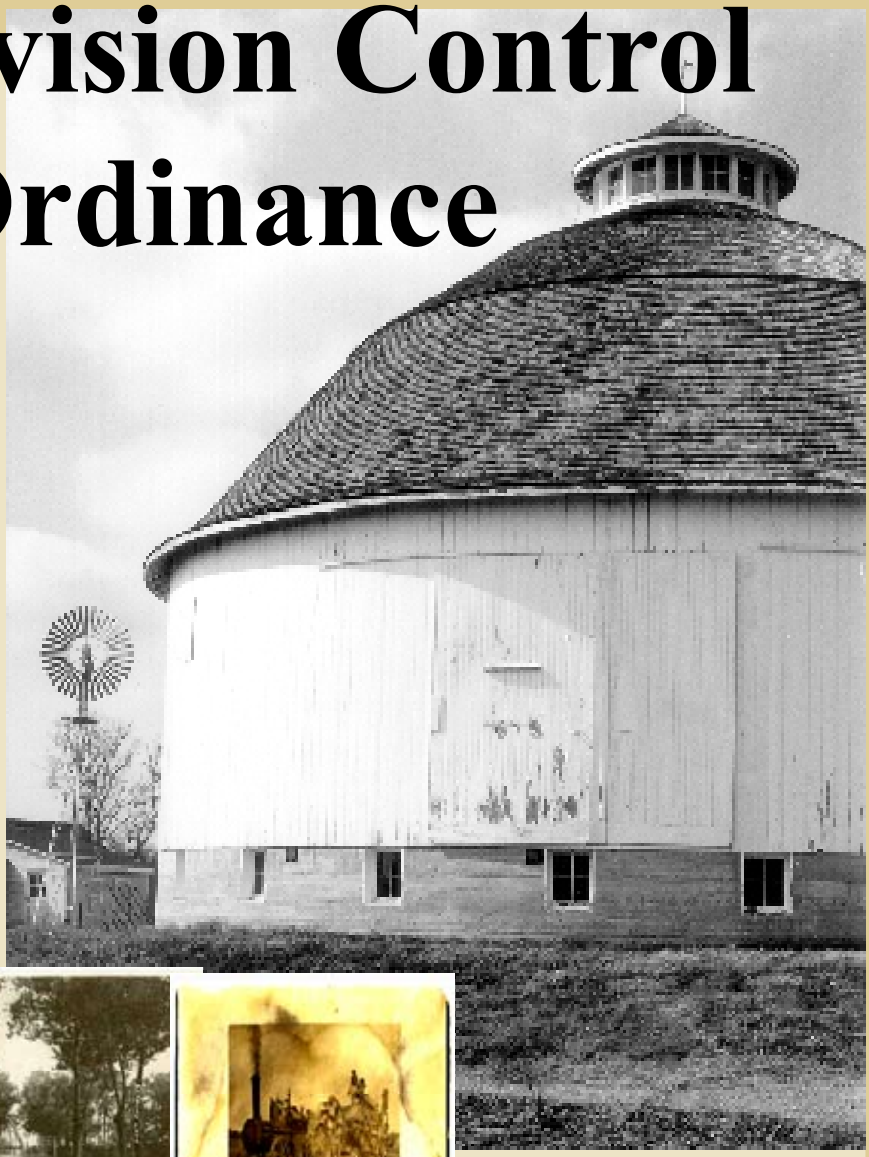
Fulton County

Subdivision Control Ordinance



Effective January 2008

Amended May 2011

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Article One

Basic Provisions

Article One

Basic Provisions

1-1.0 Interpretation

The following regulations listed within Article One are applicable throughout all of Fulton County (except as may otherwise be provided within this ordinance).

1-1.1 Title

This Ordinance shall be formally known as the "Fulton County Subdivision Control Ordinance," and it may be cited and referred to as the "Subdivision Control Ordinance" or "Subdivision Regulations." This ordinance is effected for all of Fulton County, except the City of Rochester.

1-1.2 Defined Words

Words used in a special sense in this Ordinance are defined in Article Five. Words not otherwise defined herein, but are defined in Article Fourteen of the Fulton County Zoning Ordinance, are hereby incorporated by reference.

1-1.3 Authority

This Subdivision Ordinance is adopted by the County pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

1-1.4 Jurisdiction

This Ordinance shall apply to all land within Fulton County, Indiana, except where otherwise stated within the text of this ordinance, upon adoption by the legislative bodies.

1-1.5 Purpose

The purposes of these Subdivision Regulations are to protect and promote public health, safety, and general welfare, and to:

A. Provide guidance of future growth and development in accordance with the Comprehensive Plan and applicable ordinances.

B. Establish reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land.

C. Protect the character and social and economic stability of all parts of the jurisdiction.

D. Encourage orderly and beneficial development of all parts of the jurisdiction.

E. Protect and conserve the value of land, buildings and other improvements to land.

F. Avoid scattered, illogical, and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services.

G. Ensure proper legal descriptions, legal recording and monumenting of subdivided land.

H. Prevent the pollution of air, water and soil.

I. Ensure the provision of drainage facilities, safeguarding of the water table, and protection from flooding or causing increased risk of flooding.

J. Encourage the protection of natural resources in order to preserve the integrity, stability, natural beauty, topography and the value of land.

K. Plan for a balance between land uses, natural resources, open spaces, recreation, and public ways that is beneficial to the community as a whole, both current and in the future.

L. Cause the cost of design and installation of improvements in new, platted subdivisions to be borne by the persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent subdivision or the community as a whole.

M. Cause the petitioner to bear all costs associated with the approval process, development process and inspection process.

1-1.6 Compliance

A. No person or party shall divide, record, transfer or sell any parcel before a plat of the proposed subdivision has been approved in accordance with the process and provisions of these regulations, and filed with the Fulton County Auditor and Fulton County Recorder, unless otherwise specified by this Ordinance.

B. All plats of a subdivision, replats of a subdivision, or newly subdivided tracts off of any Parent Tract shall be accompanied by a survey completed by a registered professional land surveyor.

C. No person or party shall make a request for primary plat approval until the tract(s), of land involved in the proposed subdivision carry the designation of a commercial or residential district, except subdivisions of two lots or less, on any given tract that has not been subdivided since the implementation of the Fulton County Zoning Ordinance.

D. Land to be subdivided and developed must be able to be done so without adding peril to public health, flooding or other menace.

E. Any subdivision which does not define its compliance with the required distance and/or radial measurements stipulated within the Fulton County Zoning Ordinance and/or Subdivision Control Ordinance, must be defined at the request of the Plan Commission or the Zoning Administrator by an engineer and/or surveyor licensed in the State of Indiana. The engineer, and/or surveyor, is chosen by the Plan Commission or the Zoning Administrator, as well as, the developer in mutual consent, at the developer's expense. The chosen engineer, and/or surveyor, may not be associated in any way with the development, construction, and/or creation of the proposed development/subdivision.

F. Land shall not be subdivided unless appropriate road access is demonstrated possible.

G. Land shall not be subdivided unless all required public facilities are in place, or improvements and proper provisions have been planned and a surety given by the petitioner to meet all requirements for drainage, water, sewerage, parks, recreation facilities and transportation facilities adequate for serving the subdivision.

H. Subdivisions creating more than two lots may not utilize a primary arterial or major collector as direct vehicular access from any private drive.

I. Any subdivision designed with the public access road equaling 900 feet or less, may only contain a maximum total of 22 lots designed in accordance with the Fulton County Zoning Ordinance, Article 4, District Standards, unless otherwise specified within either the Fulton County Zoning Ordinance and/or Subdivision Ordinance. Any subdivision designed with the public access road frontage equaling more than 900 feet must have two (2) access points from the public road to the proposed subdivision.

J. No plat of a subdivision of land located within the jurisdiction of the Plan Commission shall be recorded until it shall have been approved by the Plan Commission, and such approval shall have been

entered in writing on the plat by two (2) officers of the Commission.

K. No land shall be subdivided unless the intended use of the individual lot is in conformance with the Zoning Ordinance and Comprehensive Plan, now or hereafter adopted.

L. In all subdivision, due regard shall be given to the preservation of historical sites and natural features such as large trees, water courses and scenic views.

M. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

   a. Public Provisions: The regulations are not intended to interfere with, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
   b. Private Provisions: These regulations are not intended to annul any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirement of these regulations, or the determinations of the Commission in providing a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder. (Note: Private provisions can only be enforced privately, unless a public agency has been made party to such agreements.)

N. No Location Improvement Permit or Certificate of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations; and, no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the County, City or Town or any other appropriate agency.

1-1.7 Exemptions

The following subdivisions of land are exempt from the provisions of this Subdivision Control Ordinance. All Exempt Plats shall be entitled as such and shall be recorded at the Office of the Fulton County Recorder. Failure to record an Exempt Plat shall be subject to penalties and fines.

A. A division of land for agricultural uses, if the sale and exchange does not create additional building sites. Each lot resulting from the split shall be a minimum of twenty (20) acres; or

B. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional principal use building sites are created by the division; or

C. A division of land for federal, state, or local government to acquire right-of-way; or

D. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division; or

E. A division of land for the purpose of sale, transfer, or lease resulting in the creation of one (1) new building site from the Parent Tract in all districts. A Parent Tract consisting of more than eighty (20)

acres is allowed one (1) new building site for every additional 20 acres contained within the Parent Tract. Any subsequent division of the Parent Tract shall be subject to the provisions of this Ordinance and the Zoning Ordinance. A Parent Tract is defined in Article 5.

1-1.8 Replats

For any change in a map of an approved or recorded subdivision plat, that does not involve the opening of a new public way and that complies in all other respects with the Subdivision Control Ordinance and the Zoning Ordinance, the change in the plat may be approved by the Plan Commission at a regularly scheduled meeting.

For any change in a map of an approved or recorded subdivision plat, that does involve the opening of a new public way, the plat must be approved by the Plan Commission by the same procedure, rules, and regulations as for a subdivision plat.

1-1.9 Severability

If any provision or the application of any provision of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1-1.10 Interpretation

The provisions of this Ordinance shall be the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards for the physical environment. If two (2) or more provisions within this ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1-1.11 Saving Provision

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous subdivision ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1-1.12 Repealer

Fulton County and the City of Rochester, Indiana, do hereby repeal the Fulton County Advisory Comprehensive Plan, Fulton County Advisory Zoning and Subdivision Ordinances, the Fulton County Advisory Official Zone Map, the City of Rochester Comprehensive Plan, the City of Rochester Zoning and Subdivision Ordinances, and the City of Rochester Official Zone Map. The aforementioned Zoning Ordinance and the referenced Official Zoning Map shall replace the repealed ordinances as well as shall replace all of the sections and provisions of the repealed ordinances which appear and are incorporated in the Fulton County and City of Rochester Code of Ordinances of Fulton County and the City of Rochester, Indiana, as of the adoption and effective date.

1-1.13 Transition Rules

A. Any lot of record, recorded, sold, leased, contracted for, or transferred prior to the effective date of this ordinance that was officially approved and met all the requirements of the subdivision ordinance, subdivision ordinances in effect at the time the proposed building site was established, and was recorded will be a grandfathered or legal nonconforming subdivision.

B. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations.

1-1.14 Amendments

In accordance with I.C. 36-7-4-602, the legislative bodies may amend or partially repeal the text of this Ordinance as follows:

The legislative bodies or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-600 series and according to the Commission Rules and Procedures.

In its review of the text amendments, the legislative bodies and the Plan Commission shall pay reasonable regard to:

A. The most recently adopted Comprehensive Plan.
B. The most recently adopted Zoning Ordinance
C. Current conditions and character of structures and uses in each district.
D. The most desirable use for which the land in each district is adapted.
E. The conservation of property values throughout the jurisdiction.
F. Responsible development and growth.
G. The public health, safety and welfare.

1-1.15 Effective Date

This Ordinance shall become effective on 1st day of January, 2008.

This Ordinance was passed and adopted by the County Commissioners of the County of Fulton, in the state of Indiana on the 19th day of November, 2007.

This Ordinance was passed and adopted by the City Council of Rochester, Indiana on the 27th day of November, 2007.

This Ordinance was passed and adopted by the Town Council of Akron, Indiana on the 20th day of November, 2007.

This Ordinance was passed and adopted by the TownCouncil of Kewanna, Indiana on the 6th day of December, 2007.

This Ordinance was passed and adopted by the Town Council of Fulton, Indiana on the 5th of December, 2007.

1-1.16 Amendment Effective Date

The Amendments to the Fulton County Subdivision Control Ordinance shall become effective on May 1st, 2011.

The effective date is based on the passage and notice of adoption as required by law. Certified by the Plan Commission of Fulton County, Indiana on the January 24th, 2011.

