designee. At least one copy of the final construction plans shall be maintained by the following: Planning Department, the private inspection firm (if applicable), the owner, and the developer, and the engineer of record. Additionally, it is the owner's responsibility to ensure that at least one copy of the final construction plans shall be kept on-site at all times during construction. The Planning Department shall consult the final construction plans when making a recommendation on whether to accept the improvements required by that subdivision.

2.04 **COVENANTS** -- The owner may choose to place a covenant on any or all land located within the subdivision. Covenants are not generally required by this ordinance. However, if the owner decides to place a restriction on any of the land contained in the subdivision which is greater than, but not in conflict with, those required by the Zoning Ordinance or these regulations, the Plan Commission may require that the restriction or reference thereto be indicated on the secondary plat, or included in restrictive covenants to be recorded. In no case may a covenant be in conflict with or be less restrictive than local ordinances.

2.05 **PLATS CROSSING GOVERNMENTAL BOUNDARIES** -- Whenever access to the subdivision is required across land in another governmental jurisdiction, the Plan Commission shall request assurance from the other governmental jurisdiction that access is legally established and the access road is adequately improved, or that a performance guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross governmental boundary lines except two (2) mile boundaries. However, when a subdivision is proposed that is in more than one planning jurisdiction, including Marshall County's planning jurisdiction, approval shall be contingent upon the subdivision also receiving approval from the other jurisdiction(s).

2.06 **BOUNDARY MONUMENTATIONS** -- The owner shall place, under the supervision of a registered land surveyor, a boundary marker for each corner of every section or phase and for each lot corner in said subdivision, unless waived by the County Surveyor. The Registered Land Surveyor shall operate in full compliance with Title 865 IAC Chapters 1 - 12.

2.07 **CHARACTER OF THE LAND** which the Plan Commission finds to be unsuitable for subdivision because of, but not limited to, such things as unsuitable soils for on-site sewage systems, flooding, improper drainage, steep slopes, rock formations, adverse earth foundations, topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or by its

surrounding area, shall not be subdivided unless an adequate method is formulated by the owner and approved by the Plan Commission to solve the problems created by the unsuitable land conditions.

2.08 **PHASING OF DEVELOPMENT** -- The Plan Commission may permit the development of a subdivision to take place in phases. In reviewing a request for phased development, the Plan Commission shall consider the following:

1. **Design Standards** -- The relationship of the number and configuration of the lots in each phase of development shall conform to the design standards of this ordinance.
2. **Improvements** -- The improvements in each phase shall be adequate to serve the lots to be developed in that phase.
3. **Non-completion of Subdivision** -- The Plan Commission shall attempt to ensure that each phase of the subdivision will conform to the intent and purposes of this ordinance in the event that some phases are not completed.

2.09 **SUBDIVISION NAMES**

1. **May Not Duplicate** -- The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision, which shall be determined at the time of primary approval. Any changes proposed to the name after primary approval must first be approved by the Plan Commission.
2. **Name to Include Phases** -- If the owner intends to develop the subdivision in phases, then that intent must be shown at the time of primary approval.

2.10 **STREET NAMES AND ADDRESSES**

1. **Established Pattern** -- Street names and numbers shall conform to the Marshall County Ordinance 1994-3, An Ordinance of Marshall County, Indiana Establishing Uniform Criteria For Numbering of Addresses in Marshall County and the established pattern in Marshall County and shall be subject to the approval of the Plan Commission or its designee.
2. **Address Listed on Plat** -- The street address for all lots shall be listed on the secondary plat prior to recording.

2.11 LOT IMPROVEMENTS

1. **Lot Dimensions and Area** -- Lots shall meet the following standards for dimensions and area:
 - a. **Zoning Ordinance Standards** -- Lot dimensions shall comply with the minimum standards of the Marshall County Zoning Ordinance. Where proposed lots are more than double the minimum requirement for the zoning district in which the subdivision is located, the Plan Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, in compliance with the Zoning Ordinance and these regulations;
 - b. **Side Lot Lines** -- Side lot lines should be at right angles to street lines (radial to curving street lines) unless a deviation from this rule will give a better street or lot plan;
 - c. **Lot Depth** -- The depth of any lot should not be more than three (3) times the width of the lot, as measured from the front lot line to the rear lot line. Lots with a depth greater than three (3) times the width may be allowed by the Plan Commission upon unusual circumstances such as extreme hardship, topography or unusable remnants; and
 - d. **Lot Area Excludes Unusable Areas** -- Lot areas as specified in the Zoning Ordinance shall exclude all unusable areas such as wet/dry detention basins, areas below normal pool level of lakes and ponds, floodways, wetlands, cliffs and other slopes of twenty-five per cent (25%) or greater, easements for high pressure petroleum pipelines and electric transmission and/or distribution lines.
2. **Lot Frontage and Access** -- Lots shall meet the following standards for frontage and access:
 - a. **Double Frontage Lots** -- Double frontage lots shall be prohibited in residential subdivisions.
 - b. **Access Limited** -- Individual lots in residential subdivisions shall not have driveway access from an arterial or collector road.
 - c. **Combined Access and Frontage** -- The Plan Commission may require that perimeter lots in residential and non-residential subdivisions be served by a combined access or frontage road in order to limit a possible traffic hazard on such road. Driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on such roads.
3. **Easements**-- Lots shall meet the following standards for easements:

- a. **Drainage and Utility** -- All proposed subdivisions submitted for approval under the provisions of these regulations shall allocate areas of suitable size and location, wherever necessary, for drainage and utility easements.
- I. **Rear Lot Line Easements** -- Where applicable, rear drainage and utility access easements shall be located along both sides of rear lot lines and the total width of such easements shall be a minimum fifteen (15) feet width per lot for one-half of the area, or thirty (30) feet minimum total width. When needed, a separate rear utility location easement must be provided outside the rear drainage and utility access easements and shall be a minimum of five (5) feet. The rear drainage and utility access easement may be used by utility companies for access, but no utility may locate any lines or structures within this rear drainage and utility access easement without the prior approval of the Marshall County Drainage Board or County Surveyor.
- II. **Front Lot Line Easements** -- A drainage and utility easement shall be located generally parallel to the street and along the front of the lot lines, where necessary, and shall be a minimum of fifteen (15) feet wide.
- III. **Side Lot Line Easements** -- Drainage and utility easements shall be located along both sides of side lot lines and the total width of such easements shall be a minimum seven and one-half (7 1/2) feet in width per lot for one-half of the area, or fifteen (15) feet minimum total width.
- b. **Easements Along Streams** -- If any stream or necessary surface drainage course is located in the area proposed to be subdivided, an easement shall be provided that at a minimum covers the floodway of the stream or surface drainage course.
- c. **Lot Grading** -- All lots shall provide positive drainage, which shall be coordinated with the general storm water drainage of the development and conforms to the Marshall County Storm Drainage and Sediment Control Ordinance.

2.12 **SOLID AND HAZARDOUS WASTE**

1. **Proper Disposal** -- The builder shall provide a commercial dumpster on-site during the entire construction phase of development. Debris and waste shall be disposed of in compliance with state regulations. Any items to be buried must be shown on the approved construction plans and cannot be located under proposed streets, drainage ways or the building site. Burning of natural vegetation or structures shall be in accordance with state and local open burning laws. No burning of construction materials is permitted.

2. **Clean-up of Hazardous Waste** -- If hazardous materials are encountered during the construction of any development, it shall be the owner's responsibility to notify the Marshall 's County Health Department and the Indiana Department of Environmental Management and obtain all necessary permits and perform all cleanup operations in compliance with all applicable regulations.

2.13 **RESPONSIBILITY FOR WATER BODIES** -- If a tract being subdivided contains a water body other than a temporary detention facility or portion thereof, responsibility shall be assigned as follows, so that it will not become the responsibility of the County Drainage Board:

1. If lot lines are drawn as to distribute the entire ownership of the water body among adjacent lots, responsibility for safe maintenance of the water body, including vector control, and the adjacent slope above the waterline shall be placed with the individual property owner; or
2. The Plan Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body, including vector control, and the adjacent slope above the waterline remains in common ownership, and shall be placed with a homeowners' association.

2.14 **FRONTAGE ON AN IMPROVED STREET** -- Every lot appearing upon the proposed plat shall abut upon or have sufficient and adequate access to a street designated and labeled within or on the perimeter of the plat and constructed or to be constructed in accordance with the requirements, standards and specifications of these regulations.

2.15 **PUBLIC USES AND OPEN SPACE** -- All proposed major subdivisions shall allocate adequate areas for park, school, recreational and other public and semi-public sites, wherever necessary in conformity with the Comprehensive Plan and in accordance with the following open space requirements:

1. **Influence of Site Topography** -- The location, shape, extent and orientation of permanent open space areas should be consistent with existing and proposed topography and other conditions of the proposed subdivision.
2. **Type of Open Space** -- All permanent open space areas must be either natural areas or recreation areas, with recreation areas being either active or passive. At least 50% of the required open space must be left in its natural state or used for passive recreation, and not be incorporated into active recreation areas (playgrounds, ball fields, etc.).
3. **Designation** -- No residential subdivision plat shall be approved, unless it provides for permanent open space. Permanent open space shall be provided according to the following tables:

Table 2 - 1 SINGLE-FAMILY AND TWO-FAMILY SUBDIVISIONS MINIMUM REQUIRED PERMANENT OPEN SPACE	
Average Lot Size (Square Feet)	% of Total Acreage
Over 43,560	3.0
35,001 – 43,560	3.5
25,001 – 35,000	5.0
15,001 – 25,000	8.0
12,501 – 15,000	10.0
6,001 – 12,500	12.0
Under 6,000	14.0

Table 2 - 2 MULTI-FAMILY SUBDIVISIONS MINIMUM REQUIRED PERMANENT OPEN SPACE	
Number of Dwelling Units	Number of Acres
Under 40	1.0
41 – 60	1.5
61 – 80	2.0
81 – 100	2.5
101 – 120	3.0
121 – 140	3.5
141 – 160	4.0
Over 160	For each 20 additional dwelling units, add an additional 0.5 Acre to 4.0 Acres

4. **Usable and Accessible Space** -- No more than 8.75% of the proposed subdivision's total project area can be covered by water defined as the high-water elevation, including detention and retention areas. The remaining permanent open space must be usable space, and the owner must provide for future maintenance and any necessary facilities to make them usable, including connections, such as roads, sidewalks or paths, to allow access by neighborhood residents.
5. **Minimum Width** – At least 75% of all open space areas must be fifty (50) feet or greater in width. All open space must be 50 feet or greater in width unless it is used as a buffer strip around the development.
6. **Open Space in Phases** -- If the Plan Commission allows for the subdivision to be constructed in phases, open space may be provided for each stage of the subdivision plat, in proportion to that phase, or the Plan Commission may allow the required open space to be consolidated in one or more phases. If the Plan Commission agrees to allow the open space to be consolidated, it shall be so noted on the primary plat, and the owner shall provide a schedule

for development of open space.

7. **Conveyance** -- These areas shall be made available by one of the following methods:

- a. **Dedication** -- Dedication to public use;
- b. **Deed Restriction** -- Reservation for the use of owners of land contained in the plat, by deed restriction or covenants which specify how and under what circumstances the area shall be developed and maintained; or
- c. **Reservation** -- Reservation for acquisition by the County or an agency thereof.

2.16 **LAND SUITABILITY** -- If the Plan Commission finds that the property requested to be subdivided is unsuitable for development because of flooding, topography, inadequate water supply, inadequate sewage disposal, or other conditions which may endanger health, life, or property, the Plan Commission shall not approve the land for subdivision. See also Section 2.11 (1) (d), Lot Area Excludes Unusable Areas, and Section 2.15 (2), Designation. As a minimum, the Plan Commission is empowered to approve the subdivision of land only after it finds that the land meets the following criteria:

1. **Steep Slopes** -- For subdivisions with lots which will be served by individual on-site sewage disposal systems, slopes greater than fifteen percent (15%) shall be considered unsuitable. The Soil Survey of Marshall County may be used preliminarily to determine steep slopes, but final on-site soil evaluation shall be completed by a registered soil scientist.
2. **Water Bodies** -- Each lot will contain a contiguous land area providing a suitable building site, which meets the minimum lot size established by the Zoning Ordinance.
3. **Sewage Disposal** -- Each lot will be served by:
 - a. an existing public or private sewer system, or
 - b. a proposed system design approved by the Indiana Department of Health for non-residential systems and the County Health Department for all systems.

Drainage must be suitable for an on-site sewage disposal system. Proposed elevations for drainage outlets must be furnished to the Marshall County Health Department for approval.

4. **Water Service** -- Each lot will have an adequate supply of potable water through a public or community system approved by the Indiana Department of Health or by individual wells.
5. **Floodway** -- Each lot will contain enough land which is not located in a floodway as defined by the zoning ordinance to accommodate the permitted use(s) of the property, and, if required, an individual on-site sewage disposal system. Lots consisting entirely of land located in a floodway shall not be approved for subdivision.

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CHAPTER 3 SUBDIVISION PROCEDURES

3.01 **PRELIMINARY CONSULTATION** -- Prior to submitting any of the material required by these regulations, the applicant is required to discuss with the Plan Commission Staff the nature of the land division being proposed. The Plan Commission Staff shall inform the applicant of the classification of the subdivision as major or minor, based upon information provided to staff at that meeting, and the applicable procedure which shall be followed under these regulations in order to secure approval. The staff's recommendation for classification as a major or minor subdivision plat may change during the subdivision approval process, if new information regarding the proposed subdivision becomes available. At this consultation, a sketch plan of the development may be proposed for the Plan Commission Staff review. The sketch plan may be a freehand pencil drawing of the area proposed to be platted or may be in any other graphic medium.

3.02 **STAFF REVIEW** -- In order to assist the Plan Commission in evaluating a proposed development for compliance with these regulations, the Plan Commission Staff and their technical review committee shall review each application prior to the Plan Commission's consideration.

1. **Technical Review Committee** -- The Plan Commission's technical review committee shall consist of the following County officials or their designated representative:
 - a. Plan Director (ex-officio none voting)
 - b. County Surveyor
 - c. Highway Superintendent
 - d. Member of Marshall County Health Department
 - e. No more than two (2) members of the Plan Commission total (other than the County Surveyor) and
 - f. any others deemed necessary by the Technical Review Committee (such as representatives of Soil and Water Conservation District, utilities or applicable city or town jurisdictions).
2. **Staff Review Meetings** -- The Plan Commission Staff and their technical advisors shall hold staff review meetings per the approved meeting schedule? An applicant or their representative shall present and explain the proposal to be considered for Plan Commission approval.
3. **On-site Review** -- Prior to the Plan Commission's scheduled meeting to consider the application, the Plan Commission Staff shall conduct an on-site review. The Plan Commission Staff shall then prepare a report concerning the application. The County Surveyor will forward the written findings of the County Drainage Board in accordance with the Marshall County Storm Drainage, and Sediment Control Ordinance.

4. **Review For Compliance** -- The Plan Commission Staff and their technical advisors shall consider, but not necessarily be limited to, compliance with:

a. The following documents:

- I. Subdivision Control Ordinance;
- II. Zoning Ordinance;
- III. Building Code;
- IV. Comprehensive Plan;
- V. Marshall County Storm, Drainage, Erosion and Sediment Control Ordinance.
- VI. Health Department Rules and Regulations and corresponding state agency regulations (Rule 410 IAC 6-8.1);
- VII. Applicant's Guide to Transportation Impact Studies for Proposed Development Within Marshall County, Indiana;
- VIII. Marshall County Private Sewage Disposal Ordinance;
- IX. Indiana Department of Transportation rules and regulations if any lot abuts a state or federal highway; and
- X. Applicant's Guide to Fiscal Impact Studies for Proposed Development Within Marshall County, Indiana;

b. Sound engineering practices.

3.03 **APPLICATION FOR PRIMARY APPROVAL**

1. Application To Be Filed-- The applicant shall submit to the Plan Director a written application for primary approval on forms available at the Planning Department. This application and eight (8) blue line or black line prints of the preliminary development plan of the proposed subdivision, containing the information required in Section 3.04 of this ordinance, and bearing the seal of a duly registered engineer or land surveyor in the State of Indiana, shall be filed with the Secretary in the time frame established by the Marshall County Plan Commission in accordance with their Rules of Procedure.

2. Distribution of Copies -- The Secretary shall retain three (3) copies of the plats and development plans, and additional copies of the plats and development plans, stamped by the Planning Department, are to be distributed by the applicant to the following offices: County Highway Department, County Health Department, and County Surveyor (two copies).

3. Supporting Material -- In addition to the above required information, the applicant shall also submit the following supporting material:

- a. **Sewer Service --** Capacity Letter for sanitary sewer service (if applicable), from the sanitary sewer service provider.
- b. **Water Service --** Letter(s) of Intent for public water service (if applicable) from the public water service provider.
- c. **Off-Site Easements --** A letter of intent from the applicable property owner for any off-site easements.

- d. **Wetlands** -- A letter identifying the location of any jurisdictional wetlands from the property owner.
4. **Fees** -- An applicant shall pay the specified fee at the time of filing the application for primary approval. The application fee shall be established by the Marshall County Fee Ordinance.

3.04 **SUBMISSION REQUIREMENTS FOR PRIMARY APPROVAL** -- After the Plan Commission staff informs the applicant of the classification of the subdivision, the applicant shall submit a primary plat and development plan, including the following:

1. **General Information:**

- a. **Scale and Paper Size** -- The primary plat shall be drawn at a standard engineering scale, shown on the drawings, of not more than one hundred (100) feet to one (1) inch, unless otherwise instructed by the Planning Director. The maximum page size shall not exceed twenty-four (24) inches by thirty-six (36) inches. For the ease of reading and clearly showing detail on the primary plat, additional sheets may be necessary. The match lines shall follow lot lines or streets whenever possible. The applicant must also submit an eleven- (11) inch by seventeen- (17) inch reduction of the primary plat, and a digital copy of the primary plat in a format specified by the Planning and Department in the application packet.
- b. **Basic Information** -- Owner, developer, professional engineer or surveyor, their addresses and telephone numbers, date of plans and any revisions, and north point;
- c. **Vicinity Map** -- General Area Vicinity Map detailing project environs, current zoning, and streets within one thousand (1,000) feet;
- d. **Topography** -- Topography based on mean sea level elevation at a minimum two- (2) foot interval for the project site and any adjoining areas whose topography may affect project drainage. If the drainage area is extensive an additional map of sufficient clarity must be provided;
- e. **Subdivision Name** -- Name of the subdivision and phase;
- f. **Legal description** -- Location by section, township and range, and by proper legal description;

- g. **Property Owner Map** -- One (1) copy of the plat map page(s) that indicate adjacent property owners within six hundred sixty (660) feet or at least two ownerships in depth, whichever represents the greatest distance.

- h. **Jurisdiction** -- A list of the postal zip code(s) for the site, and a list of who has jurisdiction, when provided, for the following services on the subject property. If a service provider is willing or able to serve the site in question, the service provider shall be listed. In any case where there is more than one entity with jurisdiction on the site, a map shall be submitted, which shows the jurisdictional boundary with regards to the proposed lots.
 - I. Fire and rescue services;
 - II. Electrical service;
 - III. Natural gas service;
 - IV. Telephone service;
 - V. Cable (television, etc.) service;
 - VI. Public or private water service;
 - VII. Public or private sewer service; and
 - VIII. Applicable school district.

2. Existing Conditions:

- a. **Environmental Elements** -- Environmental elements, including, but not limited to the location of existing streams, lakes, ponds, jurisdictional wetlands, sink holes, watercourses, and other water runoff channels, and wooded areas, where applicable;
- b. **Drainage** – In accordance with the Marshall County Storm, Drainage Erosion and Sediment Control Ordinance... Also required are:
- c. **Utilities** -- Existing storm and sanitary sewers, inlets, outfalls, existing septic tank systems, treatment plants, outlets, wells and any other utilities;
- d. **Structures** -- Existing structures;

- e. **Lot Summary** -- Lot summary table, containing zoning, lot size minimum and maximum, required and proposed, and total acreage of open space;
- f. **Boundary** -- Boundary and acreage of project site indicated by heavy solid lines based on a traverse with angular and linear dimensions;
- g. **Other Conditions** -- Other significant conditions of the area proposed to be improved.
- h. **Adjoining Property Owners** -- Adjoining property owners;
- i. **Monumentation** -- The true course and distance to the nearest section line or subdivision line, which accurately describes the location of the tract(s), including the notation of monument found if possible.

3. Site Improvements:

- a. **Watercourses** -- Proposed changes in streams, lakes, wetlands detention basins, watercourses and water runoff channels, and associated 100 year flood boundaries, all properly identified;
- b. **Drainage** -- Proposed location of regulated drains, surface and subsurface drains, inlets, outfalls, and easements;
- c. **Utility Locations** -- Proposed location, of storm and sanitary sewers, inlets and outfalls, on-site sanitary effluent disposal systems (including on-site sewage system laterals), water mains, fire hydrants, valves and affected utilities;
- d. **Structures** -- Structures to be removed or relocated on the project site;
- e. **Cross Sections** -- The location and typical cross section of proposed streets, roads, sidewalks, culverts, bridges, parking lots, and hard surfaced areas;
- f. **Lot Layout** -- Layout and number of lots, including dimensions, building setback lines and easements, boundary and number of proposed sections;
- g. **Areas for Public and Semi-Public Uses** -- Areas to be allocated for park, school, recreational, and other public and semi-public sites in conformity with the Comprehensive Plan and the standards found in Section 2.15, Public Uses and Open Space;

- h. **Common Areas** -- Areas to be allocated for common areas;
 - i. **Recreational Areas** -- Areas to be allocated for public or private recreational use;
 - j. **Open Space Areas** -- Areas to be preserved as open space in accordance with Section 2.15 of this ordinance;
 - k. **Sidewalks** -- Proposed sidewalk and path network;
 - l. **Thoroughfare Bufferyards** -- Thoroughfare bufferyards in compliance with Section 9.04, Thoroughfare bufferyards.
- 4. Notice of Public Hearing** -- The Plan Commission shall hold a public hearing for primary approval and notice of such hearing shall be as provided in the Rules of Procedure of the Marshall County Area Plan Commission. In addition, the following notifications are required:
- a. **Notification of Other Parties** -- Proof that the applicant has notified all affected utility companies, local fire departments, school superintendent of the affected school district and all affected incorporated town(s) located within two (2) miles of the proposed development site in the same manner as prescribed in the Rules of Procedure of the Marshall County Area Plan Commission, and has also provided those parties listed above with said notice a copy of the primary plat and construction plans. Proof of notification shall be certified mail receipts; and
 - b. **Signs on Property** -- The Planning Department shall furnish a sign or signs for the applicant to place at the location of the proposed subdivision property prior to the public hearing, as prescribed in the Plan Commission Rules of Procedure. Said signs shall be located in accordance with the standards of the Plan Commission Rules of Procedure.

5. Supporting Documentation:

- a. **Traffic Engineering Studies** -- Engineering studies that reflect the additional traffic generated by the proposed project as related to the entrance details and improvements to the existing road network, including but not limited to, designation and design of appropriate street classification, tapers, deceleration lanes, bypass blisters, traffic control devices and turning lanes at affected intersections. These studies must be in accordance with AASHTO, INDOT and the Marshall County Highway's requirements, including the Applicant's Guide to

Transportation Impact Studies for Proposed Development for Marshall County;

- b. **Fiscal Impact Study** -- A fiscal impact study shall be required for all residential developments of 150 dwelling units or more, and any other development where the Plan Commission deems a fiscal impact study necessary to make an informed decision.

3.05 **PRIMARY APPROVAL** -- The Plan Commission shall hold a public hearing for a subdivision in the time frame established by the Plan Commission's rules of procedure, following the proper submittal of a complete application. After the Plan Commission has reviewed the primary plat and construction plans, the Plan Commission Staff's report, other agency reports, and heard testimony submitted at the public hearing, the Plan Commission shall then make its decision, adopt its findings of fact and announce its decision in public.

3.06 **WRITTEN FINDINGS OF FACT**

1. **Findings in Writing** -- If primary approval is granted or denied at the public hearing, then the Plan Commission shall state its findings and decision in writing, in accordance with IC 36-7-4-707, and it shall be signed by the President and the Secretary of the Plan Commission.
2. **Corrections before Resubmittal** -- If primary approval is denied, the applicant shall correct the deficiency noted by the Plan Commission prior to resubmitting for primary approval as set forth in the Rules of Procedures for the Plan Commission.
3. **Presentation to Applicant** -- The written findings of fact shall be presented to the applicant within ten (10) working days after the hearing.

3.07 **REVIEW BY CERTIORARI OF PLAN COMMISSION'S DECISION** --
The primary approval or disapproval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission that may be reviewed as provided by Indiana Code 36-7-4-1016.

3.08 **EFFECTIVE DATE OF PRIMARY APPROVAL**

1. Primary Approval for Two Years -- The primary approval shall be effective for a period of two (2) years after the date of primary approval, at the end of which time secondary approval of the subdivision or any section thereof must have been obtained.

2. Secondary Approval for Sections -- Subdivisions with multiple sections or phases must receive at least one secondary approval every two years, until all sections or phases included in the primary have been approved, with a maximum time allowance of seven (7) years. See also Section 1.09 (2) (b), Secondary Approval, for approval of phases under prior ordinances.

