

**UNIFIED SUBDIVISION CONTROL ORDINANCE  
OF  
CLINTON COUNTY, INDIANA**

**AN ORDINANCE** to enact Unified Subdivision Control Regulations for The City of Frankfort, participating towns and Clinton County by regulating the subdivision of land for the purpose of gift, sale, or development; defining terms; providing regulations, requirements and design standards; prescribing procedures for the presentation, approval, recording and vacation of plats; and prescribing administrative procedures and penalties for violations.

**WHEREAS**, I.C. 36-7-4, as amended, empowers Frankfort, participating towns, and Clinton County to enact a Subdivision Control Ordinance and to provide for its administration, enforcement, and amendment, following recommendation by the Plan Commission.

**WHEREAS**, the Area Plan Commission and the Frankfort City Plan Commission have prepared and recommended a Subdivision Control Ordinance, and

**WHEREAS**, the Area Plan Commission of Clinton County, the Common Council of the City of Frankfort, the Town Councils of participating towns, and the Board of County Commissioners of Clinton County deem it necessary for the purpose of promoting the public health, safety, comfort, morals, convenience, and general public welfare of the community to enact such an ordinance, and

**WHEREAS** such regulations have been found to be in accordance with the spirit and intent of the 1992 City of Frankfort/Clinton County Comprehensive Plan and

**WHEREAS**, the Area Plan Commission of Clinton County has given due public notice of hearings, pursuant to I.C. 36-7-4, and has held such public hearings, and

**WHEREAS**, all requirements of I.C. 36-7-4, as amended, with regard to the preparation of the report of the Area Plan Commission of Clinton County, and the subsequent action necessary to enact this ordinance by the City of Frankfort, participating towns and the county have been met.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FRANKFORT, THE TOWN COUNCILS OF PARTICIPATING TOWNS, AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLINTON, INDIANA AS FOLLOWS:**

**ARTICLE ONE  
BASIC PROVISIONS**

**101 SHORT TITLE:** This Ordinance may be cited as the Clinton County Unified Subdivision Control Ordinance.

**102 DEFINED WORDS:** Words used in a special sense in this Ordinance are defined in Article Two.

**103 PURPOSE:** This Ordinance is adopted for the following purposes:

**103.01** To protect and provide for the public health, safety, and general welfare of the County.

**103.02** To guide the future development of the County in accordance with the Comprehensive Plan and any related policies.

**103.03** To provide for the safety, comfort, and soundness of the built environment and related open spaces.

**103.04** To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

**103.05** To insure that adequate public facilities will be provided in conjunction with new development.

**103.06** To supply proper land boundary records.

- A.** To provide for the survey, documentation, and permanent monumentation of land boundaries of property.
- B.** To provide for identification of property.
- C.** To provide public access to land boundary records.

**103.07** To establish a procedure for the vacation of platted areas, public ways and platted easements.

**104 COMPLIANCE:** No building permit, improvement location permit, or certificate of occupancy shall be issued for, nor any improvements be commenced upon any parcel of land which was created by subdivision after the effective date of and not in conformity with the provisions of this Ordinance. No owner or agent may sell, lease, or advertise for sale any land within a subdivision before such plat has been approved and recorded in the manner prescribed in this Ordinance. No road shall be laid out or constructed unless it is consistent with the City of Frankfort/Clinton County Comprehensive Plan or Thoroughfare Plan and/or has been approved by the Plan Commission as part of a subdivision.

**105 SEVERABILITY:** If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid by the Courts, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of County Commissioners, the Frankfort Common Council or Town Councils of participating towns hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared invalid.

**106 INTERPRETATION:** The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards of physical environment.

**107 JURISDICTIONAL AREA:** This Ordinance shall apply to all unincorporated land within Clinton County, as well as all land within the corporate limits of the City of Frankfort, when adopted by The Frankfort Common Council, and all land within the corporate boundaries of participating towns, when adopted by each respective Town Council.

**108 APPLICATION:** It is not intended by this Ordinance to interfere with, abrogate or amend any existing easements, covenants, or other agreements, between parties, nor is it intended by this Ordinance to repeal, abrogate, annul or in any way interfere with any existing provisions of laws or ordinances, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or premises provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this Ordinance shall control; but where private covenants, permits, agreements, rules or regulations impose a greater restriction than is imposed by the Ordinance, the greater restriction shall control.

**109 SAVING PROVISION:** This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision control ordinances, 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 adopting jurisdictions under any section or provision existing at the time of the effective date of this ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the adopting jurisdiction except as shall be expressly provided for in this ordinance.

**110 REPEALER:** This Ordinance repeals all ordinances or parts of ordinances in conflict herewith.

**111 CONDITIONS:** Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the County. The subdivider has the duty of design, dedication, improvements, and restrictive use of the land in order to conform to the physical and economical development of the County and to the safety and general welfare of the future plot owners in the subdivision and of the County at large.

**112 ZONING ORDINANCE CONFORMITY:** All land subdivided or platted under the terms of this Ordinance shall comply with the minimum standards prescribed in the Zoning Ordinance. The Commission shall not have the authority to approve any subdivision which does not comply with said Zoning Ordinance. For subdivisions of land within the zoning jurisdiction of another unit of government, the Zoning Ordinance of the unit having such jurisdiction shall apply. It is the intent of these regulations that subdivision review may be carried out simultaneously with the review of planned developments as permitted by the Zoning Ordinance. The plans required for planned developments may be submitted in a form to satisfy the requirements of the subdivision regulations.

**113 METES AND BOUNDS DESCRIPTIONS NOT EXEMPT:** The division of any lot or any parcel of land into a subdivision, as defined in this Ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease shall not be permitted. All such described divisions shall be subject to all of the appropriate requirements of this Ordinance.

**114 RECORDATION PROHIBITION:** Pursuant to I.C. 36-7-4-710, a plat of a subdivision may not be filed with the County Auditor, and the County Recorder may not record it, unless it has been granted secondary approval and signed and certified by the Administrator. The filing and recording of the plat is without legal effect unless approved by the Plan Commission of Plat Committee. The County Auditor shall not accept a deed for property to be entered for taxation unless the property complies with the requirements of this Ordinance.

**115 SUBDIVISIONS CROSSING MUNICIPAL OR COUNTY BOUNDARIES:** Lots which straddle municipal or county boundaries should be avoided wherever practical. If a subdivision is located in more than one jurisdiction, approvals from all plan commissions in affected jurisdictions shall be required. If access to a subdivision is required across land in another jurisdiction, the subdivider shall provide evidence that such access is legally established, and such access shall be permitted only if the appropriate Engineer finds that the access road is adequately improved or a performance guarantee has been duly executed to assure the construction of the access road.

**116 CONDOMINIUMS EXEMPTION:** Pursuant to I.C. 36-7-4-702, condominiums which are regulated by I.C. 32-1-6 are exempt from the provisions of this Ordinance.

## ARTICLE TWO DEFINITIONS

**201 GENERAL:** Certain words used in this Ordinance are defined below.

**201.01** Words used in the present tense shall include the future tense, and words used in the singular number shall include the plural number, and the plural the singular.

**201.02** The word "shall" is mandatory, not discretionary and the word "may" is permissive.

**201.03** The phrase "used for" shall include the phrase "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

**201.04** All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the integral foot next below shall be taken. Unless otherwise specified, all distances shall be measured in a straight line in any direction.

**201.05** Parenthetical words or statements are integral parts of the definitions in which they are located.

**201.06** Any term not defined below which is included in the definitions of the current Zoning Ordinance shall have the meaning set forth in the Zoning Ordinance.

**201.07** Any words not defined in this article or the Zoning Ordinance shall be construed in their generally accepted meanings as defined by Webster's Third New International Dictionary (unabridged).

**202 DEFINED WORDS:** The following terms, unless a contrary meaning is required by the context or if specifically prescribed, shall have the following meanings:

**ACCESS CONTROL HANDBOOK** Access Control for Local Roads and Streets in Small Cities and Rural Areas (H-86-5) published by Purdue University's Highway Extension and Research Project for Indiana Counties and Cities, or subsequent manual adopted by the legislative body.

**ACCESS EASEMENT** A private way which provides access to lots, tracts or parcels of land and which meets the minimum standards set forth in this Ordinance.

**ADMINISTRATOR** The officer appointed by and/or delegated the responsibility for the administration of these regulations by the Area Plan Commission. This term shall be construed to include those planning staff members working under the direction of the Administrator in the exercise of his responsibilities in regard to the enforcement of this Ordinance.

**AGRICULTURAL PURPOSE** Land which is not used for construction of a new residence or any non-farm structure and:

1. Contains at least 75 percent Class I or Class II soils as shown in and defined by the Soil Survey of Clinton County; or
2. Contains at least 75 percent of the land which is planted with fruit or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years; or
3. Contains at least 75 percent of the land which is planted with ornamental plants or trees for sale for use in landscaping; or
4. Has at least 75 percent of its area planted with trees of the species Pinus, Picea, or Abies (pine, spruce, or fir) grown for the purpose of sale as Christmas trees; or

5. Has been used in three of the last five years for the cultivation and harvesting of crops, grazing by livestock, production of dairy products, the raising of poultry and production of eggs, or the raising of livestock. Land which has been taken out of production through government sponsored conservation, reserve or similar programs shall be considered under cultivation for the purposes of this Ordinance.

**ALLEY** A public service right-of-way which affords only secondary access to the back or side of property otherwise abutting on a street.

**BLOCK** A tract of land bounded by streets or a combination of streets, public parks, water bodies, cemeteries, or railroad rights-of-way.

**BOARD OF WORKS** The City of Frankfort Board of Public Works and safety.

**CITY** The City of Frankfort, Indiana.

**CITY CLERK-TREASURER** The City of Frankfort Clerk-Treasurer.

**COMMISSION/PLAN COMMISSION** The Area Plan Commission of Clinton County.

**COMMISSION RULES** The Rules of Procedure adopted by the Area Plan Commission.

**COMPREHENSIVE PLAN** A plan adopted by participating localities showing the general location and extent of present and proposed physical facilities including residential, industrial and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives, and policies for the physical development of the County.

**COUNTY** County of Clinton, Indiana.

**COUNTY AUDITOR** The Clinton County Auditor.

**COUNTY COMMISSIONERS** The Board of County Commissioners of Clinton County, Indiana.

**COUNTY DRAINAGE BOARD** The Clinton County Drainage Board.

**COUNTY HEALTH DEPARTMENT** The Clinton County Department of Health.

**COUNTY RECORDER** The Clinton County Recorder.

**CUL-DE-SAC** A dead-end street (as defined) which has a appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

**CUT** An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

**DEAD-END STREET** A street or a portion of a street with only one vehicular traffic outlet.

**DEDICATION** The setting apart of land or interest in land for use by the public by advance resolution or entry in the official minutes as by the recording of a plat.

**DIRECTOR/EXECUTIVE DIRECTOR** The Executive Director of the Area Plan Commission.

**DNR** The Indiana Department of Natural Resources. This includes any division within the department.

**DRAINAGE SWALE** A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

**DRAINAGE SYSTEM** Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of this Ordinance.

**EASEMENT** A grant of one or more of the property rights by the owner of land to or for the use by the general public, a corporation, a utility company, or a certain person for a specific reason, including the purpose of providing services to property.

**ENGINEER** The person designated by the County Commissioners in Clinton County, by the Board of Works in the City of Frankfort, or by the legislative body of participating towns to perform the duties specified in this Ordinance.

**EROSION** The removal of surface materials by the action of natural elements.

**EROSION CONTROL HANDBOOK** Urban Development Planning Guide, 1985, published by the Hoosier Heartland Research Conservation and Development Council, Inc., or subsequent handbook adopted by the legislative body.

**EXCAVATION** Any act by which earth, sand, gravel, rock or other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

**EXEMPT DIVISION** Any division of land which includes the following:

- 1) Any land that is being divided for agricultural purposes (as defined) and not for building development or for residential, commercial, industrial, recreational, or for other non-agricultural purposes.
- 2) Any land being divided as a farm (as defined) where each plot is at least 20 acres in size after division.
- 3) Any parcel that is at least 20 acres in size.
- 4) Any land being divided for sale, gift or exchange between adjoining land owners for the combining with an existing adjacent parcel where no additional building sites are created, and where parcels or combined parcels, after transfer, shall comply with Zoning Ordinance standards.
- 5) Any land being divided which has an existing residential or commercial structure located on the parcel on the effective date of this ordinance and which meets Zoning Ordinance standards.
- 6) Any land which is divided pursuant to Court decree except land being divided for probate, trust, or guardianship proceedings not otherwise exempt.
- 7) Any land being divided or acquired by a public agency or utility for a street or utility right-of-way or easement, other than those required for subdivision as defined in this Ordinance.
- 8) Any land being divided into cemetery plots.<sup>1</sup>

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<sup>1</sup> Paragraph #9 was deleted in Ordinance 98-9 adopted on September 28, 1998, and Paragraph #10 was deleted in Ordinance 96-11 adopted on September 9, 1996

**FARM** Any parcel of twenty acres or more which is used for agriculture (as defined), forestry or woodland, plant nurseries and accessory dwellings.

**GRADING** Any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its cut or filled condition.

**GROSS SITE AREA** The entire area within a single continuous perimeter and relative to a particular use on which is located the principal and accessory buildings, drives, parking lots and similar structures.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM** A sewage disposal system for a single parcel or structure, usually but not necessarily a septic tank and filter field approved by the Health Department.

**INTERESTED PARTIES** Persons and/or organizations required by ordinance or rule to either participate in, or be given notice of, an action of, or a pending matter, before the Area Plan Commission or Plat Committee as per I.C. 36-7-4-706.

**LEGAL ACCESS** A platted access easement or the minimum required frontage on a street.

**LEGAL DESCRIPTION** A written portrayal that (1) locates a parcel or parcels of land and (2) defines the boundary of the land using distances (in feet and hundredths of feet) and bearings (using degrees, minutes, and seconds) that must have closure of at least 1 part in 5000.

**LEGAL DRAIN** Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, that is under the jurisdiction of the County Drainage Board as provided by I.C. 36-9-27.

**LEGISLATIVE BODY** The Town Council of a town, the Common Council of a city, or the Board of County Commissioners of a county. In certain instances, as specified in this Ordinance, the Frankfort Board of Public Works and Safety performs some duties specified for the legislative body.

**LIMITED ACCESS HIGHWAY** A road, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

**LOCATION MAP** A map showing the location of the property proposed to be subdivided. Such map shall show the closest cross streets in all directions.

**LOT** A portion of a subdivision or any parcel, site, tract or interest of land intended as a unit for the purpose, whether immediate or future, of offer, sale, lease, transfer of ownership or of development; or any lot as defined in the current Zoning Ordinance.

**LOT OF RECORD** A lot which is part of a recorded subdivision, or a parcel which has been separately described and recorded in the office of the County Recorder prior to the effective date of this Ordinance.

**MAP** A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.

**MARGINAL ACCESS STREETS** Minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.



**MARKER OR MONUMENT** A stake, pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

**NON-RESIDENTIAL SUBDIVISION** Any subdivision of land involving land which is zoned or intended to be used for commercial or industrial purposes as defined in the Zoning Ordinance.

**OFF-SITE** Any premises not located within the area of the property to be subdivided, whether or not such premises are in the same ownership as the property to be subdivided.

**OVERSIZED IMPROVEMENTS** Improvements required by the Plan Commission which are in excess of those needed for the subdivision under review. These include but are not limited to increased pavement width, oversized culverts or drainage swales, sewer and water lines, and oversized retention ponds. When such improvements are required, the participating locality or utility shall pay the difference between the costs of improvements necessary for the subdivision and the cost of the actual required improvement.

**OWNER** Any person, firm, corporation, or other legal entity listed in the records of the County Auditor having title to land sought to be subdivided under these regulations. For purposes of this Ordinance, any land which is involved in a contract purchase may be subdivided only if both the contract seller and the contract purchaser sign the application for such subdivision.

**PARCEL** A part or portion of land having a legal description formally set forth in a conveyance together with the boundaries thereof, in order to make possible its easy identification.

**PARENT TRACT** The parcel of land from which a new lot or tract of land is being taken from as recorded in the Recorder's Office at the time of adoption of this or appropriate previous Ordinance or amendment.

**PARTICIPATING LOCALITY** Any local government in Clinton County which has adopted this ordinance.

**PERIMETER STREET** Any existing street to which the parcel of land to be subdivided abuts on only one side.

**PLAT** The map, drawing, or plan described in this Ordinance of a subdivision and any accompanying material submitted to the Plan Commission or Plat Committee for approval, and which, if signed by the designated official(s) may be submitted to the County Recorder for recording.

**PLAT COMMITTEE** The permanent committee of the Plan Commission which reviews and approves subdivisions according to the Plan Commission's Rules.

**PLAT, PRIMARY** A map indicating the subdivision or resubdivision of land, prepared in accordance with the primary plat requirements of this Ordinance as a basis for consideration by the Plat Committee or Plan Commission prior to the preparation of the secondary plat.