This Ordinance was passed and adopted by the County Commissioners of the County of Fulton, in the state of Indiana on February 7, 2011.

This Ordinance was passed and adopted by the City Council of Rochester, Indiana on February 22, 2011.

This Ordinance was passed and adopted by the Town Council of Akron, Indiana on the February 15, 2011.

This Ordinance was passed and adopted by the TownCouncil of Kewanna, Indiana on February 3, 2011.

This Ordinance was passed and adopted by the Town Council of Fulton, Indiana on February 8, 2011.

1-1.17 Amendment Effective Date

The Amendments to the Fulton County Subdivision Control Ordinance shall become effective on October 1st, 2022

The effective date is based on the passage and notice of adoption as required by law. Certified by the Plan Commission of Fulton County, Indiana on the July 25th, 2022.

This Ordinance was passed and adopted by the County Commissioners of the County of Fulton, in the state of Indiana on September 6, 2022

This Ordinance was passed and adopted by the City Council of Rochester, Indiana on August 23, 2022.

This Ordinance was passed and adopted by the Town Council of Akron, Indiana on the August 15th, 2022.

This Ordinance was passed and adopted by the Town Council of Kewanna, Indiana on September 1, 2022.

This Ordinance was passed and adopted by the Town Council of Fulton, Indiana on August 16, 2022.

Article Two

Administration

Article Two

Administration

2-2.0 Interpretation

The following regulations listed within Article Two are applicable throughout all of Fulton County (except as may otherwise be provided within this ordinance).

2-1.1 Fees

The following fees are required upon the filing of a plat in order to cover the cost of administration.

A. All checks or money orders shall be made payable to Fulton County.

B. Primary Plat fees are as follows:
   a. Refer to Fee schedule.
   b. Upon acceptance of the application by the Plan Commission, the Secretary shall surrender the check or money order to Fulton County.

C. Secondary (Final) Plat fees are as follows:
   a. Refer to Fee schedule.
   b. Upon approval of the secondary (final) plat by the Plan Commission, the Secretary shall surrender the check or money order to the Fulton County.

2-1.2 Certificates

A. Plan Commission Primary Approval Certificate:

PRIMARY APPROVAL

Under authority provided by IC 36-7-4-700, Subdivision Control, and any amendments thereto, and after proper notice of public hearing was published, this plat was given PRIMARY APPROVAL by the Fulton County, Indiana as follows:

Approved by the Fulton County Plan Commission at a meeting held _____, 20_____.

_____
Plan Commission officer

SEAL

_____
Plan Commission officer

Void unless secondary approval is received by _____, 20_____.

B. Plan Commission Secondary Approval Certificate:

SECONDARY (FINAL) APPROVAL

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

Approved by the Fulton County Plan Commission at a meeting held _____, 20_____.

_____
Plan Commission officer

SEAL

_____
Plan Commission officer

C. Legal Description certificate. Each secondary plat submitted shall contain a metes and bounds legal description prepared by a registered professional land surveyor of the outside boundary of the complete survey.

D. Land Surveyor's certificate. Each secondary plat submitted shall carry a certificate signed by a registered professional land surveyor in substantially the following form.

*I_____, hereby certify that I am a Registered Professional Land Surveyor of the State of Indiana; that this plat correctly represents a survey completed by me or under my direct supervision on _____, 20_____; that any changes from the description appearing on the last record**ed** transfer of the land contained in the secondary plat are so indicated; that all monuments shown thereon actually exist or will be installed (before the release of financial surety), and **their** location, size, type and material are accurately shown in compliance with the Fulton County Subdivision Control Ordinance, and that all monument dimensional data**, as well as all of the data included within the secondary plat is correct and in compliance with both the Fulton County Zoning Ordinance as well as the Fulton County Subdivision Control Ordinance.***

SEAL _____

Signature

E. Dedication certificate. Each secondary plat submitted shall carry a deed of dedication, either on the secondary plat or incorporated by reference, in substantially the following form.

We, the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the herein plat.

The subdivision shall be known and designated as _____ consisting of _____ lots and _____ blocks containing _____ acres.

All streets and alleys and public open spaces shown and not heretofore dedicated are hereby dedicated to the public.

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

The setback lines shall be determined by the regulations of the Fulton County Zoning Ordinance of current adoption.

There are strips of ground shown on this plat and marked easement, reserved for installation and maintenance of utilities and drainage facilities. Within these easements, no structure, planting, or other material 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 easements, or which may obstruct or retard 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.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due 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.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 20_____.

_____
Signature

_____
Signature

F. Other Certificates. Such other certificates, affidavits, endorsements, or documents as may be required by the Plan Commission in the enforcement of this Ordinance.

2-1.3 Waivers

A. Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from the strict compliance with these regulations or the purposes and intent of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to the standards set forth in this ordinance so that substantial justice may be done and the public interest served, provided that such waivers shall not have the effect of nullifying the intent and purpose of this Ordinance.

B. The Plan Commission has sole jurisdiction of waivers to the Subdivision Ordinance.

C. The Plan Commission shall not approve waivers unless it makes written findings based upon the evidence presented to it in each specific case such that:
   a. The granting of the waiver will not be detrimental to the public safety, health or welfare, or injurious to other property;
   b. The conditions upon which the request for waiver is based are unique to the property for which a waiver is sought and are not applicable generally to other property;
   c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out. A hardship is distinguished from a mere inconvenience;
   d. The waiver will not contradict the provisions of the Fulton County Zoning Ordinance or Comprehensive Plan; and
   e. Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing to the Plan Commission.

D. Procedure for Review of Waiver Requests is as follows:
   a. At the time of filing a subdivision plat, the petitioner must submit a detailed written statement of all waivers of this Ordinance sought which shall fully state the grounds for the request and file detailed written findings of fact in support of such waiver request.
   b. Only those standards specifically described in the request may be waived by the plan commission.
   c. Waivers may only be granted in a public hearing process.

2-1.4 Administrative and Enforcement

A. The administrator of this Ordinance shall be the Fulton County Plan Commission or the Planning Director may be delegated the administration duties or parts thereof.

B. The Planning Commission or Planning Director is hereby empowered to enter or inspect any building, structure, or premises in the jurisdictional area of this ordinances to insure compliance with the provisions of this ordinance. Such inspections shall be carried out during business hours, unless an emergency exists.

2-1.5. Violations and Penalties

A. Violations. A failure to comply with any of the requirements of this ordinance, including violations of conditions and safeguards established in connection with the granting of variances, subdivisions, and planned district development plan approvals, shall constitute a violation of this ordinance.

B. Legal Proceedings. The Plan Commission, the Divisions of the Board of Zoning Appeals, the Plan Director, or any designated enforcement official may bring to the attention of the Plan Commission/ County Attorney a violation of the provisions of this ordinance in order to initiate legal proceedings pursuant to statute.

C. Mandatory Injunction. The Plan Commission, the Divisions of the Board of Zoning Appeals, the Plan Director or any designated enforcement official may request the Plan Commission/County Attorney to bring an action for a mandatory injunction directing any person to remove a structure and/or to discontinue working in violation of the provisions of this ordinance pursuant to State statute.

D. Common Nuisance. Any structure erected, raised or converted, or land or premises used in violation of any provision of this chapter or of the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereafter be abated under existing law.

E. Fines. Any person who violates this ordinance shall, upon conviction, be fined not less than $25 nor more than $2500.00 for each offense. For the purposes of this ordinance, each day of violation of terms of this chapter shall constitute a separate offense.

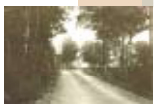
F. Person in Violation. Any person who attempts, commits, participates in, assists or maintains a violation of this ordinance may be found guilty as a principal and suffer the penalties herein provided.

G. Remedy for Failure. The remedy provided in this section for failure to comply with any of the requirements of this chapter, whether civil, criminal or otherwise, shall be cumulative and shall be in addition to any other remedy provided by law. The civil, criminal or otherwise, shall be in addition to any other remedy provided by law. The civil penalty hereinafter described shall be used in preference to the criminal penalty on all violations except in the case of repeated., malicious, willfully prolonged of flagrant violations.

H. Assurance of Discontinuance. On all violations, the Plan Director may accept an assurance of discontinuance of any act or violation. Such assurance shall specify a time limit in which the act or violation shall be discontinued.

Article Three

Subdivision Plats



Article Three

Subdivision Plats

3-1.0 Interpretation

The following regulations listed within ArticleThree are applicable throughout all of Fulton County (except as may otherwise be provided within this ordinance).

3-1.1 Application Process for Subdivision

The following steps are a brief overview of the Subdivision process. The details of the complete Subdivision process are outlined throughout this Article and Ordinance.

A. The petitioner may consult informally with the Plan Commission at a pre-application conference for advice and assistance before filing the application for a subdivision. At this meeting, the petitioner should submit a conceptual layout of the plat for review as described in Section 3-1.3 of this Ordinance. (note: This is not required.)

B. The petitioner shall submit ten (16) copies of the primary plat application and all applicable attachments to the Planning Director to officially begin the application process. All applicable fees must be paid at this time as well.

C. The petitioner shall correspond with all applicable regulatory agencies for all other permits necessary.

D. The Plan Director shall refer the petitioner to the Fulton County Surveyor for drainage review.

E. Upon drainage review/recommendation, the petitioner shall submit the signed Drain Plan to the Plan Commission Office prior to the public hearing. The petitioner is also responsible for notices to adjacent property owners as stated in Section 3-1.6 of this Ordinance.

F. Prior to public hearing the proposed plat shall be reviewed by all relevant department heads.

G. The petitioner or representative shall attend the Plan Commission public hearing for approval of the primary plat.

H. If conditions were attached to the primary plat approval, the petitioner must meet all conditions (if any) prior to secondary (final) plat application and approval.

I. Sureties are executed, if applicable and the secondary plat approval is completed by the Plan Commission at a regularly scheduled meeting.

J. The secondary (final) plat is recorded by the petitioner in the office of the Fulton County Recorder.

3-1.2 Application Requirements for a Plat

A. No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director. No application shall be accepted until all applicable fees have been paid for the application.

B. *Primary Plat*. The petitioner shall submit the following copies of the application and all applicable attachments as required. Fees are outlined in Article Two of this Ordinance.
   a. Two (2) copies to the Fulton County Surveyor for initial drainage review.
   b. Five (5) copies to the Fulton County Surveyor for review by the Fulton County Drainage Board.
   c. Sixteen (16) final applications and all applicable attachments must be submitted to the Zoning Administrator at least thirty (30) days prior to the next regularly scheduled meeting of the Plan Commission.
   d. Proof of drainage approval by the Fulton County Drainage Board must be submitted to the

C. In accordance with I.C. 36-7-4-703, the Planning Director shall announce the date of a hearing before the Plan Commission within thirty (30) days after receipt of a final application.

D. *Secondary (Final) Plat*. Sixteen (16) final applications and all applicable attachments submitted at least fifteen (15) days prior to the next regularly scheduled meeting of the Plan Commission.

3-1.3 Pre-application Conference

A Any petitioner may submit a sketch plan to the Plan Commission for an informal conference to discuss the existing conditions of the site and the proposed development thereof.

B. No later than thirty (30) days after the Plan Commission has received the sketch plan and other data, it shall return a copy of the sketch plan to the subdivider with recommendations as to the design and planning of the subdivision.

3-1.4 Primary Plat Data

A. The plat shall be prepared and certified by a land surveyor registered by the State of Indiana.

B. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale exceeds one sheet. In this case, the proposed primary plat may be drawn at a scale of one hundred (100) feet to one (1) inch. The sheet shall be twenty-four by thirty-six (24 x 36) inches.

C. The primary plat shall include the following:

a. Description:

1. Proposed name and legal description of the subdivision.
2. Name, address and telephone number of the petitioner.
3. Name, address and telephone number of land surveyor.
4. Legend and notes, including a graphic scale, north point, and date.
5. Review/Approval checklist for Fire Departments, County Highway Superintendent, 911 Coordinator, School Transportation Director (as applicable).
6. Plan Commission certificate for primary approval (area for signatures).

b. Existing conditions:

1. Boundary line of proposed subdivision indicated by a solid heavy line.
2. Location, width and names of all existing or prior platted streets or other public ways; railroad and utility rights-of-way, and parks and other public open spaces.
3. In case of a 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.
4. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the subdivision.
5. Location, width and purpose of existing easements
6. Location and pipe size of sanitary sewers, storm sewers, water mains and natural gas mains. Invert elevations, direction and flow shall be noted for sanitary sewers and storm sewers. If water mains, sanitary sewers or storm sewers are not located on or adjacent to the tract the direction, distance to and size shall be shown.
7. Subsurface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water (unless test pits are dry to a depth of seven feet).
8. Topographic contours at vertical intervals of two (2) feet if the general slope of the site and adjacent roadways is less than ten (10) percent. Topographic contours at vertical intervals of

five (5) feet will be permitted where the general slope is greater or equal to ten (10) percent.