3. New Application -- Any subdivision not receiving secondary approval within the period of time set forth herein shall be null and void, and the owner shall be required to resubmit a new primary application for review and approval subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission.

4. Extension of Primary Approval -- Upon written request from the applicant, the Plan Commission may extend the primary approval for a maximum of one (1) year beyond the expiration date without a public hearing.

3.09 **APPLICATION FOR SECONDARY APPROVAL** -- After approval of the primary development plans, the Plan Commission, as allowed, may consider the secondary plat and construction plans. The secondary plat shall substantially conform to the approved primary plat and shall incorporate all required changes. If the secondary plat includes only a portion of the entire development approved on the primary plat, the Plan Commission shall consider the effect of secondary platting a portion of the entire development and may require additional areas to be included in the secondary plat. The application shall include:

1. Secondary Approval Form -- The application shall be submitted on a form available at the Planning Department;

2. Copies Required -- The application shall be accompanied by eight (8) copies of the secondary plat and construction plans as described in these regulations;

3. Inspection Agreement -- The application shall be accompanied by a properly completed County/Owner Inspection Agreement (See Appendix B);

4. Compliance with Primary Approval -- The application shall be in total compliance with these regulations and the terms or conditions of primary approval;

5. Model Home Letter -- If applicable, include a letter of intent indicating that the applicant wishes to construct a model home prior to recording. The letter of intent must include the proposed lot number on which the model home will be constructed. A maximum of five (5) homes may be permitted per subdivision and a Certificate of Occupancy will not be issued for the model home until the subdivision or section thereof has been properly recorded. Certain necessary improvements may be required of the owner prior to issuance of the improvement location permit. See Section 11.03, Conditional Model Homes and Sales Offices, for more information on Model Homes and Temporary Sales Offices.

6. Sanitary Waste Disposal -- The applicant shall also submit an Allocation Letter for sanitary sewer service or soil borings if sanitary sewer service is not available.

3.10 FEES -- An applicant shall pay the specified fee at the time of filing the application for secondary approval. The application fee shall be established by the Marshall County Fee Ordinance and shall be nonrefundable.

3.11 SECONDARY PLAT AND CONSTRUCTION PLANS -- The secondary plat and construction plans shall include the following information:

1. General Information:

a. **Scale and Page Size** -- The secondary plat shall be drawn at a standard engineering scale of not more than fifty (50) feet to one (1) inch. The maximum page size shall not exceed eighteen (24) inch by twenty-four (36) inches, with a minimum two (2) inch margin on the right side. For the ease of reading and clearly showing detail on the secondary plat, additional sheets may be necessary. The match lines shall follow lot lines or streets whenever possible. The applicant must also submit an eleven (11) inch by seventeen- (17) inch reduction of the secondary plat and

construction plans, and a digital copy of the secondary plat in a format specified by the Planning Department.

- b. **Basic Information** -- Project name, owner, developer, professional engineer and/or surveyor, their addresses and telephone numbers, legal description, date of plans and any revisions, scale of plan, and north point;
- c. **Vicinity Map** -- General Area Vicinity Map detailing project environs, current zoning, and streets within one thousand (1,000) feet;
- d. **Topography** -- See Marshall County Storm, Drainage, Sediment Control Ordinance;
- e. **Permanent Ink and Mylar** -- The secondary plat shall be drawn at a standard engineering scale in ink on Mylar or the equivalent. All certifications shall be made in permanent black ink with each signature accompanied by the printed name;
- f. **Name** -- Name of the subdivision and phase;
- g. **Legal Description** -- Location by section, township and range, and by proper legal description;
- h. **Surveyor's Certification** -- The signature, seal and certification of a land surveyor registered in the State of Indiana on each page of the secondary plat (see Appendix C);
- i. **Owner's Certification** -- Certification and dedication by the legal owner with a notarized signature (see Appendix C);
- j. **Approval Certificate** -- Certification of secondary approval and signature lines for the President and the Secretary of the Plan Commission on each page of the secondary plat (see Appendix C);
- k. **Addressing Sheet** -- A sheet, drawn to a scale of 1:100 or 1:200, depending on the size of the project, to be used for assigning addresses. Said addressing sheet shall include the following:

I. Master Project Layout -- Master project layout, showing the relationship between sections and showing all street names;

II. Lot Lines and Numbers -- Lot lines and lot numbers on lots, but including no dimensions or easements.

2. **Existing Conditions:**

a. **Land Suitability Summary – Land** suitability summary containing the following information:

I. **Lots** -- For lots which will be served by individual on-site sewage disposal systems, topography, soils and drainage must be suitable for on-site sewage disposal systems as determined by the Marshall County Health Department. In some instances, there may be alternative systems that could be used on slopes other than those listed here, but those systems would require approval by the Health Department.

II. **Subdrains** -- When subdrains are required by the Plan Commission or Plat Review Committee, the total linear footage of the subdrains.

III. **Floodway** -- See Marshall County Storm, Drainage, and Sediment Control Ordinance.

b. **Environmental Elements** -- Environmental elements, including, but not limited to the location of existing streams, lakes, ponds, watercourses, and other water runoff channels, and wooded areas, where applicable;

c. **Drainage** -- See Marshall County Storm, Drainage and Sediment Control Ordinance;

d. **Sewage** -- Existing sanitary sewers, inlets, outfalls, on-site sewage disposal systems, treatment plants, outlets, wells and any other utilities;

e. **Structures** -- Existing structures;

f. **Project Boundary and Acreage** -- Boundary and acreage of project site indicated by heavy solid lines based on a traverse with angular and linear dimensions;

g. **Other Significant Conditions** -- Other significant conditions of the area proposed to be improved.

h. **Monument** -- All subdivisions must be cross-referenced to a recorded boundary survey that fully complies with Title 865 IAC Chapters 1 - 12.

- i. **Geographical Lines** -- City, town, township, county and section lines accurately tied to the lines of the subdivision by courses and distances;
 - j. **Streets Designations** -- Street designations and labels, in accordance with the provisions of these regulations and the Thoroughfare Plan , names and lines of all streets within, and on the perimeter of the plat, with accurate dimensions in feet and hundredths and angles or bearings to streets, alleys and lot lines shown at least to the nearest minute;
 - k. **Street Geometrics** -- Radii, central angles, tangents, lengths of arcs, degree of curvatures, angles and bearings at street intersections and a complete street traverse of each street within and on the perimeter of the plat;
 - l. **Alleys** -- Lines of any existing alleys within and on the perimeter of the plat, with accurate dimensions in feet and hundredths;
3. **Proposed Conditions:**
- a. **Covenants** – **For** informational purposes only, any covenants and other restrictions that will run with the land included in the subdivision.
 - b. **Water Bodies** -- See Marshall County Storm Erosion and Sediment Control Ordinance;
 - c. **Drainage** -- See Marshall County Storm Erosion and Sediment Control Ordinance;
 - d. **Sanitary** -- Proposed sanitary sewers, inlets, outfalls, existing septic tank systems, treatment plants, outlets, wells and any other utilities;
 - e. **Structures** -- Structures to be removed or relocated on the project site;
 - f. **Location and Cross Section** -- The location and typical cross section of proposed streets, roads, alleys, sidewalks, culverts, bridges, parking lots, and hard surfaced areas;
 - g. **Lot Layout** -- The layout and the number of lots, including dimensions, building setback lines and easements, boundary, phasing plan and number of proposed sections;
 - h. **Driveway Permit** -- If any lot is proposed to receive required access be from an existing county road that is classified as a collector or arterial, in addition to a waiver of Section 2.11 (2)(b), Access Limited, the applicant must obtain a driveway permit from the Marshall County Highway Department.. If any lot in a subdivision is to receive access from a State highway, in addition to a waiver of Section 2.11 (2) (b), Access Limited, written evidence that a driveway permit can be issued by the Indiana Department of Transportation must be provided.

- i. **Public Areas** -- Areas to be allocated for park, school, recreational, and other public and semipublic sites in conformity with the Comprehensive Plan and Section 2.15, Public Uses and Open Space;
 - j. **Lot Summary** -- Lot summary table, containing zoning and lot size in square footage or acres for each lot, total acreage of open space, total acreage of water bodies, total acreage of public improvements, and total acreage of any private streets and total acreage of other private improvements;
 - k. **Lot Numbers and Dimensions** -- All lot numbers and lines, with accurate dimensions in feet and hundredths. Generally lot numbers must be in conformance with lot numbers of the primary plan;
 - l. **Utility Plan** -- A utility plan showing proposed pedestals and lines of all easements provided for public services, drainage, and utilities, in approximate locations with dimensions in feet. No utility poles or pedestals shall be set on property corner or in drainage swales;
 - m. **Setback Lines** – All building setback lines accurately shown with dimensions, however, note that only the front building setback line shall be shown on the plat to be recorded;
 - n. **Drainage Board Approval** -- The following statement is required to be placed on all subdivision plats:
- n. **Drainage Board Approval** – The following statement is required to be placed on all subdivision plats:

“The storm drainage system and its easements that are accepted into the County’s Regulated Drainage System are delineated on this plat as RDE (Regulated Drainage Easement). These drainage easements are established under the authority of the Indiana Drainage Code and said Board may exercise powers and duties as provided in said code. All other storm drainage easements have not been accepted into the Regulated Drainage System and are the responsibility of the homeowners or homeowners association or the property owner for non-residential subdivision. This subdivision contains _____linear feet of open ditch and _____linear feet of subsurface drains, which will be included in the Marshall County Regulated Drainage System.

4. Detailed Construction Plans

- a. **Scale and Paper Size** -- Detailed construction plans shall be drawn at a standard engineering scale of not more than sixty (60) feet to one (1) inch. The maximum page size shall not exceed twenty-four (24) inches by

thirty-six (36) inches. The match lines shall follow lot lines or streets whenever possible.

- b. **Location and Design of Improvements** -- Construction plans shall show the specific location and design of improvements to be installed in accordance with the requirements of these regulations and the conditions of primary approval.
- c. **Detail** -- Construction plans shall be of sufficient detail to allow a reasonably competent contractor sufficient information to install all proposed improvements. The detailed construction plans shall include the following information:
 - I. **Basic Information** -- Project name, owner, developer, professional engineer or surveyor, their addresses and telephone numbers, legal description, date of plans and any revisions, scale of plan, and north point;
 - II. **Topography** -- See the Marshall County Storm Erosion and Sediment Control Ordinance;
;
 - III. **Waterways** -- See the Marshall County Storm Erosion and Sediment Control Ordinance;
 - IV. **Sanitary** -- Proposed sanitary sewers, inlets, outfalls, existing septic tank systems, treatment plants, outlets, wells and any other utilities;
 - V. **On-Site Sewage** -- If an individual on-site sewage disposal system is proposed, show locations and results of soil analysis for each lot performed by an individual registered as a soil scientist. Individual on-site sewage disposal systems must have room for two systems, both a primary and a secondary (future) site. The secondary site must be a minimum of one thousand five hundred (1500) square feet (suitable size and dimension for the approved system), designated with an easement;
 - VI. **Structures** -- Existing structures and structures to be removed or relocated on the project site;
 - VII. **Wetlands** -- See the Marshall County Storm Erosion and Sediment Control Ordinance;
 - VIII. **Water** -- **Water** mains, fire hydrants, valves and locations of affected utilities;

- IX. **Location and Design of Streets** -- The location and design including curves, grades, elevations and typical cross sections of proposed streets, alleys, roads, sidewalks, culverts, bridges, parking lots, and hard surfaced areas, including depressed pavements used to convey or temporarily store overflow from heavier rain storms, and outlets for such overflow;
- X. **Streams and Floodplains** -- See the Marshall County Storm Erosion and Sediment Control Ordinance;
- XI. **Erosion Control** -- See the Marshall County Storm Erosion and Sediment Control Ordinance;
- XII. **Lot Layout** -- The layout and the number of lots and building setback and lines;
- XIII. **Drainage** -- See the Marshall County Storm Erosion and Sediment Control Ordinance;
- XIV. **Design for 100-Year Storm** -- See the Marshall County Storm, Drainage, and Sediment Control Ordinance;
- XV. **Overall Utility Plan** -- A separate overall utility plan showing the lot and street layout, storm sewer system, sanitary sewers, water lines, and all inlets, manholes, fire hydrants, and valves for all sections of this development approved to date. This utility plan may be drawn at a smaller scale than one (1) inch = fifty (50) feet. Dimensions and elevations are not required unless necessary for clarity;
- XVI. **Street Signage** -- Street identification and regulatory signs, location shown;
- XVII. **Plan and Profile Sheets** -- Separate plan and profile sheets must be provided for all proposed streets, storm sewers, sanitary sewers, and buffering, and landscaping where necessary. All crossings must be shown and correctly labeled;
- XVIII. **Area for Public Uses** -- The overall area to be allocated for park, school, recreational, and other public and semipublic sites in conformity with the Comprehensive Plan and Section 2.15, Public Uses and Open space.

- XIX. **Landscaping and Screening Plan** -- indicating plant types, number, location, size and method of installation (shall comply with Chapter 50, Bufferyards and Landscaping, of the current Zoning Ordinance);
- XX. **Phasing Schedule** -- The schedule of any phasing of the project;
- XXI. **Significant Conditions** -- Other significant conditions of the area proposed to be improved;
- XXII. **Miscellaneous** -- Other miscellaneous standards, as required by the Planning and Building Department;
- XXIII. **Schedule** -- A schedule including the following:
- a. Total lineal feet, type of pipe and size of pipe for the each system (storm, sanitary and water) located within (this section of) the subdivision. This should also include the total lineal footage of all sub-surface drains as well as type and size of those drains;
 - b. Total number of inlets, outlets, manholes, endsections and any other storm structures;
 - c. Total lineal feet and width of all paved roads, sidewalks, and pathways;
 - d. Total number of cul-de-sacs;
 - e. Approximate square footage and lineal footage of grading for swales, detention/retention ponds and any other areas requiring grading for the drainage system.

5. Supporting Documentation:

- c. **Traffic Engineering Studies** -- Engineering studies that reflect the additional traffic generated by the proposed project as related to the entrance details and improvements to the existing road network, including but not limited to, designation and design of appropriate street classification, tapers, deceleration lanes, bypass blisters, traffic control devices and turning lanes at affected intersections. These studies must be in accordance with AASHTO, INDOT and the Marshall County Highway's requirements, including the Applicant's Guide to Transportation Impact Studies for Proposed Development for Marshall County;
- d. **Wetland Mitigation Plan** -- An appropriate wetland mitigation plan and the approved permit for any development where jurisdictional wetlands will be adversely affected;
- e. **Environmental Impact Studies** -- An environmental impact study for any development that, due to unusual circumstances, the planning director believes may affect the ecosystem of Marshall County.
- f. **Fiscal Impact Study** -- A fiscal impact study shall be required for all residential developments of 100 dwelling units or more, and any other development where the Plan Commission deems a fiscal impact study necessary to make an informed decision;
- g. **Other Environmental Studies** -- Additional environmental studies for any development that contains possible contamination and/or endangered species.

3.12 **APPEAL** -- All decisions of the Technical review committee (Staff) may be appealed to the Plan Commission at the next available regularly scheduled Plan Commission meeting. All decisions of the Plan Commission may be appealed in accordance with the Indiana Code 36-7-4-708.

3.13 **SECONDARY APPROVAL** -- Secondary approval may be granted to a plat only after the requirements in this section have been satisfied.

1. Action at Meeting -- After the proper submittal of a complete application and review of all pertinent information, the Plan Commission may grant, deny or continue secondary approval at a meeting scheduled in accordance with the Plan Commission's rules of procedure.

2. Appeals -- Secondary approval may not be granted to a plat until expiration of the ten (10) days appeal period in accordance with Indiana Code 36-7-4-708;

3. Compliance with Conditions -- Secondary approval may not be granted to a plat unless there is full compliance with the conditions and requirements set forth by the Plan Commission for primary approval;

4. Other Government and Utility Approvals -- Secondary approval may not be granted to a plat until all necessary approvals from other agencies are obtained. These approvals shall include any federal, state, or other local approval on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:

a. Federal Agencies:

- I. Federal Communications Commission;
- II. Federal Aviation Administration;
- III. Federal Emergency Management Agency; and
- IV. U.S. Army Corp of Engineers.

b. State Agencies:

- I. Indiana Department of Environmental Management;
- II. Indiana Department of Natural Resources;
- III. Indiana Department of Transportation; and
- IV. Indiana State Department of Health.

c. Local Agencies

- I. Marshall County Drainage Board.
- II. Marshall County Health Department
- III. Marshall County Highway Department

d. Utility Companies

- I. Public or private utilities for sanitary sewer; and
- II. Public or private utilities for water services.

e. Other Provisions -- All other provisions of this ordinance.

3.14 WRITTEN FINDINGS OF FACT

- 1. **Decision in Writing --** If secondary approval is granted or denied at the meeting, then the Plan Commission shall state its findings and decision in writing and it shall be signed by the Secretary of the Plan Commission, in accordance with IC 36-7-4-707.
- 2. **Correct Deficiencies --** If secondary approval is denied, the applicant shall correct the deficiency noted by the Plan Commission or Technical Review Committee, in the findings prior to resubmitting for secondary approval.
- 3. **Findings to Applicant --** The findings shall be presented to the applicant within ten (10) working days after the hearing.

3.15 PROVISIONS FOR COMPLETION OF IMPROVEMENTS

- 1. **Completion of Improvements --** Before a secondary plat is processed for recording by the County's Plan Commission Office, the owner shall be required to complete, in accordance with the secondary approval for major subdivision or for minor plats, and to the satisfaction of the Planning Department and County Highway Department, all improvements as required by these regulations.
- 2. **Delays --** The Plan Commission may choose to grant certain delays to the completion of the improvements required by these regulations before a plat may be recorded.
 - a. **Due to Weather --** Delays which may be considered because of weather conditions, such as consistent temperatures of freezing or below include, but are not limited to placement of the asphalt surface course, boundary improvements, certain erosion control measures, sidewalks, landscaping and/or street lights (if required).

- b. **Additional Delays** -- If the owner desires to have additional delays, his/her written request, stating the reason for the desired delay will be reviewed by the Plan Commission and either granted or denied.
- c. **Performance Guarantee Required** -- Improvements shall be covered by a performance guarantee in the amount of 110% of the estimated construction cost, except for those improvements where the total installed cost of the improvements is less than two thousand dollars (\$2000.00).
- d. **Granted for One-Year** -- Delays granted under this Section shall be for a period not to exceed one- (1) year.
 - I. **Extensions** -- The Plan Commission may grant an extension of up to one (1) year for the completion of the improvements, based upon a request by the owner and evidence justifying the request.
 - II. **New Estimate** -- Before granting an extension, the Plan Commission may secure a new estimate of the cost of the improvements from the County Highway Department. If the estimate has increased, the Board of County Commissioners shall require an increase in the amount of the performance guarantee.

3.16 ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE GUARANTEES

- 1. **Completion of Improvements** - All improvements not covered by a performance guarantee shall be installed in accordance with the design standards principles and specifications contained in these regulations and shall be inspected at such times during construction as required by these regulations.
- 2. **Types of Performance Guarantees** -- The authority of administration and enforcement of the performance guarantee shall lie with the Board of County Commissioners or its designated representative, including the grant of a qualified delay from installation. For those improvements that are granted qualified delay from installation prior to recording, a performance guarantee in accordance with Appendix B₂ and payable to the Board in the amount equivalent to 110% of the estimated completion costs, shall be posted by the owner prior to recording the secondary plat. This estimate shall be prepared by the design engineer and reviewed by the County Highway Department. The types of performance guarantees allowed are as follows:
 - a. **Irrevocable Letter of Credit** - For those improvements with a total installed cost of under \$250,000, an irrevocable letter of credit shall be

used. The owner may submit an irrevocable letter of credit. In the event an irrevocable letter of credit is utilized, it shall be written in accordance with Appendix B and must be written for a minimum length of one (1) year; or

- b. **Cashiers Check** -The owner may submit a cashiers check made payable to the Marshall County Planning and Building Department.
 - c. **Performance Bond** - For those improvements with a total installed cost of \$250,000 and above, a performance bond shall be used. This performance bond shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency, and manner of execution, in accordance with Appendix B.
3. **Full Force until Release** -- A performance guarantee shall be deemed by the Board of County Commissioners to be in full force and effect until the time the guarantee is released by written notice by the Board of County Commissioners.
 4. **Current Until Improvements Accepted** -- It shall be the responsibility of the owner to keep the performance guarantee current and not allow it to expire until all improvements have been accepted by the Board of County Commissioners.
 5. **No Permits with Expiration** -- If the performance guarantee does expire, no improvement location permits will be issued to those lots within the subdivision or section there of which required the performance guarantee until a new guarantee is provided.
 6. **Release** -- Upon completion of the improvements for which a performance guarantee has been provided, the owner shall request a release of the performance guarantee in writing from the Marshall County Planning Department.
 - a. **Inspection** -- The Planning Department will conduct an inspection of the completed improvements. Such inspection shall be in accordance with MCSDCO.
 - b. **Maintenance Guarantee** -- If the improvements have been completed to the satisfaction of the Planning Department and if a suitable maintenance guarantee has been provided in accordance with Appendix B, then the Board of County Commissioners shall release the performance guarantee.
 - c. **Appeals** -- Appeals of the Marshall County Planning Department decisions regarding inspection of completed improvements shall be made to the Board of County Commissioners.

3.17 **PROVISIONS FOR MAINTENANCE OF IMPROVEMENTS**

1. **Amount of Guarantee** -- As a condition of acceptance of an improvement on release of the performance guarantee, the Board of County Commissioners shall require the owner to post a maintenance guarantee in an amount equal to twenty (25%) percent of the cost of the improvements.
2. **Required for Delay** -- A maintenance guarantee must be submitted at the time a performance guarantee is submitted for any delays granted. The maintenance guarantee must include all improvements, including those for which delays are granted, and remain valid for a period of three (3) years after the performance guarantee is released for any and all delays granted.
3. **Types of Guarantees** -- The maintenance guarantee shall be one (1) of the following forms:
 - a. **Irrevocable Letter of Credit** - The owner may submit an Irrevocable Letter of Credit. In the event an Irrevocable Letter of Credit is used, it shall be written for a minimum length of three (3) years. The letter of credit must be in accordance with Appendix B.
 - b. **Cashiers Check** -- The owner may submit a cashiers check made payable to the Marshall County Planning Department, which must remain valid for a minimum of three (3) years. The alternative is only available in the amount of less than ten thousand dollars (\$10,000.00).
 - c. **Maintenance Bond** - If the required maintenance guarantee amount is fifty thousand dollars (\$50,000) or more, the owner may submit a maintenance bond. This bond shall comply with all statutory requirements and shall be in compliance with Appendix B.
4. **Three-Year Period** -- The maintenance guarantee shall be for a period of three (3) years.
5. **Release** -- The procedure for release of a maintenance guarantee shall follow the same procedure as in Section 3.16 (6), Release. Such inspection shall be in accordance with MCSDCO.

3.18 **TEMPORARY IMPROVEMENTS**

1. **Owner Pays** -- The owner shall build and pay for the cost of all temporary facilities and improvements required by the Plan Commission.

2. **Performance** -- Prior to construction of any temporary facility or improvement, the owner shall file with the Planning Department a separate and satisfactory performance guarantee, in accordance with Section 3.16 of this ordinance, which shall insure that the temporary facility will be properly constructed and removed. Said performance guarantee shall be in an amount equal to 110% of the cost of construction and removal of the temporary improvement(s).

3. Maintenance -- Provisions must also be made for maintenance of temporary facilities and improvements, in accordance with Section 3.17 of this ordinance. In all cases, the owner shall maintain these improvements for the period specified by the Plan Commission.

3.19 INSPECTIONS

- 1. All Improvements Inspected** -- The owner shall be responsible for having all improvements inspected for compliance with the approved plans and provisions of these regulations. The owner's responsibility for inspections extends to sanitary sewer and water lines and other utility installations where they interact with improvements such as subsurface drains or drainage swales.
- 2. Inspection Agreement** -- The owner shall complete the County/Owner Inspection Agreement located in Appendix B and shall agree to compensate the County for all cost incurred to provide the necessary inspections of the project. This cost shall be based upon a standard hourly rate for the estimated amount of construction time.
- 3. Owner to Pay for Inspections** -- The owner shall pay the total estimated cost for the inspection services prior to the pre-construction meeting and then will be billed on a regular basis for services rendered above this estimate. Failure to pay within thirty (30) days shall be grounds for termination of construction activities. The owner shall pay the total cost of inspections prior to the final acceptance of the improvements. All payments shall be in the form of a cashiers check payable to Marshall County.
- 4. Owner Responsible for Testing** -- The owner shall be responsible for providing all documentation and testing results required by the county for the improvements including, but not limited to the following: compaction tests; infiltration/exfiltration tests to sanitary sewers, pressure tests for water lines, material quality and pavement corings if required.