**PLAT, SECONDARY** A land survey and map indicating the subdivision or resubdivision of land filed, or intended to be filed, for record.

**POSITIONAL TOLERANCE** The maximum distance that any point/monument of the survey may be mislocated with respect to any other point/monument as opposed to its theoretical location, by state-of-the-art equipment, given the location of any one point/monument and the determination of the meridian used for the survey. It represents the radius in feet from the theoretically correct point.

**PRIMARY APPROVAL** An approval (or approval with conditions) granted to a subdivision by the Plat Committee or Plan Commission indicating that it has determined that the subdivision complies with the standards prescribed in this Ordinance.

**PRIVATE STREETS** A right-of-way or easement which serves the same function as local streets but which are not dedicated to nor maintained by any unit of government. Any such streets constructed after the effective date of this Ordinance shall be required to be constructed in accordance with the standards set forth in this Ordinance.

**PUBLIC IMPROVEMENT** Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.

**PUBLIC WAY** Any highway, street, avenue, boulevard, road, lane or alley as defined in I.C. 36-7-1-17.

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

**REGISTERED PROFESSIONAL ENGINEER** An engineer properly licensed and registered in the State of Indiana or permitted to practice in Indiana through reciprocity.

**RESTRICTIVE COVENANTS** Limitations of various kinds on the usage of lots within a subdivision which are placed by the subdivider, and, in the case of public health, safety and welfare required by the Plan Commission, that are recorded with the plat and run with the land.

**RESUBDIVISION OR REPLAT** A change in a map of a plat having secondary approval or a recorded subdivision plat. Any resubdivision that does not meet the minor subdivision definition must be approved by the Plan Commission according to major subdivision procedure.

**RIGHT-OF-WAY** A strip of land, other than an easement, occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, drainage swale, or for another special use. The boundaries of such rights-of-way are considered to be the lot lines of adjoining property from which set-back distances are measured.

**RULES** The bylaws and/or Rules of Procedure adopted by the Area Plan Commission setting forth procedure for the administration of this Ordinance.

**RUNOFF** The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil, but runs off the surface of the land.

**RUNOFF FROM DEVELOPED AND UNDEVELOPED AREAS UPSTREAM** The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by the Zoning Ordinance.

**SALE (SELL) OR LEASE** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, land contract, plat, map, lease, devise, intestate succession, or other written instrument.

**SAME OWNERSHIP** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**SANITARY SEWER** A pipe or conduit designed for carrying any combination of water-carried wastes from residence, business, commercial buildings, public uses, and industries, together with such ground, surface, and storm waters as may be present but which are not intentionally admitted.

**SECONDARY APPROVAL** An approval by the Administrator indicating that all conditions of primary approval have been met.

**SECTION CORNER** A corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

**SEDIMENTATION** The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity.

**SEWAGE DISPOSAL REGULATIONS** ISBH Rule 410 IAC 6-8 or subsequent regulations.

**SKETCH PLAN** An informal, informational drawing, as described in this ordinance, preparatory to the drawing of the primary plat to enable the subdivider to save time and expense in reaching general agreement with the Administrator as to the form of the plat and conformance to the objectives of this Ordinance.

**SLOPE** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

**SOILS REPORT** A report from the technical personnel of the Clinton County Soil and Water Conservation District if available within a reasonable time as determined by the Area Plan Commission. This report shall include a soils map and interpretations. These interpretations shall indicate the degree of limitations of the soils in the proposed subdivision with respect to the proposed building development, road construction, drainage, sewage disposal system, and erosion control.

**SOIL STABILIZATION** Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

**SOIL SURVEY** The Soil Survey of Clinton County Indiana published in November 1980 by the United States Department of Agriculture, Soil Conservation Service and which contains detailed soil maps which may be used for planning purposes.

**SPECIAL FLOOD HAZARD AREA** Certain areas subject to flooding as defined by the current Zoning Ordinance.

**STATE PLANE COORDINATE SYSTEM** A system of plane coordinates based upon the Transverse Mercator Projection established by the United States Coast and Geodetic Survey for the State of Indiana.

**STORM SEWER** Sewer collecting surface runoff.

**STORM DRAIN** Drain carrying waste water, other than raw sewage solids and untreated waste water, to a storm sewer.

**STREET** A right-of-way dedicated or otherwise legally established which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, court, or other appropriate name.

**STREETS, CLASSIFICATION** All roads must be classified according to their function for the purpose of providing for their development, future improvement, reconstruction, realignment, and necessary widening, including provision for curbs, gutters, and sidewalks. The classification of each street is based upon its location in the respective zoning district and its present and estimated future traffic volume and relative importance and function as specified in the Comprehensive Plan and/or its Thoroughfare Plan component. Roads not elsewhere classified shall be classified by the Plan Commission. The classifications are as follows:

**Principal and Minor Arterials:** Roads intended to move through traffic to and from such major attractors as larger communities, major shopping areas, major industrial areas, and similar traffic generators.

**Major and Minor Collectors:** Roads intended to collect and distribute traffic in a manner similar to arterials, except that these roads service minor traffic-generating areas such as smaller established towns, airports, educational facilities, hospitals, and recreational areas, and/or are designed to carry traffic from local and subdivision roads to arterials.

**Local Road:** Roads intended to move traffic from local subdivision roads to collectors. A local road serves the needs of a smaller geographical area such as a township or neighborhood. Most existing county roads and city streets are local roads.

**Subdivision Road:** Roads intended to provide primary access from within a subdivision and other individual properties to other higher classified roads.

**Place:** A short residential street, cul-de-sac or court with a maximum of ten residential units.

**SUBDIVIDER** Any person who (1), having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2), directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or who (3) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot, parcel, site, unit, or plat in a subdivision; or who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

**SUBDIVISION** The division or partial division of a parent tract (as defined) or any parcel of land into one or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, transfer of ownership or development. It also includes resubdivision and the grant of an easement which is needed to provide legal access to any property under the terms of this Ordinance. Exempt divisions and parent tracts which meet the definition of an exempt division shall not be counted in determining if a division qualifies as a subdivision. However, the cumulative number of all divisions from the original parent tract on the effective date of this ordinance and/or from any subsequent exempt division shall be considered in the application of this definition.

**Major Subdivision** Any subdivision of land which includes the following:

1. Any land being divided which involves the construction or extension of public streets, private streets or access easements, other than two pipestem lots sharing a common access easement.
2. Any land being divided that under the terms set forth in this Ordinance involves the substantial improvement or realignment of an existing street or road or the provision of any public facility or utility.
3. Any land being divided into more than five lots, or the combined and cumulative total of more than five lots from an original parent tract.
4. Any resubdivision or changes on a recorded secondary plat approved pursuant to this Ordinance which is not a minor subdivision (as defined).
5. Any subdivision which requires a modification to the terms of this Ordinance.
6. Any subdivision which has common open space or land to be maintained by a property owners association.

**Minor Subdivision** Any subdivision of land that does not involve the opening of any public way and that complies with all standards of this Ordinance and the Zoning Ordinance and which includes one of the following:

1. Any land being divided into five or fewer lots or the combined and cumulative total of five or fewer lots from an original parent tract which does not involve the construction or extension of public streets or private streets or access easements, except for two pipestem lots sharing a common access easement.
2. Any land being divided into five or fewer lots or the combined and cumulative total of five or fewer lots from an original parent tract that under the terms set forth in this Ordinance does not involve the substantial improvement or realignment of any street or road.
3. Any resubdivision of a recorded secondary plat approved pursuant to this Ordinance which involves only the changing of the notations written on the plat or correction of errors thereon, which involves only the removal or relocation of easements on the property, or which involves only the removal of interior lot or parcel lines provided the outside perimeter of the property remains unchanged and that fewer parcels result than were contained in the original plat.
4. Any division of land into two pipestem lots sharing a common access easement.

**SUBDIVISION BENCHMARK** A permanent monument of known elevation, tied to the U.S.G.S. Benchmark System, installed at ground level.

**SUBSURFACE DRAINAGE** A system of pipes, tile, conduit or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.

**SURFACE DRAINAGE** A system by which the storm water run-off is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways, and yards, so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch, or a storm sewer.

**SURFACE WIDTH** The distance across the combined driving lanes and proposed parking accommodations adjacent and contiguous to same. The surface width shall require, in its entirety, a base and substructure, as well as top, based on the C.B.R. criteria. Any shoulder required shall be in addition to a surface width.

**SWALE** A low lying stretch of land which gathers or carries surface water runoff.

**TECHNICAL REVIEW COMMITTEE** Governmental and other public agencies and utilities which are specified by Plan Commission Rules to review and comment on a proposed subdivision.

**TEMPORARY IMPROVEMENT** Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

**THOROUGHFARE PLAN** That part of the Comprehensive Plan for the county, now or hereafter adopted, which includes a Thoroughfare Plan and sets forth the general or approximate location, alignment, dimensions, identifications, and classifications of existing and proposed highways and other thoroughfares located within the jurisdiction of the Plan Commission.

**TOP SOIL** Surface soils and subsurface soils which presumably are fertile soils and soil materials, ordinarily rich in organic matter of humus debris. Top soil is usually found in the uppermost soil layer called the "A Horizon".

**TOWN** Each incorporated town in Clinton County which has adopted this Ordinance.

**URBAN GROWTH AREA** The area around the City of Frankfort and county towns shown as Urban Growth Areas in the Clinton County/City of Frankfort Comprehensive Plan.

**WATERCOURSE** A permanent stream, intermittent stream, river, brook, creek, channel, or ditch for water whether natural or man-made.

**WITNESS MONUMENT** A marker or monument that is set as a reference to the actual corner when it is not possible or practical to set the actual corner.

## **ARTICLE THREE PROCEDURES**

**301 GENERAL:** A subdivider shall follow the procedure contained in this Article for the type of subdivision for which approval is sought.

**302 ADVISORY MEETING:** Prior to submitting any of the materials required by this Ordinance, the subdivider should discuss with the Administrator the details of the proposed subdivision, including such items as the proposed use, existing land characteristics, existing and proposed utilities, and existing and proposed streets and other public facilities. The subdivider may request or the Administrator may require that the Advisory Meeting be held before the Plan Commission if there are matters which the Plan Commission should address early in the review period. Failure to have an Advisory Meeting may result in delays during formal consideration of the subdivision.

**303 SKETCH PLAN:** The subdivider should present at the Advisory Meeting a sketch plan showing in a general way the proposed development. This plan may be drawn as a freehand pencil sketch and does not require precise dimensions or any special sheet size. This sketch plan may be used to show the Administrator the location, proposed street and lot layout and any other significant features of the proposed subdivision. This sketch plan shall not be deemed a primary plat. Accompanying the sketch plan shall be a preliminary report from the County Health Department addressing the subdivision's compliance with the County Private Sewage Disposal Ordinance and a preliminary report from the County Drainage Board addressing the subdivision's compliance with the County Drainage Ordinance.

**304 SUBDIVISION CLASSIFICATION:** Based upon the information provided at the Advisory Meeting, the Administrator shall classify all subdivisions into one of three categories, or combinations of categories, in accordance with this Ordinance and shall advise the subdivider of the applicable review procedure. These categories are as follows:

**304.01** Exempt Divisions (as defined)

**304.02** Minor Subdivisions (as defined)

**304.03** Major Subdivisions (as defined)

**305 EXEMPT DIVISIONS:** Exempt Divisions are not subject to the requirements of this ordinance beyond the determination by the Administrator that they are Exempt Divisions set forth in Section 304.

**305.01** However, before any permit shall be granted for an Exempt Division, the subdivider shall certify to the satisfaction of the Administrator that the following requirements for exemption have been met:

- A. That the property involved meets the definition for exemption.
- B. That the property involved meets all applicable zoning standards.
- C. That the property involved will be divided by metes and bounds descriptions.
- D. That the property has either access to public sewers or complies with the County Health Department sewage disposal regulations.
- E. That the property has proper access and a driveway which meets Section 510 of this Ordinance.

**307 MAJOR AND MINOR SUBDIVISIONS:** Major and Minor Subdivisions require primary approval by the Plan Commission and secondary approval by the Administrator. Replats which require the extension of streets or utilities shall be considered under the terms of this section.<sup>2</sup>

**307.01** Major and Minor Subdivisions primary approval shall be as follows:

A. A subdivider desiring primary approval shall submit the materials specified by Section 403 to the Administrator in a manner specified by Plan Commission Rules.

B. Upon receipt of a complete application for primary approval the Administrator shall review the application for technical conformity with the standards fixed in this Ordinance. Within thirty days after receipt, the Administrator shall docket and announce the date for a hearing before the Plan Commission and provide for notice in accordance with this ordinance. The Plan Commission shall, by rule, prescribe procedures for setting hearing dates and for the conduct of hearings. If the Administrator determines that the application requirements in this Ordinance have not been met, he shall reject the application and provide the subdivider with a written statement listing the items of non-compliance. The subdivider may reapply according to the procedures of this section.

C. After the Administrator has announced a date for a hearing before the Plan Commission he shall notify the subdivider in writing; give notice of the hearing by publication in accordance with I.C. 5-3-1; and provide for due notice to interested parties at least ten days before the date set for the hearing. The Plan Commission shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

D. Copies of the subdivision plat shall be submitted to the Technical Review Committee members as defined by Plan Commission Rules for comment prior to the hearing.

E. The Plan Commission, or Technical Review Committee may visit the site anytime during the review process.

F. The public hearing shall be conducted according to Plan Commission Rules. The hearing may, at the discretion of the Plan Commission, be continued. Additional notice is not required if a continuance is made on the record at a public hearing in which proper notice was made, but additional notice may be requested and required by the Plan Commission.

G. If, after the hearing, the Plan Commission determines that the application and plat comply with the standards in this Ordinance, it shall make written findings and a decision granting primary approval to the plat. This decision and a primary approval certificate must be signed by the Administrator.

H. If, after the hearing, the Plan Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the subdivider with a copy. This decision must be signed by the Administrator.

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<sup>1</sup> Sections 306; 306.01 and 306.02 were deleted in Ordinance 96-8 adopted on September 4, 1996

<sup>2</sup> As amended in Ordinance 96-8 adopted on September 4, 1996.



I. In its review of a primary plat, the Plan Commission may approve the plat with conditions. As a condition of primary approval of a plat, the commission may specify the manner in which public ways shall be laid out, graded, and improved; a provision for water, sewage, and other utility services; a provision for lot size, number, and location; a provision for drainage design; and a provision for other services as specified in this Ordinance.

J. Primary approval shall be valid for two years from the date of approval by the Plan Commission unless an extension is granted by the Plan Commission. The Plan Commission may establish time limits of less than one year on any or all conditions of primary approval. The Plan Commission may also allow the plat to be filed for secondary approval in phases. In this case, the Plan Commission shall specify reasonable expiration dates for each phase. If secondary approval is not granted before the specified expiration or expirations for any phase, primary approval shall be null and void for any or all remaining phases of the primary plat which has not received secondary approval to that time. The Plan Commission may reasonably extend the expiration date(s) upon request of the subdivider.

K. In case of disapproval of the primary plat there shall be no re-application for a substantially similar plat in less than 60 days from the date of said disapproval.

L. A participating legislative body reserves itself the power to waive any condition that is imposed upon primary approval of a plat by the Plan Commission. The legislative body shall establish the procedure under which a person may apply for a waiver of a condition under this subsection.

**307.02** Following primary approval but prior to submission for secondary approval, the subdivider, who wants to proceed with the subdivision, shall file with the Administrator detailed construction plans for approval. The construction plans must be filed prior to the start of any work and shall meet the standards of Section 407 of this ordinance. Construction plans may be submitted in phases to coincide with approved subdivision phases. The Administrator shall specify the number of sets of plans needed based upon Commission Rules.

A. The Administrator shall immediately refer these plans to the appropriate Technical Review Committee Members for comment. Once these review agencies indicate their approval of the construction plans or 14 working days have elapsed since their distribution without a written response, the Administrator shall stamp the plans approved and return one set to the subdivider. In no event shall secondary approval be given prior to approval of the construction plans.

B. The installation of improvements shall be inspected by the appropriate agency as specified by Section 309 of this Ordinance. Such inspections are required in all instances regardless of whether the work is performed before or after secondary approval. Failure to request inspection of work performed after the date of this Ordinance and before secondary approval may be cause for denial of secondary approval.

**307.03** Major and Minor Subdivisions secondary approval procedure shall be as follows:

A. After all conditions of primary approval have been met and construction plans have been approved, the subdivider may request secondary approval for all of or one phase of the primary plat from the Administrator.

B. Requests for secondary approval shall be accompanied by all materials listed in Section 406 and shall be filed in a manner specified by Commission Rules.

C. No notice or hearing is required and the standards of this Ordinance concerning notice and hearing do not apply to secondary approvals.

D. Prior to secondary approval all streets and other required improvements must be constructed or completed as required according to approved construction plans. Such improvements shall not be considered complete until they are certified as complete by the certifying professional engineer or land surveyor. As an alternative, a performance guarantee may be filed with the secondary plat application in a manner specified by Section 308.