9. Topographical survey which extends from Right-of-Way to Right-of-Way and consists of 300 feet in all directions of any adjacent roadway that has a proposed entrance intersecting it which includes elevation, contours [contours defined according to Fulton County Subdivision Control Ordinance, Section 3-1.4 C b (8)], profiles, center line, and edge of pavement to determine site distance.

c. Proposed conditions:
   1. Layouts of proposed streets and alleys, their names, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, bikeways, jogging paths, and other recreational ways. The names of streets shall conform so far as practicable to the names of streets on the same approximate alignment existing in the vicinity of a the subdivision.
   2. Lot boundary lines showing dimensions, bearings, angles, and references to section, township, range lines or corners, and existing bench marks.
   3. Lot numbers, location of monuments, and area for each lot (square footage). All lots shall meet the minimum requirement for area, width, and frontage of the Fulton County Zoning Ordinance.
   4. Approximate location of proposed septic systems including termination point and outlet of all perimeter drain systems for subdivisions that contain a lot less than 33,000 square feet. The subdivider shall also provide Fulton County Health Department preliminary approval for each proposed lot requiring a septic system and a copy of the complete soils report written by an ARCPACS Certified Soil Science Consultant or a Professional Soil Scientist approved by the Indiana State Department of Health. The soils report shall be completed in the format supplied by the Plan Commission Office or a format that contains the same information included in the forms supplied by the Plan Commission Office. The preliminary approval by the Fulton County Health Department required at this time, in no way guarantees that the requirements can be met to install a septic system. All of the Fulton County Health Department's requirements must still be met to obtain the actual septic permit for each proposed lot requiring a septic system.
   5. All applicable county, state or federal approvals such as IDNR, IDEM, etc.
   6. Location, width, and purpose of proposed easements.
   7. Location, size, and invert elevation of proposed utilities including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.
   8. Building setback lines.
   9. Parcels of land proposed to be dedicated or temporarily reserved for public use or set aside for use of properties in the subdivision. Land dedicated or reserved for parks or other public uses shall be set forth and described in the articles of dedication or reservation and shall also be shown on the plat the appropriate heading, such as "Park Land" or "Out Lot for Public Use."
   10. Proposed sidewalks and pedestrian trails.
   11. A description of protective covenants or private restrictions to be incorporated in the plat.
   12. If the primary plat is to be divided into sections or phases of development, the boundaries and numbers of such sections shall be shown, and a conceptual plan for the entire subdivision shall be submitted as a "phasing schedule."
   13. Whenever the primary plat covers only a part of a petitioner's contiguous holdings, the petitioner shall submit, at the scale of no more than one (1) inch equals one hundred (100) feet, a sketch of the entire holding, including the proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.

D. In addition to the primary plat a vicinity key map must be submitted with the following.
   a. Location of the proposed subdivision within the planning jurisdiction.
   b. Boundary lines and acreage of adjacent tracts, including the names and addresses of the property owners.
   c. All public thoroughfares/rights-of-way adjacent to the site.
   d. Depiction of how streets and alleys in the proposed subdivision may connect with existing and proposed streets in the contiguous subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood.
   e. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
   f. All section and municipal corporate boundaries lying within or contiguous to the tract.

E. Names and addresses of property owners of all properties defined as interested parties.

3-1.5 Drainage Review

A. Upon receiving notice of a primary plat application, the Planning Director shall consult with the county surveyor of the project.

B. The surveyor shall peruse the drainage sector of said project and should any problems be found; The surveyor shall then contact the Planning Director and petitioner of said project about these problems. This shall allow proper time for any adjustments to made to the drainage plan.

C. Upon the surveyor's approval of the drainage plan the petitioner shall provide (5) copies of the approved plan to the surveyor for review by the Fulton County Drainage Board. The surveyor will schedule the plans for review on the next available regularly scheduled meeting.

D. The plans shall then be presented to the Fulton County Drainage Board for approval.

E. After review of said drainage plan by the Fulton County Surveyor and the Fulton County Drainage Board, the plat can be presented to the Fulton County Plan Commission.

3-1.6 Department Head Approval

Prior to public hearing the proposed plat shall be reviewed by all relevant department heads which includes but is not limited to: Fire Departments, County Highway Superintendent, 911 Coordinator and School Transportation Director (as applicable).

3-1.7 Public Hearing

A. Upon receipt of sixteen (16) final applications and all applicable attachments, the Planning Director shall set a date for public hearing before the Plan Commission. Said information must be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Plan Commission.

B. The petitioner shall prepare a Notice of Public Hearing to the Rochester Sentinel which shall run one (1) time only. The legal notice shall appear in the newspaper at least ten (10) days prior to the date of the public hearing, and the cost of the notice shall be borne by the petitioner. A proof of publication shall be retained by the Planning Director.

C. A Notice of Public Hearing shall be sent by the petitioner at the petitioner's expense.
   a. The Notice of Public Hearing shall be sent to all properties adjacent to the subject site boundaries as defined by the relevant Board of jurisdiction. This excludes roads, rivers, etc. (i.e. includes properties across the street or on the other side of a river).
   b. Names and addresses of these property owners shall be submitted at the time of filing for a subdivision plat.
   c. The notices shall be sent at least twenty-five (25) days before the date of the public hearing. The

property owners shall be notified by Certified Mail with Return Receipts Requested.

d. Proofs of publication, receipts of mailing, or proofs of mailing shall be submitted to the Planning Director ten (10) days prior to the date of the public hearing.

D. Legal notices shall include the following:

a. The general location of the proposed subdivision and a legal description of the land contained therein.

b. That the project plans are available for examination at the office of the Fulton County Plan Commission.

c. That a public hearing will be held giving the date, place, and hour of the hearing.

d. Written comments on the plat will be accepted prior to the public hearing and may be submitted to the Planning Director for the Plan Commission.

E. Legal notices shall comply with I.C. 5-3-1.

3-1.8 Action of The Plan Commission Regarding Public Hearing

A. After the public hearing, the Plan Commission shall approve, approve with conditions, continue, or deny the primary plat.

B. The Planning Director shall return one (1) copy of the plat application and plat to the petitioner with the date of approval, conditional approval, continuance, or disapproval and the reasons therefore, in writing, not more than ten (10) days following the regular monthly meeting at which the primary plat was considered. The Planning Director shall maintain one (1) file copy of the plat application and plat.

C. If the Plan Commission requires any additions, changes, corrections or information necessary for compliance with this Ordinance for approval of the primary plat, they shall so advise the petitioner in writing not more than ten (10) days following the regular monthly meeting at which the primary plat was considered. The petitioner may resubmit the application for primary plat without payment of additional fee, for approval of the Plan Commission.

D. Within three (3) months after the primary plat has been approved by the Plan Commission the petitioner shall submit the primary plat and related materials for signature by two (2) officers of the Plan Commission.

E. Approval of a primary plat shall be effective for a maximum period of one (1) year unless, upon application of the petitioner, the Plan Commission grants an extension. If the secondary (final) plat, or a section thereof, comprising not less than ten (10) lots, or a comparable area, has not been recorded within that time, the primary plat must be resubmitted for approval.

F. If the application is disapproved, fees on a resubmitted plat shall be the same as if it were an original submittal.

3-1.9 Review

In reviewing applications for primary plat approval, the Plan Commission shall consider the following criteria.

A. The degree to which the application and plat meets the criteria for plat approval set forth in the Subdivision Control Ordinance and as determined by the reports of the Planning Director, Fulton County Surveyor and Fulton County Drainage Board.

B. Consistency with the goals and objectives of the Comprehensive Plan.

C. Consistency with the intent of the zoning district in which it is located.

D. The presence or absence of any exceptions to the development standards for the zoning district in which it is located, any general development standards, site design and improvement standards; as evidenced by the listing of any exceptions in the primary plat application.

E. The presence or absence of any protective covenant for the subdivision which would alter its impact from what would typically permitted in the zoning district in which it is located; as evidenced by the inclusion of any covenants in the primary plat application.

3-1.10 Application Requirements for a Secondary (Final) Plat

A. After approval of the primary plat by the Commission and fulfillment of the requirements of this ordinance, sixteen (16) blackline or blueline reproductions of the secondary (final) plat of the subdivision shall be submitted to the Planning Director.

B. All secondary (final) plats shall be shown at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale exceeds one sheet. In this case, the proposed secondary (final) plat may be drawn at a scale of one hundred (100) feet to one (1) inch. The sheet shall be twenty-four by thirty-six (24 x 36) inches.

C. The secondary (final) plat shall include the following:

a. Description:

1. Accurate metes and bounds description of the tract boundary.
2. Proof of property ownership or permission from property owner.
3. Name of subdivision followed by the words "Secondary Plat."
4. Name, address, and phone number of the petitioner.
5. North point, graphic scale, and date.
6. Certification by a registered land surveyor.
7. Dedication certificate.
8. An agreement executed by the petitioner(s) to make and install all improvements in accordance with the plans and specifications approved by the Commission and accompanying the secondary (final) plat.
9. Certificate of approval by the Plan Commission.
10. The secondary (final) plat may include all or only a part of the primary plat which has received approval. If the secondary (final) plat does not contain all of the land approved on the primary plat, it shall be designated by a section number in a numerical order.

b. Proposed conditions:

1. Accurate boundary lines, with dimensions and angles, which provide a legal survey per state statute.
2. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat.
3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
4. Street names.
5. Complete curve table for all curves included in the plat.
6. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines. Radii, points of curvatures, tangent bearings, and lengths of all arcs of street lines shall be provided.
7. Lot numbers and dimensions including the square footage of each lot.
8. Accurate locations of easements, description of their use, and any limitations on such semi-public or community use.
9. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
10. Building lines and setback dimensions throughout the subdivision.

11. Location, type, material, and size of all monuments and markers.
12. Approximate location of proposed septic systems including termination point and outlet of all perimeter drain systems for subdivisions that consist completely of lots larger than 33,000 square feet. The subdivider shall also provide Fulton County Health Department preliminary approval for each proposed lot requiring a septic system and a copy of the complete soils report written by an ARCPACS Certified Soil Science Consultant or a Professional Soil Scientist approved by the Indiana State Department of Health. The soils report shall be completed in the format supplied by the Plan Commission Office or a format that contains the same information included in the forms supplied by the Plan Commission Office. The preliminary approval by the Fulton County Health Department required at this time, in no way guarantees that the requirements can be met to install a septic system. All of the Fulton County Health Department's requirements must still be met to obtain the actual septic permit for each proposed lot requiring a septic system.
13. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
14. Any other information or data requested by the Plan Commission necessary to clarify conditions and terms of primary plat approval.
15. The Planning Director may waive any of the above requirements if they are not applicable to the petition.

3.11 Improvement Plans

A. It shall be the responsibility of the petitioner to prepare and have certified, by a registered land surveyor or licensed engineer in the State of Indiana, a complete set of Improvement Plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities, except for subdivisions consisting of two lots or less, which do not contain public streets, utilities, and other such facilities.

B. The final improvement plans shall be based on preliminary plans which have been approved with the primary plat and shall be prepared and submitted in conjunction with the secondary (final) plat. The plans shall show the following:
   a. General improvement plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no less than one (1) inch equaling fifty (50) feet, and map sheets shall be of the same size as the secondary (final) plat.
   b. If deemed necessary by the Commission, the plans shall show topographic contours at vertical intervals of two (2) feet if the general slope of the site and adjacent roadways is less than ten (10) percent. Topographic contours at vertical intervals of five (5) feet will be permitted where the general slope is greater or equal to ten (10) percent. Contours shall be referenced to USGS datum plane.
   c. 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 one hundred (100) feet of the intersection. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
   d. The Plan Commission may require, where steep slopes exist, the cross-sections of all proposed streets.
   e. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed

utility systems.

f. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including features noted on the official map of local government, trees, 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 referenced to the USGS datum plane.

g. Upon completion of the construction, the petitioner's engineer shall provide the Plan Commission with a set of "as built" improvement plans showing the location, dimensions, and materials used to construct all improvements within the subdivision.