3.20 DUTIES AND POWERS OF INSPECTORS

- 1. Inspectors Appointed** -- The Planning Department shall appoint such person(s) as it deems necessary to accomplish adequate inspection and review of all improvements constructed within the jurisdiction of the Board of County Commissioners.
- 2. Inspector's Duties** -- The Inspector shall perform, but not necessarily be limited to, the following duties:
 - a. **Pre-Construction Meeting** -- Conduct a pre-construction meeting prior to commencement of construction.
 - b. **Monitor Work** -- Monitor work being performed to insure that it complies with the standards and specifications of these regulations;
 - c. **Maintain Log** -- Maintain an accurate log of his inspections and findings;
 - d. **Issue Orders** -- Issue directive or stop-work orders when necessary to assure compliance with the approved plans and these regulations; and

- e. **Make Reports** -- Make reports to the Planning Department or County Highway when necessary or when requested. Other Marshall County officials shall formally make a request for a report, when necessary, to the Planning Director.

3.21 **RECORD DRAWINGS**

1. **Owner to Submit Record Drawings** -- Upon completion of the improvements, the owner shall submit four (4) sets of record drawings to the Planning and Building Department. Note that the owner is not required to resubmit the approved secondary plat and the entire related set of plans unless staff requests it.
2. **Drawings Show Actual Locations** -- The record drawings shall show the actual locations with ties to permanent points of reference, specifications, and all materials used for the improvements installed in the subdivision or section thereof, which shall include, but not be limited to actual locations of all storm sewer structures, storm sewer laterals, sanitary sewer laterals and flow line grade of all swales and ditches, not to exceed fifty (50) feet in distance between measurements. The Health Department, the County Highway Department and the County Surveyor or the Plan Commission Director may specify additional requirements. A registered professional engineer or land surveyor shall certify these drawings.
3. **Sets for County Officials** -- The Planning Director shall forward one (1) copy of the record drawings to the Marshall County Health Department, and the County Surveyor. Only those pages required in order to show the actual conditions will be submitted. The Planning Director must approve any deviation from the approved grade or material.
4. **Professional Engineer Certification** -- In accordance with The Marshall County Storm Drainage and Sediment Control Ordinance, record drawings shall include a certification by the professional engineer and/or registered land surveyor that the improvements have been installed and are fully functional in the way they were designed to work.

3.22 **FAILURE TO COMPLETE IMPROVEMENTS**

1. **Shall Not Record** -- For a subdivision or section thereof for which no performance guarantee has been posted, if the improvements are not completed within the period of validity of the subdivision approval, the secondary plat or section thereof shall not be recorded.
2. **Default** -- In those cases where a performance guarantee has been posted and the improvements have not been installed prior to the expiration of the guarantee, the Board shall declare the guarantee to be in default and cause all improvements to be installed according to the approved plans, regardless of the extent of building development at the time the guarantee is declared to be in default.

3.23 **RECORDING OF SECONDARY PLAT**

1. **Review Before Recording** -- No secondary plat shall be submitted for recording until it has been thoroughly reviewed by the design engineer or land surveyor for completeness, accuracy, and compliance with these regulations and all other applicable rules, regulations, and laws.
2. **Submissions Before Recording** -- No secondary plat shall be recorded until all applicable maintenance guarantees, performance guarantees and record drawings, including profile pages from the plans, have been submitted and approved.
3. **Front Setback Line Required** -- The front building setback line shall be shown on the plat to be recorded;
4. **Signatures Required** -- Each page of the secondary plat shall bear the signatures of the land surveyor, and either the President and the Secretary of the Plan Commission and Secretary of the Plan Commission, as appropriate, and seals of the land surveyor and the Plan Commission.

3.24 **TIME LIMITATION TO RECORD SECONDARY PLAT**

1. **Record within Two Years** -- Every major or minor subdivision plat approved after the effective date of these regulations shall be recorded within two (2) years after the date of plat approval.
2. **Expiration** -- Any plat that is not so recorded within the two (2) year period shall, at the expiration of the two (2) year period, become invalid and shall not be entitled to recording without re-approval by the Plan Commission, in accordance with the standards, requirements and procedures specified by these regulations at the time of re-approval.
3. **Extensions** -- The Plan Commission may grant one (1) extension of the original approval for up to two (2) years.

3.25 **AMENDMENTS, REPLATS, OR PLAT REVISIONS**

1. **Public Hearing Required** -- Amendments must be certified by any properly registered land surveyor and shall require a public hearing before the Plan Commission in compliance with Section 3.05, Primary Approval. The applicant must supply revised primary and secondary plats and construction plans if applicable, in compliance with this ordinance.

2. **Replats Not Requiring Hearing** -- Replats must be certified by any properly registered land surveyor. The Planning Director shall determine whether a replat requires a public hearing before the Plan Commission in compliance with Section 3.05, Primary Approval, of this ordinance. The following circumstances shall be considered by the Planning Director:
 - a. **Interior Lot Line Removal** -- A replat which involves only the removal of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting in fewer parcels than were contained in the original parcel;
 - b. **Easement Removal or Relocation** -- A replat which involves only the removal or relocation of easements within the property, as long as the affected agency or utility supports said removal or relocation;
 - c. **Notations or Corrections** -- A replat which involves only the changing of notations written on the plat or corrections of errors thereon;
 - d. **Court Decree** -- A division of land pursuant to court decree;
3. **Controversy Requiring Public Hearing** -- If there is controversy surrounding one of the above types of replats, the administrative committee may schedule the replat for a public hearing before the Plan Commission.
4. **Revised Plat and Construction Plans** -- In all cases, the applicant must submit a replat as a revised secondary plat and construction plans, if applicable, in compliance with Section 3.11, Secondary plat and Construction Plans.
 - a. **Revisions to Unrecorded Plat** -- Plat revisions to an unrecorded plat shall be heard by the Technical Review Committee in the same manner as the Secondary Approval in accordance with Section 3.13, Secondary Approval.
 - b. **Significant Change** -- Any revision to an approved but unrecorded secondary plat, which, in the opinion of the Administrative Committee, involves a significant change, must obtain a new primary approval. Examples of a significant change include, but are not limited to:
 - I. **Additional Lots** -- Creation of one or more additional lots;
 - II. **New Streets** -- Creation of one or more new streets;
 - III. **Street Removal** -- Removal of one or more proposed streets;
 - IV. **Street Pattern Changes** -- Changes to the street pattern;
 - V. **Retention/Detention Pond Changes** -- Removal or addition of a retention or detention pond;

- VI. **New Easements in Building Envelope** -- Addition of any easements that conflict with the minimum building envelope, as described in Chapter 12, Definitions.
- VII. **Other Changes** -- Any other change that the Plan Commission believes constitutes a significant change.

CHAPTER 4

MAJOR SUBDIVISIONS

4.01 **MAJOR SUBDIVISION** -- Those subdivisions meeting the definition of "SUBDIVISION, MAJOR", contained in this ordinance shall be considered under the provisions of this section. Major subdivisions may receive primary approval by the Plan Commission and secondary approval by the Planning Commission.

4.02 **CONDITIONS OF ELIGIBILITY** -- Before determining that a subdivision is eligible to be considered under this Article, the planning director shall find that all of the following criteria are satisfied:

1. **Orderly Development** -- The subdivision will not impede orderly development of land or the provision of public services and improvements.
2. **Comprehensive Plan** -- The subdivision will not interfere with the implementation of the Comprehensive Plan.
3. **Streets** -- The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.
4. **Utilities and Drainage** -- All parcels in the subdivision will have adequate utilities and drainage.
 - a. **Sewage** -- All lots shall be served by a sanitary sewer system or other on-site sewage system approved by the Indiana Department of Health, and the Marshall County Health Department.
 - b. **Water** -- All lots shall be served by a public or quasi-public water system or shall have the capability to contain a well that complies with all requirements of the Indiana Department of Natural Resources and the Marshall County Health Department.
 - c. **Drainage** -- All lots shall be provided with drainage improvements as necessary to comply with the requirements of this ordinance's design standards and principles and the Marshall County Drainage Storm Drainage and Sediment Control Ordinance.
5. **Access** -- All parcels in the subdivision and adjacent land will have adequate ingress and egress.
 - a. **Legal Access** -- All lots will have legal access to a platted private street or to a public street which has been accepted for maintenance by Marshall County, or has been continuously maintained for a period of ten (10) years immediately preceding the filing of the subdivision, by a public agency

regularly having responsibility for such maintenance. Such public street also has a hard surface suitable for vehicular traffic which is at least twenty-two (22) feet in width, is in good repair, and has a geometry which is suitable for the traffic which it will carry after the proposed subdivision.

- b. **Driveway Permit** -- If the lot's required access is proposed to be from an existing county road, the applicant must obtain a driveway permit from the Marshall County Highway Department. If any lot in a subdivision is to receive access from a State highway, in addition to a waiver of Section 2.11 (2)(b), Access Limited, evidence that a driveway permit can be issued by the Indiana Department of Transportation.
- c. **Limited Access Streets** -- Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
- d. **New Street** -- If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.
- e. **Driveway Standards** -- All lots will have driveway locations that will provide for adequate sight distance and will be properly spaced according to county standards.
- f. **Adjacent Property** -- Land adjacent to the property involved in the subdivision also will have adequate access according to the criteria contained in this section.

6. Suitability -- All lots in the subdivision will provide suitable building sites for the purpose for which the land is to be used. Land suitability shall be determined by the criteria contained in this ordinance.

7. Endangerment -- The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.

- 4.03** **EXPIRATION OF PRIMARY APPROVAL** -- Primary approval for a major subdivision shall be valid for one year from the date of approval, unless the Plan Commission grants an extension. If secondary approval is not granted before the expiration of two years, the primary approval shall be null and void.
- 4.04** **SECONDARY APPROVAL** -- If all conditions of primary approval have been met, the applicant may request secondary approval.
- 4.05** **ADDITIONAL REGULATIONS** -- In addition to meeting all the other standards of this ordinance, major subdivisions shall meet additional standards for landscaping, signage and open space areas.
- 4.06** **LANDSCAPING** – Major Subdivisions are required to meet certain landscaping requirements. See Chapter 9, Erosion Control and Landscaping, for landscaping requirements for Major Subdivisions.

CHAPTER 5

MINOR SUBDIVISIONS

5.01 MINOR SUBDIVISION -- Those subdivisions meeting the definition of "SUBDIVISION, MINOR", contained in this ordinance may be considered under the provisions of this section. Re-subdivisions meeting the conditions of eligibility contained herein also may be considered under the provisions of this Chapter. After a subdivision request has been filed, the planning director shall determine whether the petition may be considered as a minor subdivision. The planning director's decision may be appealed to the Plan Commission. Minor subdivisions may receive recommendation by the technical review committee (if needed by the option of the Plan Director) and approval by the Plan Commission.

1. Conditions of Eligibility -- Before determining that a subdivision is eligible to be considered under this Article, the planning director shall find that all of the following criteria are satisfied:

- a. **Orderly Development** -- The subdivision will not impede orderly development of land or the provision of public services and improvements.
- b. **Comprehensive Plan** -- The subdivision will be consistent with the Comprehensive Plan.
- c. **Streets** -- The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.
- d. **Utilities and Drainage** -- All parcels in the subdivision will have adequate utilities and drainage.
 - I. **Sewage** - All lots shall be served by a sanitary sewer system or other on-site sewage system approved by the Indiana Department of Health, and/or the Marshall County Health Department.
 - II. **Water** - All lots shall be served by a public or quasi-public water system or shall have the capability to contain a well that complies with all requirements of the Indiana Department of Natural Resources and/or the Marshall County Health Department.
 - III. **Drainage** - All lots shall be provided with drainage improvements as necessary to comply with the requirements of this ordinance's design standards and principles and the Marshall County Storm Drainage and Sediment Control Ordinance.
- a. **Access** -- All parcels in the subdivision and adjacent land will have adequate ingress and egress without the construction of any new streets or substantial improvement to existing streets.

- I. **Legal Access** -- All lots will have legal access to a public street which has been accepted for maintenance by Marshall County, or has been continuously maintained for a period of ten (10) years immediately preceding the filing of the subdivision, by a public agency regularly having responsibility for such maintenance. Such public street shall have a hard surface suitable for vehicular traffic which is at least twenty (20) feet in width, is in good repair, and has a geometry which is suitable for the traffic which it will carry after the proposed subdivision.
- II. **Driveway Permit** -- If any lot in a subdivision is to receive access from a State highway, in addition to a waiver of Section 2.11(2)(b), Access Limited, the applicant must obtain a driveway permit from the Indiana Department of Transportation.
- III. **Limited Access Streets** -- Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
- IV. **New Street** -- If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.
- V. **Driveway Standards** -- All lots will have driveway locations that will provide for adequate sight distance and will be properly spaced according to county standards.
- b. **Suitability** -- All lots in the subdivision will provide suitable building sites for the purpose for which the land is to be used. Land suitability shall be determined by the criteria contained in this ordinance.
- c. **Endangerment** -- The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.

5.02 **EXPIRATION OF APPROVAL** -- Approval for a minor subdivision shall be valid for one year from the date of approval, unless an extension is granted by the Technical Review Committee or the Plan Commission. If not granted before the expiration of one (1) year, the approval shall be null and void.

CHAPTER 6
STREET DESIGN STANDARDS AND STREET IMPROVEMENTS

6.01 **CONFORMANCE WITH REGULATIONS** -- The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the elements of these regulations.

6.02 **STREET CLASSIFICATIONS** -- Street classifications are as follows:

1. Major Streets:
 - a. Major Arterial Roads
 - b. Minor Arterial Roads
 - c. Major Collector Roads
 - d. Minor Collector Roads
2. Minor Streets:
 - a. Rural Local Road
 - b. Subdivision Road
 - c. Cul-de-sac

6.03 **DESIGN STANDARDS** -- Street designs shall adhere to the following design standards:

1. **AASHTO Standards** -- Current AASHTO Standards shall be followed as minimum design requirements unless otherwise specified in this Ordinance.
2. **Conformance with Plans** -- All streets shall be planned to conform to the Comprehensive Plan and Master Thoroughfare Plan.
3. **Protection of Property** -- Whenever a subdivision abuts or contains an existing or proposed major street, the Plan Commission may require frontage roads, screening of double frontage lots, a "non-access" easement along the property lines, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In those instances where a non-access easement is proposed along a state or federal highway, this easement shall be granted specifically to INDOT.
4. **Connecting Street Pattern** -- In order to provide a functional County street system, the Plan Commission may require an owner to construct a street pattern that provides connections to adjoining developed and vacant undeveloped properties. The coordination of streets from one (1) subdivision to another is

essential to the county in order to provide a continuation of not only vehicular access, but also for transportation and distribution lines for most utilities, such as water, sewer, gas, electricity and telephone systems.

5. **Access to Vacant Land** -- The Plan Commission may waive the requirement of constructing an access street to vacant land. In these cases, the owner shall be required to dedicate the necessary right-of-way, but the person who develops the adjoining vacant property will be required to construct the street. The Plan Commission shall determine at the primary hearing, the need and location of these access streets.
6. **Continuation of Streets** -- All streets, including those proposed to provide the continuation of streets to adjacent property, shall be constructed to the boundary lines of the subdivision and in accordance with the standards of this ordinance. If a subdivision is approved contiguous to existing right-of-way dedicated for a continuing street, but the street has not been constructed, the owner of the new subdivision must construct the entire street including the portion that is not contained within the owner's project.
7. **Street to Match Plan** -- A proposed street, matching Thoroughfare Plan standards, or at a minimum classified as a rural local road, shall provide for the continuation of existing, planned or platted streets on adjacent property.
8. **Street Parallel to Railroad or Roads** -- Where a subdivision borders on or contains a railroad right-of-way, limited access highway right-of-way, arterial or collector street, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of the approach grade of any future grade separation structure.
9. **Dead End Streets** -- A dead end street shall not be permitted except where a street is proposed to be and should logically be extended but is not yet constructed. A temporary cul-de-sac shall be constructed for any dead end street that exceeds three hundred (300) feet in length from the nearest intersection. Drainage details for the temporary cul-de-sac shall be specified by the applicant and approved by the Plan Commission. A dead end street that does not require a temporary cul-de-sac shall have adequate drainage provisions as approved by the Plan Commission.
10. **Stub Streets** -- Where, in the opinion of the Plan Commission, street connection to adjoining property is appropriate, proposed streets shall be extended to the boundary of the development for connection to existing streets on the boundary of adjoining property or for future connection. Stub streets shall be placed at intervals of one thousand (1000) feet.

11. **Temporary Cul-de-Sacs** -- A temporary cul-de-sac shall have an easement radius of not less than fifty (50) feet and shall have a driving surface radius of not less than forty (40) feet. The cross section of a temporary cul-de-sac shall be at least nine (9) inches of compacted #53 aggregate and two- (2) inches of asphalt intermediate shall be required.
12. **Permanent Cul-de-Sacs** -- Permanent cul-de-sacs shall not provide access to more than 25% of all lots in the subdivision, and no cul-de-sac shall serve more than twenty (20) lots. Cul-de-Sacs shall not be used to avoid connection with an existing street, to avoid extension of a collector or arterial street, or to avoid connection to adjoining property.
13. **Access Easement** -- An easement providing access to a street shall be prohibited except where it serves no more than three lots, and the Plan Commission finds that the plans for its control and maintenance are clearly defined.
14. **Right-of-Way Width** -- The street right-of-way width shall be in accordance with the Comprehensive Plan and Master Thoroughfare Plan and, where not designated therein, shall be not less than as shown in table 6-1, Right-of-Way Widths:

Table 6 - 1 RIGHT-OF-WAY WIDTHS	
Major Streets	
Major Arterial in A-1 and A-2	75'
Minor Arterial in A-3	60'
Major Collector in A-1 and A-2	60'
Minor Collector in A-3	60'
Minor Streets	
Rural Local Road in A-1 and A-2	60'
Rural Local Road in A-3	60'
Cul-de-sac	60 feet radius

15. **Paving Width** -- The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the development.
 - a. A new rural local road or subdivision road shall be surfaced to a minimum width of thirty (30) feet measured back-to-back of curb and 20ft, minimum width for roads without curbs.
 - b. A cul-de-sac turn around shall be paved to a diameter of one hundred feet (100'), and a radius of fifty feet (50') measured back of curb to back of curb.

- c. A major street shall be surfaced to a minimum width that is determined by sound engineering design. Where a proposed street is an extension of an existing paved street that exceeds the minimum dimension set forth above, the Plan Commission shall require the owner to match the width of the existing paved street.
16. **Minimize Through Traffic** -- Proposed local, subdivision, or cul-de-sac streets shall be designed to minimize through traffic movement, which is to be limited to collector streets.
 17. **Acceptable Limits** -- Acceptable limits for visibility, curvature, and maximum grade depend on topography, functional classification, anticipated traffic volumes, number and nature of access points, etc. Road design specifications shall be based on AASHTO guidelines and sound engineering judgment. The County Highway Department must approve the design speeds selected for each project.
 18. **Street Grade** -- A proposed street shall be adjusted to the contour of the land so as to provide usable lots and a reasonable street grade. The maximum allowable street grade shall be as outlined in Table 6-2, Maximum Street Grade. The minimum allowable street grade shall not be less than five-tenths (0.5) percent.

TABLE 1 MAXIMUM STREET GRADE							
Design Speed (MPH)	20	30	40	50	55	60	70
Road Classification							
Rural Arterial					4.5%	4%	3%
Urban Arterial			7%	6%	5.5%		
Rural Collector		8%	7%	6%	5.5%	5%	
Urban Collector		8%	7%	6%			
Rural Local		8%	7%	6%			
Urban Local		8%	7%				
Subdivision & Local with ADT <250	9%	8%					

19. **Horizontal Visibility** -- Horizontal visibility of a curved street and the vertical visibility on all streets shall be maintained according to the minimum distances

shown in Table 6-3, Sight Distance. Sight distances shall be measured in accordance with AASHTO guidelines.

TABLE 6-3 SIGHT DISTANCE (FEET)							
Design Speed (MPH)	20	30	40	50	55	60	70
Stopping Sight Distance (Desirable)	125'	200'	325'	475'	550'	650'	850'
Stopping Sight Distance (Minimum)	125'	200'	275'	400'	450'	525'	625'
Intersection Sight Distance	225'	400'	580'	840'	990'	1150'	1550'

20. **Stopping Distance** -- The values for desirable stopping sight distance shall be met for all street construction and at all intersections. Minimum stopping sight distances shall only be used in those cases, which, in the opinion of the County Highway Department, would suffer undue hardship, by use of the desirable stopping sight distance.
21. **Intersection Sight Distance** -- The values for intersection sight distance shall be used at all intersections, both for new and existing intersections. No new features such as signs, embankments, walls, or landscaping, shall be constructed which reduces the sight distance below the intersection sight distance.
22. **Decision Sight Distance** -- Where unusual or complex situations exist, decision sight distance (per AASHTO Standards) may be required by the County Highway Department to provide an added margin of safety.
23. **Horizontal Curves** -- Where street centerlines deflect more than ten (10) degrees from ninety (90) degrees, connections shall be made by horizontal curves having a minimum centerline radius of 150 feet for local and cul-de-sac residential streets, and 250 feet for all other residential streets. Horizontal curvature measured along the centerline shall comply with Table 6-4, Radii/Degree of Curve:

TABLE 6-4 RADI/DEGREE OF CURVE							
Design Speed (MPH)	20	30	40	50	55	60	70
Radius (FEET)	150	250	470	760	950	1210	1910
Degree of Curve		22°45'	12°15'	7°30'	6°00'	4°45'	3°00'

24. **Reverse Curves** -- A reverse curve on a major street shall have a straight tangent between elements of said reverse curve of not less than one hundred (100) feet.
25. **Additional Requirements** -- The sections above deal with minimum requirements. Individual projects, particularly commercial and industrial subdivisions, may warrant additional requirements dictated by sound engineering design. Such additional requirements must be specified by the Plan Commission as a condition of approval.
26. **Safety Concerns** -- The Plan Commission may deny the proposed location of an access road from a proposed development onto an existing or proposed county road, due to safety concerns.
27. **Improvements Required** -- If, in the sole opinion of the Plan Commission, the proposed access road presents a potential hazard to the motoring public, the applicant may be required to make improvements to an existing or proposed county road as a condition of allowing access. These improvements may include, but are not limited to deceleration or acceleration lanes, passing blisters or other improvements.
 - a. **Criteria** -- Improvements shall be required based on the following criteria:
 - I. Sight distance;
 - II. Number of lots;
 - III. Proposed use;
 - IV. Street classification;
 - V. Traffic generation;
 - VI. Existing or proposed conditions; and
 - VII. Sound engineering design.
 - b. **Intersections** -- As a minimum requirement, at an intersection of a subdivision street, commercial or industrial drive with an existing street or road, the subdivider shall install deceleration, acceleration, and passing lanes along the existing roadway in accordance with Figure __, "Acceleration, Deceleration and Passing Blisters," located in the Appendix A of this Ordinance.
 - c. **Construction** -- All roadwork involving the construction of passing blisters and/or accel/decel lanes shall require a one-inch (1") overlay of bituminous surface which shall extend across the full width of the existing roadway as well as the new features. Limits of this work shall be the

extreme ends of the tapers and/or blister. Butt joints shall be milled at the ends of the work to ensure a smooth transition. The auxiliary lanes and associated improvements shall be constructed in accordance with the details in Appendix A of this ordinance.

28. **Number of Access Roads** -- The minimum number of access roads required into a subdivision will be based upon the number of lots, as illustrated in Table 6-5, Subdivision Access. These are minimum recommendations, and the Plan Commission may require additional access. All access points required by the number of lots in that phase must be provided for in that phase, or in a previous phase, and not delayed to a future phase.

TABLE 6-5	
SUBDIVISION ACCESS	
Number Of Potential Dwelling Units	Number Of Required Public Access Roads
1 – 50	1
51 or greater	2

29. **Cul-de-Sac Length** -- A cul-de-sac street shall not exceed five hundred feet in length measured from the centerline of the nearest intersection to the center of the cul-de-sac. The cul-de-sac shall be paved in accordance with Section 6.03(15), Paving Width.
30. **Half Streets** -- Dedication of new half streets shall be prohibited. Where a dedicated or platted half-street is adjacent to a tract being subdivided, the other half of said half-street shall be platted and constructed.
31. **Additional Right-of-Way for Existing Streets** -- The applicant shall dedicate additional right-of-way width as required to meet these regulations when the subdivision adjoins or includes an existing street that does not conform to the minimum right-of-way dimension as established by the Comprehensive Plan and Master Thoroughfare Plan.
32. **Blocks** -- Block lengths in residential areas shall be two lots deep and shall not exceed one thousand two hundred (1200) feet in length, nor be less than three hundred (300) feet in length, with length measured centerline of street to centerline of street. Pedestrian ways shall be required through the middle of blocks that are more than eight hundred (800) feet long, or at other appropriate locations, as deemed necessary by the Plan Commission. In determining whether pedestrian ways are required, the Plan Commission shall consider methods of maintaining such ways, and the usefulness in providing access to any common

open space, water areas, recreational areas, schools, churches, and other surrounding uses.