E. There is no minimum time limit between which primary and secondary approval may be granted provided all standards of this Ordinance are met.

F. After the Administrator has determined that the plat complies with the conditions of approval of the Commission and the legislative body has accepted any public dedications, improvements, and/or guarantees of performance, secondary approval shall be given by the Administrator, and the Plan Commission seal shall be affixed to the plat.

G. Only after secondary approval of the plat and the signing and certification of said plat by the Administrator shall said plat be entitled to be recorded in the office of the Recorder of Clinton County, Indiana.

H. Secondary approval shall be valid for one year from the date of secondary approval. If the plat is not recorded before the expiration date, it will be null and void.

I. Within 14 days after the plat is recorded, the subdivider shall provide the County Recorder a black line on white paper photographic reproduction of said plat which is no more than 18 inches by 12 inches in size for inclusion in the official record books.

**308 PERFORMANCE GUARANTEES:** Before any secondary plat is approved and affixed with the Plan Commission seal, the subdivider shall construct, at his expense, all streets, curbs, gutters, sidewalks, water and sewer facilities, storm sewers, signage, and other required improvements in accordance with the approved construction plans. As an alternative, secondary approval may be granted to a plat for a subdivision in which the improvements and installments have not been completed as required by the subdivision control ordinance if:

A. The subdivider provides a bond, or other proof of financial responsibility, as specified in this ordinance, that is an amount determined by the Plan Commission to be sufficient to complete the improvements and installations in compliance with the ordinance and provides surety satisfactory to the Plan Commission or Plat Committee. With respect to the installation or extension of water, sewer, or other utility service:

1) The subdivider shows by written evidence that it has entered into a contract with the participating locality or utility providing the service;

2) The Plan Commission determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with the subdivision control ordinance.

**308.01** Any money received from a bond or otherwise shall be used only for making the improvements and installments for which the bond or other proof of financial responsibility was provided. This money may be used for these purposes without appropriation. The improvement or installation must conform to the standards provided for such improvements or installations by the participating locality in which it is located, as well as the subdivision control ordinance.

**308.02** The Plan Commission shall, by rule, prescribe the procedure for determining whether all improvements and installations have been constructed and completed as required by the subdivision control ordinance. The rule must designate the person or persons responsible for making the determination.

**308.03** The performance guarantee shall include an amount to guarantee completion at his expense of all public facilities and all other requirements contained in this ordinance including, but not limited to, soil preservation, final grading, lot drainage, lawn-grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the Plan Commission.

**308.04** All performance guarantees must be acceptable to and be approved by the Plan Commission and shall be in such form, sufficiency and manner of execution satisfactory to the Plan Commission Attorney.

**308.05** If the subdivision is in phases, the Plan Commission may require that the performance guarantee be in such amount as is necessary for each phase filed for secondary approval and may defer guarantees for the remaining phases of the plat until they are offered for approval. However, in the establishment of performance guarantees, overall subdivision improvements must be considered and any improvements which are necessary for more than one phase must be constructed or guaranteed at the time of approval of the first applicable phase.

**308.06** In order to obtain secondary approval it is permissible for the subdivider to construct part of the improvements and guarantee the remaining part of the improvements, if approved by the Plan Commission.

**308.07** Performance guarantees may consist of any of the following:

A. The subdivider may post a performance bond payable to the Plan Commission in an amount equivalent to 125 percent of the estimated cost of completion of all required improvements. Such estimate shall be prepared by the subdivider and reviewed by the Engineer who shall recommend the amount of guarantee to the Plan Commission. Such performance bond shall comply with all statutory requirements and the Plan Commission may request information on the bonding company and may deny a performance bond if necessary. Where the cost of the public improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing the public improvements according to specifications.

B. The subdivider may submit a certificate of deposit or certified check made out to the Plan Commission and/or to the subdivider in an amount equivalent to 125 percent of the estimated cost of the required improvements. Such estimate shall be prepared by the Engineer. If the subdivider is named singly or jointly on such certificate or check, then the subdivider shall endorse it before submitting it to the Plan Commission so that the Plan Commission may secure the funds. The subdivider shall receive any interest accrued on funds provided under the terms of this section.

C. The subdivider may submit irrevocable letters of credit on behalf of the subdivider and securable by the Plan Commission in an amount equivalent to 125 percent of the estimated cost of completion of the uncompleted portion of required improvements. In the event an irrevocable letter of credit is utilized, it shall be written for a maximum length of two years and the Administrator, two months prior to the expiration of the letter of credit, shall determine if the public improvements have been accepted for maintenance by the participating legislative body and if they have not been accepted shall notify the subdivider of intent to secure the funds and then commence procedures to secure the funds pledged by such letter of credit.

D. The Plan Commission may, at its discretion, accept another financial guarantee which the Plan Commission deems appropriate to accomplish the objectives of this Ordinance.

**308.08** Any performance guarantee submitted under this Section shall be for a period not to exceed two years. The Plan Commission may grant an extension of up to one year for the completion of improvements, upon evidence that such extension is justified. Before granting an extension, the Plan Commission shall secure a new estimate of the cost of the improvements from the Engineer, and if the estimate has increased, the Plan Commission shall require an increase in the amount of the guarantee.

**308.09** The performance guarantee shall be released or allowed to expire by the Plan Commission only upon certification that all required improvements have been installed satisfactorily by the certifying professional engineer or land surveyor and improvements accepted by the participating legislative body. The Plan Commission may, at its discretion, approve a partial release of the financial guarantee upon certification that a portion of the improvements has been completed satisfactorily. The Engineer shall provide an estimate of the cost of the remaining improvements, and a guarantee sufficient to cover such cost shall be retained by the Plan Commission.

**308.10** For subdivisions for which no performance guarantee has been posted, if the required improvements are not completed within the period of validity of the subdivision approval, the approval shall be deemed to have expired. 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 Plan Commission 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.

**308.11** The subdivider shall build and pay for all costs of any temporary public improvements required by the Plan Commission and shall maintain same for the period specified by the Plan Commission. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the Plan Commission a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.

**308.12** Any funds received from any financial guarantee, upon default, shall be used by the appropriate legislative body only for the purposes of making the improvements and installations for which the bond was provided. The proceeds of the financial guarantee may be used for these purposes without appropriations. If the improvements or installations are to be made within the corporate limits of a participating locality the County shall transmit the proceeds of the financial guarantee to the appropriate legislative body which shall complete the improvements and installations in conformance with this Ordinance and with plans and specifications approved by the Plan Commission.

**309 INSPECTION:** All installations and improvements required under the terms of this Ordinance shall be inspected at reasonable intervals by appropriate utility, city, town, and/or county officials during and after construction. In no case shall work be commenced without specific approval to do so from the Engineer. The appropriate legislative body shall not be obligated to accept any work which has not been inspected as required by this Section, nor shall it accept any work not completed in conformance with the approved plans and specifications.

**309.01** At least 48 hours before commencing any improvements or installations shown on the approved plans of a subdivision, the subdivider shall notify the Engineer. The Engineer shall inspect all work during and after construction. If the construction ceases at any time for more than one week, such 48 hour notice shall again be required before resumption of construction. The Engineer shall have, at all reasonable and proper times, access to any lands under construction.

**309.02** The Engineer shall have authority over methods of construction, materials, workmanship and such other aspects of the project as necessary to ensure compliance with the approved plans and specifications. This authority includes the right to order work to be suspended for due cause. Due cause includes but is not limited to questionable materials, questionable methods of construction, noncompliance with the approved plans and specifications, and adverse weather conditions.

**309.03** In the event that work is commenced without the required inspection and approval, the Engineer, the Administrator, or any other person designated by the appropriate legislative body may require that work be suspended until such inspection has been made and approval given.

**309.04** Any remedial work determined by the Engineer to be necessary before the improvements are accepted by the appropriate legislative body shall be done by the subdivider at his expense.

**310 MAINTENANCE GUARANTEES:** After completion of all required improvements and installations, and before acceptance thereof for public maintenance by the appropriate legislative body, the subdivider shall provide a three-year maintenance bond, with himself or some other person satisfactory to the Plan Commission as principal, which shall:

**310.01** Run to the appropriate legislative body having the legal responsibility for the maintenance of said improvements or installations.

**310.02** Be in an amount equal to ten percent of the total installation cost, as estimated by the Plan Commission, of all improvements and installations as required by this Ordinance, excluding, however, the cost of the on site individual water supply improvements and installations required by this Ordinance. Nothing contained in this paragraph shall, however, exclude any of the said improvements and installations from the requirements and coverage of this bond as specified in Section 310.04 and 310.05 hereof;

**310.03** Provide surety satisfactory to the Plan Commission.

**310.04** Warrant the workmanship and all materials used in the construction, installation, and completion of said improvements, warrant the installation to be of good quality and to have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this Ordinance and with plans and specifications approved by the Plan Commission, and;

**310.05** Provide maintenance for a period of three years after the date of acceptance of the improvements. The subdivider shall, at his own expense, make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials.

**311 AS-BUILT PLANS:** After completion of all public improvements and utilities and prior to their acceptance by the appropriate legislative body, the subdivider shall provide the Administrator one mylar copy of drawings showing the actual locations and specifications of all improvements installed in the subdivision. The as-built drawings shall be certified by a land surveyor or engineer licensed in Indiana.

**312 ACCEPTANCE OF IMPROVEMENTS AND DEDICATIONS:** Upon completion of construction whether before or after secondary approval, the subdivider may file a written request to the appropriate legislative body for acceptance of all public improvements and other land dedications. The approval by the Plan Commission of a subdivision plat shall not be deemed to have constituted or implied the acceptance by the appropriate legislative body of any public improvement or land dedication shown on said plat.

**312.01** A request of acceptance of public improvements and dedications shall contain the certification required by Sections 307.02 or 308.09 and the as-built plans required by Section 311.

**312.02** The appropriate legislative body shall refer a request for acceptance of public improvements and dedications to the Administrator who shall make a recommendation to the appropriate legislative body based upon Plan Commission Rules and the Engineer's report.

**312.03** After receiving the recommendation of the Administrator, the appropriate legislative body shall decide whether to accept the improvements and dedications. Any refusal to accept the improvements and dedications shall be accompanied by findings as to the reasons. The appropriate legislative body shall not accept the improvements until it has received the maintenance bond required in Section 310.

**313 NON-RESIDENTIAL SUBDIVISIONS:** It is recognized that the subdivider, in creating a non-residential subdivision, faces problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Plan Commission shall be upon street layout and block arrangement.

**313.01** The procedural requirements for primary and secondary approval are as provided in this Ordinance. Non-residential subdivision may be either major or minor plats, as defined. However, in any case, the subdivider need show only the proposed street and block layout and not lot locations on the primary plat. Subsequently, as prospective buyers or users express interest in lots sized to their required specifications, the subdivider may then submit a secondary plat or plats in phases to the Administrator which include lot lines. Streets or other public facilities may not be changed from the approved primary plat unless approved by the Plan Commission or Plat Committee, where applicable.

**313.02** Site plan approval, as required by the Zoning Ordinance, and non-residential plat approval may proceed simultaneously provided all standards of both Ordinances are met.

**313.03** The following standards apply to non-residential subdivisions:

A. Non-residential subdivisions must be appropriately zoned for business or industry prior to the proposal for a subdivision.

B. All non-residential subdivisions shall be served by approved sewer and water facilities, by individual wells, on-site sewage disposal facilities, or some combination thereof as specified by this Ordinance.

C. All applicable design standards of this Ordinance shall be met.

D. All applicable standards of the Zoning Ordinance including off-street parking and loading, fire lanes, and buffer areas shall be met.

**313.04** If access will be required for large trucks and/or heavy loads, the Plan Commission may increase the construction and design requirements according to Section 511 of this Ordinance based upon the recommendation of the Engineer. Roads serving primarily non-residential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent tracts used or zoned for residential purposes, nor shall primarily residential roads be used for access to industrial subdivisions. Multifamily dwelling complexes shall be designed to discourage traffic from using streets designed and constructed primarily for single-family residential use.

**313.05** In non-residential subdivisions, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities and the provisions of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

**314 VACATION OF A PLATTED AREA:** The Plan Commission proceeding in accordance with I.C. 36-7-3, has exclusive control over the vacation of plats or parts of plats. The owners of land in a plat may vacate all or part of that plat as specified in I.C. 36-7-3 and this Section. All the owners of land in the plat must declare the plat or part of the plat to be vacated in a written instrument, and that instrument must be executed, acknowledged, and recorded in the same manner as a deed to land.

**314.01** Before offering the instrument for recording under this section, an owner must file a copy of the instrument with the County Auditor and must submit the instrument vacating the plat for the approval of the Plan Commission having subdivision control jurisdiction. It must be accompanied by a petition which:

- A. states the reasons for and circumstances prompting the request;
- B. specifically describes the property in the plat proposed to be vacated; and
- C. gives the name and address of each owner of land in the plat.

The petition may include a request to vacate any recorded covenants or commitments filed as part of the plat. The covenants or commitments are then also subject to vacation.

**314.02** Within 30 days after receipt of a petition for vacation of a plat, the Administrator shall announce the date for a hearing before the Plan Commission.

- A. Hearing procedure shall be as established by Plan Commission Rules pursuant to I.C. 36-7-3-11.
- B. Each owner of land within the plat area may comment on the petition and may object to the vacation as provided in Section 317 of this Ordinance.
- C. The petitioner shall pay the expense of providing notice of the hearing.

**314.03** After the hearing, the Plan Commission shall approve or deny the petition for vacation. The Plan Commission shall approve the petition for vacation of all or part of a plat only upon a determination that:

- A. conditions in the platted area have changed so as to defeat the original purpose of the plat;
- B. it is in the public interest to vacate all or part of the plat; and
- C. the value of that part of the land in the plat not owned by the petitioner will not be diminished by vacation.

**314.04** If, after the hearing, the Plan Commission determines that the plat or part of the plat should be vacated, it shall make written findings and a decision approving the petition. The Plan Commission may impose reasonable conditions as part of its approval. The decision must be signed by the Administrator. The Plan Commission shall furnish a copy of its decision to the County Recorder for recording.

**314.05** If, after the hearing, the Plan Commission disapproves the petition for vacation, it shall make written findings that set forth its reasons in a decision denying the petition for vacation, and shall provide the petitioner with a copy. The decision must be signed by the Administrator.

**314.06** The approval, disapproval, or imposition of a condition on the approval of the vacation of all or part of a plat is a final decision of the Plan Commission. The petitioner or an aggrieved party may seek review of the decision of the Plan Commission as provided by I.C. 36-7-4-1016.

**314.07** The County Recorder may record the instrument only if a certificate showing the approval of the vacation by the Plan Commission is attached to it. If the instrument is not executed and approved as required by this section, it is void.

**314.08** An instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated, and it also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only in accordance with Section 316.

**314.09** If any platted land is vacated, the descriptions of the lots and parcels of that land shall be preserved as set forth in the plat, with the proportionate parts of vacated streets and alleys added as provided by law, unless all the owners of land in the vacated area consent in writing to the description of the area by: 1) the method used before the plat was made; 2) metes and bounds; or 3) other appropriate description. However, a vacated tract of five acres or more that is owned by one person, or jointly by two or more persons, need not be described by lot number and may be described by metes and bounds or some other method.

**315 ALTERNATE VACATION OF PLATTED AREA PROCEDURE:** As provided by I.C. 36-7-3-10(d), the owners of land in a plat that is located in the unincorporated area may vacate all of the plat without the approval of the Plan Commission if no lots have been sold and no roads constructed in the plat, and all of the owners of land in the plat declare the plat to be vacated in a written instrument. The instrument must be executed, acknowledged, and recorded in the same manner as a deed to land.

**316 VACATION OF PUBLIC WAYS AND PLATTED EASEMENTS:** Vacation of public ways and platted easements should comply with I.C. 36-7-3 and this section.

**316.01** Persons who own or are interested in any lots or parts of lots and want to vacate all or part of a public way, public way, public place, or platted easements in or contiguous to those lots or parts of lots may file a petition for vacation with the appropriate legislative body.

**316.02** The petition must state the circumstances of the case; specifically describe the property proposed to be vacated; and give the names and address of all owners of land that abuts the property proposed to be vacated.

**316.03** The legislative body shall hold a hearing on the petition within 30 days after it is received. The Clerk of the participating locality shall give notice of the petition and of the time and place of the hearing: 1) in the manner prescribed in I.C. 5-3-1; and 2) by certified mail to each owner of land that abuts the property proposed to be vacated. The petitioner shall pay the expense of providing this notice.



**316.04** The hearing on the petition is subject to I.C. 5-14-1.5. At the hearing, any person aggrieved by the proposed vacation may object to it as provided by Section 317 of this Ordinance.

**316.05** After the hearing on the petition, the legislative body may, by ordinance, vacate the public way, public place or platted easements. The Clerk of the participating locality shall retain a copy and shall furnish a copy of each vacation ordinance to the County Recorder for recording and to the County Auditor.