3.12 Surety

A. At the time the secondary (final) plat is approved by the Plan Commission and before the plat is signed by the officers of the Plan Commission, the petitioner shall file a surety or irrevocable letter of credit with the Plan Commission, except for subdivisions consisting of two lots or less, which do not contain public streets, utilities, and other such facilities. The performance bond or letter of credit shall:

a. Be drawn in favor of Fulton County or the incorporated City or Town where the development is located.

b. Be in an amount equivalent to 125 percent of the estimated cost of completion of all required improvements and two years as determined by the Plan Commission to be sufficient to complete the improvements and installations in compliance with this ordinance. The petitioner's engineer or surveyor shall supply an estimate of the cost of improvements and installation on the project to aid the Plan Commission in its determination of the amount of the bond. The engineer's estimate, however, shall not be binding.

c. Be written for a maximum length of two years in the event an irrevocable letter of credit is utilized. 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 County, and if they have not been accepted shall so notify the subdivider of intent to secure the funds and then commence procedures to secure the funds pledged by such letter of credit.

d. Be with surety satisfactory to the Plan Commission.

e. Comply with all statutory requirements and shall be satisfactory to the Plan Commission's Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.

f. Extend for the period within which required improvements must be completed as specified by the Commission in the resolution approving the secondary (final) plat.

g. Cover the installation costs of the streets, sanitary sewers, curbs, street signs, sidewalks, and other recreational amenities, surface swales, subsurface and storm drainage systems, seeding/erosion control, landscaping, and other public improvements.

B. Fulton County may, at its discretion, accept another financial guarantee which the County deems adequate to accomplish the objectives of this Ordinance.

C. Fulton County may, upon proof of difficulty, extend the completion date set forth in such surety for a maximum period of one (1) additional year. Fulton County may at any time during the period of such surety accept a substitution of principal or sureties on the bond upon recommendation of the Plan Commission's Attorney. Fulton County shall have the authority to increase the surety amount to cover 125% of the increased costs as secured by a new estimate of the cost of the unfinished improvements from the petitioner's engineer or surveyor.

D. All required improvements shall be made by the petitioner, at his expense, without reimbursement by the local government or any improvement district therein.

E. Installation of improvements shall be inspected by the county. The inspections shall be required in all instances regardless of whether the work is performed before or after the final plat approval. Failure of the subdivider to request inspections at proper and reasonable intervals during construction of the improvements and installations as required may be cause for either denial of secondary (final) plat approval and denial of acceptance for maintenance by the county.

F. If the Planning Director or his designees finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the petitioner shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the petitioner and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

G. If a secondary (final) plat is divided into sections, the Plan Commission may allow for performance bonds to be submitted to cover only the cost of improvements to be constructed in each section.

H. The surety shall be released or allowed to expire by the legislative bodies only upon certification that all required improvements have been installed satisfactorily by the certifying professional engineer or land surveyor and improvements accepted. The County commissioners may, at its discretion, approve a partial release of the financial surety upon certification that a portion of the improvements has been completed satisfactorily. The petitioner's engineer or surveyor shall provide an estimate of the cost of the remaining improvements, and a surety, in the amount of 125% of that estimate, shall be retained by the County.

I. For subdivisions for which no surety 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 surety has been posted and the improvements have not been installed prior to the expiration of the surety, the County shall declare the surety 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 surety is declared to be in default.

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

3.13 Other Forms of Surety

If a petitioner is required to extend site improvements to their subdivision that benefits other properties in the vicinity who want to utilize said improvements, the petitioner, the legislative bodies and property owners may, by contract, agree that the benefiting property owners shall pay the County over a ten (10) year period an agreed upon fee for access to the improvements. Further, that agreed upon fee shall be rebated to the petitioner in annual installments. Improvements may include extensions of roads or other capital improvements to be owned by Fulton County.

3.14 Secondary (Final) Plat Approval

A. The Plan Commission shall review the final complete plat and all required supportive information and either approve or disapprove it. If the Commission determines that the plat complies with the standards of this ordinance, it shall make written findings and a decision regarding secondary approval to the plat. No notices of public hearing shall be required for secondary (final) plat approval.

B. In reviewing applications for secondary (final) plat approval, the Plan Commission shall determine that the secondary (final) plat substantially conforms with the primary plat as approved and with all

changes permitted and all requirements imposed as a condition of approval.

C. A certificate of secondary (final) plat approval shall not be signed until a performance bond or proof or surety has been submitted to the Plan Commission.

D. The approval of the secondary (final) plat by the Plan Commission shall be certified on behalf of the Plan Commission by two (2) officers who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.

E. Approval of the secondary (final) plat shall be effective for a maximum period of twelve (12) months from the date of approval unless recorded. An extension of time may be approved by the Plan Commission.

F. If the Plan Commission disapproves the secondary (final) plat, it shall make written findings and notify the petitioner in writing, stating the specific reasons for disapproval. This written notice shall be signed by two (2) officers of the Plan Commission.

3.15 Recording of Secondary (Final) Plat

A. It shall be the responsibility of the petitioner to file the approved and signed secondary (final) plat with the Fulton County Recorder within thirty (30) days of the date of signature. Simultaneously, the petitioner shall record any agreements of dedication together with any other legal documents as shall be required to be recorded by the Plan Commission or other applicable governmental agency. The filing and recording of a plat is without legal effect unless approved by the Plan Commission.

B. After the secondary (final) plat has been approved by the Plan Commission, signed by the appropriate parties for both primary and secondary approval, and recorded in the Office of the Fulton County Recorder, the Petitioner shall submit the recorded secondary (final) plat to the Planning Director.

C. No Location Improvement Permit shall be issued by the Planning Director, or his agent, for any structures on any subdivision lots prior to the recording of said subdivision by the County Recorder of Fulton County, Indiana.

3.16 Release of Performance Bond/Issuance of Maintenance Bond

A. The legislative bodies shall not accept dedication of required improvements nor shall the Plan Commission release or reduce the performance bond amount until the Planning Director has submitted a Final Inspection Report of the subdivision and a Maintenance Bond has been secured.

B. After completion of all public improvements and prior to their acceptance by the legislative bodies, the subdivider shall provide the Administrator one copy of drawings showing the actual locations and specifications of all street improvements, sanitary and/or storm sewer improvements, water mains, valves and stubs; subdivision boundary monuments; the storm waste management system and improvements, which includes but is not limited to detention ponds, retention ponds, tiles, and waterways; and such other permanent improvements that the subdivider installs. The as-built drawings shall be certified by a engineer and/or surveyor licensed in the State of Indiana at the developer's expense.

   a. In addition to the as-built plans, and only as requested by the Fulton County Highway Superintendent, the subdivider shall provide core tests performed by a certified testing laboratory of the H.A.C. pavement. One core (minimum) will be taken for every 660 lineal feet of new pavement and one core (minimum) for each deceleration lane and/or passing blister. The location of said core samples shall be designated by the Superintendent of the Fulton County Highway Department or his agent. The location of said cores shall be shown on the as-built plans and a report showing the results of the samples shall accompany the as-built plans.

b. As-built plans of stormwater/drainage systems must have final approval by the Fulton County Drain Board.

C. Upon completion of all required improvement and installations, and prior to the release of the surety and acceptance of public maintenance by the county, the subdivider shall provide a three-year maintenance bond, with himself or some other person satisfactory to the Plan Commission as principal. The maintenance bond or letter of credit shall:

a. Be drawn in favor of Fulton County or the incorporated City or Town where the development is located.
b. Be in an amount equal to twenty five percent (25%) of the cost of improvements and installations as required by this ordinance. The petitioner's engineer shall supply an estimate of the cost of improvements and installation on the project to aid the Plan Commission in its determination of the amount of the bond. The engineer's estimate, however, shall not be binding.
c. Be with surety satisfactory to the Plan Commission.
d. Warrant the workmanship and all materials used in the construction, installation and completion of improvements; warrant the installations 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 the plans and specifications approved by the Plan Commission.
e. Provide that for a period of three years from the date of the acceptance of the improvements, the petitioner shall, at his own expense, make all repairs to the improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including any damage to the improvements and installations resulting from forces or circumstances beyond the control of the applicant or occasioned by the inadequacy of the standards, specifications or requirements of this ordinance.
f. Comply with all statutory requirements and shall be satisfactory to the Plan Commission's Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.

D. The legislative bodies, upon approval of the Planning Director's inspection report and issuance of a maintenance bond, shall pass a resolution accepting the improvements in the subdivision and formally releasing the performance bond.

E. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the legislative bodies may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

3.17 Certificate of Occupancy

No Certificate of Occupancy shall be issued by the Planning Director, or his agent, for any structure on any subdivision lots prior to an address being approved, installation and completion of all facilities, including grading, as shown on the approved plans and approved by the Commission; except that in the case of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installe d prior to acceptance of the road for public maintenance.

3.18 Vested Rights

A. Vested rights shall be regulated in accordance to Indiana State Code.

Article Four

Design Standards

Article Four

Section One - Design Standards

4-1.0 Interpretation

The following regulations listed within Article Four, Section One are applicable throughout all of Fulton County, except within the City of Rochester (except as may otherwise be provided within this ordinance).

4-1.1 Using this Section

The following pages state the design standards for all subdivisions. Each section is broken down into specific categories. These categories include:

4-1.3 General Standards..... page 4-3
4-1.4 Lot Standards..... page 4-4
4-1.5 Street Location and Arrangement
Standards ..... page 4-5
4-1.6 Block Standards..... page 4-6
4-1.7 Street Standards ..... page 4-7
4-1.8 Cul-de-sac Standards ..... page 4-10
4-1.9 Private Street Standards..... page 4-11
4-1.10 Curb Standards ..... page 4-12
4-1.11 Sidewalk Standards..... page 4-13
4-1.12 Street Lighting Standards ..... page 4-14
4-1.13 Subdivision and
Street Name Standards ..... page 4-15
4-1.14 Easement Standards..... page 4-16
4-1.15 Public Sites and
Open Space Standards..... page 4-17
4-1.16 General Drainage Standards..... page 4-18
4-1.17 Storm Water and Subsurface
Drainage Standards ..... page 4-19
v.18 Sewer Standards..... page 4-20
4-1.19 Water Supply Standards..... page 4-21
v.20 Miscellaneous Utility Standards .... page 4-22
4-1.21 Environmental Standards..... page 4-23
4-1.22 Erosion Control Standards..... page 4-24
4-1.23 Monument and Marker Standards page 4-25

4-1.2 Purpose of Design Standards

A. The purpose of these regulations are to:
   a. promote the proper arrangement of roads, collectors and arterials,
   b. prevent congestion of streets and promote traffic safety,
   c. secure adequate public spaces,
   d. insure proper densities of population,
   e. provide adequate utilities and public improvements,
   f. insure the accurate survey and proper preparation of plats, and
   g. protect the health safety and general welfare of the people.

General Standards

4-1.3 General Standards

A. No land shall be subdivided for residential use, if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, or objectionable earth or rock formations, topography or other features harmful to the health, safety and welfare of future residents and the community as a whole.

B. The Plan Commission may require either a general or operational soil survey, with interpretations, where it is not readily apparent from existing information that the land to be subdivided is not subject to flooding or does not contain poor drainage characteristics. If required, the survey shall be conducted by a qualified person or agency acceptable to the Plan Commission. In the event that the Plan Commission finds the land to be subdivided unacceptable due to the results of the soils survey, the Plan Commission shall not approve the plat. The Plan Commission may, however, prescribe conditions that the subdivider must meet to obtain approval and these conditions may be incorporated into an agreement between the Plan Commission and the subdivider.

C. The subdivision design and layout shall be such that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Plan Commission.

D. Whenever a proposed subdivision borders an existing street, the Plan Commission may require improvements of such street as a condition of plat approval. Additional dedication of right-of-way may also be required.

E. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:

   a. All applicable statutory provisions.
   b. The local zoning ordinances, building and housing codes, and all other applicable laws of the appropriate jurisdiction.
   c. The Comprehensive Plan, Transportation Plan and any other appropriate plans of the Fulton County.
   d. The rules and regulations of the Indiana Department of Environmental Management, the Department of Natural Resources, Aviation Commission, Fulton County Drainage Board and other appropriate agencies.
   e. The rules, regulations, and standards of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
   f. All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control ordinances and other applicable guides published by the local governmental units.
   g. The “Indiana Manual of Uniform Traffic Control Devices” (or its replacement) shall be used for the design and installation of traffic control devices.

Lot Standards

4-1.4 Lot Standards

A. When served by public water and sewer, lot dimensions shall comply with the minimum standards of the Fulton County Zoning Ordinance.