33. **Cul-de-Sac** -- No fence, wall, sign, hedge, tree or shrub planting, or other similar item are permitted within any cul-de-sac and it should be paved. (no islands are permitted).
34. **Traffic Calming** – It is a goal of Marshall County to create residential streets that are safe and contribute to the quality of life within the neighborhoods. This Ordinance encourages street design that accomplishes this goal by the use of street hierarchy, geometric standards, and good engineering practices. When utilized appropriately, responsible street design does not need extraneous or additional “traffic calming” features. However, if deemed necessary, such traffic calming features will be designed and located according to standard recommended practices and must be approved by the Marshall County Highway Department.
35. **Maximum Ponding Depth** – Maximum ponding depth shall be three (3) inches at the crown of the roadway for a 100 year storm event.

6.04 **INTERSECTIONS**

1. **Curb Radii** -- Street curbs shall be rounded by radii of sufficient length to permit the smooth flow of traffic, but in no case shall the curb radii be less than twenty-five (25) feet for a minor street, or forty (40) feet for a major street or a street in a commercial or industrial development.
2. **Street with No Curbs** -- Where a proposed street with curbs intersects an existing street without curbs, the curb radius shall be designed so there is a minimum of twelve (12) feet separation between the curb and edge of the existing street pavement. Termination of curb shall be a smooth taper terminating to meet a proposed grade.
3. **Separation Between Right-of-Way and Curb** -- Street right-of-way at intersections shall be designed to provide a minimum of ten (10) feet separation between the street right-of-way and curb.
4. **Angle** -- Intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than eighty (80) degrees.
5. **Multiple Street Intersections** -- Intersections of more than two (2) streets at one point shall not be permitted.
6. **Roundabouts** -- Roundabouts or traffic circles and appropriate signage shall be approved by the Marshall County Highway Department. Design of roundabouts shall follow guidelines set forth by the Federal Highway Administration.
7. **Radii Follow Greater Functional Classification** -- When a street of lesser functional classification intersects with a street of greater functional classification the

radii arcs at the intersection will comply with the standards for the street of greater functional classification.

8. **Straight Street** -- There shall be at least one hundred (100) feet of straight street before entering an intersection, unless otherwise approved by the Marshall County Highway Department.
9. **Driveway Separations** -- Driveway locations shall conform to the following minimum requirements for separation:

TABLE 6-6		
MINIMUM DISTANCE FROM DRIVES TO NEAREST INTERSECTION		
Note: Distance is measured centerline to centerline		
Street Type	Residential Driveway	Non-residential Driveway
Arterial	300'*	600'
Collector	200'*	200'
Local	100'	100'
Residential	100', with maximum of one per lot	N/A

* It is the intent of this ordinance to avoid residential driveways directly on collector and arterial streets (see Section 2.11 (2) (b), Access Limited). When such driveways are necessary, it is preferable to have a minimum number of access points. Therefore, in some cases, it may be preferable to locate two driveways immediately adjacent, rather than to use the recommended separation.

10. **Street Separations** -- Street intersections shall not be closer than three hundred (300) feet center line to center line for local streets and six hundred (600) feet center line to center line for collector and arterial streets and must be denoted on the construction plans. This provision does not apply to a frontage road.
11. **Pavement Thickness** -- When a street of lesser functional classification intersects with a street of greater functional classification, whether new or existing, the pavement thickness of all improvements within the right-of-way of the intersection shall comply with the street requiring the greatest thickness.

6.05 SIGHT DISTANCE AT INTERSECTIONS

1. **AASHTO Guidelines** -- Sight distance shall be determined in accordance with AASHTO Guidelines.

2. **Secondary plat Notes** -- The following items shall be required and must be noted on the secondary plat:
 - a. **Intersection Visibility** -- No fence, wall, sign, hedge, tree or shrub planting or other similar item which obstructs sight lines at an elevation between two (2) and eight (8) feet above the street, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersection of local street lines, and fifty (50) feet from the intersection of arterial or collector street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.
 - b. **Median Visibility** -- No fence, wall, sign, hedge, tree or shrub planting, or other similar item which obstructs sight lines and elevations between two (2) and eight (8) feet above the street shall be placed within any median area within one hundred (100) feet of an intersection. No walls, rocks, or boulders larger than two (2) feet in any dimension shall be placed in the median.
 - c. **Stop Sign Visibility** -- No trees shall be planted in any portion of a public street right-of-way within one hundred fifty (150) feet of a stop sign.

6.06 **STREET TREES** -- Minimum 2 1/2" caliper shade trees shall be required along all streets as a public improvement. See Chapter 9, Erosion Control and Landscaping, for specific requirements.

6.07 **BUILDING SETBACK LINE** -- The building setback line shall be regulated by the setback provisions of the Marshall County Zoning Ordinance applicable to the area that is proposed for subdivision.

6.08 **STREET IMPROVEMENTS**

1. **Plan and Profile** -- In general, a street shall be completed to the grade shown on the plan and profile sheet. A plan and profile sheet for each street shall be provided by the owner and prepared by a registered professional engineer or registered land surveyor.
2. **Street Construction Standards** -- The minimum requirements for street construction shall be in accordance with the latest edition of "Standard Specifications" of the Indiana Department of Transportation, in effect at the time of approval. (Hereinafter referred to as the Standard Specifications). A copy of the Standard Specifications is on file in the Office of the Marshall County Highway Department.

- a. **Subgrade** -- The subgrade shall be prepared in compliance with the Standard Specifications.
 - b. **Subbase** -- The subbase, where required, shall be #53 crushed aggregate (or equal), as determined by the Marshall County Highway Department, and shall be prepared in compliance with the Standard Specifications. If the subgrade is modified in accordance with the Standard Specifications, there shall be no reduction of the required aggregate thickness.
 - c. **Street Surface** -- The street surface shall be of Portland cement concrete or hot asphaltic concrete. Portland cement concrete materials and construction shall be in compliance with Section 500 of the Standard Specifications and these regulations. The Marshall County Highway Department has determined that any part of the subgrade or subbase is frozen when its temperature reaches 32° Fahrenheit. Hot asphaltic concrete materials and construction shall be in compliance with Section 400 of the Standard Specifications and these regulations.
3. **Backfill** -- All utility excavations under the pavement or within five (5) feet of the edge of the pavement shall be backfilled with Structure Backfill or Flowable Mortar as specified in the Standard Specifications Installation shall conform to the Standard Specifications. Any deviation from these provisions must be approved by the Marshall County Highway Department's Office prior to construction.
 4. **Aggregate Base** -- Stone aggregate base shall be placed under the curb and extended to the aggregate placed for the subsurface drain. This aggregate base shall be continuous and shall match the bottom of pavement (top of subgrade) or be four (4) inches thick whichever is more.
 5. **Soil Conditions in Streets** -- Wet spots or other unusual soil conditions may develop in streets. These streets must comply with any or all of the following requirements:

- a. **Additional Aggregate** -- Compacted aggregate (#53 stone) shall be added to the street cross section to a thickness as determined by the County Engineer. This shall be in addition to the minimum base requirement;
 - b. **Excavation and Backfill** -- Soft spots may be over excavated and backfilled with compacted aggregate as approved by the Marshall County Highway Department;
 - c. **Geogrid** -- Geogrid may be used with the written approval of the Marshall County Highway Department; or
 - d. **Soil Modification** -- Soil Modification (such as Lime Stabilization) in accordance with the Standard Specifications may be used.
 - I. **Preconstruction Notification** -- If soil modification is planned to be used, this must be stated in the Preconstruction Conference.
 - II. **Subbase Depth** -- No reduction in subbase depth will be permitted.
 - III. **Application rates** -- Application rates shall be determined according to the Standard Specifications and industry standards, based on testing of the in-place subgrade. Test results and proposed application rates must be provided to and approved by the Marshall County Highway Department prior to use.
7. **Design Based on Traffic** -- The actual design for street construction shall be based upon estimated traffic loading with an adequate growth factor included even though the minimum requirements may be exceeded.
8. **Cross Sections** -- The cross section of streets are to be based on a design equation for pavement according to AASHTO standards using a combination of unmodified soil support values, total equivalent 18,000 lbs. loads, terminal service ability index, and regional factors. When there is concern that the constructed street may not meet minimum standards, the County Commissioners shall at the owner's expense, have core samples taken from the finished work to verify thickness and quality. The pavement depths as shown below are minimum requirements:

**TABLE 6-7
ASPHALTIC CONCRETE PAVEMENT**

Street Classification	Surface	Intermediate	Base	Aggregate
Local	1"	3"	0"	9"
	1"	0"	3"	7"
	1"	3"	4"	0"
Rural Collector	1"	3"	4"	6"
	1"	0"	5"	9"
	1"	3"	7"	0"
Arterial	1"	2"	6"	8"
	1"	0"	8"	9"
	1"	2"	10"	0"

**TABLE 6-8
PORTLAND CEMENT CONCRETE PAVEMENT (RIGID PAVEMENT)**

Street Classification	Surface	Base	Aggregate Base
Local	6.0"	N/A	N/A
Rural Collector	7.0"	N/A	N/A
Arterial	8.0"	N/A	N/A

6.09 JOINTS FOR RIGID PAVEMENT -- Rigid pavement shall be jointed in order to control cracking. Joints for rigid pavement shall be constructed in accordance with the type and dimensions and at the locations required by Standard Specifications, these regulations, or as directed by the Marshall County Highway Department's Office.

- Spacing** -- Spacing of weakened plane, transverse, or contraction joints shall not exceed twenty (20) feet. Closer spacing to average fifteen (15) feet is encouraged. A transverse contraction joint may either be formed or sawed dummy groove, ribbon or pre-molded strip type, and shall be one-fourth (1/4) the thickness of the pavement.

2. **Sawing** -- When a transverse joint is to be formed by sawing, care must be taken to saw the grooves soon after placing the concrete to prevent the formation of cracks due to contraction of the slab.
3. **Catch Basins and Manholes** -- One of the above named joints shall be placed at every catch basin and manhole in the line of pavement. The location of manholes in the pavement shall determine the exact location of the joints.
4. **Full Pavement Width** -- All joints shall extend throughout the curb to the full width of pavement.
5. **Transverse Expansion Joint** -- a transverse expansion joint shall be placed at the intersections, tangent points of sharp curves, and wherever else shown on the plans.
6. **Longitudinal Joint** -- Whenever the width between forms of the pavement under construction is greater than ten (10) feet, a longitudinal joint shall be constructed so as to divide the pavement into strips not to exceed ten (10) feet each. This may be accomplished by sawing or by installing a slot or groove as herein described for a contraction joint.
7. **Curing Compound** -- White membrane curing compound AASHTO Number 2-M-14B must be properly applied to give complete coverage immediately after finishing, around all inlets and manholes and every fifty (50) lineal feet of pavement, as well as where concrete adjoins asphalt.

6.10 CURBS AND GUTTERS

1. **Curbs** -- A two- (2) foot concrete curb and gutter shall be required for all single family, two family and multifamily residential subdivision streets. Streets in commercial or industrial (non-residential) subdivisions shall have the option of using two- (2) foot concrete curb and gutter or concrete chair back curbs.
2. **Construction** -- Materials, concrete specifications and construction procedure shall comply with Section 605 of the Standard Specifications. Cold weather construction shall be in accordance with the Standard Specifications.
3. **Valley Gutters** -- Valley gutters, which connect gutter drains across street intersections, are strictly prohibited.
4. **Frozen Material** -- The Marshall County Highway Department has determined that a material is considered frozen when any part of its temperature reaches 32° Fahrenheit.
5. **Height of Asphalt** -- The maximum height of the asphalt shall meet or exceed the gutter line of the curb.
6. **Details** -- See Appendix A for details of concrete curbs and gutters.

6.11 **PRIVATE STREETS** -- It is the intent and purpose of this section to encourage streets and rights-of-way to be dedicated to the county for ownership and maintenance whenever possible. It is a long- range benefit to the entire county for streets and rights-of-way to be maintained publicly rather than privately. There may be, however, a situation in which a privately owned and maintained street is a more reasonable alternative.

1. **Standards** -- In any development in which a private street is allowed, the street shall conform to County standards.
2. **Required Covenants** -- The covenants of the secondary plat shall contain the following statement:

"The streets and public rights-of-way shown hereon are to be privately owned and maintained by the homeowners association pursuant to the articles of incorporation of said association."

6.12 **SIDEWALKS, PATHWAYS AND PEDESTRIAN WAYS**

1. **Location**
 - a. **Major Plats:** Sidewalks may be required based upon the recommendation of the technical review committee along both sides of all streets and along the development side of existing county roads.
 - b. **Minor Plats:** Sidewalks may be required based upon the recommendation of the technical review committee along the development side of all existing county roads, located within one (1) mile from an existing school, commercial area or trailhead. For all other minor subdivisions, sidewalks must be installed when sidewalks become contiguous or adjacent on surrounding property.
2. **Sidewalk Plan** -- A plan for a sidewalk system shall be prepared that will provide every lot within a subdivision, or portion thereof, with reasonable access to a sidewalk connecting with all of the community facilities, commercial enterprises and other residential subdivisions located near or adjacent to the subdivision, and in a manner that will provide safe and convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located and which will avoid pedestrian and vehicular traffic conflict.
3. **Sidewalk Construction** -- Sidewalk materials and construction requirements shall conform to the Standard Specifications, and shall meet the following requirements:
 - a. **Material** -- Be constructed only of Portland cement concrete unless otherwise expressly approved by the Plan Commission;

- b. **Depth** -- Have a minimum depth of four (4) inches, or have a minimum depth of six (6) inches when built in an area of proposed vehicular crossing;
 - c. **Slope** -- Have a cross slope of no steeper than one-quarter (1/4) inch per foot toward the street;
 - d. **In Right-of-Way** -- Be located at least one (1) foot inside the right-of-way line, unless located within an easement outside of the right-of-way, in accordance with Section 6.12 (5), Easement Required;
 - e. **Consistency, Slump, and Mixture** -- Have consistency, slump, and mixture specifications as established by the Standard Specifications;
 - f. **Joints** -- Be jointed every four (4) feet, with expansion joints every forty (40) feet to prevent cracking and heaving;
 - g. **Compliance with ADA** -- Have curb ramps installed at all intersections and at all other locations where required for compliance with the Americans with Disabilities Act (ADA); and
4. **Minimum Width** -- Sidewalks, pathways and pedestrian ways shall have a minimum width as follows:
- a. **One or Two Family** -- In One or Two Family Developments, along collector, local, or residential interior streets, minimum width shall be five (5) feet;
 - b. **Multifamily** -- In Multifamily Developments, minimum width shall be five (5) feet;
 - c. **Perimeter** -- For a perimeter subdivision sidewalk located along a County road, minimum width shall be six (6) feet;
 - d. **Commercial or Industrial** -- For Commercial or Industrial, minimum width shall be as approved by the Plan Commission;
 - e. **Pedestrian ways** -- For Pedestrian ways that connect two streets or connect directly to a park, school or other public or semi-public use, minimum width shall be six (6) feet.
5. **Easement Required** -- In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Plan Commission may require a perpetual unobstructed easement at least twenty (20) feet in width. This easement shall be indicated on both the primary and secondary plats. The construction details shall be shown on the construction plans and must be specifically approved by the Plan Commission.

6. **Vertical Drop** -- There shall be no vertical drop in excess of twelve (12) inches within five (5) feet of the outside edge of the sidewalk, or an approved barrier must be installed in accordance with the Standard Specifications.
7. **Installation** -- Sidewalks shall be installed by the lot owners:
 - a. Prior to the issuance of the Certificate of Occupancy by the Planning Department; or
 - b. Prior to the end of the designated maintenance period. The lot owner must complete the installation of all remaining sidewalks and pedestrian ways located interior to the subdivision, even if the lots are not yet developed.

6.13 EASEMENTS -- No permanent encroachments shall be allowed within any of the following easements:

1. **Access Easements** -- Access easements providing legal access to land shall be at least fifty (50) feet in width and shall have the capability of providing suitable locations for future public streets meeting the standards set forth in this ordinance. No more than three lots shall receive access from a private access easement.
2. **Drainage and Utility Easements** -- Drainage and utility easements shall be at least ten (10) feet in width on each side of any public street that has a right-of-way width of less than fifty (50) feet.
3. **Utility Easements** -- Utility easements shall be allocated in areas of suitable size and location. Such easements shall provide reasonable continuity from block to block and shall be at least fifteen (15) feet in width. The Plan Commission may require larger easements when it deems such additional width necessary for carrying out the purposes of this section.
4. **Drainage Easements** -- Drainage easements shall be provided where the Plan Commission deems them necessary to provide proper drainage for the subdivision. Such easements shall be at least fifteen (15) feet in width and may be coincident with utility easements. Where a regulated drain traverses a subdivision, the easement for the drain shall be in accordance with the Indiana Code requirements for regulated drains.
5. **Maintenance Easements** -- Maintenance easements for dams or adjoining property and buffer easements to provide separation from agricultural property may be required where the Plan Commission deems them appropriate.
6. **Farm Tile Easements** -- Farm tile easements for protection and maintenance shall be at least twenty (20) feet in width, and shall be provided where there

are farm tiles that are to remain on property proposed for subdivision. The Plan Commission may require larger easements when it deems such additional width necessary for carrying out the purposes of this section.

6.14 STREET IDENTIFICATION SIGNS AND REGULATORY SIGNS

1. **Installation** -- The owner shall install street identification signs at each street intersection within and on the perimeter of the subdivision. The sign shall be located at the northeast corner of said interchange wherever possible. The owner shall also install all appropriate regulatory signs as required by the Marshall County Highway Department's office.
2. **Street Identification Signs** -- Street identification signs shall comply with the current issue of Indiana Manual of Uniform Traffic Control Devices regarding size, material, reflectivity and location. Street identification signs for public roads shall be designed by the Marshall County Highway Department. Street. Size of letters and sign dimensions shall comply with Marshall County Highway Department requirements.
3. **Regulatory Signs** -- Regulatory signs shall comply with the current issue of Indiana Manual of Uniform Traffic Control Devices regarding size, material, reflectivity and location. The owner shall place regulatory signs in accordance with the current issue of the Indiana Manual of Uniform Traffic Control Devices and as directed by the Marshall County Highway Department's Office.
4. **Locations** -- Sign locations must be shown on the construction plans.

6.15 ROADSIDE DITCHES

1. **When Required** -- Roadside ditches are required for all existing or proposed roads that will not have curbs and gutters.
2. **Traversable Ditch Standards** -- Roadside ditches must be constructed in compliance with the traversable ditch standards shown in Appendix A of this ordinance.
3. **Shoulder Width and Slopes** -- Roadside ditches shall be located so as to provide a shoulder width as dictated by the road classification and sound engineering design. Side slopes shall be 4:1. In no case shall the shoulder width be less than seven (7) feet.
4. **Culvert Cover** -- Roadside ditches are to be constructed to provide a minimum of twelve inches (12") of cover over the driveway culvert pipe, or as recommended by the manufacturer, whichever is greater.

5. **Driveway Pipe Size** -- The minimum size of a driveway pipe shall be twenty-four feet (24') of fifteen-inch (15") culvert pipe. Driveway pipes must have end sections.

6.16 BRIDGES AND SIMILAR DRAINAGE STRUCTURES

1. **Design and Construction Standards** -- All bridges and similar drainage structures shall be designed and constructed in accordance with AASHTO Standard Specifications for Highway Bridges, Current Edition and the Standard Specifications.
2. **Rails** -- All bridges shall be designed to incorporate a crash-tested barrier rail per Indiana Department of Transportation (INDOT) specifications and adequate lengths of a crash-tested approach rail. The length of approach rail shall meet INDOT Rehabilitation, Restoration, and/or Resurfacing (3R or RRR) requirements or better, and be approved by the Marshall County Highway Department.
3. **Approval** -- Structure size and type and final design plans must be approved by the Marshall County Highway Department.
4. **Testing and Inspection** -- Material certifications and testing must be done during construction in accordance with INDOT Specifications, and copies provided to the Marshall County Highway Department. On-site construction inspection shall be provided by the owner in accordance with County procedures for locally funded bridges, with the Marshall County Highway Department copied on all inspectors' reports and correspondence. Also, the Marshall County Highway Department must participate in the final inspection. A separate Maintenance Bond for one (1) year must be provide to the Marshall County Highway Department.

6.17 CONSTRUCTION WITHIN ROAD RIGHT-OF-WAY -- All construction within an existing county road right-of-way and any crossings of the travel surface will require a permit from the Marshall County Highway Department prior to construction. Whenever any construction activities occur within a public road right-of-way, traffic control devices shall be placed in accordance with INDOT standards and the Manual on Uniform Traffic Control Devices, Part VI. The devices shall be installed prior to any construction and shall be maintained during the entire time that the special conditions exist. They shall be removed immediately thereafter.

6.18 RIGHT-OF-WAY REPAIRS -- All right-of-way repairs on the pavement or within five (5) feet of the edge of the pavement shall be backfilled with Structure Backfill or Flowable Mortar as specified in the Standard Specifications. Installation shall conform to Section 715 of the Standard Specifications. Any

deviation from these provisions must be approved by the Marshall County Highway Department's prior to repair.

CHAPTER 7 WATER FACILITIES

7.01 GENERAL REQUIREMENTS

1. **Public Water Supply System** -- The owner shall install a public water supply system in a manner prescribed by the latest edition of the Recommended Standards for Water Works, published by Health Research Inc., Health Education Services Division, P.O. Box 7126, Albany, New York 12224 (commonly known as the "Ten (10) State Standards").
2. **Accessible Public Water Main** -- Where a public water main is accessible, the owner shall install adequate water facilities including fire hydrants. The water facilities must be shown on the approved construction plans.
3. **Water Main Extension** -- A water main extension shall be approved by the officially designated agency of the state, county and/or municipality concerned. The design and construction must comply with all applicable federal, state and local regulations.
4. **Letter from Utility** -- A letter of intent to provide service must be provided from the appropriate utility prior to primary approval.

7.02 INDIVIDUAL WELLS AND PRIVATE WATER SYSTEMS

1. **Well Use** -- If a public water system is not feasible, individual wells may be used provided they are installed in accordance with all applicable state and county health department requirements.
2. **Private Water System** -- If a public water system is not feasible, an appropriate private water source may be used provided that they meet all applicable federal, state and county requirements.
3. **Approval by IDEM** -- If a private water distribution system is proposed, it must be designed and constructed in a manner that provides an adequate supply of potable water to every lot in the subdivision. A private water system shall be approved by IDEM. This approval shall be submitted with the application for secondary approval. Additionally, all uses, except single-family, that are to be served by well water shall obtain approval from IDEM and the Marshall County Health Department.
4. **Future Connection to Public Water** -- If the Plan Commission requires that a connection to a public water main be eventually provided as a condition for approval of an individual well or central water system, the owner shall make

arrangements for future water service at the time the plat receives secondary approval. A performance guarantee in accordance with Section 3.16, Administration and Enforcement of Performance Guarantees may be required to insure compliance.

7.03 **FIRE HYDRANTS** -- Fire hydrants shall be required for all subdivisions except those having lots served by individual wells. Fire hydrants shall be located in cooperation with the affected fire department. Documentation from the fire department shall be provided prior to secondary approval.

7.04 **DRY HYDRANTS** -- In those subdivisions where a central water system is not available and where a permanent water body will be constructed, the owner shall provide dry hydrants in cooperation with the affected fire department.

7.05 **ACCEPTANCE** -- All water facilities shall receive a letter of acceptance from the applicable utility company after construction, and prior to the subdivision plat being recorded.

CHAPTER 8 SEWAGE FACILITIES

- 8.01** **GENERAL REQUIREMENTS** -- Each lot must have either access to sanitary sewer facilities or meet individual on-site sewage system criteria.
- 8.02** **SANITARY SEWAGE SYSTEM REQUIREMENTS** -- Where required, the owner shall install the necessary sanitary sewers and sanitary sewer facilities in compliance with the rules, regulations, and standards of the, County Health Department, and other appropriate state and federal agencies. Plans shall be approved by the above agencies where required by those agencies. All plan approvals and permits must be submitted with the application for secondary approval. A letter of intent to provide service must be provided from the sewer utility prior to primary approval. All subdivisions or combination of subdivisions with a 50 parcel density within a square mile must provide sanitary sewage systems.
- 8.03** **INDIVIDUAL DISPOSAL SYSTEM REQUIREMENTS** -- If a public sewer facility is not available, and an individual or community on-site sewage disposal facility is proposed, the minimum lot area shall conform to the requirements of the Zoning Ordinance and any ordinance of the Health Department establishing usable lot areas and design standards for an individual or community on site sewage disposal facility. Individual on-site sewage disposal systems must have room for two systems, both a primary and a secondary (future) site. These facilities must comply with all applicable rules, regulations and standards of the appropriate federal, state and local agencies.
- 8.04** **ACCEPTANCE** -- All sewage facilities shall receive a letter of acceptance from the applicable utility company after construction, and prior to the subdivision plat being recorded.

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CHAPTER 9 EROSION CONTROL AND LANDSCAPING

9.01 **PURPOSE**

The purpose of this chapter is to provide minimum standards involving the development of land, that help preserve and enhance our natural resources, protecting and promoting the health, safety and welfare of the public, as well as promoting the aesthetic value of any developed land for all current and future residents of Marshall County.

9.02 **EROSION CONTROL**

Erosion control shall be required in accordance with the Marshall County Storm Drainage and Sediment Control Ordinance. All erosion control measures shall comply with said drainage ordinance.

9.03 **THOROUGHFARE BUFFERYARD** -- All parcels/tracts being subdivided may be required to provide the appropriate thoroughfare bufferyard as required as needed by the Marshall County Plan Commission on a case by case basis.