**316.06** Within 30 days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to the Circuit Court of the county. The Court shall try the matter and may award damages.

**316.07** Notwithstanding this Section, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings.

**317 FILING OF REMONSTRANCES AND OBJECTIONS:** A remonstrance or objection permitted by Section 314 or 316 of this Ordinance may be filed or raised by any person aggrieved by the proposed vacation, but only on one or more of the following grounds:

**317.01** The vacation would hinder the growth or orderly development of the participating locality or neighborhood in which it is located or to which it is contiguous.

**317.02** The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

**317.03** The vacation would hinder the public's access to a church, school, or other public building or place.

**317.04** The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

**318 TERMINATION OF VACATION PROCEEDINGS:** After the termination of a vacation proceeding under this Ordinance, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two years.

**ARTICLE FOUR  
APPLICATION REQUIREMENTS**

**401 GENERAL:** This Article lists the required application materials for Minor and Major Subdivisions.

**401.01** All plats and other documentation required by this Article shall be prepared by or under the direct supervision of a registered land surveyor who shall be responsible for the monumentation thereof. All improvements shall be constructed in accordance with plans and specifications prepared by or under the direct supervision of a licensed engineer or land surveyor as required by state law, and approved by the participating locality having jurisdiction over the acceptance and/or maintenance of such improvements. The licensed person who prepared or directed the preparation of the improvement drawings shall be responsible for the stake-out, inspection, and completion in accordance with such approved drawings unless approved by the Administrator.

**402 PRIMARY APPROVAL - MINOR SUBDIVISIONS:** The following materials must be submitted for primary approval of a minor subdivision plat. The Administrator shall specify at the Advisory Meeting how many copies of the application materials are needed based upon Plan Commission Rules.

**402.01** An application on a form provided by the Administrator. Said application shall be executed by all fee simple owners of said land, together with all contract purchasers, or in the latter case, by all contract purchasers with the written consent of all fee simple owners.

**402.02** A filing fee as established by the adopted Fee Schedule.

**402.03** A primary plat drawn according to the drafting standards of Appendix B, consisting of the following items:

- A. Legal description of the subdivision including location by section, township and range.
- B. Proposed name of the subdivision (if the subdivision contains more than two lots) followed by the words "Primary Plat".
- C. A location sketch showing the general location of the subdivision in relation to the surrounding area shall be placed on the primary plat, generally in the upper right or left hand corner. It shall be drawn at a scale sufficient enough to show the relationship of the tract to be subdivided to existing roads, schools, parks, and similar facilities as well as adjacent properties.
- D. Names and addresses of the owner, subdivider, and consulting engineer, land surveyor, or planning firm who prepared the plan.
- E. Legend and notes including the scale, north point, and date.
- F. Source of the owner's title to the land as shown by the last entry in the records of the County Recorder.
- G. County parcel tax identification number(s).
- H. Tract boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners.
- I. Existing zoning of the tract corporate boundaries lying within or contiguous to the tract.
- J. All section and municipal corporate boundaries lying within or contiguous to the tract.

K. Topographic contours at typical intervals of ten feet. Said contours shall be referenced to mean sea level elevations.

L. Layout of lots showing dimensions and numbers and square footage of each lot excluding area within right-of-ways.

M. Building lines showing setback dimensions throughout the subdivision.

N. Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, types and widths of pavements, curbs, and sidewalks.

O. Existing and proposed easements including the location, width, and purpose of such easements.

P. Location of natural streams, lakes, regulated drains, pipelines, power lines, utility structures and all other natural or man-made features.

Q. A description of the surface and subsurface drainage system including information on how drainage from adjacent properties is affected by the proposed subdivision. Written approval from the Clinton County Drainage Board shall also be submitted verifying that the subdivision meets the standards of the Clinton County Drainage Ordinance.

R. The location, size, and capacity of any existing public sewer and/or water facilities, if such facilities are available or evidence that septic tank and well permits can be obtained from the County Health Department for each lot.

S. Boundary lines of floodplain areas on each lot as scaled from the flood plain district maps and regulations of the Zoning Ordinance.

T. If there is a parent tract remainder or other parcel which qualifies as an Exempt Division under the terms of this Ordinance, such land shall be shown on the drawing. Such Exempt Division may be shown based upon an existing deed description but shall not be assigned a lot number.

U. In case of replat, all descriptive lines of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines.

V. If the primary plat is to be divided into sections or phases of development, the boundaries and numbers of such sections shall be shown.

W. All applicable certificates and notations as shown in Appendix A.

**402.04** Restrictive covenants which are properly prepared and legally sound shall be incorporated in the plat, subject to the approval of the Plat Committee or Plan Commission.

**403 PRIMARY APPROVAL - MAJOR SUBDIVISIONS:** In addition to the required materials in Section 402 for primary approval for a Minor Subdivision, the following materials must also be submitted for primary approval of major subdivisions.

**403.01** The names and addresses of all interested parties as defined by Plan Commission Rules keyed to the location sketch.

**403.02** The location and boundaries of any lots in a previously approved Minor Subdivision which had the same parent tract as the Major Subdivision. While said Minor Subdivision lots shall be considered in the determination of Major Subdivision classification, said lots do not need to be assigned Major Subdivision lot numbers nor be considered part of the Major Subdivision plat, unless said Minor Subdivision lots contain easements and/or facilities which serve the Major Subdivision lots.

**403.03** The proposed public streets and ways to be shown on the primary plat.

**403.04** Parcels of land proposed to be dedicated or temporarily reserved for schools, parks or other public or semi-public purposes, other than public streets or ways, to be shown on the primary plat.

**403.05** Topographic contours at typical interval of two feet if the general slope of the tract is less than ten percent or intervals of five feet if the slope is in excess of ten percent. Said contours shall be referenced to mean sea level elevations and shall be shown on the primary plat in lieu of the requirements of Section 402.03K.

**403.06** A soils report of the area to be subdivided with soils interpretations for the proposed use of subject land as provided by the Soil and Water Conservation District and a written opinion from said district discussing any soil limitations for the proposed use.

**403.07** In lieu of Section 402.03R, a sewage disposal plan which shows sewage disposal plans in detail according to design standards of Section 506, including profiles of proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be on the State Planes Coordinate System. For any improvements or systems which are to be owned and/or maintained by the property owners in the subdivision, a plan for establishing such ownership and for providing and financing such maintenance shall be provided. Documents and/or plans submitted under this section are subject to determination by the Plan Commission that they are adequate to ensure that the participating locality will not be held responsible in the future for such maintenance.

**403.08** An erosion control plan which identifies applicable areas of concern and problems addressed in Section 520. The plan shall indicate the control strategies for these problem areas. The plan shall indicate the proposed individual practices to be used to accomplish the objectives of this Ordinance. Methods selected to control erosion shall be consistent with this Ordinance.

**403.09** In lieu of Section 402.03Q, a drainage plan which studies the existing and proposed drainage conditions and the practices to be used to accomplish the objectives of Section 519 of this Ordinance and the Clinton County Drainage Ordinance shall be submitted. The plan shall evaluate the ability of the proposed water course, channels, drainage tiles, farm tiles, storm sewers, culverts and other improvements to handle the run-off. Existing and expected drainage patterns shall be shown for each lot.

**403.10** Documentation sufficient to show that all applicable design and construction standards of Article Five are met.

**403.11** documentation sufficient to show the nature and format of a home owners' association if one is to be established.

**404 PRIMARY/SECONDARY APPROVAL - CERTAIN MINOR SUBDIVISIONS:** For certain minor subdivisions described below, only the following information is necessary for both primary and secondary approval and may be in lieu of all other information specified in this Ordinance.

**404.01** For resubdivision of a recorded secondary plat approved pursuant to this Ordinance the following materials shall be submitted:

- A. An explanation of the changes and why they are necessary.
- B. A revised plat showing the changes.
- C. For resubdivisions involving relocated and/or removal of easements, written approval of affected utilities and interested parties must also be submitted.

**404.02** For two pipestem lots and/or for minor subdivisions which will not have more than two lots, a survey prepared in accordance with Appendix B-3 and on sheets no less than 8 1/2 by 14 inches may be submitted in lieu of a complete plat, provided all applicable information required by Sections 402 and 405 is adequately shown including the Primary and Secondary Plat Certificate(s). An application and filing fee must also be filed.

**405 SECONDARY APPROVAL - MINOR PLATS:** The following materials must be submitted for secondary approval of a minor subdivision plat.

**405.01** An application on a form provided by the Administrator.

**405.02** A filing fee, as established by the adopted Fee Schedule.

**405.03** A secondary plat drawn according to the drafting standards of Appendix B consisting of the following items:

- A. Name of subdivision followed by the words "Secondary Plat".
- B. Name and address of the owner and subdivider.
- C. North point, scale, and date.
- D. Certification by a registered land surveyor or engineer certifying to the accuracy of the survey and plat.
- E. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, deflection angles or bearings, and radii area, and central angles of all curves.
- F. Primary control points or official monument approved by the Administrator, or descriptions and "ties" to such control points or reference corners to which all dimensions, angles, bearings, and similar data on the plat shall be referenced.
- G. Lot numbers which shall be in consecutive order and street addresses for each lot conforming to the house numbering system of the applicable participating locality.
- H. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- I. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- J. Accurate metes and bounds description of the tract boundary.
- K. Source of title of the subdivider to the land as shown by the last entry in the books of the County Recorder.
- L. Existing street location and all street names.

M. Complete curve notes for all curves included in the plat.

N. Lot numbers and dimensions including the square footage of each lot.

O. Accurate locations, dimensions, and purposes of easements and any limitations on easement use.

P. Building lines and setback dimensions throughout the subdivision.

Q. Location, type, material, and size of all monuments and markers.

R. All applicable certificates and notations as shown in Appendix A.

S. All secondary plats having within their boundaries areas whose elevation is below that of the Regulatory Flood shall show and label the Regulatory Flood Boundary and elevation, as of the date the secondary plat is drawn.

**405.04** Plans and specifications for the improvements required in this Ordinance.

**405.05** Restrictive covenants as approved with the Primary Plat.

**406 SECONDARY APPROVAL - MAJOR PLATS:** In addition to the required materials in Section 405 for secondary approval for minor subdivisions, the following materials must also be submitted for secondary approval of major subdivisions.

**406.01** Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use other than public streets or ways to be shown on the secondary plat.

**406.02** Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines for all new public streets and ways which shall be shown, with their names, on the secondary plat.

**406.03** Certification by owner dedicating streets, any right-of-ways and any sites to be set out for public use.

**406.04** Such other certificates, affidavits, approvals, or dedications as may be required by the Administrator or the Plan Commission in the enforcement of this Ordinance.

**407 CONSTRUCTION PLANS:** It shall be the responsibility of the subdivider of every proposed subdivision to have prepared and certified by a land surveyor and/or professional engineer registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other public facilities.

**407.01** The final construction plans shall be based on the drainage plan, erosion plan and other information which has been approved with the primary plat, and shall be prepared and submitted prior to the secondary plat.

**407.02** Construction plans shall be prepared for all required improvements. Plans shall be drawn on standard 24 x 36 inch sheets at a scale of no more than one inch equals 50 feet, and map sheets shall be of the same size as the primary plat.

**407.03** Construction plans shall consist of the following:

A. Topographic contours at intervals of one foot if the general slope of the tract is less than five percent or intervals of two feet if the slope is five percent or more. Contours shall be referenced to mean sea level elevations.

B. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection shall be shown as an approximate radii of all curves, lengths of tangents, and central angles on all streets.

C. The Plan Commission may require, where steep slopes exist, that cross-sections of all proposed streets at 100 foot stations shall be shown at five points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points 25 feet inside each property line.

D. Plans and profiles showing the location and typical cross-section and grades of street pavements including curbs and gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; the location of street trees, street lighting standards, and street signs; and exact location and size of all water, gas, or other underground utilities or structures. Profiles shall be based on the State Planes Coordinate System.

E. Location, size, elevation, and other appropriate description of any other existing physical and natural features or facilities including trees with a diameter of eight inches or more (measured four feet above ground level), the points of connection to proposed facilities and utilities and the approximate high and low water elevations of all ponds, lakes and streams. All elevations shall be referred to the U.S.G.S. datum plane.

**ARTICLE FIVE  
PRINCIPLES AND STANDARDS OF DESIGN**

**501 GENERAL:** All subdivisions shall be designed and constructed according to the standards of this Article. These standards apply to minor and major subdivisions except where noted.

**501.01** Whenever any participating locality or any utility company have designs and construction standards adopted pursuant to statute in existence or have them subsequently adopted which are stricter than the standards of this Ordinance, they shall apply in lieu of similar standards that may be contained within this Ordinance.

**501.02** Within the Urban Growth Areas of the City of Frankfort and participating towns as shown in the 1992 Clinton County/City of Frankfort Comprehensive Plan, the design and construction standards of each incorporated locality shall apply within the applicable Urban Growth Area. If the participating locality does not have design or construction standards, or if the design and construction standards are not stricter than the standards contained in this Ordinance, then the design and construction standards of this Ordinance shall apply in the applicable Urban Growth Area.

**501.03** If the subdivider places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or by this Ordinance, such restrictions or reference thereto may be required to be indicated on the subdivision plat, and the Plan Commission may require that restrictive covenants be recorded with the County Recorder.

**501.04** No subdivision shall be approved unless the land to be subdivided is properly zoned for the use of the particular type of subdivision. In any case where a rezoning or other special zoning approval of the land is required, the application for Primary approval of a Plat or other special zoning approval shall not be filed with the Plan Commission prior to rezoning or other special zoning approval by the appropriate governing body.

**501.05** In certain instances it is to the benefit of the general welfare that certain improvements within a subdivision be increased in size. The additional cost for such oversized improvements is of no special benefit to the future residents of such subdivision but is of benefit to the general public. In such event, special contractual arrangements for cost sharing of the oversized improvements may be entered into between the subdivider and participating locality or utility company.

**501.06** Improvements required by this ordinance and installed by the subdivider, which are of a public utility nature may provide benefits to other properties in the vicinity of the land being subdivided. If the installation of such required improvements cross over or adjoin local public agency utility lines, the public agency may, by contract, agree that whenever a connection is made to, or use is made of, the utility that the subdivider has installed, the new user, or users of such utility shall be required to pay a fee to the local public utility agency. Such fees shall be in an amount agreed upon by the subdivider and the local public agency. The amount of such fee shall be credited to, and paid to, the subdivider for a time period agreed to by the subdivider and the agency but not to exceed ten years from the date of acceptance of said installation by the participating locality.

**501.07** In reviewing an application for approval of a subdivision, the Plan Commission shall consider the adequacy of existing streets and roads and other facilities to serve the proposed subdivision and may require the subdivider to make and pay for improvements deemed necessary. In no case shall the participating locality be obligated to make improvements for the purpose of making private land suitable for development.



**501.08** Before approving any subdivision, the Plan Commission shall ensure that there are adequate methods to maintain all improvements required by this Article. Such improvements include but are not limited to recreation facilities, common open space, private streets and pedestrian ways, private sewer and water systems, and drainage facilities.

**502 CHARACTER OF THE LAND:** Land which the Plat Committee or Plan Commission finds to be unsuitable for subdivision because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, soils with severe limitations for development, 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 and/or its surrounding areas, shall not be divided unless adequate methods are formulated by the subdivider and approved by the Plat Committee or Plan Commission to solve the problems created by the unsuitable land conditions.

**503 PRESERVATION OF NATURAL FEATURES AND AMENITIES:** Existing features which would add value to the development or to the community as a whole, such as trees, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until primary approval has been granted. All trees on the plat which are required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. This section does not apply to minor subdivisions.

**504 SUBDIVISION NAME:** The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in Clinton County. The Plat Committee or Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of primary approval. In the event the subdivider intends to develop the subdivision in phases, the name of the subdivision shall incorporate by number and as necessary the respective phase, section and part in that order.

**505 MONUMENTS AND MARKERS:** Monuments and markers shall be designed and constructed according to the following standards:

**505.01** Monuments or markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

**505.02** Monuments shall be set after final grading at each corner in the outer perimeter of the subdivision, at the intersection of street property lines forming angles in the boundary of the subdivision and at the intersection of street property lines.

**505.03** Monuments or markers shall be set prior to issuance of improvement location permits at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear, at all angles in property lines or lots, and at all other corners not established by a monument.

**505.04** Monuments shall be made of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four inches by four inches at the top and be not less than 36 inches deep. They shall be marked on top with a brass or copper dowel not less than 36 inches long and set flush with the top of the monument and deeply scored on top with a cross. Markers shall consist of galvanized iron pipes or galvanized steel bars at least 36 inches long and not less than 5/8 inch in diameter.