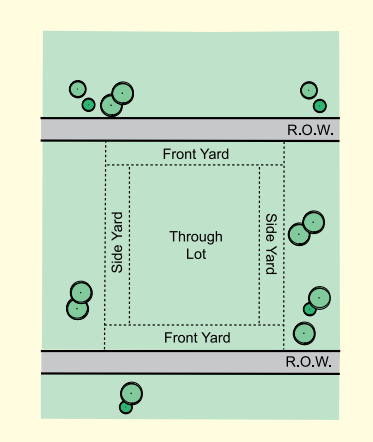
B. When not served by public water and sewer, lot dimensions shall comply with the minimum standards of the Fulton County Zoning Ordinance or the minimum area and dimensions required by the Fulton County Health Department, whichever is more restrictive.

C. Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but irregular lots should be avoided.

D. The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and **block** design and to existing and proposed topographical conditions.

E. Every lot shall abut on a public street.

F. Double Frontage lots (also known as through lots, shown below) shall be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.



G. Lots shall be numbered consecutively throughout the entire subdivision.

H. Building setback lines shall conform to the provisions of the Fulton County Zoning Ordinance.

I. Lots abutting a watercourse, drainage way, channel, stream, or flood plain 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 from front, rear, and side yards.

J. Direct vehicular access from lots to Primary Arterials or Major Collectors is discouraged.

Street Location and Arrangement Standards

4-1.5 Street Location and Arrangement Standards

A. All proposed subdivisions shall conform to the Transportation Plan as is now or may be set forth hereafter. Whenever any tract to be subdivided embraces any part of the Transportation Plan, that part of the public way shall be platted by the subdivider in the location and of the width indicated on the Transportation Plan, the arrangement of streets in the subdivision shall provide for the continuation and projection of existing principal streets in surrounding areas or conform to a plan of the neighborhood approved and adopted by the Plan Commission.

B. The arrangement, character, extent, width, grade and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

C. Local Roads shall be laid out so that their use by through traffic will be discouraged.

D. Where a subdivision abuts or contains an existing or proposed street as shown in the Transportation Plan, the Plan Commission may require marginal access streets; reverse frontage contained in a nonaccess reservation along the rear property line having a minimum width of ten (10) feet; deep lots with rear service ways, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Where a subdivision borders on or contains an existing or proposed arterial, a railroad right-of-way or limited access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential 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 the intervening land strips be dedicated to the county. The land strip shall be maintained by the involved governmental unit from the date of dedication.

F. Half-streets shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract.

G. In designing and approving subdivision streets, the following factors shall receive consideration:
   a. accessibility for emergency vehicles and school buses;
   b. safety for both vehicular and pedestrian traffic;
   c. efficiency of services for all users;
   d. livability or amenities as affected by traffic elements in the circulation system; and
   e. economy of both construction and use of land.

Block Standards

4-1.6 Block Standards

A. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to Primary Arterials, Major Collectors, watercourses, and industrial and commercial areas.

B. Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required by the Zoning Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved.

C. Blocks should not exceed one thousand, three hundred and twenty (1320) feet in length. In the event of a block length exceeding one thousand (1000) feet where the blocks are not arranged in the direction of natural pedestrian and traffic flow, a crosswalk or pedestrian way not less than ten (10) feet in the width may be required near the center and entirely across any block to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Street Standards

4-1.7 Street Standards

A. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on Primary Arterials, Major Collectors and Minor Collector roads. All Local Roads shall have a tangent of at least fifty (50) feet long on reverse curves.

B. All streets and alleys shall be completed to grades shown in plans, profiles and cross-sections provided by the subdivider, prepared by a registered professional engineer or registered licensed surveyor and approved by the Plan Commission. Street width shall be measured from back of curb to back of curb where curbs or curb and gutter are provided.

C. All stages of development (street construction) must be seen and approved by the County Highway Supervisor.

D. The streets shall be graded, surfaced and improved to the dimensions shown in approved cross-sections.

E. Base of Roadway Specifications
   a. Six (6) inch of 53's or 73's in good drained area.
   b. Poorly drained ground or muck ground may need number two (2) stone or railroad stone under the six (6) inch of 53's or 73's. It shall meet the approval of the County Highway Supervisor.
   c. Final grade of base (from center to outside edges) must be 2%.

F. Pavement Specifications
   a. The following applies to streets with 60% traffic of more than 40,000 pound.

Hot asphalt concrete (HAC)	5 Base	330 lbs. per yard
HAC	8 Binder	220 lbs. per yard
HAC	11 Surface	137.5 lbs. per yard
Tack. AE.T to Indiana Department of Transportation (INDOT) Specifications		

   b. The following applies to streets with 20% traffic of more than 40,000 pound.

HAC	8 Binder	302.5 lbs. per yard
HAC	11 Surface	137.5 lbs. per yard
Tack. AE.T to Indiana Department of Transportation (INDOT) Specifications		

   c. The following applies to streets with 90% car and light truck traffic or residential.

HAC	8 Binder	220 lbs. per yard
HAC	11 Surface	137.5 lbs. per yard
Tack. AE.T to Indiana Department of Transportation (INDOT) Specifications		

   d. HAC materials and application must meet INDOT specifications and mix design shall be forwarded to County Highway Supervisor.
   e. All HAC mixing and application shall be performed under proper weather conditions and be in the time period of April 15 to October 15.
   f. HAC road surface shall have two (2) percent slope from center to both edges.

G. The street layout shall provide adequate vehicular access to all lots and parcels of land within the subdivision.

H. Streets shall also conform to the following standards:
   a. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
   b. Residential street systems shall be designed to minimize through traffic movement, but certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

c. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
d. Residential street patterns shall provide reasonably direct access to the primary circulation system.
e. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. A street should be approximately at right angles for at least one hundred (100) feet therefrom.
f. Not more than two (2) streets shall intersect at any on (1) point, unless specifically approved by the Plan Commission, and where streets cross other streets, jogs shall not be created.
g. Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where Local Roads intersect with arterial or collector roads, their alignment shall be continuous.
h. A temporary dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet necessary to be constructed. An adequate barrier and signage shall be provided for any such temporary dead-end street which extends two hundred (200) feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
i. At the intersection of any proposed residential street with any existing street, acceleration and deceleration lanes, and passing or left turn lanes may need to be provided.

I. The classification of all streets shall be determined by the Transportation Plan which is maintained within the Fulton County Comprehensive Plan.
J. Streets shall be completed to grades shown on the Improvement Plans drawn by the subdivider's professional engineer or registered licensed surveyor and approved by the Plan Commission.
K. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of one hundred (100) feet in either direction, measured from the center line of the intersecting street.
L. At intersections of streets or alleys, property line corners shall be rounded by minimal arcs as follows: Arterial and all streets in commercial and industrial subdivisions shall have a minimum curb return radius of thirty-five (35) feet. Collector streets shall have a minimum curb radius of thirty (30) feet. Local Roads shall have a minimum curb return radius of twenty-five (25) feet.
M. If the smaller angle of intersection of two (2) streets is less than seventy-five (75) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Plan Commission.
N. Before any performance bond covering a street installation is released, the Plan Commission, County Commissioners, or County Highway Supervisor may request that core borings of the street be done at the subdivider's expense. Cores shall be reviewed by an independent testing laboratory or registered engineer for analysis.
O. A developer may request permission of the Plan Commission to delay the installation of the one (1) inch surface layer of asphalt until the binder layer of asphalt has had a sufficient time period to prove its durability under the stress of heavy construction traffic. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the one (1) inch surface layer of asphalt.
P. Stop signs, posts, curve signs, delineator application and regulatory signs needed in accordance with Indiana Uniform Traffic Control Devices, with approval of the County Highway Supervisor. All

Design Standard	Design Performance by Adjacent Street/Roadway			
	Primary Arterial	Major Collector	Minor Collector	Local Road
Right-of-way (ft.)	95	85	70	50***
Pavement width (ft.)	50	40	30	30***
Type of curb (V=Vertical Face) (R=Rolled Face) (0=None)	0 or V	0 or V	0 or R or V	0 or R or V
Sidewalk width (ft.)*	5	5	5	5
Sidewalk distance from curb face (ft.)	15	12	10	6
Minimum sight distance (ft.)	350	300	250	200
Maximum grade	8%	8%	8%	8%
Minimum grade	0.5%	0.5%	0.5%	0.5%
Maximum cul-de-sac length (ft.)	N/A	N/A	N/A	900
Minimum cul-de-sac radius (ft. of R.O.W.)	N/A	N/A	N/A	60
Minimum cul-de-sac curb radius (ft.)	N/A	N/A	N/A	50
Minimum center line radius (ft.)	350	350	300	200
Frontage road (ft. of R.O.W.)**	60	60	50/60	40
Frontage road pavement width (ft.)	36/40	32/36	32/36	22/26
Alley right-of-way and pavement width (ft.)	20	20	20	20

* Installation of sidewalks on both sides of the street shall be required. The Plan Commission may waive this requirement along strictly rural streets or where non-residential use makes a sidewalk unnecessary.

** Curb and gutter shall generally not be required on highway side. A planting strip with a minimum width of 10 feet may be required on highway side.

*** The Plan Commission may waive this requirement.

Cul-de-sac Standards

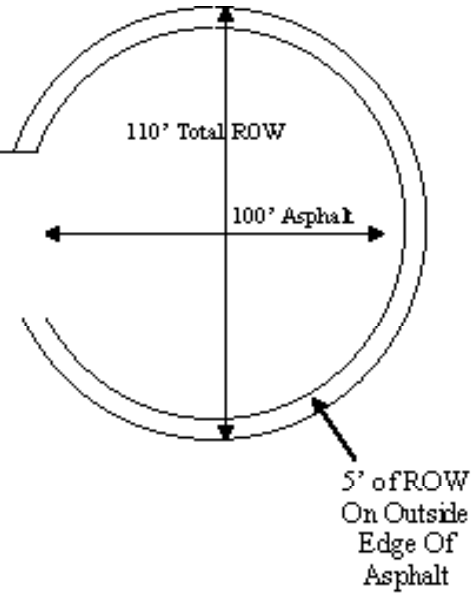
4-1.8 Cul-de-sac Standards

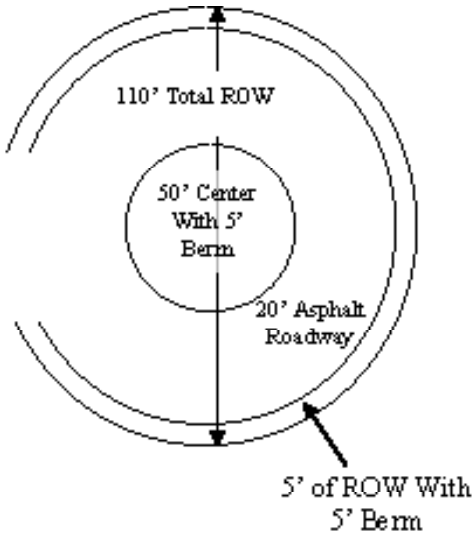
A. Cul-de-sacs shall have a minimum of five (5) feet of right-of-way on the outside edge of the asphalt of the cul-de-sac radius.

B. The radius of the cul-de-sac shall create a minimum of fifty-five (55) feet of right-of-way. [Asphalt roadway to be a minimum of twenty (20) feet around the cul-de-sac] and/or at the minimum, all the (50') of radius may be asphalted. If not, there shall be a berm of five (5) feet around the inside and outside of asphalt cul-de-sacs.

C. Cul-de-sac front lot widths shall be regarded as the minimum lot frontage requirement for that district and shall be measured at the front building setback line, with the rear property boundary line being at least the minimum width requirement for that district.

D. Plan Commission may waive any or all cul-de-sac standards when applicable.





Private Street Standards

4-1.9 Private Street Standards

A. The Plan Commission may waive the requirement of a street to be dedicated to the public and approve a private street in a subdivision provided all of the following conditions are satisfied:

a. Restrictive covenants, a written commitment, or other necessary document(s) running with the land, shall be recorded in such form as is approved by the Plan Commission to clearly state of record each of the following provisions:

1. The Board shall never be obligated to accept a public dedication, deed, or any other conveyance of such private street.
2. The Fulton County Highway Department shall never be obligated to maintain or repair the street, or accept it into its maintenance program.
3. A legally-formed community association comprised of all owners of lots in the subdivision, as well as each such owner individually, shall be jointly and severally obligated to maintain and repair each private street in the subdivision.
4. The subdivision's community association and all owners of lots in the subdivision shall jointly and severally indemnify and hold harmless Fulton County, the County Commissioners and the Plan Commission, against any loss, damage, or liability arising from claims or suits for personal injury or property damage involving the design, construction, use or maintenance of a private street in the subdivision.
5. While the use of a private street may be restricted to owners of lots in the subdivision, or their guests, an express easement shall be granted to public and quasi-public agencies for use of such streets by emergency, utility, and school vehicles and personnel, and for any other purpose the Plan Commission reasonably believes is necessary or appropriate.

b. Title to each private street in the subdivision shall be properly conveyed by warranty deed to the subdivision's community association.

c. Evidence of the legal formation of the subdivision's community association shall be recorded.

d. A maintenance bond, with coverage comparable to that required for public streets, for the benefit of the subdivision's community association and lot owners, shall be provided by the developer of the subdivision, if the Plan Commission finds such a bond necessary.