9.04 **MAJOR SUBDIVISIONS** -- All major subdivisions may be deemed to comply with the additional following standards:

1. **Entrance Signs** -- Monument type entrance signs displaying the name of the subdivision may be required on each subdivision access street classified as a subcollector or above.
 - a. **Location** -- Said entrance signs shall not be located in the right-of-way, but within a sign easement on private property or common area. The sign location shall be shown on the landscape plan.
 - b. **Landscaping Area** -- The minimum landscape area permitted shall be sixty-four (64) square feet..
 - c. **Minimum Shrub Coverage** -- There shall be a minimum of two (2) shrubs, sized 2' - 3' balled and burlaped, or a 3- gallon container, for each entrance sign.
 - d. **Grass, Ground Cover and Perennials** -- Grass, ground cover or perennials shall be planted on all portions of the landscaped areas not occupied by other landscaped material.
2. **Backyard Screening** -- All major subdivisions that propose lots that will have back yards adjacent to existing roads shall provide backyard screening.

- a. **Plan** -- The owner shall submit a backyard-screening plan for approval by the Plan Commission.
 - b. **Installation** -- The owner shall be required to install the backyard screening in the same manner that perimeter sidewalks are installed.
- 3. **Open Space** -- The owner must submit a landscaping plan for all open space and any other common areas to the Plan Commission for approval. Plans shall include, but not be limited to, the following: landscaping, water areas, sidewalks and pedestrian ways, outdoor furniture, play equipment, picnic shelters and other amenities. All major subdivisions shall comply with Section 2.15, Public Uses and Open Space.
- 4. **Initial Lot Landscaping** -- Unless the Planning Director determines that the existing landscaping is sufficient, the lot owner shall install on each private lot in a major subdivision, a minimum of the following: one - 2 1/2" caliper shade tree, one - 1 1/2" ornamental tree and five - 24" shrubs, prior to receiving a certificate of occupancy.
- 5. **Delays** -- The Planning Director may choose to grant certain delays to the completion of the landscaping required by these regulations.
 - a. **Due to Weather** -- Planting delays may be considered because of weather conditions, such as consistent freezing temperatures or consistent hot and/or dry conditions.
 - b. **Time Period** -- Delays granted under this Section shall be for a period not to exceed nine (9) months.

CHAPTER 10

EARLY WARNING SIRENS

10.01 Requirement Establishes

1. Every Minor Plan Subdivision, Major Plat Subdivision, Planned Unit Development, Commercial Development, or other development which, as designed, platted, or constructed, meets or exceeds one or more of the size, occupancy, location, or use specifications in this section shall provide for installation of early Warning Sirens.
2. The requirement to provide for Early Warning Sirens and any associated requirements may be waived by the Marshall County Plan Director, the Marshall County Plan Commission or the Marshall County Board of Zoning Appeals for good cause.

10.02 Size, Occupancy, Location of Use specifications

1. One Hundred (100) or more acres in size
2. One Hundred (100) or more dwelling units
3. Seven Hundred (700) or more employees on premises at any time
4. One Thousand (1000) or more visitors on premises at any time
5. Uses as a fire station, police station, or local government office or administration building

10.03 Purchase, Installation, Maintenance, Activation, Replacement

1. Every development subject to this section shall submit a proposal to the Marshall County Plan Commission provided for:
 - a. Identification of the location and operational status of all existing early warning sirens in the Township in which the subject development is located.
 - b. Purchase of or contribution toward the purchase of early warning sirens.
 - c. Location or placement of early warning sirens in the subject development.
 - d. Maintenance and repair of all early warning sirens located in the subject development
 - e. Activation of all early warning sirens located in the subject development.
 - f. Replacement of all early warning sirens located in the subject development at such time as said sirens become inoperable or obsolete.
 - g. Any other requirements establishes by the Marshall County Plan Commission.

10.04 IMPROVEMENTS AND INSTALLATIONS

1. General

- a. Subdivision improvements shall be designed, furnished and installed in accordance with requirements herein and other applicable criteria. Whenever requirements of any other governmental unit are higher or more restrictive than this Ordinance, those requirements shall control any application for plat approval.
- b. Prior to any construction in a subdivision, the subdivider shall submit copies of the erosion control plan and construction drawings for street drainage facilities and all other required improvements to the Planning Commission at least thirty (30) days before construction begins. Construction drawings for the sanitary sewer system shall also be submitted to the Marshall County Board of Health, Indiana, State Department of Health, Indiana Department of Environmental Management and such other state agencies as may be appropriate, at least sixty (60) days before construction begins.
- c. Inspection of construction of all required improvements shall be under the direction of the Planning Commission. The subdivider shall sign and Agreement for Inspection and Testing Services with the County, as prescribed in the inspection and testing forms provided by the Department of Planning and Zoning.

2. Streets

- a. Improvements for streets shall be performed to meet the following minimum standards and requirements.

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CHAPTER 11 PARCEL LOT SPLITS

- 11.01** **OVERVIEW** -- Permission to pursue a divisional lot split, in lieu of platting, shall be obtained from the Marshall County Plan Department.
- 11.02** **MINIMUM FRONTAGE AND ACREAGE REQUIREMENTS:** Unimproved tracts and improved tracts with principle structures shall meet the following minimum road frontage and acreage requirements for the type of street the tract fronts on:
1. **Local Street** -- 210' at the building line with a minimum area of 1 acre.
 2. **Frontage** -- 50' minimum along a public road.
- 11.03** **STANDARDS FOR UNIMPROVED TRACTS:** Unimproved tracts for potential building sites shall meet the following standards:
1. **Site Distance** -- Proper site distance per Table 6-3.
 2. **Drainage** -- Corrective measures for drainage concerns of the site;
 3. **Sewage** -- Sewage disposal acceptable to the Marshall County Health Department and a safe water source;
 4. **Perimeter Drain** -- Adequate drainage outlet for the septic system subsurface perimeter drain;
 5. **Right-of-way** -- Right-of-way dedication pursuant to the Marshall County Thoroughfare Plan; and
 6. **Sidewalks** -- Commitment to participate in the installation of sidewalks across the frontage of the tract when the parcel is developed whenever sidewalks adjoin the tract.
- 11.04** **STANDARDS FOR IMPROVED TRACTS WITH PRINCIPLE STRUCTURES:** Improved tracts with principle structures shall meet the following standards:
1. **Sewage and Water** -- Show proof that sewage disposal is acceptable to the Marshall County Health Department and that a safe water source exists;
 2. **Drainage** -- Corrective measures for drainage concerns of the site;
 3. **Right-of-way** -- Right of way dedication pursuant to the Marshall County Thoroughfare Plan;
 4. **Sidewalks** -- Commitment to participate in the installation of sidewalks across the frontage of the tract at the time sidewalks adjoin the tract when the parcel is developed.

11.05 **SUBMITTAL REQUIREMENTS:** Each lot will require a separate submittal. A copy of the application materials must be submitted to the Marshall County Planning and Building Department.

1. **Application Materials** -- The application materials shall include the following:

- a. Split Approval Form
- b. Parcel survey consisting of the following:
 - 1. North Arrow
 - 2. Graphical Scale
 - 3. Parent tract identified by deed of record
 - 4. Proposed parcel including the following:
 - i. Boundary lines and acreage thereof
 - ii. Right-of-way
 - iii. Building setback lines
 - iv. All easements of record

5. Legal Description – subject to the requirements of the Marshall County Subdivision Ordinance

- 6. Sidewalk commitment when applicable
- 7. Sheet size
 - i. Minimum Legal
 - ii. Maximum 24"x36"

CHAPTER 12
ADMINISTRATION AND ENFORCEMENT

12.01 **GENERAL** -- The Department is hereby designated as the agency responsible for administration, interpretation, and enforcement of this Article.

12.02 **INTERPRETATION** -- It is the intent of this Article that the Department shall accomplish any interpretation of the Article. Any interpretation made by the Department with the secondary appeal to the Plan Commission.

12.03 **CONDITIONAL MODEL HOMES AND SALES OFFICES**

1. Model Homes

a. Improvement Location Permits -- Following secondary approval of subdivision plat and plans, but prior to recording of the plat, the Plan Commission, and/or its duly authorized representative(s) may authorize the issuance of conditional improvement location permits for show models. The applicant shall first submit an Allocation Letter for sanitary sewer service, or a septic permit if sanitary sewer service is not available. The conditional improvement location permit must be posted on the show model. The conditional improvement location permits shall be valid for a period of one year; however, the Plan Commission may choose to renew the permits at one-year intervals. The Plan Commission shall adopt written rules for the issuance and administration of conditional model home permits.

b. Temporary Sales Office -- A model home shall serve as temporary sales office only for homes within the subdivision in which it is located. A model home shall not be used as a real estate sales office for properties located outside the boundaries of the primary plat of the subdivision in which it is located.

c. Conditional Improvement Location Permit Required -- A conditional improvement location permit, good for a period of one year, shall be required for construction and may be renewed on an annual basis.

d. Number of Model Home/Sales Office Permits -- The number of model home/sales office permits issued (per primary plat) shall be limited to the following:

I. Single-family Dwelling Subdivision -- maximum of five (5) dwellings.

II. Two-family Dwelling Subdivision -- maximum of four (4) dwellings (two buildings).

III. Multi-family Dwelling Subdivision – maximum of four (4) dwelling units. Multi-family dwellings may have more than four units in a single building, but no more than four (4) units may be used as show models.

e. Necessary Conditions – Prior to issuance of a permit for a model home or sales office, one of the following conditions shall be met.

I. Either stabilized access surface and stone base shall be in place for streets, and public water with fire hydrants in service, or

II. Applicant shall provide the County with written verification of indemnification/hold harmless provision provided by applicant's insurance carrier.

f. Occupancy – An occupancy permit shall not be issued until the subdivision plat has been recorded.

2. Temporary Sales Offices, Conditional Permit

a. Improvement Location Permit -- Following secondary approval of a subdivision plat and plans, but prior to recording of the plat, the Plan Commission and/or its duly authorized representative(s) may authorize the issuance of conditional improvement location permits for a temporary sales office for placement in a residential, commercial, or industrial subdivision. The applicant shall first submit an Allocation Letter for sanitary sewer service, or a septic permit if sanitary sewer service is not available. The conditional improvement location permit must be posted on the temporary sales office. The conditional improvement location permits shall be valid for a period of one year for residential subdivisions, and two years for commercial or industrial (non-residential) subdivisions, however, the Plan Commission may choose to renew the permits at one-year intervals. The Plan Commission shall adopt written rules for the issuance and administration of temporary sales office conditional permits.

I. Temporary Sales Office -- A temporary sales office shall serve as temporary sales office only for buildings and lots within the subdivision in which it is located. A temporary sales office shall not be used as a real estate sales office for properties located outside the boundaries of the primary plat of the subdivision in which it is located. A temporary sales office shall be a transportable (and removable) structure including, but not necessarily limited to, a manufactured home or modular building.

12.04 **VACATION** -- The process to vacate a part of a plat, public way or public easement shall be in compliance with Indiana Code 36-7-3-10 through 16.

12.05 **WAIVER**

1. **Criteria** -- Where the Plan Commission finds that an extraordinary hardship or practical difficulty may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Plan Commission may approve a waiver to these regulations so that substantial justice may be done and the public interest secured, provided that the waiver shall not have the effect of nullifying the intent and purpose of these regulations. Furthermore, the Plan Commission shall not approve a waiver unless it shall make findings based upon the evidence presented to it in each specific case that each of the following criteria have been met:
 - a. **Public Safety, Health, or Welfare** -- The granting of the waiver will not be detrimental to the public safety, health, or welfare;
 - b. **Nearby Property** -- The waiver will not adversely affect other nearby property;
 - c. **Unique Conditions** -- The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - d. **Hardship Due to Property** -- Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience or financial disadvantage, if the strict compliance of these regulations is carried out;
 - e. **Consistent** -- The waiver is consistent with the intent of this ordinance, the Zoning Ordinance, the Comprehensive Plan, and the Thoroughfare Plan, as interpreted by the Plan Commission.
 - f. **Owner Not Responsible** -- The condition necessitating the waiver was not created by the owner or applicant; and
 - g. **No Conflict with BZA** -- The waiver will not conflict with the powers and duties of the Board of Zoning Appeals, as defined by the zoning ordinance.

2. **Conditions** -- In approving or denying a waiver request, the Plan Commission shall make specific findings on each of the criteria in this section. If the Plan Commission approves a waiver request, it may impose reasonable conditions with a waiver that may be necessary to accomplish the purpose and intent of these regulations.

3. **Written Request** -- A request for a waiver shall be submitted in writing by the applicant with the application for primary approval. The written request shall make specific reference to the section of the ordinance from which such waiver is being requested and shall state fully the grounds for the waiver as set forth in this section, addressing the criteria in this section.

12.06 ENFORCEMENT

1. **Staff** -- It shall be the duty of the Plan Commission Staff or their authorized agents to enforce the terms of this ordinance and said Staff is authorized to do all things and to take all action necessary and prudent, under the circumstances, to enforce the provisions hereof.
2. **Sale or Transfer** -- No owner or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of subdivision has been approved by the Plan Commission, in accordance with the provisions of these regulations and recorded.
3. **Division by Metes and Bounds** -- The division of any parcel of land into a subdivision, as defined in these regulations, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of one (1) or more sites shall not be eligible for a improvement location permit.
4. **Full Compliance** -- No Improvement Location Permit, or Certificate of Occupancy required under the Building Code, the Zoning Ordinance or these regulations shall be issued on any property subject to these regulations until such property is in full compliance with the provisions of these regulations.
5. **Subdividing in Violation** -- Any land within the County's jurisdiction that is subdivided in violation of this ordinance is hereby declared to be a common nuisance. Any person who violates a provision of these regulations shall be guilty of an ordinance violation and shall be guilty of a Class C Infraction which, upon conviction, shall carry a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) for each day's violation, and for each day that the violation continues unabated, a separate offense shall be deemed to have been committed.
6. **Injunction** -- The Plan Commission may institute an injunction suit requesting a person or a governmental unit to be directed to remove a structure erected in violation of these regulations or to make the same comply with its terms. If the Plan Commission is successful in its suit, the respondent shall bear the costs of the action including but not limited to attorney fees, court costs, legal advertising and professional services.
7. **Actions Cumulative** -- For and on behalf of the Plan Commission, Department, or the County, as their interests may appear, the director may institute, in a court of appropriate jurisdiction, causes of action against any person who violates any

terms of this ordinance. Said causes of action shall include, but not be limited to, the filing of a charge of a Class C Infraction; filing suit for temporary or permanent restraining order, or for filing suit against the maintenance of a common nuisance. In addition, the Department may pursue any other action, or remedy, authorized by the laws of Indiana. All of the foregoing actions shall be cumulative.

8. **Additional Action** -- The Department may also take the following actions against violations of this ordinance, at the discretion of the Planning Director:
 - a. Issue stop work orders;
 - b. Withhold issuance of building permits; and
 - c. Withhold certificates of occupancy.

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CHAPTER 13 DEFINITIONS

13.01 INTERPRETATION

1. From this Article -- For the purposes of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this article.

2. State Laws -- Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

3. Common Interpretations -- For the purpose of these regulations, certain words or terms used herein shall be interpreted as follows:

a. Person -- The word "person" includes a firm, association, organization, partnership, trust, company, or corporation or other legal entity as well as an individual;

b. Present Tense, Singular and Plural -- The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;

c. Mandatory, Permissive and Preferred -- The word "shall" or "must" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement;

d. Used or Occupied -- The words "used" or "occupied" include the words "intended, designed, constructed, converted, altered or arranged to be used or occupied".

4. Dictionary -- Any word or term not defined herein shall be given a meaning found in a recent edition of a standard English dictionary.

13.02 DEFINITIONS -- This section explains the meaning of the more important terms used in the text of these regulations. A graphic illustration of certain definitions is provided in this ordinance. Any zoning, drainage or erosion control terms or words used in the text of these regulations but not defined herein shall have the meaning as defined by the Marshall County Zoning Ordinance or Marshall County Drainage Handbook.

AASHTO: American Association of State Highway and Transportation Officials

ABUT: To physically touch or border upon; or to share a common property line.

ACCELERATION LANE: An added roadway lane, which permits integration and merging of slower moving vehicles into the main vehicular stream.

ACCESS: A way or means of approach to provide physical entrance to a property.

ACCESS POINT: A driveway, public street or private street intersecting a public street.

ACCESS, PRIVATE: An access not in public ownership or control by means of deed, dedication or easement.

ACCESS ROAD: A street designed to provide vehicular access to abutting property and to discourage through traffic.

ACRE: A measure of land area containing forty-three thousand five hundred and sixty (43,560) square feet.

ADDRESS: The number or other designation assigned to a housing unit, business establishment, or other structure for purposes of mail delivery, emergency services, and so forth.

ADJACENT: The condition of being near to or close to but not necessarily having a common dividing line. Two properties which are separated by only a street or alley shall be considered adjacent to one another.

ALLEY: A right-of-way, other than a street, road, crosswalk, or easement, designed to provide a secondary means of access to the rear or sides of lots, and not intended for the purposes of through vehicular traffic.

AMENDMENT: A change to a recorded secondary plat generally affecting the total subdivision.

APPLICANT: The owner of real estate or an appointed agent of an owner, who makes application to the Marshall County Planning and Building Department for action by the Marshall County Area Plan Commission or Board of Zoning Appeals.

APPLICATION: A form completed as specified by these regulations and all accompanying documents required by these regulations for approval of the application.

BACKFILL: Material used to refill a ditch or other excavation, or the process of doing so.

BLOCK: A unit of property bounded by streets, rights-of-way, railroad rights-of-way, or waterways.

BOARD: The Board of Commissioners of Marshall County, Indiana.

BOND: A type of financial guarantee, in the form of a surety bond satisfactory to the Board.

BOUNDARY: A line, which may or may not follow a visible feature, that defines the limits of a geographic entity such as a lot, block, subdivision, county, or place.

BRIDGE: A structure or conduit with a total span of over twenty (20) feet that carries storm water under a driveway, roadway, railroad, pedestrian walk or public way. A series of structures with a total span of over twenty (20) feet (such as five ((5)) sixty ((60)) inch pipes) constitutes a bridge.

BUFFERYARD: Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

BUILDABLE TRACT: A parcel of land, which is eligible for an improvement location permit in its current form without further subdivision approval.

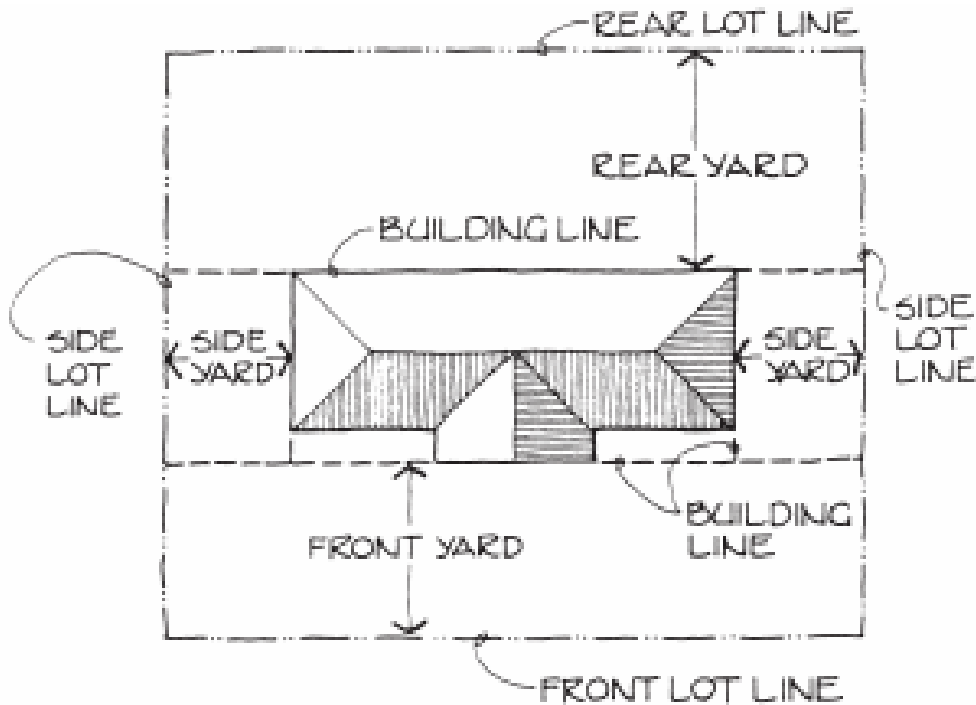
BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING CODE: The County Ordinance establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the County; also referred to as the Building Code of Marshall County, Indiana, Ordinance No. 1987-13 and all subsequent amendments.

BUILDING ENVELOPE: The area available for construction on a lot; the lot area excluding well fields, on-site sewage systems, building setbacks, easements, water bodies, and other such location restrictions.

BUILDING PERMIT: Written permission issued by the Building Commissioner for the construction, repair, alteration, or addition to a structure.

BUILDING SITE: An area proposed or provided by grading, filling, excavating or other means for erecting pads, slabs, or foundations for buildings.



BUILDING (SETBACK) LINE: A line within a lot which is generally parallel with and measured from the lot line (property line), defining the limits of a yard in which no structure may be located above ground, except as allowed otherwise by Marshall County Code. Setback lines are more specifically described as front yard, side yard and rear yard setbacks. See also definition of "YARD".

CATCH BASIN: An inlet designed to intercept and redirect surface waters.

CERTIFICATE OF OCCUPANCY: A document issued by the Building Commissioner allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all applicable laws of the State of Indiana and Marshall County.

COMMISSION: The Area Plan Commission of Marshall County, Indiana established as defined under the Indiana Code 36-7-4-200.

COMMISSIONERS, BOARD OF COUNTY: The Board of County Commissioners of Marshall County, Indiana as established under Indiana Code 36-2.

COMMON AREA: Land or an area of water, or combination thereof, within a development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development. Common area may include complementary structures and improvements.

COMPREHENSIVE PLAN: The comprehensive plan for Marshall County, Indiana, prepared and approved under the 500 series of IC 36-7-4, as amended.

CONFORM: In compliance with the pertinent rules, guidelines, regulations or ordinances.

CONSTRUCTION: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, or pile driving.

CONSTRUCTION PLAN(S): The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of these regulations and the conditions of approval of the plat.

CONTIGUOUS: The same as abutting.

COUNTY: Marshall County, Indiana.

COUNTY ATTORNEY: The licensed attorney designated by the Board to furnish legal assistance for the County.

COUNTY AUDITOR: That County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

COUNTY ENGINEER: The certified professional engineer appointed by the Board to furnish engineering assistance in the administration of these regulations.

COUNTY HEALTH DEPARTMENT: The Health Department of Marshall County, Indiana.

COUNTY HIGHWAY SUPERINTENDENT: That County official appointed by the Board responsible for planning, directing, and managing Highway Department operations, bridge crews, and activities of the County garage.

COUNTY PLANNING AND BUILDING DEPARTMENT: The Planning and Building Department of Marshall County, Indiana.

COUNTY RECORDER: That County official empowered to record and file land description plats.

COUNTY STAFF OR COUNTY PLAN COMMISSION STAFF: See “STAFF”.

COUNTY SURVEYOR: The elected county official responsible for the regulated drain system and the Marshall County Drainage Handbook

COVENANT: A private agreement restricting the use and occupancy of real estate, which is a part of the conveyance and is binding on all subsequent purchasers.

CROSS SECTION: A profile of the ground surface perpendicular to the centerline of a street, sidewalk, waterway, or other improvement.

CUL-DE-SAC: See "STREET, CUL-DE-SAC".

CULVERT: A drain or conduit with a total span of less than twenty (20) feet not incorporated in an enclosed system that carries storm water under a driveway, roadway, railroad, pedestrian walk or public way.

CURB: A boundary of concrete or other material, usually marking the edge of the roadway or paved area.

DAM: Any man-made structure that is or may be used to impound water.

DEAD END STREET: A street temporarily having only one (1) outlet for vehicular traffic and which is designed and intended to be extended or continued in the future.

DEDICATION: The setting apart of land or interest in land for public use by the recording of the plat, an ordinance, resolution, entry in the official minutes, or express manifestation on the part of the owner.

DEED RESTRICION: See "COVENANT".

DESIGN STANDARDS: A set of guidelines defining parameters to be followed in a site or building design and development.

DETENTION AREA: Detention areas, also known as dry ponds, extended detention basins, detention ponds and extended detention ponds, are basins whose outlets are designed to detain the stormwater runoff for some minimum duration (e.g., 24 hours), which allow sediment particles and associated pollutants to settle out. Unlike retention areas, detention areas do not have a permanent pool. However, detention areas are often designed with small pools at the inlet and outlet of the pond, and can also be used to provide flood control by including additional detention storage above the detention level.

DEPARTMENT: The Marshall County Planning and Building Department.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction, or placement of a building or any addition to a building;
2. Installing utilities, erection of walls, construction of roads, or similar projects;
3. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
4. Mining, dredging, filling, grading, excavation, or drilling operations;
5. Construction or reconstruction of bridges or culverts;
6. Storage of materials; or

7. Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

DIRECTOR: For the purposes of this ordinance, the term director shall mean the Director of the Marshall County Planning and Building Department, or his designated representative.