**506 UTILITIES:** The Plan Commission shall ensure that adequate sanitary sewer and water service are provided as follows:

**506.01** The subdivider shall provide the subdivision with a sanitary sewer system that meets the standards of the County Health Department by one of the following methods:

A. A municipal or other public utility system may be used which is subject to the design standards and approval from that utility company. The subdivider must provide evidence that such system has the capacity and capability to serve the development and guarantees of a sufficient number of hook-ons to serve all lots in the subdivision. If, in the judgement of the Plan Commission, a public sanitary sewer main, sized large enough to service the proposed subdivision, is reasonably accessible, a complete sanitary sewer system including lateral connections to each lot shall be installed and connected to the main. The system shall be provided with all necessary supplemental equipment or machinery, including lift stations, and be in such length, size, dimension, and specifications as required by the utility company and Plan Commission.

B. A private sanitary sewer system to convey the sewage to a treatment plan with lateral connections to each lot may be provided, to be constructed by the subdivider in accordance with the minimum requirements of the County Health Department, the Indiana State Board of Health, and/or the Indiana Stream Pollution Control Board. The private sanitary sewer system shall be designed to be compatible with a municipal utility system in case the private system is ever connected to the municipal system. The subdivider must show that there are arrangements to ensure continued operation and maintenance of the system, that the system has or will have sufficient capacity to serve the development, and guarantees of a sufficient number of hook-ons to serve all lots in the subdivision.

C. A private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system may be provided, when laid out in accordance with the minimum standards of the Clinton County Health Department. Evidence must be provided that a private system can be installed on each lot.

**506.02** The subdivider shall provide the subdivision with a complete water supply system that meets the standards of the County Health Department by one of the following methods:

A. A municipal or other public utility system may be used subject to the design standards and approval from that utility company. If public water supply is available within 200 feet of any boundary of the proposed subdivision, the subdivider shall construct a system of water mains connected with such public water supply and provide a tap connection for each lot.

B. Where public water supply is not available within 200 feet of any boundary of the proposed subdivision, a private community water supply system may be provided in accordance with the minimum requirements of the Indiana State Board of Health.

C. Where public water supply is not available within 200 feet of any boundary of the proposed subdivision, an individual water supply on each lot in the subdivision may be provided in accordance with the minimum requirements of the Clinton County Health Department.

**506.03** Fire hydrants shall be required for all subdivisions except those having lots served by individual wells. Generally, fire hydrants shall be located no more than 1,000 feet apart for non-residential subdivisions and no more than 500 feet for any residential subdivision. All fire hydrants shall be constructed according to the State Fire Marshall Code and the standards of the applicable fire department and utility company. In subdivisions served by individual wells, the subdivider shall provide a dry sump in retention basins as specified by the local fire department to provide a water source for fire fighting.

**506.04** All utility facilities, including but not limited to gas, electric power, telephone, and CATV cable, shall be located underground throughout the subdivision, except where not permitted by the utility company. All utility facilities existing and proposed throughout the subdivision shall be shown on the primary plat and shall be reviewed by the applicable utility company. Underground service connections to the property line of each platted lot shall be installed at the subdividers' expense. This section does not apply to minor subdivisions.

**507 PUBLIC USE/OPEN SPACE AREAS:** Public use and open space areas shall be provided as follows. This section does not apply to minor subdivisions.

**507.01** Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown on the Comprehensive Plan, Park and Recreation Plans or any other adopted plans, the Plan Commission may request their dedication for such purposes, or their reservation for a period of three years, following the date of the final approval of the plan. In the event a government agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional five months.

**507.02** In a subdivision proposed to contain an average of more than 2 1/2 lots per gross acre, and containing 50 or more lots or cumulative total of 50 or more lots as shown on the primary plat (including all phases), at least one acre of open space per each 50 lots shall be platted and permanently dedicated for public park or playground use. Such area may be permanently dedicated to a park board if agreed to by the park board, or to a property owners association if suitably protected by covenants. If the open space is not accepted by the park board or if there is not a property owners association for the subdivision, the Plan Commission may waive the requirements of this provision if there is no other way to permanently maintain the open space. Playgrounds or public school sites within the boundaries of the proposed subdivision shall be deemed to meet such community open space requirements. The least dimension of any such required open space shall be 150 feet. A public crosswalk or easement not less than 15 feet in width shall be provided for access to the required open space.

**508 BLOCKS:** Blocks shall be designed according to the following standards. This section shall not apply to minor subdivisions.

**508.01** Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, and waterways.

**508.02** The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development permitted. Block lengths in residential areas shall not exceed 1,400 feet no be less than 400 feet in length. Wherever practical, blocks along arterial and collector streets shall not be less than 1,000 feet in length. Irregularly shaped blocks may be approved if such a pattern is appropriate to the land to be subdivided and is properly designed.

**508.03** Pedestrian ways or cross walks not less than ten feet in width may be required through the center of blocks which are not arranged in the direction of natural pedestrian and traffic flow or at other appropriate locations and at the ends of cul-de-sacs where the Plan Commission deems such ways desirable to provide for circulation or access to neighboring uses. In determining whether pedestrian ways are required, the Plan Commission shall consider methods of maintaining such ways and their usefulness in providing access to any common open space, water areas, recreation areas, schools, churches, and other surrounding uses. Pedestrian ways shall be a perpetual, unobstructed easement.

**509 LOT DESIGN:** Subdivision lots shall be designed according to the following standards:

**509.01** The lot arrangement shall be such that all lots shall have satisfactory building sites properly related to topography and surrounding land and uses. Each lot shall comply with the minimum width, depth and area requirements of the Zoning Ordinance and with all applicable health regulations. Each lot shall be capable of providing safe, usable driveway access.

**509.02** Where lots are more than double the minimum required area for the zoning district, the Plat Committee or 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, all in compliance with the Zoning Ordinance and this Ordinance.

**509.03** Irregular-shaped lots shall be avoided except where the Plat Committee or the Plan Commission deems such a pattern to be more appropriate to the site conditions than regular shapes. Financial advantage for the subdivider and/or the ability to create a larger number of lots is not in itself sufficient reason for allowing irregular shapes.

**509.04** In general, side lot lines shall be at right angles to street lines and radial to curving street lines unless a variation from this rule will provide better layout.

**509.05** To the fullest extent practical, residential lots shall front on residential subdivision streets in such a manner as to provide neighborhood cohesiveness. Lots laid out in long lines along arterial, collector, or local streets shall be avoided.

**509.06** Lots abutting a watercourse, drainageway, channel, stream, or floodplain shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Ordinance for front, rear, and side yards. Lands below the regulatory flood elevation as specified by the Zoning Ordinance shall not be used in computing the area requirement for any lot.

**509.07** If a tract being subdivided contains a water body other than a temporary detention facility or portion thereof, lot lines shall either be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots, or the Plat Committee or Plan Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a County responsibility. No part of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water other than a temporary detention facility or portion thereof.

**509.08** Double frontage and reversed frontage lots shall be avoided in residential subdivisions except where necessary to provide separation of residential development from streets or to overcome specific disadvantages of topography and orientation.

**509.09** Except where provided in Section 510, each lot shall have at least 40 feet frontage on either a public road or a private road of at least 50 foot width.

**510 LOT ACCESS:** Access for subdivision lots shall meet the standards of this Section as well as all applicable corner lot visual clearance requirements and parking lot access requirements of the Zoning Ordinance.

**510.01** Generally, one driveway access shall be permitted per lot except for corner lots where one driveway per road is permitted and except for circular driveways where up to two driveway accesses are permitted and except where common easements of access may be required as provided below.

**510.02** To achieve more creative planning and preservation of natural property features, pipestem lots are permitted provided each has an exclusive unobstructed private access easement of at least 20 feet width to a public road. Two pipestem lots with no more than one dwelling on each lot may share a common access easement of at least 24 feet width.

**510.03** The Plan Commission may require common driveways to be shared by two or more adjoining non-pipestem lots if they deem it appropriate for the purpose of highway access safety or design.

**510.04** Access easements providing legal access to more than two pipestem lots or more than one regular lot shall be at least 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. Generally, up to four lots may receive access from a private access easement if by reason to topography, traffic safety, or other condition peculiar to the property, the Plan Commission finds it appropriate. The subdivision plat shall be properly noted that the access easement is private and a plan for maintenance shall be filed with the plat. The Plan Commission shall approve a plan for maintenance and the proposed access easement road improvements.

**510.05** An access easement serving more than four lots shall be considered a street and must be constructed according to the street standards in Section 511, even if the street remains private. In this case the subdivider must submit a plan for maintenance for approval by the Plan Commission.

**510.06** Lots in residential subdivisions shall not in general have access directly from an arterial. Where a subdivision borders on or contains an existing or proposed arterial the Plan Commission may require that access to such streets be limited by one or more of the following means:

A. The subdivision of residential lots so that they back onto the arterial and front onto a parallel subdivision street; no access shall be permitted to the arterial from any lots, and screening may be required in a planting strip inside the rear property line of such lots;

B. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial;

C. A marginal access or service streets such as a perimeter street, separated from the arterial by a planting or grass strip and having access thereto at suitable points, however, marginal access or service streets shall generally be discouraged in residential subdivisions.

D. A common driveway between two adjoining lots as provide by Section 510.03 of this Ordinance.

**510.07** Driveways shall be constructed according to the following standards:

A. Where possible, driveways shall be designed and arranged so as to prevent vehicles from having to back onto any road or driveway.

B. No driveway shall interfere with drainage flow within any right-of-way.

C. Appropriate State permits shall be obtained for driveway access onto any State highway.

D. Permits as required by the County Highway Access Ordinance, if adopted, shall be obtained prior to access onto county roads in unincorporated areas.

E. Driveways shared by two lots or driveways shared by two pipestem lots shall meet the following minimum standards:

1. It shall have a minimum width of 16 feet.

2. It shall have a minimum depth of eight inches of Type P or O made stone or gravel.

3. These standards only apply to the portion of the driveway that is jointly shared.

F. All other applicable standards of the Access Control Handbook shall be followed for driveway construction.

**511 STREETS:** All public streets and alleys and all private streets providing access to more than four lots shall be designed, constructed, and completed to the grades shown in the profiles and gross sections of the construction plans prepared according to the standards of this Section. Where applicable, the work shall be performed as prescribed in "Standard Specifications for Road and Bridge Construction and Maintenance" current issue, of the Indiana Department of Transportation. This Section does not apply to minor subdivisions.

**511.01** All streets shall be laid out in relationship with existing and proposed streets and in compliance with the Comprehensive Plan and the Thoroughfare Plan. Whenever any tract to be subdivided embraces any part of a proposed street shown on the Thoroughfare Plan, that part of such public way shall be platted by the subdivider in the location and the width indicated on the Thoroughfare Plan, or as the Plan Commission may require. Where streets are not shown in the Thoroughfare Plan, the arrangement of streets in the subdivision shall provide for the continuation or projection of existing principal streets in surrounding areas or conform to a plan of the neighborhood approved and adopted by the Plan Commission.

**511.02** All streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

**511.03** All streets should be laid out to conform as much as possible to the topography and to existing and planned streets, to discourage use by through traffic on non-arterial or collector streets, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

**511.04** The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout particularly on flat land.

**511.05** Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout or the most advantageous future development of adjacent tracts.

**511.06** The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street unless prevented by topography or other physical conditions or unless in the opinion of the Plan Commission, the access from adjacent property to such street is not necessary or desirable for the coordination of the layout for the most advantageous future development of such adjacent tracts.

**511.07** If an adjacent property is undeveloped and a street must be a dead-end street temporarily, the right-of-way shall be extended to the property lines, unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission, such extension is not necessary or desirable for coordination of the layout or the most advantageous future development of adjacent tracts. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued, but that the temporary right-of-way becomes permanent if the street is never extended. Temporary dead-end streets shall also meet the following additional standards:

- A. The minimum right-of-way diameter of a temporary turnaround shall be 50 feet, and the minimum pavement diameter shall be 80 feet.
- B. A temporary turnaround shall be constructed of at least six inches of stone.
- C. A temporary turnaround shall not exceed 1,000 feet in length unless approved by the Plan Commission.
- D. The temporary dead-end street may be on adjacent undeveloped land provided that the standards of this Section are met to the Plan Commissions' satisfaction.

**511.08** Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Plan Commission for access to adjoining property, its right-of-way terminus shall normally not be nearer to such boundary than 50 feet. However, the Plan Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.

**511.09** A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the construction standards and specifications of this Ordinance. For greater convenience to traffic and more effective emergency vehicle access, permanent dead-end or cul-de-sac streets shall, in general be limited to 1,000 feet in length. The cul-de-sac shall have a minimum right-of-way radius of 55 feet and a minimum pavement radius of 50 feet. The minimum right-of-way diameter for the cul-de-sac of a place (as defined) may be 80 feet with a pavement diameter of 60 feet.<sup>1</sup>

**511.10** Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets or half alleys. Where an existing half-street or half alley is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Plan Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

**511.11** Where a subdivision borders or contains an existing or proposed through street as shown in the Thoroughfare Plan, the Plan Commission may require reverse frontage along said street. A screen planting, having a minimum depth of ten feet may be required as a separation between these lots and said street. In addition, a residential street, serving such reverse frontage lots and having marginal or limited access may be required.

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<sup>1</sup> As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

**511.12** Where a subdivision borders an existing, narrow, non-arterial road or where topography design features or other conditions necessitate additional right-of-way, or when the Comprehensive Plan or the Thoroughfare Plan indicates plans for realignment or widening an adjacent road that would require use of some land in the subdivision, the subdivider shall be required to dedicate such right-of-way for widening or realignment of such roads. Where any lots within a subdivision derive frontage from an existing, narrow, non-arterial road, it shall be improved to 1/2 of the full width of the facility as required by this Ordinance. If the site is transected by an existing arterial road which the Comprehensive Plan or the thoroughfare Plan indicates plans for realignment or widening, the subdivider shall be required to dedicate right-of-way for such arterial. Where any lots within a subdivision derive frontage from any such arterial, it shall be improved to the full width of a collector facility as required by this Ordinance. Where an arterial proposed in the Comprehensive Plan or the Thoroughfare Plan borders or transects a proposed subdivision, the necessary right-of-way shall be reserved.

**511.13** Where a subdivision borders on or contains an existing or proposed arterial or collector, a railroad right-of-way or limited access highway right-of-way, the Area Plan Commission may require a marginal access street approximately parallel to and on each side of such thoroughfare or right-of-way. The right-of-way of a marginal access street shall be 40 feet and the pavement width shall be 18 feet. The marginal access street shall be located from the thoroughfare or right-of-way at a separating distance suitable for the appropriate use of the intervening land, such as for park purposes in residential districts, or for commercial or industrial purposes in those appropriate districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations. The Plan Commission may require that said intervening land strips be dedicated to the county or participating municipalities under conditions approved by the Plan Commission. The said strips shall be maintained by the involved governmental unit from the date of acceptance for maintenance.

**511.14** The Plan Commission may permit alleys in all subdivisions if it finds that the alleys are the best means of serving the subdivision. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. Alley intersections with sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Minimum radii at alley or street intersections shall be 25 feet. Dead-end alleys shall be prohibited except when provided with a fifty foot outside turning radius at the dead-end.<sup>2</sup>

**511.15** If any subdivision or any lot therein abuts a state highway, evidence of compliance with all applicable regulations of the Indiana Department of Transportation shall be required.

**511.16** All streets shall be designed according to the specifications of Table 1 and the other standards of this Ordinance. For purposes of Table 1 use, streets shall be classified according to the Comprehensive Plan, the Thoroughfare Plan and/or the average daily traffic that may be expected. The Plan Commission shall classify streets in the absence of clear determination of any of the above. The Plan Commission shall use the definitions of this Ordinance as guidelines for making street classifications.

**511.17** In addition to the design standards of Table 1, the following additional standards apply to all streets.

- A. The minimum grade of all streets shall 0.5 percent.
- B. The minimum radius of curves shall be 100 feet.
- C. The minimum length of tangents between reverse curves shall be 100 feet.
- D. The pavement cross slope shall be between 1/4 inch per foot and 3/8 inch per foot.

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<sup>2</sup> As amended in Ordinance 02-13 adopted on December 2, 2002



E. The shoulder cross slope shall be between 1/2 inch per foot and one inch per foot.

F. For all streets, at least three feet of the shoulders shall be stone or paved.

G. The right-of-way shall be adequate for construction and maintenance of pavement, shoulders, ditches, curbs and gutters and sidewalks where required. The Plan Commission may require such additional right-of-way as it deems necessary for these purposes, or may reduce the required right-of-way widths if the subdivider provides justification deemed adequate by the Plan Commission. The Plan Commission may also require additional right-of-way if, because of topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of a two to one ratio.

H. The pavement widths shown on Table 1 are for streets and roads having shoulders. However, if sidewalks and curbs and gutters are required by Section 512 and 513 for a subdivision, then at least one paved parking lane must be provided in lieu of the shoulders. For each parking lane, an additional eight feet of pavement (four feet per side) shall be provided.

I. For non-residential subdivisions the right-of-way shall generally be 60 feet and pavement width shall be 30 feet. There shall be six foot shoulders (except when curb and gutter is necessary). The minimum radius of curves shall be 200 feet and the minimum sight distance and the minimum length of tangents between reverse curves shall also be 200 feet. The minimum right-of-way diameter for a cul-de-sac shall be 160 feet and the minimum cul-de-sac pavement width shall be 140 feet.