Curb Standards

4-1.10 Curb Standards

A. The Plan Commission shall require, regardless of development density curb and gutter on the downslope side of the street surface in hillside subdivisions to assist in erosion control. The curb system on the downslope side shall be provided with catch basins and culverts as necessary to carry run-off water to the natural drainage course.

B. Curb and gutter shall be constructed to the following specifications.
   a. The base for the curb and gutter shall be well compacted on the existing base.
   b. Curb and gutter shall be a six (6) bag mix of cement.

C. Curbs are required to be installed on each side of the street surface and are to be considered as part of the width of a street.

D. The curbs shall be constructed according to the following specifications:
   a. The base for all curbs shall be founded on six (6”) inches of well compacted stone.
   b. The grade of any curb shall not be less than thirty-five hundredths of a percent (.35%) in order to provide appropriate drainage to storm water inlets.
   c. Inlets shall be located at all low points in the street grade and other locations as storm water system calculations require. The maximum distance between two inlets shall be six-hundred feet (600’).
   d. Inlet grates should be depressed slightly below the plane of the gutter to improve removal of runoff water. Inlet grates shall be heavy-duty type and appropriate for bicycle traffic.

E. At intersections of streets or alleys, curbs shall be rounded by minimal arcs as follows:
   a. All streets in commercial and industrial subdivisions shall have a minimum curb radius of thirty-five (35) feet.
   b. All streets in a residential subdivision shall have a minimum curb radius of thirty-five (35) feet if an Arterial; thirty (30) feet if a Collector; and twenty-five (25) feet if a Local Road.

F. Plan Commission may waive any or all curb standards when applicable.

Sidewalk Standards

4-1.11 Sidewalk Standards

A. Sidewalks may be located on one or both sides of every street within the subdivision plat, including cul-de-sacs. Sidewalks shall be at least four (4) inches thick in all other locations. Sidewalks shall be five (5) feet wide along Major Collectors, Minor Collectors, and Local Roads. Smooth transitions (slow tapers) are required if a sidewalk is to be transitioned from one width to another.

B. When sidewalks or pathways cross arterials or collectors within or adjacent to the subdivision, safety devices such as painted crosswalks, signs, or traffic signals shall be installed.

C. Easements of at least seven (7) feet in width shall be provided for sidewalks or pedestrian paths.

D. ADA compliant ramps for wheelchairs and bicycles shall be provided on all sidewalks and pathways. Ramps are to be located at all intersections and other transition access points. Overhead obstructions shall be cleared to a height of at least eight (8) feet. Rolled curbs are not a substitute for wheelchair ramps. It is the legal responsibility of the developer to assure compliance with current ADA laws. The developer or his registered professional surveyor or registered professional engineer may be required to sign-off on the compliance with ADA laws.

E. Sidewalks adjacent to roads shall be concrete within subdivisions in accordance with the Standard Specifications of the Indiana Department of Transportation, latest edition, with contraction (tooled) joints a maximum of every six (6) feet apart.

F. Asphalt paths are allowed along Primary Arterials and Major Collectors, and Minor Collectors when they are a part of a county-wide trail system. All asphalt paths must be six (6) feet wide and meet the thickness and base requirements for concrete sidewalks. If an asphalt trail is inconsistent with the neighboring properties, the Plan Commission shall have the discretion to not allow asphalt trails.

G. The surface of any sidewalk when completed shall have a sufficient slope to drain toward the center of the street.

H. Plan Commission may waive any or all sidewalk standards when applicable.

Street Lighting Standards

4-1.12 Street Lighting Standards

A. The subdivider shall provide lighting at all intersecting public roads.

B. Street lights shall be pole mounted and not exceed twenty (20) feet in height.

C. All electric lines are to be buried.

D. Plan Commission may waive any or all street light standards when applicable.

Subdivision and Street Name Standards

4-1.13 Subdivision and Street Name Standards

A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of the Primary Plat approval.

B. Street names shall not duplicate any existing name within the area covered by these regulations except where a new street is a continuation of an existing street. Street names that may be spelled different but sound the same as existing streets shall not be used.

C. The 911 Coordinator must verify all street names.

D. The Plan Commission shall have final authority to name all streets (in case of conflicts) at the time of secondary plat approval.

E. Street signage shall follow the following standards.
   a. All signs shall have a green background with legend and border.
   b. Length of sign shall be as need for name.
   c. Height of sign shall be eight (8) inches.
   d. The street or road name shall appear in lettering that will be six (6) inches high and shall have supplementary letter(s) to indicate the name of the street (ST-AVE-RD-N-S-E-W).
   e. Signs shall be mounted as close to the corner as practicable, their faces parallel to the streets they name.
   f. All signs first time application at the expense of the petitioner.

Easement Standards

4-1.14 Easement Standards

A. Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide on both sides of the property lines. Easements shall generally be contiguous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.

B. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, the subdivider shall designate drainage easements on both sides of the watercourse, the width to be determined by the Plan Commission and in the case of a legal drain, the Fulton County Drainage Board.

C. Easements to permit access for maintenance and repair of surface and subsurface drainage improvements established by law and utility installations, shall be provided on the final copies of the primary plat, secondary plat, and construction plans. Location of easements shall be reviewed by the County and/or its representatives along with the local utility companies.

D. Easements shall be a minimum of twelve (12) feet in width, shall provide continuity from block to block, and shall be located along rear, side, or front lot lines, one-half (1/2) the width of the easement shall be taken from each lot. In the case of lots extending to the boundary of the lands platted and not adjoining another plat, the full width of the easement shall be provided on such peripheral lots.

E. When a proposed drainage system shall carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the subdivider and indicated on the plat.

F. Plan Commission may waive any or all easement standards when applicable.

Public Sites and Open Space Standards

4-1.15 Public Sites and Open Space

A. The subdivider may be required to plat a minimum of eight hundred and seventy five (875) square feet of open space for each dwelling unit to be constructed when the density of such development is one (1) dwelling unit per three fourths (3/4) acre or greater. A dwelling unit shall be defined as a single-family home, condominium, or apartment/rental unit.

B. The subdivider shall reserve the open space acreage for public use. The land may be deeded by the subdivider to a duly organized homeowners association within the subdivision.

C. Easements, crosswalks, and road frontage to provide public access to the open space shall be shown on the secondary plat.

D. Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision and should be incorporated into dedicated open space.

E. Easements, roadways, and rights-of-way cannot be considered open space.

F. All open space shall be usable spaces for normal recreation. Narrow strips of land throughout a development and similar (marginal) areas shall not be considered open space.

G. Plan Commission may waive any or all public sites and open space standards when applicable.

General Drainage Standards

4-1.16 General Drainage Standards

In order to provide more suitable sites for building, to improve surface drainage, the following requirements shall be met:

A. Drainage control shall conform with the requirements of the Fulton County Surveyor's Office and Drainage Board, and shall be reviewed by the Fulton County Surveyor and Drainage Board.

B. The locations, grading, and placement of subgrade (base) material of all streets, public driveway, and public parking areas shall be accomplished as the first work done on a development plan.

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

D. Excavation and Fills
   a. Fills shall not encroach or impede flows of natural watercourses or constructed channels.
   b. Grading shall 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 land owner.
   c. During grading operations, necessary measures for dust control shall be exercised.
   d. Grading equipment shall not be allowed to cross streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.

E. Plan Commission may waive any or all general drainage standards when applicable.

Storm Water and Subsurface Drainage Standards

4-1.17 Storm Water and Subsurface Drainage Standards

A. A stormwater sewer or a surface drainage system adequate to serve the subdivision and potential subdivisions in the drainage area of which the subdivision is a part shall be provided by the subdivider. If, in the opinion of the Plan Commission, a hardship would be created by sizing the system to the entire drainage area, the Plan Commission may recommend that the involved governmental agency join with the subdivider in financing the drainage requirements that are beyond the requirements of the subdivision. When the surface drainage, in the opinion of the Plan Commission, is adequate, easements for such drainage shall be provided. Where curb and gutter are not provided, shallow swales, sown or sodded in grass, shall be provided. Deep, open ditches shall be avoided. Roadside drainage shall not be disrupted by public driveways or other obstructions. The plans for the installation of the storm sewer system shall be prepared by a registered professional engineer or registered licensed surveyor, be provided by the subdivider, and approved by the Plan Commission. In the approval of such plans, the Plan Commission may require off-site improvements of drainage outlets to adequately handle the run-off from the subdivision.

B. The subdivider shall provide a subsurface drainage system, below curbs, to be placed along both sides of the subdivision streets and wherever else within the subdivision that it is determined to be necessary. The purpose of the subsurface piping system is to provide drainage for the street subbase. The subsurface drainage system shall discharge to the storm sewer system or to the surface drainage system upon approval from the County. No subsurface drainage system connections will be permitted to the sanitary sewer system.

C. It shall be illegal for sump pumps, down spouts, or foundation drains to outlet directly to the street or into the right-of-way of the street, or to be connected to the sanitary sewer. Sump pumps shall be connected to the subsurface drainage system described in this Ordinance.

D. It is the responsibility of the subdivider to keep all major watercourses, drainage systems, etc., not under the jurisdiction of any public agency, open and free flowing.

E. Loss of the 100 year floodplain water storage capacity due to building or filling shall not be allowed. No primary structures are permitted to be constructed in the Floodway Fringe unless explicitly permitted by the Fulton County Zoning Ordinance. No building or filling is allowed at all in the Floodway.

F. Plan Commission may waive any or all storm water and subsurface drainage standards when appli-

Sewer Standards

4-1.18 Sewer Standards

A. If, in the judgment of the Plan Commission, a public sanitary sewer main is reasonably accessible, a complete sanitary sewer system including a lateral connection to each lot in the subdivision shall be installed and connected to the main. The system shall be provided with all necessary supplemental equipment or machinery (including, but not limited to, lift stations) and be in such lengths, sizes, dimensions and specifications as shall be required by the Plan Commission. The plans for the installation of a sanitary sewer system shall be prepared by a registered professional engineer or licensed surveyor, be provided by the subdivider and be in accordance with the Indiana State Board of Health regulations. Upon completion of the sewer installation, the plans as built shall be filed with the County if in the unincorporated jurisdictional area of the county.

B. If in the judgment of the Plan Commission, a public sanitary sewer main is not reasonably accessible, sanitary wastes may be disposed of by one of the following methods.

   a. The subdivision may be provided with a complete sanitary sewer system, with lateral connections to each lot and a common treatment plant, each meeting the standards of the Indiana State Board of Health and the Indiana Water Pollution Control Board.

   b. The subdivision may be provided with a private sewage treatment system on individual lots consisting of a septic tank and soil absorption field, or other approved sewage treatment system, provided the systems are installed in accordance with at least the minimum standards of the Indiana State Board of Health and provided that the soil in the subdivision will properly absorb sewage effluent as determined by soil borings, in accordance with the Indiana State Board of Health regulations, or as determined by such other comparable test approved by the Plan Commission. Regardless of the tests used, the following shall apply.

      1. An adequate number of tests (at least one (1) to a lot) to clearly indicate the soil conditions throughout the subdivision shall be provided by the subdivider, as well as, a complete soils report at the time of the primary plat for subdivisions that contain a lot under 33,000 square feet and at the time of the secondary final plat for subdivisions that consist completely of lots larger than 33,000 square feet. The subdivider shall also provide Fulton County Health Department preliminary approval for each proposed lot requiring a septic system and a copy of the complete soils report written by an ARCPACS Certified Soil Science Consultant or a Professional Soil Scientist approved by the Indiana State Department of Health. The soils report shall be completed in the format supplied by the Plan Commission Office or a format that contains the same information included in the forms supplied by the Plan Commission Office. The preliminary approval by the Fulton County Health Department required at this time, in no way guarantees that the requirements can be met to install a septic system. All of the Fulton County Health Department's requirements must still be met to obtain the actual septic permit for each proposed lot requiring a septic system.

      2. These tests shall be performed by a professional consulting soil scientist or the Fulton County Health Department. Additional tests may be required by the Plan Commission at their discretion.

C. Sewers shall comply with the requirements of the local governing authority. It is the intent of this Ordinance that all subdivisions connect to a sanitary sewage system. If the sewer district cannot provide service, then the subdivider shall install a private septic system in compliance with the requirements of the Fulton County Board of Health.