DITCH: An open channel either natural or excavated for the purpose of drainage or irrigation.

DIVISIONAL LOT: For purposes of this ordinance, a divisional lot is a lot that is legally created without platting, and that meets the standards contained in Chapter 10 of this document.

DOUBLE FRONTAGE LOT: See "LOT, DOUBLE FRONTAGE".

DRAINAGE: Surface water runoff and the removal of water from land by drains, grading or other means during and after construction or development.

DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure intended for motor vehicle access.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

EGRESS: An exit.

ELEVATION: A vertical distance above or below sea level or a flat scale drawing of the front, rear, or side of a building.

ENGINEER: see "PROFESSIONAL ENGINEER".

ENVIRONMENTAL IMPACT STUDY: An informational document that describes the anticipated effect of a development proposal or other major action that could significantly affect the natural environment.

EROSION: Wearing away of the land by running water and waves, abrasion, temperature changes, ice and wind.

ESCROW: The arrangements for the handling of instruments or money not to be delivered until specific conditions are met.

EXCAVATION: Removal by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the land surface thereof, whether exposed or submerged.

FENCE: Any installed barrier of any material or combination of materials erected to enclose or screen areas of land.

SECONDARY APPROVAL: The secondary approval of a subdivision plat.

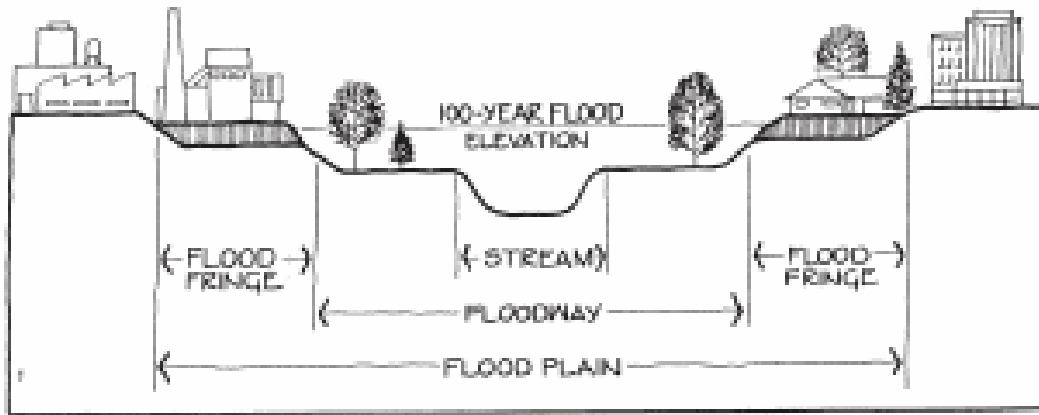
FINAL PLAT: see "PLAT, SECONDARY"

FINANCIAL GUARANTEE: a financial security accepted by the county to ensure that all improvements, facilities, work required and maintenance will be completed in conformance with the approved plat. A financial guarantee may be in the form of a bond, letter of credit, cashier's check, or in any other form acceptable to the County Attorney.

FINISHED ELEVATION: The proposed elevation of the land surface of a site after completion of all site preparation work.

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. The floodplain includes both the floodway and the floodway fringe districts.

FLOODWAY: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.



FLOODWAY FRINGE: Those portions of the floodplain lying outside the regulatory floodway.

FRONTAGE: The length along the street right-of-way line of a single lot, tract or development area between the side lot lines of the property. The side of a lot abutting a street and generally regarded as the front of the lot.

FUNCTIONAL CLASSIFICATION SYSTEM: A hierarchy of roads as shown on the Master Thoroughfare Plan and designated in the Comprehensive Plan to be used for the development and improvement of the county road system.

GRADE: The slope of a road, street, swale, storm sewer, or other public improvements, specified in terms of gradient percentage (%). Example: One foot of rise in 100 feet would be one-percent grade.

HAZARDOUS MATERIAL: Those pollutants or combinations of pollutants, including disease-causing agents as defined by the Environmental Protection Agency or the state, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in those organisms or their offspring.

HOMEOWNERS ASSOCIATION: A corporation or other entity that is organized and operated exclusively for the benefit of two (2) or more persons who each own a dwelling in fee simple and acts in accordance with the articles, bylaws, and other documents governing the entity. Community Association and Business Park Associations are included in this definition.

IDEM: Indiana Department of Environmental Management.

IDNR: Indiana Department of Natural Resources.

IMPROVEMENT: Any alteration to the land or other physical constructions associated with subdivision and building site development.

IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of the Zoning Ordinance.

INDIANA CODE: The document, which codifies all Indiana Statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws now in force and applicable.

INDOT: Indiana Department of Transportation.

INGRESS: Access or entry.

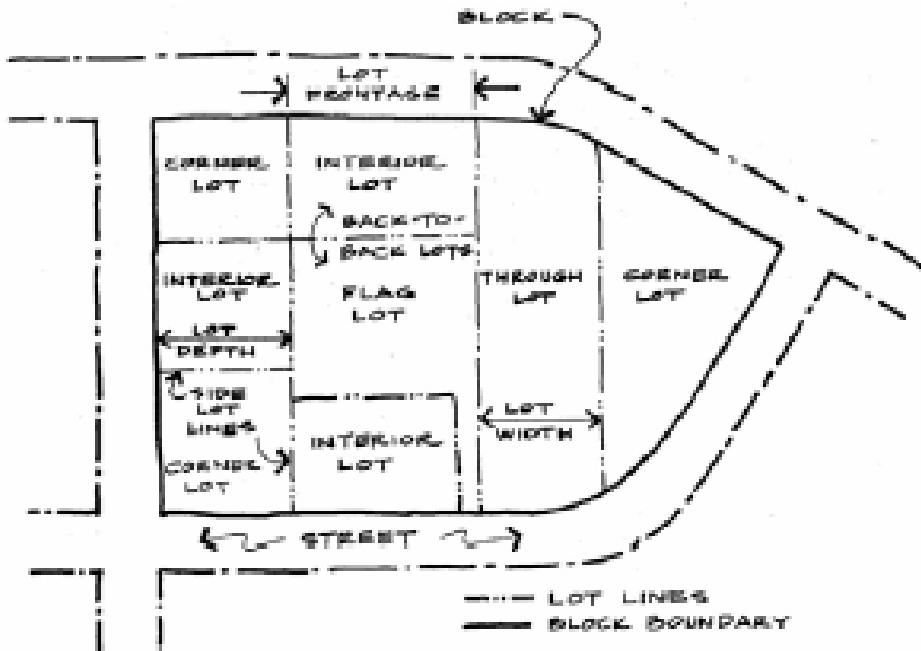
INTERSTATE: A divided multilane highway for through traffic with all crossroads separated in grades and with full control of access.

JURISDICTION: The unincorporated area of the County and those jurisdictions within the county, which have by mutual agreement surrendered jurisdiction to the county, or any governmental unit or political division over which the government unit exercises power and authority.

LANDSCAPING: An expanse of organic scenery including the addition of lawns, trees, plants, and other natural and decorative features of land.

LEGAL DRAIN: See “REGULATED DRAIN”.

LOT - A single recorded tract or plot, which is the smallest unit of a subdivision or other parcel of land. A lot serves as a unit for the purpose, whether immediate or future, of transfer of ownership or lease.



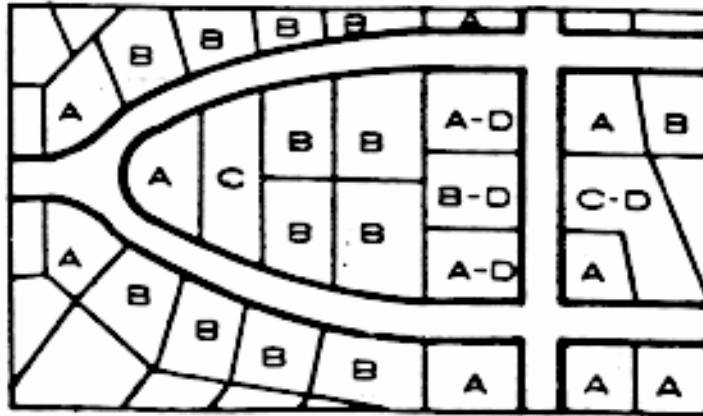
LOT, CORNER: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees; designated as "A" on the following illustration.

LOT, FLAG: A lot that has access to a public right-of-way by means of a narrow strip of land; designated as "C-D" on the following illustration.

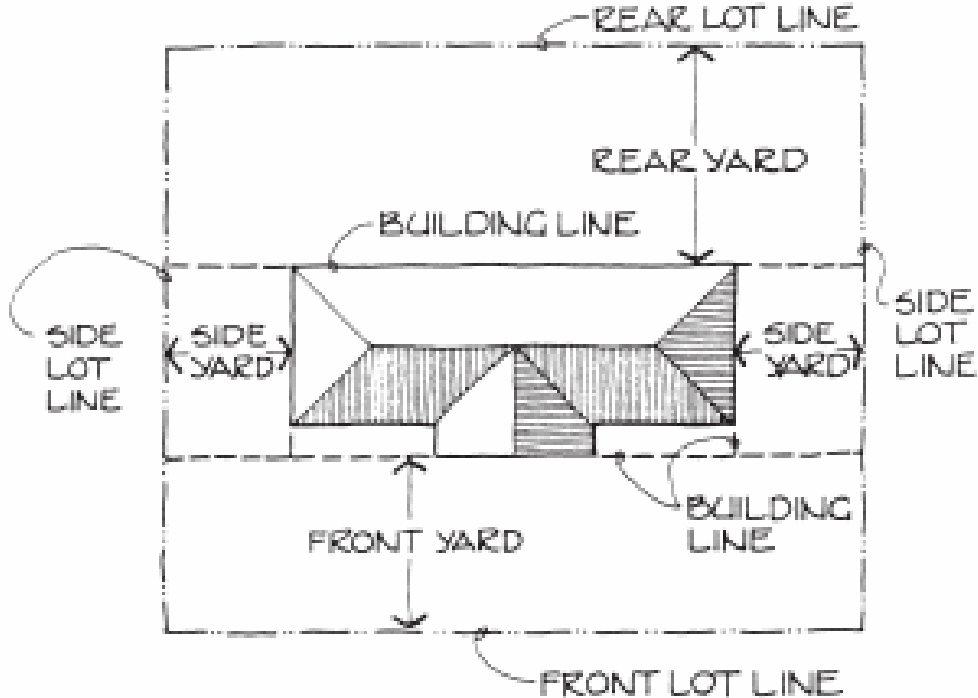
LOT, INTERIOR: A lot other than a corner lot or a double-frontage lot; designated as "B" on the following illustration.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot with frontage on more than one street. Double frontage lots may also be referred to as through lots; designated as "C" on the following illustration. For purposes of this definition, perimeter lots in a proposed development do not constitute double frontage lots.

LOT, REVERSED FRONTAGE - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot; designated as "D" on the following illustration.



LOT LINE: The property lines defining the legal boundary of a lot. Property lines may be designated as front, side or rear property lines, as shown on the following illustration:



MAINTENANCE GUARANTEE: Any security which may be required and accepted by the Board of County Commissioners to assure that necessary improvements will function as required for a specific period of time.

MAJOR STREET: A major street as used in these regulations includes any arterial, and collector streets, as defined by the Marshall County Master Thoroughfare Plan. A major street would also include any state or federal highway.

MAJOR SUBDIVISION: See "SUBDIVISION, MAJOR".

MASTER THOROUGHFARE PLAN: A formally adopted plan that indicates the location of existing or proposed thoroughfares, including their functional classification, alignment, and rights-of-way.

MCSDESCO: Marshall County Storm Drainage and Sediment Control Ordinance.

MEDIAN: An area in the approximate center of a county street or state highway that is used to separate the directional flow of traffic, may contain left-turn lanes, and is demarcated by curb and guttering.

MINOR SUBDIVISION: See "SUBDIVISION, MINOR"

MONUMENT: Any permanent marker either of concrete, galvanized steel pipe, or iron or steel rods used to identify the location of a property corner or other survey point.

NATURAL RESOURCE CONSERVATION SERVICE (NRCS): A governmental agency that provides advice to communities, agencies and individuals within its jurisdiction, and reviews development proposals for soil erosion and sediment control measures.

NON-ACCESS EASEMENT: An easement specifically provided that prohibits access to a road or street by vehicular traffic on a regular basis. Driveways shall not be constructed across this easement, but utility company vehicles servicing adjoining lines may cross, for example.

NONRESIDENTIAL SUBDIVISION: A subdivision whose intended use is other than residential, such as commercial or industrial or other public uses.

NOTICE: The advertisement of a public hearing in a paper of general circulation in the area indicating the time, place and nature of the public hearing as required by Indiana Code 36-7-4-706, or the posting of a public meeting notice as required by the Indiana Code 5-3-1.

ON-SITE SEWAGE DISPOSAL SYSTEM or OSDS: All equipment and devices necessary for the proper on-site conduction, collection, storage, and treatment of sewage and on-site disposal of sewage, from a residence or commercial facility. The related drainage field for an on-site sewage system is also considered part of the system.

OPEN SPACE: Land used for recreation, greenways, resource protection, amenity, and/or bufferyards. In no event shall any area of a lot constituting the minimum lot area of said lot nor any part of an existing or future road or right-of-way be counted as constituting open space except that bufferyard areas may be included in the area of a lot constituting the minimum lot area.

ORDINANCE: A Board adopted law or regulation, including any amendment or repeal of same.

OWNER: An individual, firm, association, syndicate, partnership, corporation or other entity having proprietary interest in the real estate.

PARCEL: Any legally established piece of land designated by the owner or developer as land to be used or developed as a unit, or that has been developed as a unit.

PARK: A tract of land designated and used by the public for active and passive recreation.

PATH: Any pedestrian way that is not a sidewalk.

PAVEMENT: That part of a street having an improved surface of brick, paving stone, concrete or asphalt placed on the surface of the land.

PEDESTRIAN WAYS: A pedestrian walkway or path located within an access easement.

PERFORMANCE GUARANTEE: An amount of money or other negotiable security paid by the owner to Marshall County, which guarantees that the owner will perform all actions required by the governing body regarding an approved plat, and provides that if the owner defaults and fails to comply with the provisions of any approved plat, the owner or his surety will pay damages up to the limit of the financial guarantee, or the surety itself will complete the requirements of the approved plat.

PERIMETER DRAIN: Part of an on-site subsurface drainage system that is used to control the seasonal high water table of the soil.

PERMANENT EROSION CONTROL MEASURE: Any measure, vegetative or otherwise, that resists sediment migration and/or movement and shall remain unaffected by weather or atmospheric conditions.

PLAN COMMISSION: The Area Plan Commission of Marshall County, Indiana established as defined under the Indiana Code 36-7-4-102.

PLAN COMMISSION TECHNICAL ADVISORS: The Plan Commission Technical Advisors shall consist of the following County officials or their designated representative: Director of Planning and Building Department; County Marshall County Highway Department; Director of Environmental Health; Natural Resource Conservation Service (NRCS)-District Conservationist; Highway Superintendent; and County Surveyor.

PLAT: A diagram drawn to scale representing a tract of land, showing the boundaries and location of individual properties and streets; including the subdivision or resubdivision of land intended to be filed for record.

PLAT, PRIMARY: An initial diagram of a subdivision of land or development plan that is presented to the proper review authority for primary approval.

PLAT REVIEW COMMITTEE: The Plan Commission Plat Review Committee shall consist of five (5) persons, with at least one (1) of the members being a member of the Plan Commission. The Marshall County Plat Review Committee includes the following County officials or their designated representative: Director of Planning and Building Department; Marshall County Highway Department.

Director of Environmental Health; Natural Resource Conservation Service (NRCS)-District Conservationist; and the County Surveyor.

PLAT REVISION: A change to an approved, unrecorded plat not involving a significant change from the primary approval.

PLAT, SECONDARY: The final diagram of all or a portion of a subdivision or development plan that is presented to the proper review authority for secondary approval.

PLOT: Land occupied or to be occupied by a building or use, and its accessory buildings and accessory uses, together with such yards and open spaces as are required. A plot may consist of one or more or portions of a platted lot or unplatted land.

POTABLE WATER: Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.

PRIMARY PLAT: See "Plat, Primary."

PRIMARY APPROVAL: An approval granted to an applicant by the Plan Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in these regulations as defined by Indiana Code 36-7-4-702, prior to secondary approval.

PROFESSIONAL ENGINEER: A registered professional engineer, licensed to practice in Indiana.

PUBLIC: Belonging or open to, enjoyed and used by and/or maintained for the public generally, but not limited to a facility the control of which is wholly or partially exercised by some governmental agency.

PUBLIC IMPROVEMENT: Any improvement, facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy or similar essential services, and maintained by the proper agencies.

PUBLIC HEARING: A meeting announced and advertised in advance, and open to the public, with the public given an opportunity to appear and be heard.

PUBLIC MEETING: A meeting announced and advertised in advance and open to the public. The public may or may not be heard, as determined by the hearing body.

PUBLIC SEWER: Any system, other than an on-site sewage disposal system, that is operated by a municipality, governmental agency, public or private utility for collection, treatment and disposal of wastes.

PUBLIC WATER SYSTEM: Any system, other than an individual well, that is operated by a municipality, governmental agency, public or private utility for the furnishing of potable water.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

RECORD DRAWINGS: Plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements. Record drawings may also be referred to as “as-built” drawings.

REGISTERED LAND SURVEYOR: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REGULATED DRAIN: Also called a legal drain. An open drain, a tiled drain, or a combination of the two, having been accepted by and being under the authority and control of the Marshall County Drainage Board, and is subject to the provisions of the Indiana Drainage Code, IC 36-9-27.

REPLAT: A change to a portion of a recorded plat, generally dealing with lot line locations, building setback lines, or easements. Also known as a resubdivision.

RESTRICTIVE COVENANT: See "COVENANT".

RESUBDIVISION: See "REPLAT".

RETENTION AREA: Retention ponds maintain a permanent pool of water in addition to temporarily detaining stormwater. These ponds fill with stormwater and release most of it over a period of a few days, slowly returning to its normal depth of water. Also known as a wet retention area or pond.

RIGHT-OF-WAY (R.O.W.): A strip of land acquired by grant, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric distribution or transmission line, telephone line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

ROAD: See “STREET.”

ROUNDABOUT: An intersection of two or more streets designed in a circular pattern with a center island and designed for the efficient movement of traffic without the use of stop signs or signals.

RUNOFF: The waters derived from melting snow or rain falling within a tributary drainage basin that exceed the infiltration capacity of the soils of that basin, flow over the surface of the ground, or are collected in channels or conduits.

SANITARY SEWER: A pipe that carries sewage and into which storm, surface and ground waters are not intentionally admitted.

SECRETARY-OF THE PLAN COMMISSION: The Director of the Marshall County Planning and Building Department, as designated by the Plan Commission to carry out the business of the Plan Commission.

SCREENING A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

SEPTIC SYSTEM: All equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a residence or commercial facility. Septic systems are often used for individual home waste disposal where an urban sewer system is not available.

SETBACK LINE: See "BUILDING SETBACK LINE".

SKETCH PLAN: A rough diagram of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

SIDEWALK: A paved, surfaced or leveled area, usually parallel to and separate from the street, used as a pedestrian walkway.

SITE: Any geographical area.

SOIL AND WATER CONSERVATION DISTRICT: See Natural Resource Conservation Service.

SOIL MAP: A map delineating soil types that are part of the Soil Survey of Marshall County, Indiana, 1974.

SOIL SCIENTIST: An individual registered as a professional soil scientist with the Indiana Registry of Soil Scientists (IRSS) as provided for under IC 25-31.5.

SPECIFICATION: A detailed instruction, which designates the quality and quantity of materials, and workmanship, expected in the construction of a structure.

STAFF: The following shall be considered as staff, for the purposes of this ordinance: Marshall County Highway Superintendent, Environmental Health Director, County Marshall County Highway Department, Planning and Building Director, the National Resource Conservancy Service's District Conservationist, the Marshall County Deputy Surveyor, and including the respective departmental staff for each of the above named positions.

STANDARD SPECIFICATIONS: The latest edition of the Indiana Department of Transportation's standard specifications.

STOP WORK ORDER: An administrative order, which directs a person not to continue or not to allow the continuation of an activity that is in violation of this code.

STREET: A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term "street" also includes the terms highway, parkway, road, thoroughfare, avenue, boulevard, lane, court, place, and other such terms.

STREET, CUL-DE-SAC: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

STREET INTERSECTION: The meeting or crossing of public or private streets or accessways.

STREET, LIMITED ACCESS: A street which allows only indirect access to abutting properties primarily by distributing traffic to intersecting lesser volume streets or some other means as needed to allow for efficient local circulation.

STREET, LOOP: A type of local street, each end of which terminates at an intersection with the same arterial street or collector street.

STREET RIGHT-OF-WAY LINE: A dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes.

STREET, RURAL LOCAL: Streets which:

1. Provide access to adjacent land;
2. Include any street not classified as an arterial or collector street;
and
3. Serve travel over relatively short distances.

These roads constitute sixty-five (65) percent (%) to seventy-five (75) percent (%) of the travel road miles.

STREET, RURAL MAJOR COLLECTOR: Streets which:

1. Serve all, or virtually all population centers of one thousand (1,000) or more, as well as provide service to any county seat not on an arterial route, and to other traffic generators of inter-county importance, such as consolidated schools, shipping points, county parks, important mining and agricultural areas;
2. Link above places with nearby larger towns or cities or with routes of high classification; and
3. Serve the most important travel corridors.

STREET, RURAL MINOR ARTERIAL: Streets which:

1. Link cities and larger towns (and other traffic generators, such as major resort areas) that are capable of attracting travel over similarly long distances, and form an integrated network providing interstate and inter-county service;
2. Serve all, or virtually all, urban areas with a population of five thousand (5,000) or more. The system serves an urban area if it either enters or is located within two (2) miles of the urban boundary;
3. Are spaced at such intervals, consistent with population density, so that all developed areas of the state are within a reasonable distance of an arterial highway;
4. Provide service to corridors with trip length and travel density greater than those predominantly served by rural collector or local systems. Minor arterials, therefore, constitute routes whose design should be expected to provide for relatively high overall travel speeds with minimum interference to through movement.

Principal plus minor arterial systems should contain six to twelve (6-12) percent (%) of total rural miles.

STREET, RURAL MINOR COLLECTOR: Streets which:

1. Are spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road;
2. Provide service to the remaining smaller communities; and
3. Link the locally important traffic generators with their rural hinterland.

Major plus minor collectors should contain twenty to twenty-five (20-25) percent (%) of total rural miles.

STREET, STUB: A portion of a street for which an extension has been proposed and approved, or is contemplated for future development.

STREET, SUBDIVISION: A road that provides access to lots within a subdivision that is constructed by a owner and is generally dedicated to the County for maintenance.

STRUCTURE: Anything constructed or erected with a fixed location, or attached to something having a fixed location. Among other things, structures may include, but are not limited to buildings, mobile homes, walls, fences, swimming pools, signs and towers.

SUBDIVISION: The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division of development of land opened for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The following kinds of division of existing parcels of land are exempt from this ordinance:

1. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
2. A division of land for the acquisition of street right-of-way or easement;
3. A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites other than for accessory buildings are created by the division;
4. A division of land into cemetery plots for the purpose of burial of corpses; and.
5. A division of land to be subdivided for agricultural use only, provided that no additional building sites are created by this division.
6. A division of land by Divisional Lot Split, subject to recording in the Marshall County Records office.

SUBDIVISION, MAJOR: A subdivision of a parcel of land into more than three (3) residential, commercial or industrial lots or any size subdivision requiring any new street.

SUBDIVISION, MINOR: The subdivision of a parent parcel into any combination of not more than three (3) contiguous or non-contiguous new residential, commercial, or industrial building sites, or the reconfiguration of existing lots that create new building sites, and which does not involve the construction or extension of public or private streets, or under the standards set forth in this ordinance, does not involve substantial improvement or realignment of any existing county road. To qualify as a minor subdivision, the proposal must meet all of the conditions set forth in this ordinance for minor subdivisions.

SUBDIVISION STREET: See "STREET, SUBDIVISION".

SUBSURFACE DRAIN: A perforated underground drain required parallel to a street, swale or ditch and backfilled with stone. For purposes of this ordinance, the drain field for an on-site sewage disposal system is not considered a subsurface drain.

SURFACE DRAINAGE COURSE: A ditch or swale used to convey storm runoff to a stream or drainage structure.

SURVEYOR: see "REGISTERED LAND SURVEYOR".

TEMPORARY IMPROVEMENT: An improvement built and maintained by the property owner during construction of a subdivision which is intended to be replaced by a permanent improvement or removed prior to release of the performance guarantee.

THOROUGHFARE: The full width between property lines bounding every public way, with a part to be used for vehicular traffic.

TOPOGRAPHY: The configuration of a surface area showing relative elevations set to mean sea level.

TRACT: Unit of land under single ownership.

TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices placed or erected by authority of the Marshall County Highway Department and complying with the Indiana Manual of Uniform Traffic Control Devices.

UNDEVELOPED: Land in its natural state before development.

USE: The purpose of which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.