J. For streets designed as a boulevard with a center median, the Plan Commission shall establish design standards based on the expected average daily traffic and the standards of this Ordinance.

**511.18** All streets shall be graded, surfaced and improved according to the following standards:

A. On land with soils which have slight or moderate limitations for street construction according to Table 12 of the Soil Survey of Clinton County, the minimum thickness of subbase, base course, and pavement shall be as follows:

1. For local and subdivision streets and places:

a) A six inch plain concrete pavement of compacted subgrade or an equivalent balanced section as recommended by the Portland Cement Association; or

b) A three inch Hot Asphalt Concrete pavement on eight inches of compacted aggregate base on a compacted subgrade; or

c) A deep-strength Hot Asphalt Concrete design with minimum total depth of 7 1/2 inches on a compacted sub-grade.

2. For collector streets:

a) A 6 1/2 inch plain concrete pavement on compacted subgrade or an equivalent balanced section as recommended by the Portland Cement Association, or

b) A 3 1/2 inch Hot Asphalt Concrete pavement on 8 1/2 inches of compacted aggregate base on a compacted subgrade, or

c) A deep-strength Hot Asphalt concrete design with a minimum total depth of 9 1/2 inches on a compacted subgrade.

3. For arterial streets, as required by the Indiana Department of Transportation.

B. On land with soils which have limitations for street construction according to Table 12 of the Soil Survey of Clinton County, the above construction standards shall be increased by 33 percent.

C. Contraction joints shall be placed at a spacing of 20 feet or less and placed at every catch basin and manhole in line of pavement and must extend throughout side strips and curbs to full width of pavement.

D. Higher standards than indicated in this section may be required by the Plan Commission to provide adequately for unusual soil conditions, extraordinary traffic volumes, or other abnormal characteristics.

E. All work shall be performed in the manner prescribed in the most recent or successor edition of the "Standard Specifications for Road and Bridge Construction and Maintenance" of the Indiana Department of Transportation. All work shall be shown on the Construction Plans as required by Section 407 of this Ordinance.

F. Street surfacing and curb and gutter construction shall not proceed until all water, sewer and subsurface drainage facilities have been installed.

**511.19** All traffic control devices, including regulatory, warning, and guide signs, and pavement markings (if necessary) shall conform to the most recent edition of the Indiana Manual on Uniform Traffic Control Devices.

**511.20** Where a hazard is deemed to exist by the Plan Commission, a guardrail shall be provided by the subdivider. All guardrails, where required, shall be "blocked out" from posts a minimum of four inches. All guardrail ends shall be terminated in buried ends or breakaway cable terminals unless they are wrapped around a driveway or field entrance in accordance with Indiana Department of Transportation standards.

**511.21** Streets parallel to a railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of grades by means of appropriate approach gradients.

**511.22** Bridges of primary benefit to the subdivision as determined by the Plan Commission shall be constructed at the full expense of the subdivider without reimbursement from the County. The sharing of expenses for the construction of bridges not of primary benefit to the subdivision as determined by the Plan Commission will be fixed by special agreement between the County and the subdivider. Said cost shall be charged to the subdivider pro-rata as the percentage of his land developed and so served, and as specified in Section 501.03 of this Ordinance.

**511.23** Intersections shall be designed according to the following standards:

A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 80 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the Plan Commission.

B. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual roadways without median breaks at either intersection. When streets intersect arterials and collectors, their alignment shall be continuous.

C. Minimum corner radius at the intersection of two local streets shall be at least 20 feet and minimum corner radius at an intersection involving a collector street shall be at least 25 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practices to permit safe vehicular movement.

D. Intersections shall be designed with a flat grade wherever practicable. At the approach to an intersection, a leveling area shall be provided having not greater than two percent rate at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.

E. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

F. The cross-slopes on all streets, including intersections, shall be three percent or less.

G. When subdivision streets intersect with collector or arterial streets, the subdivider may be required to install deceleration and passing lanes or other improvements along the major street as specified by the Plan Commission or Indiana Department of Transportation.

**511.24** No street names may be used which will duplicate, or be confused with, the names of any existing streets in Clinton County unless said proposed streets are the logical extension or continuation of, or obviously in alignment with an existing platted street in which case the proposed streets shall bear the names of such existing streets.

**511.25** Privately-owned subdivision streets are allowed but they must meet the following conditions:

A. Private streets must be built according to all specifications in this Ordinance except as approved by the Plan Commission.

B. A plan for maintenance must be submitted and approved by the Plan Commission with the primary plat.

C. The primary and secondary plat must include a statement that the streets are privately owned and maintained.

D. Private streets shall be maintained by the subdivider or by the home owners association, so that fire, police, health, school and sanitation vehicles and public utility vehicles have adequate access. Adequate access includes an adequate turning area. At or near the entrance of each intersection of a private street with a dedicated public street there shall be erected and maintained by the subdivider or association, a signpost to which is attached a sign having an area of at least 15 inches by 21 inches upon which is printed and clearly legible "Private Street" and in at least one inch letters the words, "Not Dedicated for Public Use or Maintained by the Public".

E. Applicable performance guarantees as required by this Ordinance shall be filed.

**511.26** Installation and maintenance of mailboxes within county right-of-way is the responsibility of the property owner.

**512 SIDEWALKS:** Sidewalks shall be designed and constructed as follows:

**512.01** Sidewalks shall be provided on each side of the street for subdivisions which meet one of the following:<sup>3</sup>

A. All Major Subdivisions, or

B. Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, or

C. Whenever a proposed subdivision is located in an area zoned for R-2 (Low Density Residential), R-3 (Medium Density Residential), R-4 (High Density Residential), B-1 (Neighborhood Business), B-2 (Central Business), B-3 (Roadside Business), B-4 (General Business), and PD (Planned Development), or

D. Along any street where a reasonable volume of pedestrian traffic could be expected and an alternative pathway has not been provided.

**512.02** When sidewalks are required, they shall be constructed of Portland Cement Concrete, at least four inches thick, and four feet wide and shall meet the following standards:

A. Sidewalks shall be included within the dedicated non-pavement right-of-way as required by Table 1.

B. A median strip of grassed or landscaped areas at least two feet wide shall separate all sidewalks from adjacent curbs and gutters.

**512.03** Ramps for access by handicapped persons shall be provided at all corners.

**513 CURBS AND GUTTERS:** Curbs and gutters shall be designed and constructed as follows:

**513.01** Concrete curbs and gutters are required for all streets where sidewalks are required by this Ordinance. In addition, the Plan Commission may require curbs and gutters on the downslope side of a street surface in a hillside subdivision to assist in erosion control. If a curb system is required on the downslope side, it shall be provided with catch basins and culverts as necessary to carry run off waters to the natural drainage course.

**513.02** The curbs and gutters, whether rolled or vertical, shall be constructed according to the following specifications:

A. The base for the curb and gutter shall be well-compacted on the existing base or grade.

B. All gutters and curbs shall be of Portland Cement concrete and shall be constructed in accordance with the Standard Specifications of the participating locality or the Indiana Department of Transportation, if applicable.

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<sup>3</sup> As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

**514 STREET SIGNS:** Street identification signs shall be provided by the subdivider and installed at all street intersections within the subdivision. Said signs and posts shall conform to the following standards or be of a design approved by the participating locality. This section does not apply to minor subdivisions.

**514.01** Each sign post shall consist of a two inch galvanized pipe ten feet long weighing two pounds per foot.

**514.02** Each sign shall be of a metal double blade design, green reflectorized with three inch black gothic letters, mounted at the top of the post with the street name on both sides at an elevation of seven feet above the paved street.

**514.03** All signs shall be located within the street right-of-way but no closer than six feet from the edge of the traveled portion of the street.

**515 CULVERTS** Culverts shall be designed and constructed as follows:

**515.01** Roadside drainage shall not be disrupted by public driveways or other obstructions. Culverts, pipes, or tiles shall be placed under roads at locations in accordance with the drainage plan and/or as necessary to provide outlets for side ditches and storm water to which they will be subjected.

**515.02** All culverts shall be corrugated aluminum, galvanized corrugated steel, corrugated plastic, or concrete pipe.

**515.03** All culverts installed under driveways or within street rights-of-way shall be a minimum of twelve inches in diameter and shall be installed prior to placing of the street surface. Pipe end sections shall be installed on all pipes 36 or fewer inches in diameter. All culverts under the roadway shall extend at least the full roadway width, including the shoulders.

**516 DITCHES:** Ditches and roadside swales in subdivisions without curbs and gutters shall be designed and constructed as follows:

**516.01** Roadside ditches and swales shall be constructed with a minimum width of ten feet as specified in the drainage plans to provide positive drainage along the entire property frontage and to insure that the drainage pipe or culvert under the driveway will not become blocked or clogged with debris. Areas disturbed by driveway construction or swale grading shall be stabilized, fertilized, sown or sodded in grass to prevent erosion. A suitable outlet shall be provided for all side ditches to a natural or established drain or ditch as specified in the drainage plan.

**516.02** The minimum slope on all roadside ditches shall 0.25 percent. The maximum side slope for ditches shall be 3:1 and the maximum back slope shall be 2:1. Deep, open ditches shall be avoided.

**516.03** The minimum depth of all roadside ditches shall be 18 inches below the edge of pavement.

**516.04** All roadside ditches with grades of less than three percent shall be seeded and mulched with straw or sodded. All ditches with grades of at least three percent but less than five percent shall be sodded, and all ditches with grades of five percent or more or subject to severe washing or eroding as specified in the erosion control plan shall be paved or protected by riprap of stone. Seeding and sodding shall be in conformance with the Indiana Department of Transportation standard specifications.

**516.05** No existing ditches shall be filled without written approval of the Engineer.

**517 STREET LIGHTS:** Street lights are required along all streets in incorporated areas and in subdivisions in the county where sidewalks are necessary provided that the subdivision has a homeowners' association for permanent maintenance of the lights. Lights shall be installed at all intersections throughout the subdivision and such installations shall conform to the requirements of the participating locality and/or the public utility providing such lighting.

**518 EASEMENTS:** Easements shall be provided as follows:

**518.01 Utility Easements:** Easements, centered on rear or side lot lines where possible, shall be provided for utilities where necessary and shall be at least 16 feet wide. Easements shall be continuous to the street at the end of the block to connect with easements in adjoining blocks in the shortest direct line. The Plan Commission may require larger easements if requested by the utility company.

**518.02 Drainage Easements:** Easements shall be provided where the Plan Commission deems them necessary to provide proper drainage for the subdivision. Such easements shall be at least 15 feet in width and may be coincident with utility easements.

A. Where a subdivision is traversed by a water course, drainage way, or stream, there shall be provided an adequate storm water easement or drainage right-of-way conforming substantially with the lines of such water course and to the provisions of the Clinton County Drainage Ordinance for any present or future width of construction.

B. Where a subdivision is traversed by a legal drain, the right-of-way for the drain shall be in accordance with the Indiana Code requirements for legal drains.

**518.03 Maintenance Easements:** Where the Plan Commission deems appropriate, easements for the maintenance of adjoining property may be required.

**518.04 Farm Tile Easements:** Where there are farm tiles which are to remain on property proposed for subdivision, an easement at least 20 feet in width shall be provided for protection and maintenance of such tiles. The Plan Commission may require larger easements when it deems such additional width necessary for carrying out the purposes of this section.

**518.05 Farm Access Easements:** All parcels, including agricultural property shall have legal access meeting the minimum standards of this Article. In addition to the legal access, access easements at least 25 feet in width for farm machinery and other agricultural purposes may be provided. Such easements shall not be permitted unless the remaining property has legal access, frontage, and width.

**518.06 Access Easements:** Access easements shall be provided as required by Section 510 of this Ordinance.

**518.07 Pedestrian Way Easements:** Easements for pedestrian ways shall be provided as required by Section 508.03 of this Ordinance.

**519 STORM WATER DRAINAGE:** The subdivider shall be required to design and construct an adequate storm water drainage system that shall be in compliance with the Clinton County Drainage Ordinance. This may be comprised of a natural drainage system, a storm sewer system or a combination natural drainage and storm sewer system. Storm water drainage systems shall meet all design standards of the Clinton County Drainage Ordinance and the following standards. All drainage information shall be shown on the drainage plans as required in Section 403.09 of this Ordinance.

**519.01** Subdivision on-site drainage facilities shall be designed to accommodate the effect of water runoff from the subdivision area after development on downstream drainage areas, the present water runoff from developed and undeveloped areas upstream, and that part of the water runoff attributable to future development in undeveloped areas upstream, which is not reasonably likely to be accommodated in such upstream areas.

**519.02** All storm water drainage systems shall be separate and independent of any sanitary sewer system.

**519.03** Natural drainage patterns and natural stream channels shall be maintained wherever possible.

**519.04** Storm sewers, where required, shall be designed according to accepted engineering practice and the standards of the Clinton County Drainage Ordinance.

**519.05** All lots, tracts, or parcels shall be designed and graded to provide proper drainage away from the buildings and dispose of it without ponding, and all land within the development shall be graded to drain and dispose of surface water without ponding, except where approved by the Administrator.

**519.06** All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface water away from buildings, they shall be sodded or planted as required and shall be of such slope, shape, and size as to conform with the requirements of the Plan Commission.

**519.07** Concentration of surface water runoff shall only be permitted in swales or watercourses.

**519.08** Land alteration shall be accomplished in such a way that the grades left at the time that the work is completed will be permanent and stable.

**519.09** An existing drain (including pipe or tile) or watercourse affected by a subdivision shall not be changed or altered in its operation unless the subdivider provides the necessary drain or watercourse to a proper and adequate outlet.

**519.10** When a proposed drainage system will carry water across private land outside the subdivision or water from adjacent property will flow into the drainage system of the subdivision, appropriate off-site drainage rights must be secured and indicated on the plat.

**519.11** Retention ponds may be required by the Drainage Board to regulate the flow at the outfall. Such ponds shall be protected from erosion and shall be designed and constructed to enable adequate access for maintenance. Easements and plans for permanent maintenance shall also be specified.

**519.12** In the approval of drainage plans, the Plan Commission may require off-site improvements of drainage outlets to adequately handle the run-off from the subdivision when damage and erosion would be caused to adjacent property. If such drainage system is required, a covenant shall be required showing that future perpetual maintenance costs shall be shared proportionately by those benefitted. Utilities and sewers shall be installed under paved areas of streets only when absolutely necessary. Plans shall include drainage provisions for at least a ten year frequency storm.

**519.13** No subdivider or person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse or drainage system without having obtained prior approval from the Clinton County Drainage Board and/or DNR.

**519.14** It is the responsibility of the subdivider and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the flood plain, floodway, or floodway fringe area of any watercourse during the period of development to return these areas to their original or equal conditions upon completion of said activities.

**519.15** Whenever sedimentation is caused by stripping, vegetation, regrading or other development activities, it shall be the responsibility of the subdivider, person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage at his expense as quickly as possible.

**519.16** Connection to a state drainage system is allowed only with written approval from the Indiana Department of Transportation. Connection to a County legal drain is allowed only with written approval from the County Drainage Board. Connection to a county road ditch is allowed only with approval from the County Highway Department.

**519.17** The Plan Commission shall not approve any subdivision for which adequate provision for maintenance of drainage systems has not been made. Such provision may include but is not limited to acceptance of the system as a rural or urban legal drain by the County Drainage Board or establishment of a property owners association with responsibility to set and collect fees for drainage system maintenance.

**519.18** If designated as a legal drainage system, all storm sewers, structures, and designated surface drains within the subdivision shall become part of the legal drainage shed. Subdivision lots shall be assessed as annual drainage maintenance fee by the office of the Clinton County Treasurer.

**520 EROSION CONTROL:** Effective measures in minimizing erosion and sedimentation shall be included where applicable in the erosion control plan as required by Section 403.06 of this Ordinance and as may be required by the Clinton County Erosion Control Ordinance, if adopted.

**520.01** The following measures shall be included where applicable:

- A. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
- B. Development plans shall preserve prominent natural features, keep cut fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- C. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- D. The disturbed area and the duration of exposure shall be kept to a practical minimum.
- E. Disturbed soils shall be stabilized as quickly as possible.
- F. Temporary vegetation and mulching shall be used to protect exposed critical areas during development.
- G. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- H. Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.



I. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

**520.02** The Administrator shall be guided by the Clinton County Erosion Control Ordinance, if adopted, and by applicable erosion regulations of the Soil and Water Conservation District, Clinton County Drainage Board, Indiana Department of Natural Resources and/or the adopted erosion control handbook.

**521 SITE PREPARATION STANDARDS:** The following standards shall be met during construction of the subdivision:

**521.01** All lots and other land included within a subdivision shall be graded in accordance with the approved drainage control and erosion control plans. Except for land covered by buildings, included in streets, or where the grade has not been changed and natural vegetation not seriously disturbed, the land shall be covered with topsoil an average depth of at least four inches. Topsoil shall not be removed from residential lots or used as spoil but shall be redistributed so as to provide at least four inches of cover between sidewalks and curbs and between shoulders and right-of-way lines and shall be stabilized by seeding or planting.