D. Plan Commission may waive any or all sewer standards when applicable.

Water Supply Standards

4-1.19 Water Supply Standards

A. Where public water supply is not available within three hundred (300) feet of any boundary of the proposed subdivision, and where the Plan Commission determines that connecting thereto would create a hardship for the subdivider, the subdivider may provide each lot with a community or individual water supply, provided that installation conforms to at least the minimum standards or requirements of the Indiana State Board of Health. Upon completion of the water supply system, the plans for the system as built shall be filed with the Fulton County Water Board.

B. Where public water supply is available within three hundred (300) feet of any boundary of the proposed subdivision, the subdivider shall construct a system of water mains, connected with the public water supply and provide a connection with each lot. The work shall be done in accordance with the plans, profiles and specifications prepared by a registered professional engineer and shall be approved by the County and be in conformance with at least the minimum requirements of the Indiana State Board of Health.

   a. *Distribution system. No* pipe smaller than six inches in diameter shall be permitted. Six-inch (6") pipe shall be limited to lengths of not over eight hundred (800) feet unless looped. In high-volume districts, so designated for purposes of fire protection and prevention, distributors shall be not less than eight inches and cross-connected within eight hundred (800) feet. On arterials and for all long lines, distributors shall be twelve (12) inches or larger.

   b. *Valves.* Valves shall be installed so that no single accident, break, repair or extension will necessitate shutting down a length of pipe greater than five hundred (500) feet in high-volume districts, or greater than one thousand (1,000) feet in other districts so that flows may be maintained through arterial mains.

   c. Hydrants.

      1. All hydrants, their setting, number, and size of outlets shall conform to standards and specifications of the American Insurance Association. To insure standardization, the brand of hydrants used shall be as specified by the County.
      2. One (1) hydrant shall be placed near each street intersection. Intermediate hydrants shall be placed where the distance between intersections exceeds six hundred (600) feet.
      3. In high-value districts, as now or hereafter designated for purposes of fire defense and protection, the distance between hydrants shall not exceed four hundred (400) feet to four hundred fifty (450) feet.

C. The subdivider shall provide the subdivision with a complete water distribution system, which shall be connected to a County-approved water supply.

D. The plans for the installation of water main supply systems shall be provided by the subdivider and approved by the Water Board and the Indiana Department of Environmental Management. Upon completion of the water supply installation, the plans for such system as built shall be filed with the Water Board.

E. Plan Commission may waive any or all water supply standards when applicable.

Miscellaneous Utility Standards

4-1-20 Miscellaneous Utility Standards

A. All utility lines, including electrical power, gas, telephone, cable television, sewer, and water shall be located underground throughout the subdivision. The location of utility lines shall be shown on the Primary Plat and on the Construction Plans. Service connections to the property lines of each lot in the development shall be provided by the utility or subdivider.

B. Plan Commission may waive any or all miscellaneous utility standards when applicable.

Environmental Standards

4-1.21 Environmental Standards

A. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the overall development plan.
   a. Existing features which would add value to residential, commercial, natural, or man-made assets such as trees, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design.
   b. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
   c. Development plans shall 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.
   d. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
   e. The disturbed area and the duration of exposure shall be kept to a practical minimum.
   f. Temporary vegetation and mulching shall be used to protect environmentally sensitive 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.
   j. Design and construction of the drainage facility shall be such that it will be durable and easy to maintain.

B. Plan Commission may waive any or all environmental standards when applicable.

Erosion Control Standards

4-1.22 Erosion Control Standards

A. Erosion, and sediment control shall conform with the requirements of the Natural Resource Conservation Service (NRCS).

B. No changes shall be made in the contour of the land, nor shall grading, or excavating begin until a plan for minimizing erosion and sedimentation has been reviewed by the Plan Commission. If NRCS review and approval is required, a copy of said approval shall be held in the office of the Plan Commission.

C. Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the applicant, 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.

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

E. No applicant, person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Fulton County Drainage Board and/or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.

F. It is the responsibility of the applicant or owner to keep all major watercourses, not under the jurisdiction of any public agency, open and free flowing.

G. The applicant or owner will assume the responsibility for maintaining an open and free flowing condition in all minor streams, watercourses, and drainage systems, constructed or otherwise improved in accordance with this Article, which are necessary for proper drainage.

H. Plan Commission may waive any or all erosion control standards when applicable.

Monument and Marker Standards

4-1.23 Monuments and Marker Standards

A. Markers shall consist of galvanized iron pipes or steel bars at least thirty (30) inches long and not less than five-eighths (5/8) inch in diameter.

B. Monuments and 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.

C. Monuments shall be set at the intersection of street property lines forming angles in the boundary of the subdivision and the intersection of street property lines.

D. Markers shall be set at the beginning and ending of all curves along street property lines, at all points where a lot line intersects curves, either front or rear, at all angles in property lines of lots, and at all other lot corners not established by a monument.

E. Plan Commission may waive any or all monument standards when applicable.

Article Four

Section Two- Design Standards

4-2.0 Interpretation

The following regulations listed within Article Four, Section Two are applicable only within the City of Rochester (except as may otherwise be provided within this ordinance).

4-2.1 Using this Section

The following pages state the design standards for all subdivisions. Each section is broken down into specific categories. These categories include:

4-2.3	General Standards	page 4-27
4-2.4	Lot Standards	page 4-28
4-2.5	Street Location and Arrangement Standards	page 4-29
4-2.6	Alley Standards	page 4-30
4-2.7	Block Standards	page 4-31
4-2.8	Street Standards	page 4-32
4-2.9	Private Street Standards	page 4-36
4-2.10	Curb Standards	page 4-37
4-2.11	Sidewalk Standards	page 4-38
4-2.12	Street Lighting Standards	page 4-41
4-2.13	Subdivision and Street Name Standards	page 4-42
4-2.14	Easement Standards	page 4-43
4-2.15	Public Sites and Open Space Standards	page 4-44
4-2.16	General Drainage Standards	page 4-45
4-2.17	Storm Water and Subsurface Drainage Standards	page 4-46
4-2.18	Sewer Standards	page 4-47
4-2.19	Water Supply Standards	page 4-48
4-2.20	Miscellaneous Utility Standards	page 4-49
4-2.21	Environmental Standards	page 4-50
4-2.22	Erosion Control Standards	page 4-51
4-2.23	Monument and Marker Standards	page 4-52

4-2.2 Purpose of Design Standards

A. The purpose of these regulations are to:
   a. promote the proper arrangement of roads, collectors and arterials,
   b. prevent congestion of streets and promote traffic safety,
   c. secure adequate public spaces,
   d. insure proper densities of population,
   e. provide adequate utilities and public improvements,
   f. insure the accurate survey and proper preparation of plats, and
   g. protect the health safety and general welfare of the people.

General Standards

4-2.3 General

A. No land shall be subdivided for residential use, if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, or objectionable earth or rock formations, topography or other features harmful to the health, safety and welfare of future residents and the community as a whole.

B. The Plan Commission may require either a general or operational soil survey, with interpretations, where it is not readily apparent from existing information that the land to be subdivided is not subject to flooding or does not contain poor drainage characteristics. If required, the survey shall be conducted by a qualified person or agency acceptable to the Plan Commission. In the event that the Plan Commission finds the land to be subdivided unacceptable due to the results of the soils survey, the Plan Commission shall not approve the plat. The Plan Commission may, however, prescribe conditions that the subdivider must meet to obtain approval and these conditions may be incorporated into an agreement between the Plan Commission and the subdivider.

C. The subdivision design and layout shall be such that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Plan Commission.

D. Whenever a proposed subdivision borders an existing street, the Plan Commission may require improvements of such street as a condition of plat approval. Additional dedication of right-of-way may also be required.

E. No two (2) single-family homes on any given street or cul-de-sac within 250 feet of one another shall have the same or relatively the same front design. The determination of .relatively the same front design., if in question, shall be determined by vote of the Plan Commission. The Plan Commission shall have the authority to waive this section for good cause.

F. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:
   a. All applicable statutory provisions.
   b. The local zoning ordinances, building and housing codes, and all other applicable laws of the appropriate jurisdiction.
   c. The Comprehensive Plan, Transportation Plan and any other appropriate plans within the Area Planning Ordinances
   d. The rules and regulations of the Indiana Department of Environmental Management, the Department of Natural Resources, Aeronautics Commission, Fulton County Drainage Board, and other appropriate agencies.
   e. The rules, regulations, and standards of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
   f. All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control ordinances, and other applicable guides published by the local governmental units.
   g. The Indiana Manual of Uniform Traffic Control Devices. (or its replacement) shall be used for the design and installation of traffic control devices.

Lot Standards

4-2.4 Lot Standards

A. When served by public water and sewer, lot dimensions shall comply with the minimum standards of the Area Zoning Ordinance.

B. When not served by public water and sewer, lot dimensions shall comply with the minimum standards of the Area Zoning Ordinance.

C. Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but irregular lots should be avoided.

D. The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.

E. Every lot shall abut on a public street.

F. Double Frontage lots shall be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet in width, across which there shall be no access, shall be provided along the line of lots abutting such traffic arteries or other disadvantageous use.

G. Lots shall be numbered consecutively throughout the entire subdivision.

H. Building setback lines shall conform to the provisions of the Area Zoning Ordinance.

I. Lots abutting a watercourse, drainage way, channel, stream, or flood plain 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 from front, rear, and side yards.

J. Direct vehicular access from lots to primary or secondary arterial streets is discouraged.

Street Location and Arrangement Standards

4-2.5 Street Location and Arrangement Standards

A. All proposed subdivisions shall conform to the Transportation Plan as is now or may be set forth hereafter. Whenever any tract to be subdivided embraces any part of the Transportation Plan, that part of the public way shall be platted by the subdivider in the location and of the width indicated on the Transportation Plan, the arrangement of streets in the subdivision shall provide for the continuation and projection of existing principal streets in surrounding areas or conform to a plan of the neighborhood approved and adopted by the Plan Commission.

B. The arrangement, character, extent, width, grade and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

C. Local Streets shall be laid out so that their use by through traffic will be discouraged.

D. Where a subdivision abuts or contains an existing or proposed street as shown in the Transportation Plan, the Plan Commission may require marginal access streets; reverse frontage with screen planting contained in a nonaccess reservation along the rear property line having a minimum width of ten (10) feet; deep lots with rear service ways, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Where a subdivision borders on or contains an existing or proposed arterial, a railroad right-of-way or limited access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential 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 the intervening land strips be dedicated to the city. The land strip shall be maintained by the involved governmental unit from the date of dedication.

F. Half-streets and half-alleys shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract.

G. In designing and approving subdivision streets, the following factors shall receive consideration:
   a. accessibility for emergency vehicles and school buses;
   b. safety for both vehicular and pedestrian traffic;
   c. efficiency of services for all users;
   d. livability or amenities as affected by traffic elements in the circulation system; and
   e. economy of both construction and use of land.

Alley Standards

4-2.6 Alley Standards

A. Alleys shall be provided in commercial and industrial districts except that the Plan Commission may waive this requirement if other provisions are made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

B. Alley intersections with sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Minimal radii at street intersections shall be twenty (20) feet.

Block Standards

4-2.7 Block Standards

A. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to primary arterials, secondary arterials, watercourses, and industrial and commercial areas.

B. Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required by the Zoning Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved.

C. Where effective use of land does not require otherwise, blocks in residential subdivisions shall generally not exceed sixteen hundred (1,600) feet in length.

D. Blocks should not exceed one thousand, three hundred and twenty (1320) feet in length. In the event of a block length exceeding one thousand (1000) feet where the blocks are not arranged in the direction of natural pedestrian and traffic flow, a crosswalk or pedestrian way not less than ten (10) feet in the width may be required near the center and entirely across any block to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Street Standards

4-2.8 Street Standards

A. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on primary arterials, secondary arterials and collector streets. All local streets shall have a tangent of at least fifty (50) feet long on reverse curves.

B. All streets and alleys shall be completed to grades shown in plans, profiles and cross-sections provided by the subdivider, prepared by a registered professional surveyor or registered professional engineer and approved by the Plan Commission. Street width shall be measured from back of curb to back of curb where curbs or curb and gutter are provided.

C. The streets shall be graded, surfaced and improved to the dimensions shown in approved cross-sections.

D. The street layout shall provide adequate vehicular access to all lots and parcels of land within the subdivision.

E. Streets shall also conform to the following standards:
   a. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
   b. Residential street systems shall be designed to minimize through traffic movement, but certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
   c. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
   d. Residential street patterns shall provide reasonably direct access to the primary circulation system.
   e. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. A street should be approximately at right angles for at least on hundred (100) feet therefrom.
   f. Not more than two (2) streets shall intersect at any on (1) point, unless specifically approved by the Plan Commission, and where streets cross other streets, jogs shall not be created.
   g. Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with arterial or collector streets, their alignment shall be continuous.
   h. The minimum right-of-way of local streets shall be fifty (50) feet.
   i. A temporary dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet necessary to be constructed. An adequate barrier and signage shall be provided for any such temporary dead-end street which extends two hundred (200) feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
   j. At the intersection of any proposed residential street with any existing street, acceleration and deceleration lanes, and passing or left turn lanes may need to be provided.