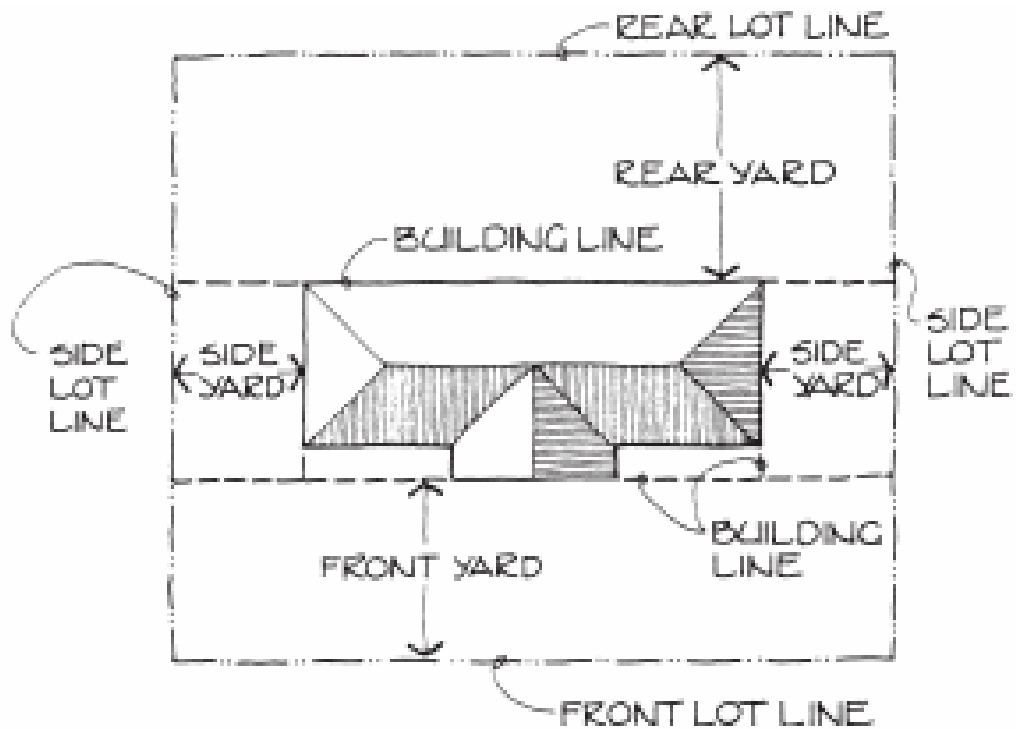
UTILITIES: Infrastructure services, including those basic utilities, and the structures necessary to deliver those services. Those services may be provided by public or private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone.

VICINITY MAP: A drawing which sets forth by dimensions or other means, the relationship of the proposed development or use to other nearby developments or landmarks and community facilities and services within the County in order to better locate and orient the area in question.

WAIVER: A modification of the provisions of these regulations that would result in unnecessary and undue hardship as determined by the Plan Commission.

WETLAND: The most current definition as defined by the United States Army Corps of Engineers.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a principal structure from the ground upward, except as otherwise provided herein.



YARD, FRONT: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

YARD, REAR: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

YARD, SIDE: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

APPENDIX A, DETAILS

Acceleration Lane Detail

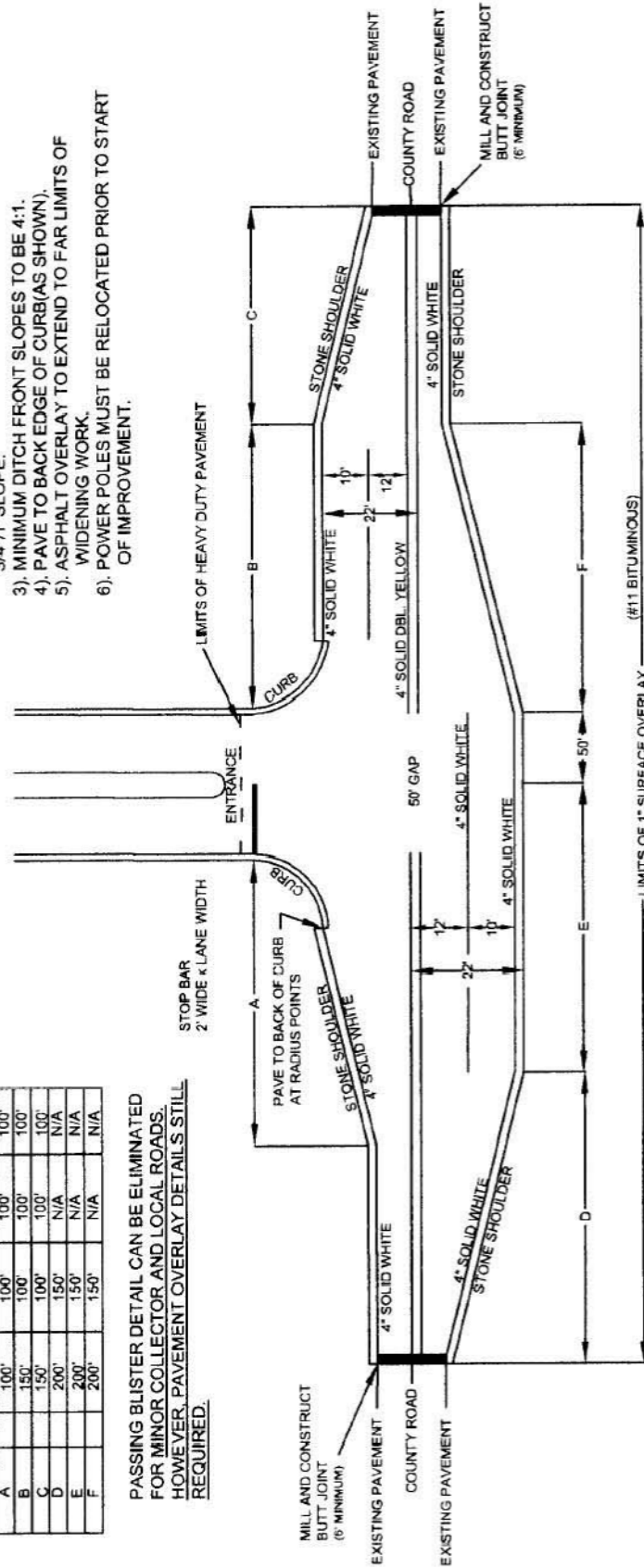
STREET CLASSIFICATION

DIMENSION	ARTERIAL	MAJOR COLLECTOR	MINOR COLLECTOR	LOCAL ROAD
A	100'	100'	100'	100'
B	150'	100'	100'	100'
C	150'	100'	100'	100'
D	200'	150'	N/A	N/A
E	200'	150'	N/A	N/A
F	200'	150'	N/A	N/A

PASSING BLISTER DETAIL CAN BE ELIMINATED FOR MINOR COLLECTOR AND LOCAL ROADS. HOWEVER, PAVEMENT OVERLAY DETAILS STILL REQUIRED.

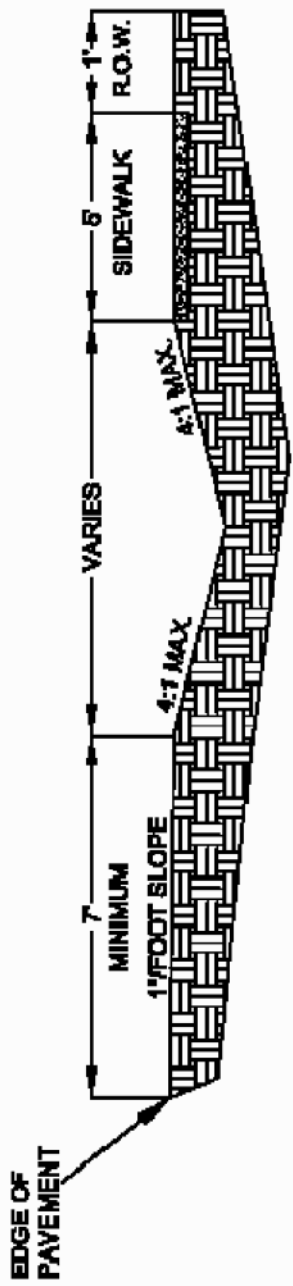
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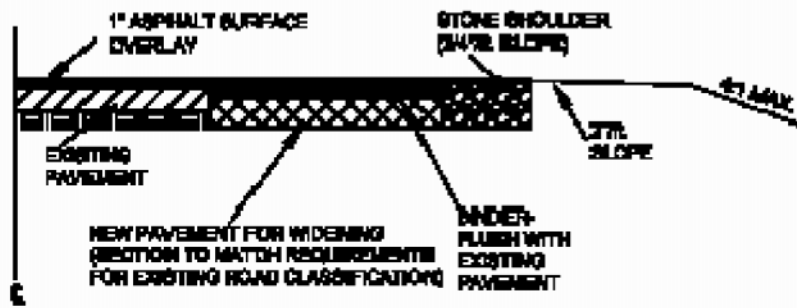
- 1). ALL STRIPING TO BE THERMOPLASTIC AND PLACED AFTER 30 DAY ASPHALT CURE PERIOD. TEMPORARY CENTERLINE STRIPING TO BE PLACED UNTIL FINAL STRIPING.
- 2). STONE SHOULDERS TO BE 2' WIDE, #53 STONE, AT 3/4" / 1' SLOPE.
- 3). MINIMUM DITCH FRONT SLOPES TO BE 4:1.
- 4). PAVE TO BACK EDGE OF CURB (AS SHOWN).
- 5). ASPHALT OVERLAY TO EXTEND TO FAR LIMITS OF WIDENING WORK.
- 6). POWER POLES MUST BE RELOCATED PRIOR TO START OF IMPROVEMENT.



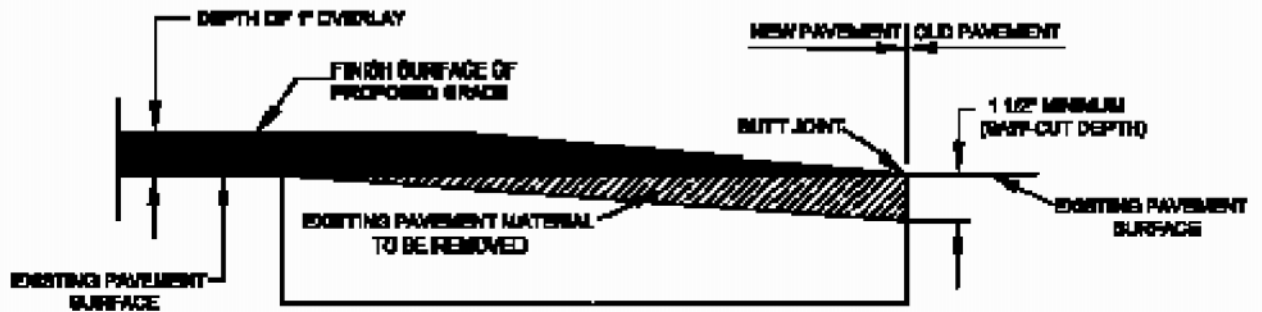
RESTRIPE TO LIMITS OF ASPHALT OVERLAY

TYPICAL ROADSIDE SECTION ALONG COUNTY ROAD



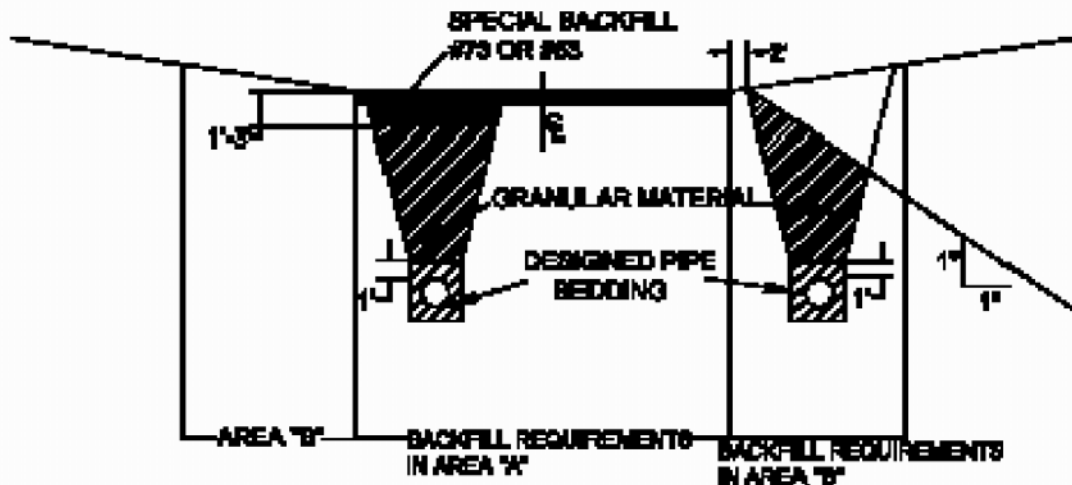
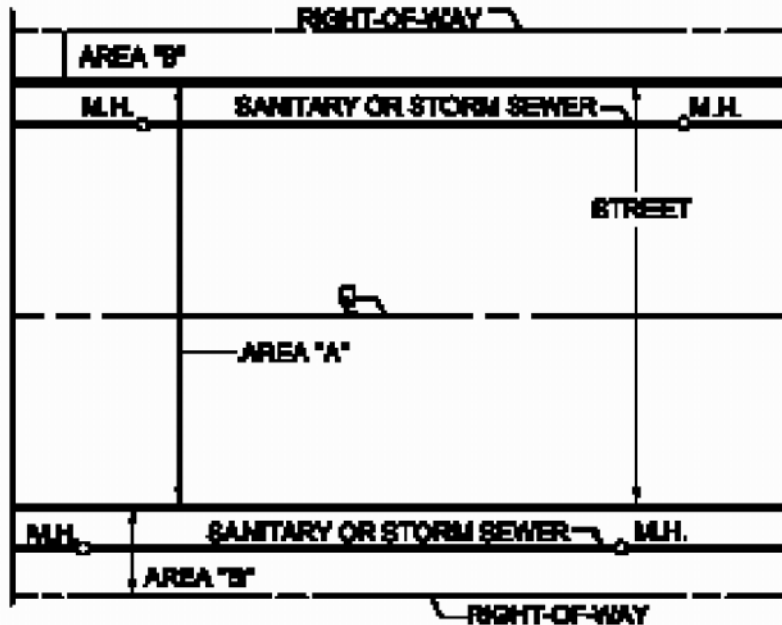


1" ASPHALT OVERLAY DETAIL

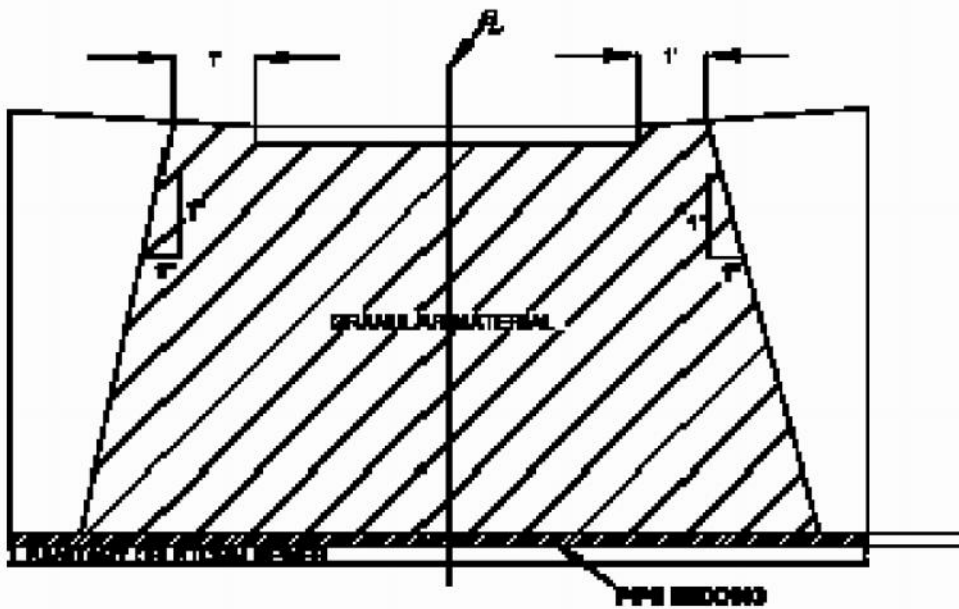
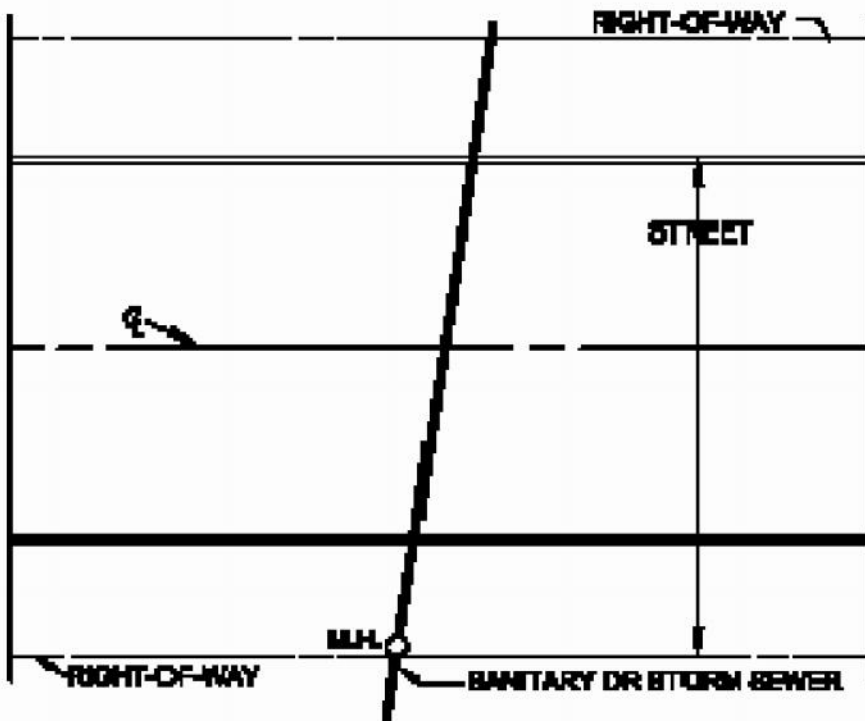


**CROSS SECTION OF BUTT JOINT DETAIL
TO BE MILLED AT EACH END OF PAVEMENT OVERLAY**

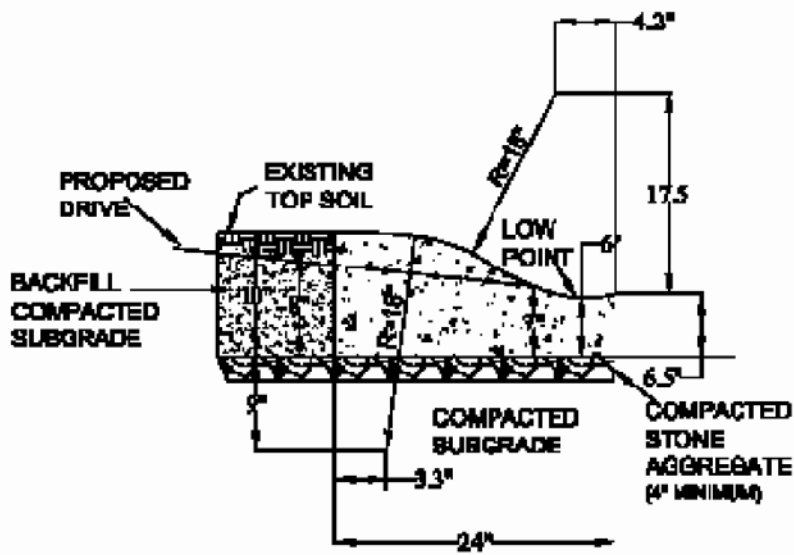
BACKFILL REQUIREMENTS (FOR SEWERS WITHIN ROAD RIGHT-OF-WAY)



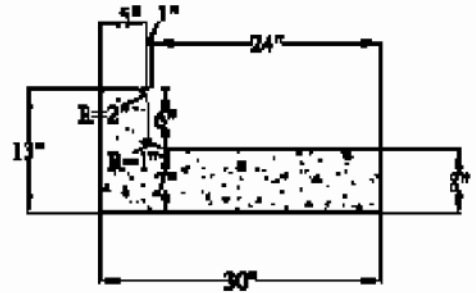
BACKFILL REQUIREMENTS (FOR SEWERS CROSSING RIGHT-OF-WAY)



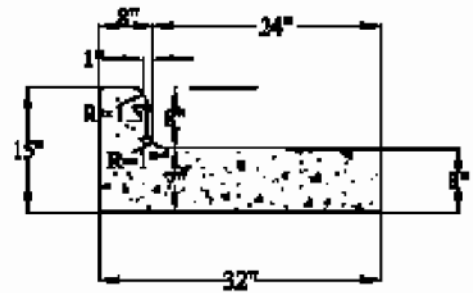
**2 FT. ROLL CURB & GUTTER
WITH CUTOUT
FOR DRIVEWAY (TYPICAL)**



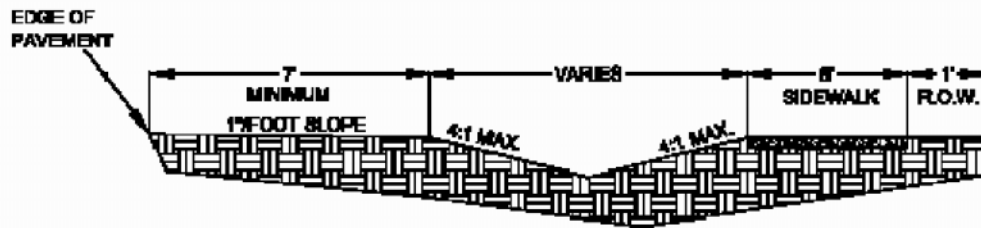
**COMBINED CONCRETE
CURB AND GUTTER**

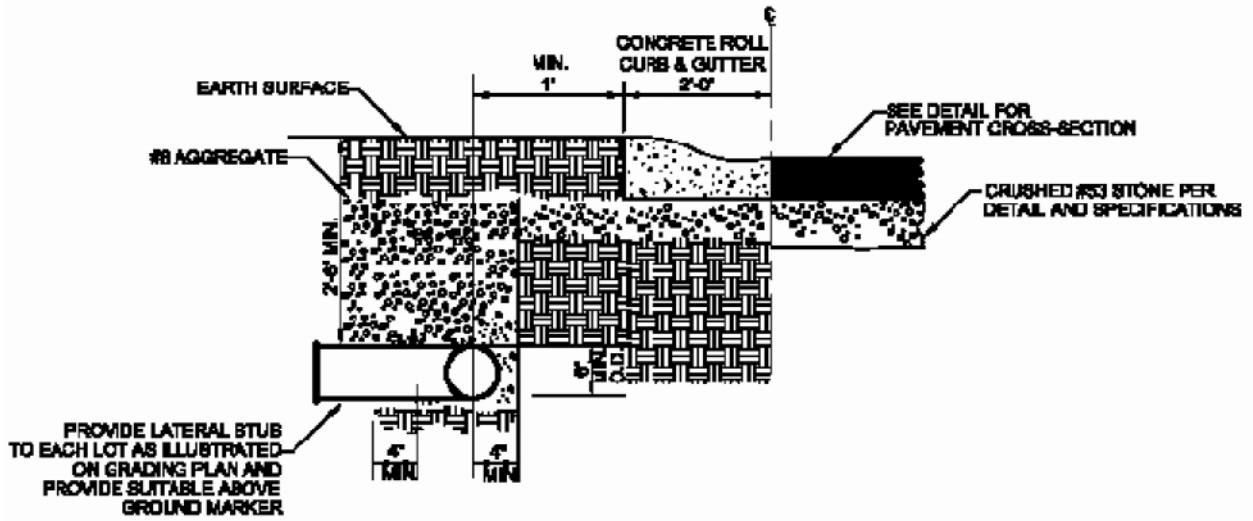


**COMBINED CONCRETE
CURB AND GUTTER
(BARRIER)**



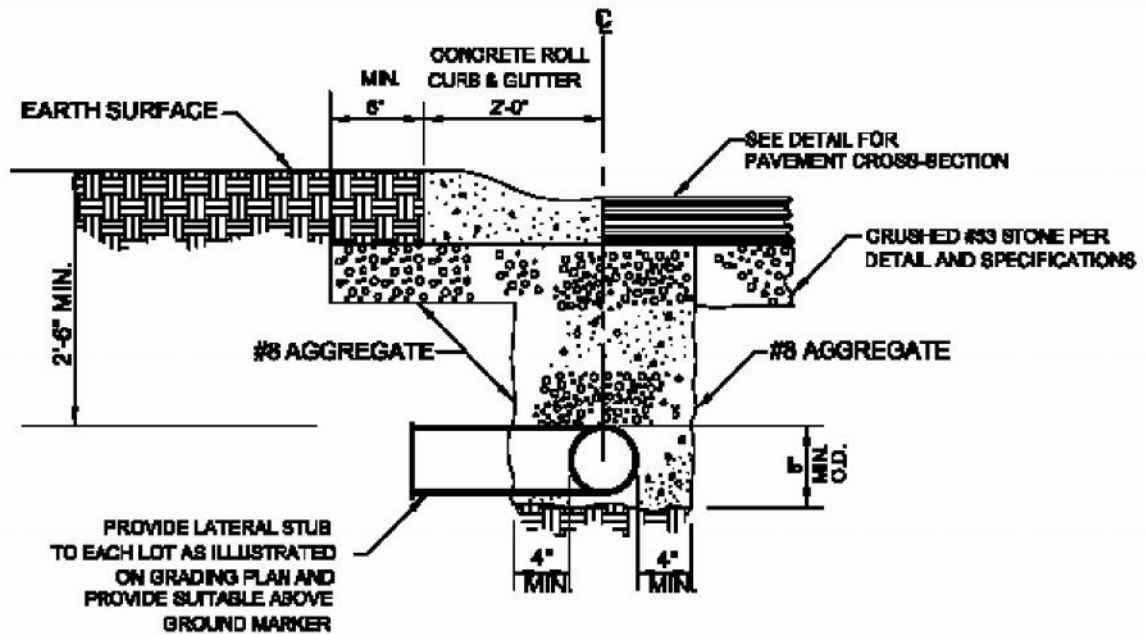
TYPICAL ROADSIDE SECTION ALONG COUNTY ROAD





INSTALL UNDERDRAIN AS FOLLOWS:
 AT BOTH SIDES OF PAVEMENT RUNNING THE
 ENTIRE LENGTH OF ALL STREETS AND AROUND
 EACH CUL-DE-SAC; GRADE SHALL NOT BE
 LESS THAN 0.20% AND THE PIPE SHALL BE
 DISCHARGED INTO THE INLETS.