**521.02** No cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste material shall be buried in any land, or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall any such material be left or deposited in any area of the subdivision at the time of expiration of the performance guarantee or dedication of public improvements.

**521.03** No utility company shall cut, dig, trench, otherwise interfere with the surface or subsurface of any City street or County road prior to notification of the Board of Works or, where applicable, County Highway Department. The Board of Works shall have the right to designate when the road work may be started in order to minimize congestion during peak traffic periods.

**521.04** Areas within the right-of-way of a City street or County road that are disturbed by a utility company or its subcontractor during the installation of equipment shall be returned to their original condition. Vegetation that is removed shall be replaced by sodding the disturbed area or seeding, mulching, and fertilizing the area to prevent erosion.

**521.05** Construction signs and barricades shall be adequate to protect the area under construction, workers, and the travelling public. The subdivider shall be responsible for maintaining the signs and barricades to the satisfaction of the Administrator.

**521.06** Excavation and fills shall meet the following standards:

A. Cut and fill slopes shall not be steeper than 3:1 unless stabilized by a retaining wall or cribbing as approved by the Administrator when handled under special conditions.

B. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above this area.

C. Cuts and fills shall not endanger adjoining property.

D. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

E. Fills shall not encroach or impede flows on natural watercourses or constructed channels.

F. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during this period of construction.

G. Grading will not be done in such a way so as to divert water onto the property of another land owner without the expressed consent of the Administrator and other land owner.

H. During grading operations, necessary measures for dust control will be exercised.

I. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of temporary or permanent culverts or bridges.

**521.07** Each subdivider shall be required to furnish and install fences wherever the Plan Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the Plan Commission and shall be noted as to height and material on the secondary plat.

**522 FLOODPLAINS AND AREAS OF POOR DRAINAGE:** Subdivisions which have land within floodplains or land subject to flooding shall meet the requirements below:

**522.01** The Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in a specified flood hazard area. If the Plan Commission finds the subdivision to be so located, the Plan Commission shall forward plans and materials to DNR for review and comment. DNR shall require appropriate changes and modifications in order to assure that:

A. It is consistent with the need to minimize flood damages;

B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

C. Adequate drainage is provided so as to reduce exposure to flood hazards;

D. Onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

**522.02** Developers shall record the 100 year flood elevation on all subdivision plats containing lands identified elsewhere by ordinance as within a specified flood hazard area prior to submitting the plats for approval by the Plan Commission.

**522.03** All owners of subdivisions located within the specified flood hazard areas shall develop an evacuation plan for those lots located within specified flood hazard areas and file it with the Plan Commission and have it filed and approved by the appropriate community emergency management authorities.

**522.04** Areas which are not within the jurisdiction of the Clinton County Flood Plain Management Ordinance but which contain soils which are subject to flooding may be approved for subdivision by the Plan Commission, provided that the subdivider fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two feet above ponding levels.

**522.05** In areas characterized by soils having a high seasonal water table as determined by the Clinton County Soil and Water Conservation District, lots shall be limited to slab type construction unless the Plan Commission determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.

**522.06** Low-lying lands along watercourses subject to flooding or overflowing during storm periods that are not in a special flood hazard area shall be preserved and retained in their natural state wherever required by the Clinton County Drainage Board as drainage easements.

**ARTICLE SIX  
ADMINISTRATION AND ENFORCEMENT**

**601 ADMINISTRATOR:** The Administrator is hereby designated to be responsible for administration, interpretation, and enforcement of this Ordinance, except as specified in Section 604.03. The Administrator is authorized to do all things and to take all action necessary and prudent, under the circumstances, to enforce the provisions hereof.

**601.01** The Administrator is designated as the official authorized to give secondary approval to subdivisions.

**601.02** It shall be the duty of the Administrator to periodically research the County Auditor's records and perform other necessary investigation to detect any violations of these regulations.

**602 PLAT COMMITTEE:** Pursuant to I.C. 36-7-4-701(e) the Plan Commission may appoint a Plat Committee to hold hearings on and approve plats and replats on behalf of the Plan Commission. The Plat Committee may consist of three or five persons, with at least one of the members being a member of the Plan Commission. Each appointment of a member of the Plat Committee is for a term of one year, but the Plan Commission may remove a member from the Committee. The Plan Commission must mail notice of the removal, along with written reasons, if any, for the removal, to the member at his residence address. A member who is removed may not appeal the removal to a court or otherwise. The Plat Committee may take action only by a majority vote.

**603 APPEAL:** Any final decision of the Administrator may be appealed to the Plan Commission. The notice of final decision shall contain the date of mailing thereon. Said appeal may be initiated by the subdivider or any property owner affected by such final decision. The appeal shall be directed to the Plan Commission and shall be filed in the Plan Commission office. Such appeal must be made within ten days of the mailing of such final decision to the subdivider.

**603.01** An appeal of a final decision of the Administrator shall be heard by the Plan Commission within forty-five days after the filing of an appeal petition with the Plan Commission, and the Plan Commission shall render its written final decision within 15 days after such hearing. With the consent of the subdivider and Plan Commission, said hearing date may be extended.

**603.02** Pursuant to I.C. 36-7-4-1016 a decision of the Plan Commission may be appealed to the Circuit Court or Superior Court of Clinton County, Indiana. Said appeal shall be through a Petition for Writ of Certiorari filed with the clerk of the appropriate court within 30 days after the date of such decision. Said petition shall, in all respects, conform with Indiana Law.

**604 MODIFICATIONS:** The Plan Commission may grant such modifications to the requirements and standards of this Ordinance as will not be contrary to the public interest, where owing to extraordinary conditions, fully demonstrated by the subdivider on the basis of facts presented, strict compliance with the provisions of this Ordinance will result in practical difficulties or misuse of property.

**604.01** In the exercise of its authority under this section, the Plan Commission shall grant modifications only upon finding all of the following:

- A. The modification will not be detrimental to the public health, safety, or general welfare.
- B. The modification will not adversely affect adjacent property.
- C. The modification is justified because of exceptional topographic or other physical conditions unique to the property involved and is not to correct mere inconvenience or financial disadvantage.

D. The modification is consistent with the intent of this and other applicable ordinances of the Comprehensive Plan.

E. The condition necessitating the modification was not created by the owner or subdivider.

F. The modification will not conflict with the powers and duties of the Board of Zoning Appeals as defined by the Zoning Ordinance.

**604.02** Any request for modifications from the standards of this Ordinance shall be submitted in writing as part of the application for approval of a subdivision. Such request shall make specific reference to the section of the Ordinance from which such modification is requested and shall state the reasons for the request, addressing the criteria in this section.

**604.03** In approving or denying a modification request, the Plan Commission shall make specific findings on each of the criteria in this section. If the Plan Commission approves a modification request, it may impose such conditions as it deems necessary and proper to carry out the intent and purposes of this Ordinance.

**605 ENFORCEMENT AND PENALTIES:** The procedures for the enforcement of this Ordinance are as follows:

**605.01** The Administrator shall be the designated enforcement officer and shall act for the Plan Commission and shall not be personally liable for his or her official acts.

**605.02** Where a violation occurs, or is alleged to have occurred, any person, firm, or corporation may file a written complaint stating fully the causes and basis thereof with the Administrator, who shall record the complaint, investigate, and take action as prescribed in this Section.

**605.03** Pursuant to I.C. 36-7-4-1012 within the jurisdiction of the Plan Commission, any land that is subdivided in violation of the terms of this Ordinance is declared to be a common nuisance and the owner of such land shall be liable for maintaining a common nuisance, which may be restrained, enjoined, or abated in any appropriate action or proceeding.

**605.04** Any person who violates any provision of this Ordinance of any regulating of the Plan Commission hereunder enacted shall be fined not less than Ten Dollars and not more than Three Hundred Dollars. Each day a violation occurs or continues constitutes a separate offense.

**605.05** Pursuant to I.C. 36-7-4-1013(b) the Plan Commission may request the prosecuting attorney of the county to take appropriate action in any case involving the violation of this ordinance or regulation adopted under it. The prosecuting attorney shall act promptly when requested.

**605.06** Pursuant to I.C. 36-7-4-1014(a) the Commission or the Administrator shall invoke any legal, equitable, or special remedy for the enforcement of this Ordinance.

**605.07** Pursuant to I.C. 36-7-4-1015(a) the Administrator may bring an action for injunction in the Circuit Court to restrain a person from violating this Ordinance.

**605.08** The Plan Commission may, as deemed prudent or necessary under the circumstances, to enter into any compromise or settlement involving a violation of this Ordinance, providing such compromise or settlement is in the best interests of the enforcement of this Ordinance.

**606 FEES:** Pursuant to I.C. 36-7-4-704 the Plan Commission shall establish a uniform schedule of fees proportioned to the cost of checking and verifying the proposed plat. The subdivider shall pay the specified fee upon the filing of an application for approval. The fee schedule shall be on display at the Plan Commission office.

**607 AMENDMENTS:** For the purpose of protecting and promoting public health, safety, and general welfare, the Plan Commission may from time to time amend the provisions imposed by these regulations in accordance with procedure established by Indiana law.

**ARTICLE SEVEN  
ENACTMENT**

**701 ENACTMENT:** In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted.

**702 EFFECTIVE DATE:** This Ordinance shall be in full force and effect upon its passage and publication of notice of adoption as required by law.

Passed and adopted by the Board of Commissioners of Clinton County, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
\_\_\_\_\_

BOARD OF COMMISSIONERS OF CLINTON CO.

ATTEST:

\_\_\_\_\_  
Secretary

Passed and adopted by the Common Council of the City of Frankfort, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
President, Common Council  
City of Frankfort

ATTEST:

\_\_\_\_\_  
City Clerk/Treasurer  
City of Frankfort

Passed by the Town Council of the Town of Colfax on this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Town Council President  
Town of Colfax

ATTEST:

\_\_\_\_\_  
Town Clerk/Treasurer  
Town of Colfax

Passed by the Town Council of the Town of Kirklin on this \_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Town Council President  
Town of Kirklin

ATTEST:

\_\_\_\_\_  
Town Clerk/Treasurer  
Town of Kirklin

Passed by the Town Council of the Town of Michigantown on this \_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Town Council President  
Town of Michigantown

ATTEST:

\_\_\_\_\_  
Town Clerk/Treasurer  
Town of Michigantown

Passed by the Town Council of the Town of Mulberry on this \_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Town Council President

Town of Mulberry

ATTEST:

\_\_\_\_\_  
Town Clerk/Treasurer  
Town of Mulberry

Passed by the Town Council of the Town of Rossville on this \_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Town Council President  
Town of Rossville

ATTEST:

\_\_\_\_\_  
Town Clerk/Treasurer  
Town of Rossville

**APPENDIX A**

**A-1 GENERAL:** All plat must contain all applicable certificates and notations in substantially the same form indicated herein. Deviations in form or wording may be permitted by the Administrator, provided that the certificate or notation fulfills its intended purpose. Additional certificates and/or notations may be required by the Administrator where special circumstances warrant such additions on the secondary plat.

**A-2 LAND SURVEYOR'S CERTIFICATE:** Each Plat submitted to the Plan Commission for secondary approval shall carry a statement signed by the Registered Land Surveyor who prepared the Plat in substantially the following form:

"This plat represents the subdivision of a survey completed by me or while under my direct supervision on \_(Date)\_; that the description and plat to the best of my knowledge, information, and belief was performed in accordance with the Indiana Survey Standards Law, Title 865 in Indiana Administrative Code 1-12; that the theoretical uncertainty (due to random errors in measurement) in the corners of the described plat is within the specifications for a Class\_(Type)\_ Survey; and that all monuments and markers accurately shown on the plat actually exist and comply with the provision of the Subdivision Control Ordinance."

(SEAL)

\_\_\_\_\_  
(Name)  
Registered Land Surveyor  
State of Indiana \_\_ (Number) \_\_

**A-3 LEGAL DESCRIPTION CERTIFICATE:** The Plat submitted to the Commission for Secondary Approval shall contain a metes and bounds legal description prepared by the Registered Professional Land Surveyor of the outside boundary of the completed survey.

**A-4 OWNER'S CERTIFICATE:** The basic Owner's Certificate required on all plats is as follows:

**OWNERS CERTIFICATE**

We, the undersigned, (NAMES), owners of the real estate shown and described herein, do hereby certify that we lay off, plat, and subdivide, said real estate in accordance with this plat.

This subdivision shall be known and designated as \_\_\_\_\_, an addition to (City/County/Township/Town) consisting of \_\_\_\_\_ lots numbered \_\_\_\_\_.

Clear title to the land contained in this plat is guaranteed. Any encumbrances and special assessments are explained as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**A-5 ADDITIONS TO OWNER'S CERTIFICATE:** Any of the following paragraphs which 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. Front, side, and rear yard building setback lines are hereby established as shown on this plat, which are in compliance with the Zoning Ordinance, between which lines and the property lines of the streets there shall be erected or maintained no building or structure.

3. There are strips of ground shown on this plat and marked easement, reserved for the use of public utilities or drainage and subject to the paramount right of the utility or County to install, repair, maintain or replace its installation. Within these easements, no structure, planting, or other material or fill shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easement, or which may stop or interfere with the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

4. 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 by the (City/County/Town).

5. Improvements dedicated to the public by this plat shall not be maintained by the (City/County/Town) until the appropriate legislative body has accepted completed improvements for maintenance. The release by the appropriate legislative body of a financial guarantee of performance and/or maintenance shall constitute acceptance for maintenance by the (City/Town/County).

6. This subdivision contains property included in the "Zone A District" on the Flood Hazard Boundary Map for Clinton County Indiana dated January 13, 1978 (or subsequent update). No building may be constructed or substantially improved in the area so designated until a flood elevation has been determined by the Indiana Department of Natural Resources. 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.

7. The right to enforce these provisions by injunction, together with the right to cause the removal, by the process of law, of any structure or part thereof erected or maintained in violation hereof, is dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

**A-6 ACKNOWLEDGEMENT CERTIFICATE/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 \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
OWNER

STATE OF INDIANA )  
                  )SS:  
COUNTY OF CLINTON )

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 AND DULY SWORN STATED THAT THE REPRESENTATIONS CONTAINED THEREIN ARE TRUE.

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (SEAL)

\_\_\_\_\_  
COUNTY OF RESIDENCE

\_\_\_\_\_  
MY COMMISSION EXPIRES

**A-7 PRIMARY APPROVAL CERTIFICATE:** The following Plan Commission Certificate of Primary Approval for Major and Minor Subdivisions shall appear on all plats of major and minor subdivisions:

PRIMARY APPROVAL

Under authority provided by I.C. 36-7-4-700, Subdivision Control, and any amendments thereto, this plat was given PRIMARY APPROVAL by the County of Clinton, Indiana as follows:

Approved by Clinton County Area Plan Commission (or Clinton County Plat Committee, if minor subdivision) at a meeting held \_\_\_\_\_. (If a major subdivision, there shall be lines here for the signatures of the Plan Commission President and Secretary and, if a minor subdivision, there shall be adequate lines for all Plat Committee members.)

Void unless secondary approval is received by \_\_\_\_\_.

**A-8 SECONDARY APPROVAL CERTIFICATE:** The following Certificate of Secondary Approval for Major and Minor Subdivisions shall appear on all final plats or major and minor subdivisions:

SECONDARY APPROVAL

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

Approved by the Administrator \_\_\_\_\_.

\_\_\_\_\_  
Administrator

Void unless Recorded by \_\_\_\_\_.

**A-9 CONSTRUCTION PLANS CERTIFICATE:** The following certificate shall appear on each sheet of the final construction plans for a major subdivision:

CONSTRUCTION PLANS

This document contains or is a part of the approved construction plans for \_\_\_\_\_. The improvements to be installed in this subdivision will not be accepted for maintenance by the (appropriate legislative body) unless and until all improvements shown hereon have been installed and are in substantial compliance with these plans.

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Date

**A-10 DEDICATION CERTIFICATE:** The following certificate shall appear on all secondary plats containing land and/or improvements to be dedicated to the public.

DEDICATION

The dedication(s) shown on this plat is (are) hereby accepted by the (appropriate legislative body) at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[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 (City/County/Town). Maintenance by the (City/County/Town) shall commence only after the release of the financial guarantee.

(APPROPRIATE LEGISLATIVE BODY)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk

**A-11 SUBDIVISIONS CONTAINING NO DEDICATIONS:** Subdivisions containing no dedication of land and/or improvements to the public and no vacations of easements or public rights-of-way shall contain the following certificate:

ADMINISTRATOR CERTIFICATION

This subdivision involves no dedication to the public of land or improvements and does not require the signatures of (appropriate legislative body).

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Date

**A-12 RECORDING CERTIFICATE:** The real property taxes due through the last installment period have been paid and this plat may be recorded. This certificate remains valid through \_\_\_\_\_.