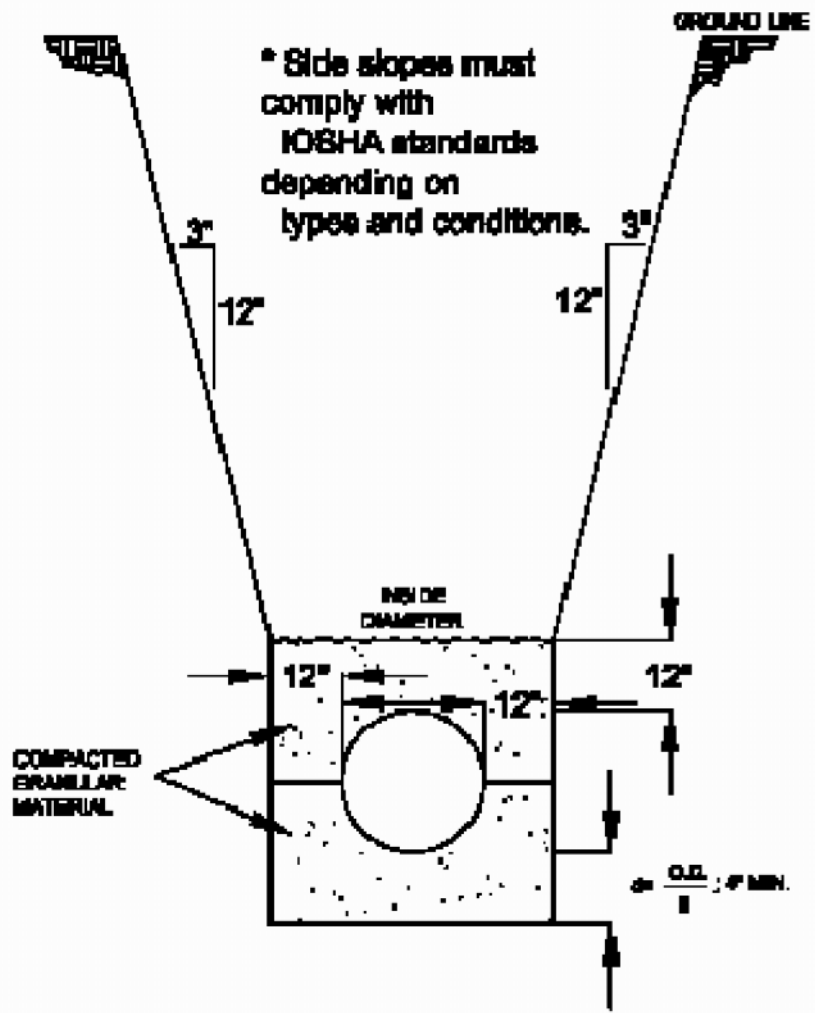
PIPE UNDERDRAIN DETAIL



INSTALL UNDERDRAIN AS FOLLOWS:
 AT BOTH SIDES OF PAVEMENT RUNNING THE ENTIRE LENGTH OF ALL STREETS AND AROUND EACH CUL-DE-SAC; GRADE SHALL NOT BE LESS THAN 0.20% AND THE PIPE SHALL BE DISCHARGED INTO THE INLETS.

PIPE UNDERDRAIN DETAIL

TRENCH SECTION



APPENDIX B -- SAMPLE FORMS

SAMPLE PERFORMANCE GUARANTEE FORM --
IRREVOCABLE LETTER OF CREDIT
FINANCIAL INSTITUTION LETTERHEAD

DATE

Board of Commissioners of Marshall County
c/o Marshall County Planning and Building Department
112 W Jefferson St
Plymouth, IN 46563

RE: _____

Commissioners:

Please be advised by this letter that we, the undersigned, agree to act as surety for **NAME OF DEVELOPER/OWNER** in performing the work required by the Marshall County Area Plan Commission's specifications for the above named project. The total amount for this Letter of Credit is \$_____.00.

Said moneys are available to you at any time subject to our receipt of your signed statement that **NAME OF DEVELOPER/OWNER** has failed to perform the work indicated above according to specifications. All of the moneys shall be available until we receive a written notification from you that the moneys may be released.

This Letter of Credit is effective as of **CURRENT DATE**, and shall expire on **EXPIRATION DATE (at least one (1) year from the effective date)**, but such expiration date shall be automatically extended for a period of one (year) and one each successive expiration date, unless a release is received from the Board of Commissioners of Marshall County at the address listed above and **NAME OF DEVELOPER /OWNER** by certified, return receipt mail at least ninety (90) days before the current expiration date that we have decided not to extend this Letter of Credit beyond the current expiration date. In the event of such notification by us, the credit established by this letter shall be available to the Board of Commissioners of Marshall County upon demand for payment for ninety (90) days, as shown on the signed return receipt after receiving such notice.

Sincerely,

FINANCIAL INSTITUTION AGENT

SAMPLE MAINTENANCE GUARANTEE FORM –
IRREVOCABLE LETTER OF CREDIT
FINANCIAL INSTITUTION LETTERHEAD

DATE

Board of Commissioners of Marshall County
c/o Marshall County Planning and Building Department
355 South Washington Street #212
Plymouth, Indiana 46563

RE: _____

Commissioners:

Please be advised by this letter that we, the undersigned, agree to act as surety for **NAME OF DEVELOPER/OWNER** in maintaining the work required by the Marshall County Area Plan Commission's specifications for the above named project. The total amount for this Letter of Credit is \$_____.00.

Said moneys are available to you at any time subject to our receipt of your signed statement that **NAME OF DEVELOPER/OWNER** has failed to maintain the work indicated above according to specifications. All of the moneys shall be available until we receive a written notification from you that the moneys may be released.

This Letter of Credit is effective as of **CURRENT DATE**, and shall expire on **EXPIRATION DATE (at least three (3) years from the effective date)**, but such expiration date shall be automatically extended for a period of one (year) and on each successive expiration date, unless a release is received from the Board of Commissioners of Marshall County at the address listed above and **NAME OF DEVELOPER/OWNER** by certified, return receipt mail at least ninety (90) days before the current expiration date that we have decided not to extend this Letter of Credit beyond the current expiration date. In the event of such notification by us, the credit established by this letter shall be available to the Board of Commissioners of Marshall County upon demand for payment for ninety (90) days, as shown on the signed return receipt after receiving such notice.

Sincerely,

FINANCIAL INSTITUTION AGENT

SAMPLE PERFORMANCE BOND FORM

NAME OF SURETY COMPANY AND STATE OF ORIGIN

Performance BOND

KNOW ALL MEN BY THESE PRESENTS:

That we **NAME OF DEVELOPER/OWNER** as Principal, hereinafter called Principal, and **NAME OF SURETY**, a corporation duly licensed to do business in the State of Indiana, with it's home office in the City of **CITY, STATE**, U.S.A., as Surety, hereinafter called Surety, are held and firmly bound unto the Marshall County Board of Commissioners, Marshall County Government Center, 112 W Jefferson St., Plymouth, Indiana 46563 as Obligee, hereinafter called Obligee, in the amount of \$ _____ .00 for payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has agreed to perform all required improvements installed, as set forth by the Marshall County Area Plan Commission in accordance with Project _____
_____ for a period of one (1) year from date of acceptance.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if Principal shall promptly and faithfully perform said installation, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the obligee named herein or the heirs, executors, administrator or successors of the Obligee.

Signed and sealed this _____ day of _____, _____

Principal

NAME OF SURETY COMPANY

Surety

By _____
Attorney-in-Fact

Sample Maintenance Bond Form
NAME OF SURETY COMPANY AND STATE OF ORIGIN

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we **NAME OF DEVELOPER/OWNER** as Principal, hereinafter called Principal, and **NAME OF SURETY**, a corporation duly licensed to do business in the State of Indiana, with it's home office in the City of **CITY, STATE, U.S.A.**, as Surety, hereinafter called Surety, are held and firmly bound unto the Marshall County Board of Commissioners, Marshall County Government Center, 112 W Jefferson St., Plymouth, Indiana 46563 as Obligee, hereinafter called Obligee, in the amount of \$____.00 for payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has agreed to maintain all required improvements installed, as set forth by the Marshall County Area Plan Commission in accordance with Project _____ for a period of three (3) years from date of acceptance.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if Principal shall promptly and faithfully maintain said installation, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the obligee named herein or the heirs, executors, administrator or successors of the Obligee.

Signed and sealed this _____ day of _____, _____

Principal

NAME OF SURETY COMPANY

Surety

By _____
Attorney-in-Fact

COUNTY/OWNER INSPECTION AGREEMENT

This Agreement, made and entered into this ____ day of, _____ by and between:

(Owner's Name and Mailing Address)

(HEREINAFTER DEVELOPER) and the Marshall County Planning and Building Department
(HEREINAFTER COUNTY) Witnesseth That:

WHEREAS, the OWNER has filed a written application with the Marshall County Area
Plan Commission requesting approval of

(PROJECT) _____, (SECTION) _____ ;

WHEREAS, the PROJECT will require the installation of certain improvements at the
OWNER'S expense in order to comply with the ordinances and regulations of Marshall
County, Indiana and all appropriate Federal and State Statutes; and

WHEREAS, in order to insure that these improvements are completed in compliance with
all applicable laws, ordinances, rules, regulations and procedures, as well as any requirements
placed by the Plan Commission inspections of the construction
of these improvements are necessary.

NOW, THEREFORE, it is agreed between the parties as follows:

1. The OWNER shall cause to have completed in a timely manner all
improvements required for the PROJECT;
2. The construction of all improvements shall be made in strict compliance with the
plans and specifications for the PROJECT as approved by the Marshall County Area
Plan Commission and if applicable, the Marshall County Storm Drainage and
Sediment Control Ordinance, the Zoning Ordinance of Marshall County, the
Subdivision Control Ordinance and all other laws, rules and regulations. These
plans, specifications and applicable ordinances, laws, rules and regulations are
made a part of the Agreement by reference;
3. The construction shall at all times be subject to inspection, approval, and
acceptance by the COUNTY;
4. No liability of any kind for any part of the improvements prior to t Page 1
acceptance by the COUNTY shall attach to Marshall County. The OWNER and
contractor shall indemnify and hold Marshall County harmless against all claims,
demands, actions, causes of action, loss and expense of every nature and kind
(including attorney's fees) at any time asserted against Marshall County, for or on

account of any person, arising out of, or in any way connected with, the location, installation and construction of the improvements prior to their acceptance by the COUNTY. This indemnity shall not be limited by reason of the enumeration of any insurance coverage required herein;

5. The OWNER or his contractor shall also furnish the COUNTY suitable evidence of authority to install any improvements to be constructed across, over, on, through or under any highway, right-of-way, floodplain, or easement;
6. The parties agree that inspection of the construction shall be handled in the following manner:
 - a. The COUNTY shall provide inspection services during the construction of the improvements to determine whether the improvements are constructed in accordance with approved plans, specifications, Marshall County requirements, and all applicable Federal and State requirements;
 - b. The inspection services shall not include testing, construction engineering or construction stakeout. The OWNER or his designated representative shall be solely responsible for the performance of required testing, construction engineering and stakeout and all construction work;
 - c. The OWNER or his contractor shall notify the assigned inspector at least seventy-two (72) hours in advance of the commencement of any construction phase;
 - d. Persons working on or having control of the construction of the improvements shall cooperate fully with the inspector and shall have available on site a copy of the approved secondary plat and construction plans and specifications signed by the Plan Commission Director;
 - e. The OWNER shall reimburse the County for the cost of the inspection services as follows: \$_____ per hour of actual time spent on the PROJECT by the assigned inspector performing the inspection services;
 - f. The OWNER shall submit prior to the start of any construction the amount Page 2
\$_____, which amount is the total estimated cost of _____ inspection services, based on the following: estimated time to complete all required improvements, the hourly rate set forth above, for a total estimated _____ hours to complete said improvements during each phase of construction. Said total should consider multiple crews and estimated completion date. The OWNER acknowledges that this amount is based on a preconstruction estimate only and that the actual inspection time will vary from project to project, and may exceed this estimate. The OWNER will be billed on a regular basis for all services rendered above the estimated amount. Failure to pay any bill within thirty (30)

days shall be grounds for termination of construction activities and cessation of issuance of building permit until such time as payment from the developer is forthcoming. Upon acceptance by the County of the improvements, any surplus inspection funds shall be refunded to the owner;

- g. The OWNER must submit payment, payable to the Marshall County Treasurer, for the balance of the total actual cost of the inspection services to the COUNTY, actual cost paid by OWNER, as well as sufficient funds to cover maintenance period inspections, prior to acceptance of the improvements by the COUNTY; and
 - h. Failure to follow the requirements of this section may result in the COUNTY not accepting the improvements and denying Improvement Location Permits;
7. Upon completion of the proposed improvements, two (2) sets of certified record drawings including all necessary measurements, shall be prepared by the OWNER'S engineer and filed with the COUNTY. The inspection services covered by this agreement shall include review of the "As-Built" plans and shall be completed before the COUNTY will accept such improvements;
 8. Upon completion, but before acceptance by the COUNTY, the contractor shall furnish a completion affidavit in a form prescribed by the COUNTY, and the OWNER or contractor shall also furnish a suitable irrevocable letter of credit, guarantee maintenance bond or cashier's check made payable to the Board of Commissioner of Marshall County, Indiana in an amount equal to twenty percent (20%) of the total construction cost for the required improvements. The letter of credit, bond or cashier's check shall guarantee material and construction for a period of three (3) years from the date of acceptance.
 9. During the ninth (9th), twenty-first (21st) and thirty-third (33rd) month of the three (3) year maintenance period, the COUNTY shall reinspect the PROJECT and notify the OWNER of any needed corrective action. The OWNER shall immediately address any deficiencies prior to the end of the three (3) year maintenance period, unless a deficiency is deemed a public nuisance or safety hazard by the Department, in which case, corrective action may be required prior to any construction activity. At the end of the three (3) year maintenance period, if no corrective action is required, or after the successful completion of any needed corrective action, the COUNTY shall process the maintenance bond release. Failure to do the corrective action will result in forfeiture of the maintenance bond.

IN WITNESS WHEREOF, the parties acting by and through their authorized representatives have executed this instrument on the date first above written.

OWNER'S NAME AND ADDRESS

Name: _____

Address: _____ Phone: _____

Signature

Printed Name

Title

Date

STATE OF INDIANA)
) SS:
COUNTY OF MARSHALL)

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, personally appeared _____, OWNER, and acknowledged the execution of the foregoing County/Marshall County Highway Department Inspection and Testing Services Agreement to be his free and voluntary act and deed.

WITNESS my hand and notarial seal this _____ day of _____, 20_____.

Commission Expiration Date

Notary Public Signature

County of Residence

Printed Name

Plan Commission Director

STATE OF INDIANA)
) SS:
COUNTY OF MARSHALL)

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, personally appeared _____ who acknowledged the execution of the foregoing County/Owner Inspection Agreement.

WITNESS my hand and notarial seal this _____ day of _____, 20_____.

Commission Expiration Date

Notary Public Signature

County of Residence

Printed Name

APPENDIX C -- CERTIFICATES & NOTATIONS

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

SURVEYOR'S CERTIFICATE

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

This subdivision contains _____ lineal feet of open ditches and _____ lineal feet of tile drains.

Hereby certified on this _____ day of _____, 20__.

Name

Registered Land Surveyor

Indiana No. _____

All plats to be recorded shall contain the following owner's certificate:

CERTIFICATE OF OWNERSHIP

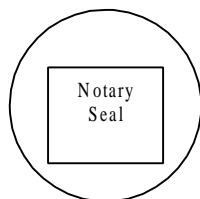
We the undersigned, as owners of the real estate hereon do hereby declare the real estate as described, shall be known as _____.

Owner Owner

Before me, a notary public in and for said County and State, personally appeared the above and acknowledged the execution of this instrument as their voluntary act and deed for the uses and purpose therein expressed.

Witness my signature and Notarial Seal this _____ day of _____, 200_.

My commission expires:



Signature Notary Public

County of Residence

Printed Name

Any of the following paragraphs that are applicable shall be included in the Owner's Certificate:

1. All public streets and alleys shown and designated as such and not heretofore dedicated are hereby dedicated to the public. Other public lands shown and not heretofore dedicated are hereby dedicated for the purposes designated hereon.
2. There are strips of ground shown on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of the utility or County to install, repair, maintain or replace its installation. Drainage use of easements is hereby authorized unless otherwise stated. Those easements noted as surface drainage easements shall not be disturbed in such a manner as to interfere with the flow of stormwater. No plantings, structures, or fill shall be placed in such easements nor shall they be regarded in such a manner as to impede the flow of stormwater.
3. There are private access easements and/or private streets shown on this plat and marked accordingly. These are intended to be private in perpetuity, and there is no obligation for any government entity to assume any responsibility for these easements and/or streets now or at any future time. The responsibility for maintenance and snow removal on the access easements and/or streets shown on this plat is assumed by the property owners of lots _____ and not the County.
4. The County shall not maintain improvements dedicated to the public by this plat until the Board of

County Commissioners has accepted completed improvements for maintenance. The release by the Commissioners of a financial guarantee of performance and/or maintenance shall constitute acceptance for maintenance by the County.

5. National Flood Insurance Program Certificates:

A. Zone A District Certificate

This subdivision contains property included in the "Zone A District" on the National Flood Insurance Rate/Floodway Map # _____, dated _____. No building may be constructed or substantially improved in the area so designated until the Indiana Department of Natural Resources has determined a flood elevation. Any building constructed or substantially improved after the date of this instrument in the "Zone A District" shall be provided with a flood protection grade which is at least two feet above said flood elevation. The flood protection grade is the elevation of the lowest floor of a building or structure. If a basement is included, the basement floor shall be considered to be the lowest floor.

B. Floodway Fringe District Certificate

The subdivision contains property in the "Floodway Fringe District" on the National Flood Insurance Program Flood Insurance Rate/Floodway Map # _____, dated _____. Any building to be constructed shall be provided with a flood protection grade set at or above _____ feet, M.S.L., which is two feet above the 100-yr. Frequency flood. The flood protection grade is the elevation of the lowest floor of a structure. If a basement is included, the basement floor shall be considered to be the lowest floor.

C. Floodway District Certificate

This subdivision contains property included in the "Floodway District" on the National Flood Insurance Program's Flood Insurance Rate/Floodway Map # _____, dated _____.

NO RESIDENTIAL DEVELOPMENT CAN OCCUR IN THE FLOODWAY DISTRICT. ALL PERMITS TO BE ISSUED FOR LAND LYING IN THE FLOODWAY DISTRICT SHALL BE FORWARDED WITH PERTINENT PLANS AND MATERIALS TO THE INDIANA DEPARTMENT OF NATURAL RESOURCES FOR REVIEW AND COMMENT PRIOR TO ISSUANCE.

6. The farm access easement shown on the plat is to provide access for farm equipment only to the farm land located _____ and _____ of the property contained in this subdivision.
7. The _____ maintenance easement shown on this plat is to provide _____ with access to the _____ located or referenced on this plat. The cost of maintenance of the _____ is to be provided by the owners of _____ lots.
8. Lots in this subdivision are subject to restrictions and covenants set forth in Plat Book _____, Page _____ and any amendments thereto.
9. Notarized Signature Required. The notarized signature of the owner(s) must be included on any plat, in a form similar to the following:

WITNESS OUR HANDS AND SEALS THIS _____ day of _____.

STATE OF INDIANA)

COUNTY OF MARSHALL) SS:

BEFORE ME THE UNDERSIGNED, NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED _____ WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS/HER VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____.

NOTARY PUBLIC (SEAL)

COUNTY OF RESIDENCE

MY COMMISSION EXPIRES

PRIMARY APPROVAL

The following Plan Commission Certificate is used for primary approval for major subdivisions, and shall appear on all plats to be heard by the Plan Commission:

PLAN COMMISSION'S CERTIFICATE

Pursuant to IC 36-7-4-700 Et. Seq., and all amendments thereof, the undersigned do hereby certify that the public notice of the hearing by the Marshall County Area Plan Commission on the herein-named owner's application for approval, of this plat duly complied with IC 36-7-4-706 and all amendments thereof, and that said plat was approved at said hearing with the majority of the members of said Plan Commission concurring in said approval.

Given under our hands and seal this _____ day of _____, 20__.

President

Secretary

SECONDARY APPROVAL

The following Plan Commission certificate of secondary approval for major subdivisions shall appear on all secondary plats of major subdivisions:

SECONDARY APPROVAL CERTIFICATE

All conditions of primary approval have been met and this plat is granted SECONDARY APPROVAL.

Approved by the Planning and Building Department _____, 20__.

Planning Director

Void unless recorded by _____, 20__.

The following regulated drain certificate and table shall appear on each subdivision plat:

REGULATED DRAIN CERTIFICATE

A petition addressed to the Marshall County Drainage Board has been filed in duplicate with the County Surveyor, requesting that the subdivision’s storm drainage system and its easements be accepted into the County’s regulated drainage system. The storm drainage system and its easements that are accepted into the County’s regulated drainage system are delineated on the plat as Regulated Drainage Easements (RDEs). Regulated Drainage Easements are stormwater easements and drainage rights-of-way that are hereby dedicated to the public and to the Marshall County Drainage Board for sole and exclusive purpose of controlling surface water and/or for the installation, operation, and maintenance of storm sewers and tile drains as defined in Marshall’s County Storm Drainage and Sediment Control Ordinance. These drainage easements are established under authority of the Indiana Drainage Code and the said Board may exercise powers and duties as provided in said code, (e.g., annual drainage assessment per lot).

This subdivision contains _____linear feet of open ditches and _____linear feet of pipe that will be included in the County’s Regulated Drainage System.

REGULATED DRAIN FOOTAGE	
Open Ditches	_____ feet
Pipe	_____ feet

IMPROVEMENT PLANS CERTIFICATE

The following improvement plans certificate shall appear on each sheet of the final improvement plans for a major subdivision.

IMPROVEMENT PLAN

This document contains or is part of the approved improvement plan for _____. The improvement to be installed in this subdivision will not be accepted for maintenance by the County Commissioners unless and until all improvements shown hereon have been installed and are in substantial compliance with these plans.

Planning Director

Date

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

The following county commissioners' certificate shall appear on all plats containing land and/or improvements to be dedicated to the public. Note that there may be additional certificates required by the Marshall County Drainage Handbook.

BOARD OF COUNTY COMMISSIONERS

The dedication(s) shown on this plat is (are) hereby accepted by the Board of County Commissioners of Marshall County, Indiana, at a meeting held on the _____ day of _____ of the year _____.

The following paragraph shall appear on all plats involving improvements for which financial guarantees of performance are posted.

This acceptance does not constitute acceptance for maintenance by the County. Maintenance by the County shall commence only after the release of the financial guarantee.

BOARD OF COUNTY COMMISSIONERS

ATTEST: _____

County Auditor

The following tax certificate shall appear on all subdivision plats:

TAX CERTIFICATE

The real property has been duly entered for taxation and transferred on the records of the Auditor of Marshall County this _____ day of _____.

Marshall County Auditor

The following recording certificate shall appear on all subdivision plats:

RECORDING CERTIFICATE

Recorded in Plat Cabinet _____, slide _____, page number _____, this
_____ day of _____, at _____ (time). Instrument No.
_____. Fee paid _____.

Marshall County Recorder

*Subdivisions containing land in a previously recorded subdivision shall contain the following certificate
above the recording certificate:*

A notation has been made on the original plat of _____, Plat Cabinet _____, slide
_____, page number _____.

APPENDIX D, PARCEL LOT SPLITS

Exhibit * SAMPLE DIVISIONAL LOT SPLIT