\_\_\_\_\_  
Treasurer of Clinton County

The real property has been duly entered for taxation and transferred on the records of the Auditor of Clinton County. This \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Clinton County Auditor

Recorded in Plat Book \_\_\_\_\_, page number \_\_\_\_\_, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.

Instrument Number \_\_\_\_\_ Fee paid \_\_\_\_\_.

\_\_\_\_\_  
Clinton County Recorder

**A-13 Subdivisions Containing Previously Platted Land:** Any Plat which contains land in a previously recorded plat shall contain the following certificate:

A notation has been made on the original plat of \_\_\_\_\_, Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

**APPENDIX B**  
**STANDARDS FOR SURVEYS AND PREPARATION OF PLATS**

**B-1 GENERAL:** All surveys shall be conducted and plats prepared in accordance with the Indiana Survey Standards adopted by the Indiana Society of Professional Land Surveyors and any amendments thereto. In the event of any difference between the Indiana Survey Standards and this Ordinance, the stricter requirement shall apply.

**B-2 DRAFTING:** All plats submitted for approval shall be prepared by or under the supervision of a registered land surveyor. All drawings shall be neat, legible, reproducible, reducible, and drawn on a permanent material.

A. Material. All major and minor plats shall be drawn on Mylar or equivalent material at least 2 mils in thickness.

B. Letters, Symbols, and Drafting. Lettering identifying surveying points or labeling items displayed graphically shall be done using a Leroy or equivalent lettering system, or freehand using plastic lead (E1 to E5) on Mylar or standard lead on paper. Lettering shall be no smaller than 14 point or 1/8 inch in height and shall be legible when the drawing is reduced 65 percent. Symbols shall be drawn using appropriate templates. Certificates and notations shall be typewritten or drawn using a Leroy or equivalent lettering system. Drafting may be done with pen and ink or plastic lead as specified above.

C. Legend. All plats shall contain a legend, using the following standards symbols:

5/8 INCH X 30 INCH REBAR SET

5/8 INCH REBAR FOUND

SECTION CORNER MONUMENT SET

SECTION CORNER FOUND

OTHER TYPES OF MONUMENTS SET

OTHER TYPES OF MONUMENTS FOUND

5/8 INCH X 30 INCH REBAR SET AT ALL OTHER PROPERTY CORNERS

STATE HIGHWAY R/W MONUMENT FOUND

Note: All monuments shall be described in a legend or on the plat near the monument.

D. Scale. Plats shall be drawn to a suitable scale to be legible when read or when reduced if the size exceeds 11 x 17 inches and as approved by the Administrator.

E. Size. Plats shall be drawn on sheets no larger than 11 x 17 inches and no smaller than 8½ x 14 inches. Plats containing more than one sheet must be labeled with the name of the subdivision and consecutively numbered. If the sheet is any larger it shall be reduced to 11 x 17 inches before signatures for recording.

F. Copies. Copies of plats shall be blue-line or black-line prints and must be legible.

G. Layout. Layout of the plat should be similar to the example shown in Figure 2, except when the configuration of the property prohibits such layout.

H. Lines. Accurate direction and length in feet and hundredths of feet must be specified for each line. Geometrically curved lines must be identified with sufficient curve data to define the curve. (Curve data include delta angle, radius, chord distance, chord bearing, arc length, tangent length and the degree of the curve).

Lines required to be shown include but are not limited to the following:

- a. Plat boundary (heavy solid line).
- b. Right-of-way lines of streets and alleys (solid line).
- c. Easements (dashed line).
- d. Lot lines (solid line).
- e. Lines indicating easements or lot lines to be vacated by the plat (dashed or dotted line).

**B-3 SURVEYS:** All surveys conducted and graphically represented under the terms of this ordinance shall comply with the minimum standards contained herein.

A. The measurement specifications contained in subsection B will apply for all retracement surveys, surveys based on record documents, and original surveys.

B. The following specifications shall be used for the location of property boundaries with respect to the referenced controlling corners:

Class of Survey	Theoretical Uncertainty (tu)
A plus or minus	.10 feet
B plus or minus	.25 feet
C plus or minus	.50 feet
D plus or minus	1.00 feet
E all other surveys	to be negotiated with the client

C. The classes of surveys listed in subsection B shall fall into the following sizes:

(1) Class A – Small area wherein dense monument controls exist, as in a downtown commercial area. Lots are typically fifty (50) feet by 100 feet Periphery and beginning distance is less than 400 feet.

(2) Class B – Longest side is typically under 1,000 feet and periphery and beginning distance is less than 5,000 feet.

(3) Class C – Longest side is typically under 1,000 feet and periphery and beginning distance is less than 5,000 feet.

(4) Class D – All sides are typically under 1,000 feet and periphery and beginning distance is less than 12,000 feet.

(5) Class E – The precision of larger surveys shall be negotiated with the client and shall be clearly stated on the plat of survey.

D. Point of Beginning. The point of beginning shall be called out in the description.

E. Source of Bearing System. The source of the bearing system shall be stated (i.e., assumed, magnetic, astronomic) in description.

F. Area of Tract. The calculated area of the tract in square feet or acres shall be included in the description.

G. Ties. All surveys shall be tied in reference to an accessible section corner or to any monument shown on a previously platted area in the Office of the Recorder.



**CLINTON COUNTY ROAD SPECIFICATIONS FOR LAYER  
THICKNESS FOR ASPHALT CONCRETE TOP AND BASE COURSES  
AND THE FOUNDATION STONE COURSE**

C B R VALUE	STREET TYPE	TOTAL PROFILE THICKNESS	ASPHALT SURFACE COURSE	ASPHALT BASE COURSE	ROCK OR STONE FOUNDATION COURSE
3	Resident	13 ½"	1 ½"	2 ½"	8"
	Collect	17 ½"	1 ½"	3"	13"
	Arterial	19 ½"	1 ½"	4"	14"
4	Resident	11 ½"	1"	2 ½"	6"
	Collect	14 ½"	1 ½"	3"	9"
	Arterial	18 ½"	1 ½"	3"	13"
5	Resident	9 ½"	1"	2 ½"	6"
	Collect	13 ½"	1 ½"	3"	9"
	Arterial	17 ½"	1 ½"	4"	13"
6	Resident	9"	1"	2"	6"
	Collect	13"	1 ½"	2 ½"	9"
	Arterial	14 ½"	1 ½"	3"	10"
7	Resident	8"	1"	2"	5"
	Collect	12"	1"	2 ½"	8"
	Arterial	13 ½"	1 ½"	2 ½"	9"
8	Resident	8"	1"	2"	5"
	Collect	11 ½"	1"	2 ½"	8"
	Arterial	13"	1 ½"	2 ½"	9"
10	Resident	7 ½"	1"	1 ½"	5"
	Collect	9 ½"	1"	2 ½"	6"
	Arterial	12"	1 ½"	2 ½"	8"
15	Resident	6 ½"	1"	1 ½"	4"
	Collect	9"	1"	2"	6"
	Arterial	11 ½"	1"	2 ½"	8"

The surface course mixture shall consist of IHSC Section 402, Type III, Hot Asphalt Emulsion Pavement or Section 403, Type B, Hot Asphalt Concrete Pavement.

When the base course column is 2 inches or less, the mixture used shall be a binder course, consisting of IHSC Section 402, No. 9 Binder, Hot Asphalt Emulsion pavement or Section 403, No. 9 Binder, Hot Asphalt Concrete Pavement. When the thickness required exceeds 2 inches, the mixture used shall be a base course, consisting of IHSC Section 402, No. 53B, Hot Asphalt Concrete Pavement.

## INDIANA SOILS

The U.S. Department of Agriculture Soil Conservation Service prepares soil maps for each of the counties in Indiana. These maps are available from the Soil Conservation Office in each of the county seats.

Figure 1 Estimates the CBR values for Indiana Soils.

Soils which have an estimated CBR of 0 require comprehensive investigation and testing by a solid engineer before the pavement can be designed.

Soils which have CBR of 2 or 3 are marginal for use as sub-grade under asphalt pavements. If used, these soils should be stabilized.

The higher the CBR value, the stronger the soil and the pavement thickness requirements decrease.

Soil Name	Estimated CBR	Soil Name	Estimated CBR	Soil Name	Estimated CBR
Ade	10	Corydon (1)	2	High Gap (2)	4
Adrian	0	Coupee	8	Hillsdale	7
Alford	5	Crane	5	Homer	6
Algiers	5	Crider	5-2	Hoopeston	7
Alida	7	Crosby	3	Hosmer (3)	5
Allensville	6	Crosier	4	Houghton	0
Allison	5	Cuba	5	Hoytville	2
Alvin	8	Dana	5	Huntington	4
Armiesburg	5	Darroch	6	Huntsville	5
Aubbeenaubee	4	Del Ray	3	Iona	5
Ava	4	Dickinson	8	Ipava	3
Avonburg (3)	5	Door	6	Iva	4
Ayr*	7-4	Dowagiac	6	Jasper	6
Ayrshire	6	Dubois (3)	4	Johnsburg (3)	4
Bartle (3)	5	Dunning	3	Jennings	5
Baxter	2	Eden (2)	3	Jules	5
Beasley	3	Edwards	0	Kalamazoo	6
Bedford* (3)	5-2	Edenton (2)	3	Kerston	0
Belmore	8	Eel	6	Kings	2
Berks (2)	4	Elkinsville	5	Kokomo	3
Birds	5	Elliott	4	Landes	7
Bloomfield	10	Elston	8	Lawrence* (3)	5-2
Blount	4	Evansville	3	Lenawee	3
Bonnie	4	Fabius	10	Lindsie	4
Bono	2	Fairmount (1)	3	Linkville	4
Boonesboro (2)	6	Fincastle	5	Longlois	6
Boyer	10	Flanagan	3	Lorenzo	10
Brady	7	Foresman	6	Lowell	3
Brekmis	15	Fox	6	Lucas	3
Bronson	8	Frederick	2	Lydick	6
Brookston	3	Fulton	2	Lyles	5
Burgin	3	Genessee	6	Mahalasville	3
Burnside	8	Gessie	6	Manlove	5
Camden	5	Gilford	5	Markham	4
Carlisle	0	Gilpin (2)	4	Markland	3
Casco	10	Ginat (3)	4	Martinsville	6
Catlin	5	Glenhall	6	Martisco	0
Celina	4	Grayford	5	Massie	8
Chamlers	3	Granby	8	Matherton	6
Chelsea	15	Guthrie* (3)	4-2	Maumee	8
Cincinnati (3)	5	Hagerstown	2	McGary	3
Clarence	3	Hanna	7	Medway	6
Clermont	4	Haskins*	5-3	Mellot	5
Colyer	4	Haubstadt (3)	4	Mermill*	4-2
Conover	4	Haymond	6	Metamora	4
Conrad	0	Hennepin	6	Metea*	7-4
Corwin	4	Henshaw	4	Miami	4
Cory	4	Hickory	4	Milford	3

Soil Name	Estimated CBR	Soil Name	Estimated CBR	Soil Name	Estimated CBR
Millsdale (2)	3	Randolph (2)	4	Tedrow	10
Milton (1)	4	Rarden (2)	3	Tilsit (3)	4
Monitor	5	Raub	5	Tippecanoe	6
Montgomery	2	Rawson*	5-3	Toledo	2
Montmorenci	4	Reesville	4	Toronto	5
Morley	4	Rensselaer	4	Tracy	7
Morocco	10	Riddles	4	Trappist (2)	4
Muren	5	Rimer*	5-3	Treaty	3
Muskingum (2)	4	Robinson	3	Troxel	5
Mussey	10	Rockcastle (2)	3	Tyner	15
Nappanee	3	Rodman	15	Uniontown	4
Negley	7	Romney	3	Vigo	4
Newark	4	Ross	6	Vincennes	4
Newton	8	Rossmoyne (3)	5	Volinia	6
Nicholson (3)	4	Runnymede	4	Walkill	0
Nineveh	6	Rush	5	Wakeland	6
Nolin	5	Russell	5	Wanatah	5
Oakville	15	Ryker	5	Warners	0
Ockley	6	Saranac	2	Warsaw	6
Octagon	4	Saugatuck	8	Wasepi	10
Odell	4	Sciotoville (3)	6	Washtenaw	3
Ormas	10	Sebewa	4	Watseka	10
Oshtemo	8	Seward*	5-3	Wauseon*	4-2
Otwell (3)	4	Shadeland* (2)	6-4	Wawasee	5
Owosso*	5-4	Shipshe	10	Wea	6
Palms	0	Shoals	6	Weikert (1)	4
Parke	6	Sidell	5	Weinback (3)	5
Parr	4	Sleeth	5	Weiss	10
Pate	3	Sloan	5	Wellston	4
Patton	3	Sparta	15	Westland	4
Pekin (3)	5	St. Clair	3	Wheeling	6
Peoga	4	Starks	5	Whitaker	6
Petrolia	3	Steff	5	Whitson	3
Pewamo	3	Stendal	5	Wilbur	6
Pike	5	Stonelick	7	Willette	0
Pinhook	5	Stoy (3)	5	Wingate	5
Plainfield	15	Strole	2	Woodmere	4
Plano	5	Sunbury	3	Woolper	3
Pope	7	Switzerland	3	Wooten	10
Princeton	6	Swygert	3	Wynn (2)	5
Proctor	5	Sylvan	5	Xenia	5
Quinn	5	Taggart	5	Zanesville (3)	4
Ragsdale	3	Tama	5	Zipp	2
Rahm	3	Tawas	0		

NOTE: Whenever there is a request to Clinton County to take over the Maintenance and care of any street or way, that street or way shall conform to all the requirements of the Clinton County Subdivision Control Ordinance and shall be HARD SURFACED and IN GOOD STATE OF REPAIR.

## CLINTON COUNTY SPECIFICATIONS FOR PORTLAND CONCRETE

- A. Base areas for concrete shall be void of all vegetable and plant matter, regardless of state, and be well drained and compacted to (a minimum of) 95 percent.
- B. Where heavy loads and/or heavy traffic are anticipated, a base of #3 and #4 crushed stone, or similar, shall be fully compacted to a depth of four inches before any concrete is set in place.
- C. After the base area has been properly prepared, it shall be dampened with water, but not made muddy, before the concrete is placed.
- D. The concrete mix and placement shall conform to the requirements of the American Concrete Institute Standards, current edition, and the Indiana Department of Transportation, current edition, for the particular job, and at the proper time, shall be struck and finished in a manner consistent with trade requirements.
- E. Curing compound shall be applied to the full new surface as soon as the finish has been completed.
- F. Transverse control joints shall be sawed to a depth of not less than 25 percent of the total concrete thickness at approximately thirty foot intervals and shall be skewed at approximately five feet for each 24 feet of width.
- G. A longitudinal control shall be sawed at the approximate mid-point of width and extend the entire length of the concrete.
- H. Expansion and contraction joint material shall be capable of withstanding repeated extensions and compressions. Proper sealant reservoirs shall be provided at all expansion joints.
- I. Concrete thickness shall be as follows:

Industrial Parking Lots	8"
Residential/Local Streets And Cul-de-sacs	7"
Collector Streets Arterials	9"
Private Driveways	5"
Parking Lots for Churches And Small Businesses	6"
Commercial Parking Lots	7"

**TABLE 1  
CLINTON COUNTY STREET  
MINIMUM DESIGN STANDARDS<sup>1</sup>**

	<b>URBAN MINOR ARTERIAL/ RURAL MAJOR COLLECTOR</b>	<b>URBAN COLLECTOR/ RURAL MINOR COLLECTOR</b>	<b>LOCAL STREET</b>	<b>SUBDIVISION STREET</b>	<b>PLACE (CUL-DE- SAC)</b>
ADT (Average Daily Traffic) <sup>2</sup>	1000 or more	500 to 999	100 to 499	less than 100	80
Minimum Right-of-Way Width	80 ft.	60 ft.	50 ft.	50 ft.	50 ft.
Pavement Width <sup>3</sup>	36 ft.	28 ft.	24 ft.	22 ft.	22 ft.
Shoulder Width	8 ft.	6 ft.	4 ft.	4 ft.	4 ft.
Maximum Grade	8%	8%	10%	10%	10%
Design Speed: Rural Areas Urban Areas	50 mph 30 mph	45 mph 30 mph	40 mph 30 mph	30 mph 30 mph	20 mph 20 mph
Sight Distance: Stopping Intersection (along each approach as applicable)	350 ft. 500 ft.	310 ft. 450 ft.	275 ft. 400 ft.	200 ft. 300 ft.	200 ft. 300 ft.
Minimum Bridge Width	30 ft.	30 ft.	28 ft.	28 ft.	28 ft.
Pavement Markings	Center line w/no parking zone & edge lines	Center line	None	None	None

<sup>1</sup> Principal arterials and rural minor arterials as designated in the Comprehensive Plan Consist entirely of state highways in Clinton County and thus only state minimum design standards apply to these roads.

<sup>2</sup> ADT shall be estimated based upon eight trips per day per maximum potential residences on the street.

<sup>3</sup> Pavement widths are measured excluding curbs, or if no curb is required the paving width shall be measured edge to edge.