F. The classification of all streets shall be determined by the Transportation Plan which is maintained within the Area Comprehensive Plan.

G. Streets shall be completed to grades shown on the Construction Plans drawn by the subdivider's registered professional surveyor or registered professional engineer and approved by the Plan Commission.

H. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of one hundred (100) feet in either direction, measured from the center line of the intersecting street.

I. At intersections of streets or alleys, property line corners shall be rounded by minimal arcs as follows:

Arterial and all streets in commercial and industrial subdivisions shall have a minimum curb return radius of thirty-five (35) feet.

Collector streets shall have a minimum curb radius of thirty (30) feet.

Local streets shall have a minimum curb return radius of twenty-five (25) feet.

J. If the smaller angle of intersection of two (2) streets is less than seventy-five (75) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Plan Commission.

K. Before any performance bond covering a street installation is released, the Plan Commission, City Council, or City Engineer may request that core borings of the street be done at the subdivider's expense. Cores shall be reviewed by an independent testing laboratory or registered engineer for analysis.

L. A developer may request permission of the Plan Commission to delay the installation of the one (1) inch surface layer of asphalt until the binder layer of asphalt has had a sufficient time period to prove its durability under the stress of heavy construction traffic. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the one (1) inch surface layer of asphalt.

M. Type of materials and thickness of pavement shall be in accordance with the following table.

Design Standards for Pavement Type and Material		
Pavement Type and Materials	All Streets	Alleys
Hot asphaltic concrete or hot asphaltic emulsion surface	1”	2”
Hot asphaltic concrete Hot asphaltic emulsion base or binder	3”	0”
Compacted aggregate or water bound macadam	8”	6”
Total thickness	12”	8”
*** Materials per current Indiana State Highway Commission specifications current at time of primary approval.**		

N. Basic street and sidewalk standards shall be in accordance with the following table.

Design Standard	Design Performance by Adjacent Street/Roadway			
	Primary Arterial	Major Collector	Minor Collector	Local Road
Right-of-way (ft.)	95	85	70	50***
Pavement width (ft.)	50	40	30	30***
Type of curb (V=Vertical Face) (R=Rolled Face) (0=None)	0 or V	0 or V	0 or R or V	0 or R or V
Sidewalk width (ft.)*	5	5	5	5
Sidewalk distance from curb face (ft.)	15	12	10	6
Minimum sight distance (ft.)	350	300	250	200
Maximum grade	8%	8%	8%	8%
Minimum grade	0.5%	0.5%	0.5%	0.5%
Maximum cul-de-sac length (ft.)	N/A	N/A	N/A	900
Minimum cul-de-sac radius (ft. of R.O.W.)	N/A	N/A	N/A	60
Minimum cul-de-sac curb radius (ft.)	N/A	N/A	N/A	50
Minimum center line radius (ft.)	350	350	300	200
Frontage road (ft. of R.O.W.)**	60	60	50/60	40
Frontage road pavement width (ft.)	36/40	32/36	32/36	22/26
Alley right-of-way and pavement width (ft.)	20	20	20	20

* Installation of sidewalks on both sides of the street shall be required. The Plan Commission may waive this requirement along strictly rural streets or where non-residential use makes a sidewalk unnecessary.

** Curb and gutter shall generally not be required on highway side. A planting strip with a minimum width of 10 feet may be required on highway side.

*** The Plan Commission may waive this requirement.

Note: Pavement widths are measured from back of curb to back of curb.

Private Street Standards

4-2.9 Private Street Standards

A. The Plan Commission may waive the requirement of a street to be dedicated to the public and approve a private street in a subdivision provided all of the following conditions are satisfied:

a. Restrictive covenants, a written commitment, or other necessary document(s) running with the land, shall be recorded in such form as is approved by the Plan Commission to clearly state of record each of the following provisions:

1. The Board shall never be obligated to accept a public dedication, deed, or any other conveyance of such private street.
2. The Fulton County Highway Department or City of Rochester shall never be obligated to maintain or repair the street, or accept it into its maintenance program.
3. A legally-formed community association comprised of all owners of lots in the subdivision, as well as each such owner individually, shall be jointly and severally obligated to maintain and repair each private street in the subdivision.
4. The subdivision.s community association and all owners of lots in the subdivision shall jointly and severally indemnify and hold harmless City of Rochester, the City Council and the Plan Commission, against any loss, damage, or liability arising from claims or suits for personal injury or property damage involving the design, construction, use or maintenance of a private street in the subdivision.
5. While the use of a private street may be restricted to owners of lots in the subdivision, or their guests, an express easement shall be granted to public and quasi-public agencies for use of such streets by emergency, utility, and school vehicles and personnel, and for any other purpose the Plan Commission reasonably believes is necessary or appropriate.

b. Title to each private street in the subdivision shall be properly conveyed by warranty deed to the subdivision's community association.

c. Evidence of the legal formation of the subdivision's community association shall be recorded.

d. A maintenance bond, with coverage comparable to that required for public streets, for the benefit of the subdivision's community association and lot owners, shall be provided by the developer of the subdivision, if the Plan Commission finds such a bond necessary.

Curb Standards

4-2.10 Curb Standards

A. The Plan Commission shall require, regardless of development density curb and gutter on the downslope side of the street surface in hillside subdivisions to assist in erosion control. The curb system on the downslope side shall be provided with catch basins and culverts as necessary to carry run-off water to the natural drainage course.

B. Curb and gutter shall be constructed to the following specifications.
   a. The base for the curb and gutter shall be well compacted on the existing base.
   b. Curb and gutter shall be a six (6) bag mix of cement.

C. Curbs are required to be installed on each side of the street surface and are to be considered as part of the width of a street.

D. The curbs shall be constructed according to the following specifications:
   a. The base for all curbs shall be founded on six (6.) inches of well compacted stone.
   b. The grade of any curb shall not be less than one percent (1.0%) in order to provide appropriate drainage to storm water inlets.
   c. Inlets shall be located at all low points in the street grade and other locations as storm water system calculations require. The maximum distance between two inlets shall be two hundred fifty feet (250.).
   d. Inlet grates should be level with the plane of the gutter to improve removal of runoff water. Inlet grates shall be heavy-duty type and appropriate for bicycle traffic.

E. At intersections of streets or alleys, curbs shall be rounded by minimal arcs as follows:
   a. All streets in commercial and industrial subdivisions shall have a minimum curb radius of thirty-five (35) feet.
   b. All streets in a residential subdivision shall have a minimum curb radius of thirty-five (35) feet if an Arterial; thirty (30) feet if a Collector; and twenty-five (25) feet if a Local street.

Sidewalk Standards

4-2.11 Sidewalk Standards

A. Sidewalks shall be required to be located on both sides of every street within the subdivision plat, including cul-de-sacs. Sidewalks shall be at least four (4) inches thick in all other locations. Sidewalks shall be five (5) feet wide along minor arterials, collector streets and local streets. Smooth transitions (slow tapers) are required if a sidewalk transitions from one width to another (per the Standard Width and Thickness of Sidewalks in the Rochester General Regulations).

B. Sidewalks and pathways located away from streets or dusk to dawn lights should be properly lighted to permit clear vision of the walk or path all hours of the day.

C. When sidewalks or pathways cross arterials or collectors within or adjacent to the subdivision, safety devices such as painted crosswalks, signs, or traffic signals shall be installed.

D. Easements of at least seven (7) feet in width shall be provided for sidewalks or pedestrian paths.

E. ADA compliant ramps for wheelchairs and bicycles shall be provided on all sidewalks and pathways. Ramps are to be located at all intersections and other transition access points. Overhead obstructions shall be cleared to a height of at least eight (8) feet. Rolled curbs are not a substitute for wheelchair ramps. It is the legal responsibility of the developer to assure compliance with current ADA laws. The developer or his registered professional surveyor or registered professional engineer may be required to sign-off on the compliance with ADA laws.

F. Sidewalks adjacent to roads shall be concrete within subdivisions in accordance with the Standard Specifications of the Indiana Department of Transportation, latest edition, with contraction (tooled) joints a maximum of every six (6) feet apart.

G. Asphalt paths are allowed along Primary and Secondary Arterials, and Collectors when they are a part of a City-wide trail system. All asphalt paths must be six (6) feet wide and meet the thickness and base requirements for concrete sidewalks. If an asphalt trail is inconsistent with the neighboring properties, the Plan Commission shall have the discretion to not allow asphalt trails.

H. The surface of any sidewalk when completed shall have a sufficient slope to drain toward the center of the street (per Slope of Sidewalk in the Rochester General Regulations).

I. The subgrade of a sidewalk shall be constructed to a depth below the finished surface in accordance with the plans and specifications provided by the Plan Commission and shall be thoroughly compacted to a firm, smooth surface; all soft or spongy places not affording a suitable subgrade, must be removed and replaced with a suitable material and compacted according to the above specifications (per the Construction of Subgrade in the Rochester General Regulations).

J. The forms used in connection with sidewalks shall be of a material commonly used and accepted in the concrete industry, straight and free from warp and of sufficient strength to resist springing during the process of depositing concrete against them. The forms shall be of the full depth of the walk and shall be securely staked, braced and held firmly to required line and grade. All forms shall be thoroughly cleaned and oiled before concrete is placed against them (per the regulatory sections explaining Forms used in Connection with Sidewalks in the Rochester General Regulations).

K. All concrete placed in connection with a sidewalk shall consist of the industry standard of six (6) bags of concrete per cubic yard of mix, with the consistency and slump as would be mixed by a professional concrete supplier for a typical job of this nature; any material and or color other than natural concrete to be used for the construction of a sidewalk will be subject to the approval of the Plan Commission (per the Composition of Concrete in the Rochester General Regulations).

L. Expansion joints shall be placed in sidewalks at intervals not to exceed twenty-five (25) feet. The preformed filler to be used in the expansion joints shall be composed of a durable elastic material, which is considered the typical and common material used and accepted in the concrete industry for this purpose. The thickness of joints shall not be less than one-half inch. The length of joints shall be equal to the sidewalk.s width and the depth shall not be less than the thickness of the sidewalk. Preformed filler of one-inch thickness shall be placed where the sidewalk joins with any curb or curb gutter (per the Placement of Expansion Joints; Composition; size in the Rochester General Regulations).

M. The subgrade of a sidewalk shall be compacted and then wet down with water, and, or lined with construction grade plastic, before the concrete is placed therein. The concrete shall be placed within the forms upon the wet, and, or lined subgrade to such a depth that after being compacted it shall be to the full thickness required to fill the form. It shall be leveled off and tamped sufficiently. It shall then be finished by means of a wood or metal float. The finished surface may be of a smooth, or light broom finish. The edges shall be rounded with an edger having a minimum radius of one quarter of an inch. Traverse joints shall be cut with a saw, or with a jointer having a minimum radius of one quarter of an inch. Traverse joints must have a minimum depth of one half inch at intervals not greater than the width of the sidewalk being constructed. Each concreted area between traverse joints will be considered a section of sidewalk. No pouring or finishing of concrete shall be done during freezing weather. Whenever there is danger that the temperature will reach the freezing point a covering material must be used to prevent freezing of the concrete before it is thoroughly cured (per the Depositing of Concrete; Edgers; Joints in the Rochester General Regulations).

N. Where driveways are to be built across the sidewalk space they shall conform to the sidewalk grade and shall be six inches minimum in depth of the same quality and material as specified for walks, and must be re-enforced with wire and/or steel re-rod of the type normally and typically used and accepted in the concrete construction industry (per the Driveways across Sidewalks in the Rochester General Regulations).

O. The grade and slope, thickness and type of material used, finish, and all other decisions concerning these areas will be the responsibility of the Street Department Superintendent (per the Alley Crossing across Sidewalks in the Rochester General Regulations).

P. All sidewalks made new or repaired shall be done under the supervision of the City of Rochester's designee who shall inspect and report on the same before the approval and acceptance by the Board of Public Works (per Inspection of Materials and Supervision of Work in the Rochester General Regulations).

Q. No sidewalk section made at the time of the original construction shall be cut in order to save a part of the original section at the time of repair, but rather the entire section shall be replaced (per the Cutting of Sidewalk Sections in the Rochester General Regulations).

R. Whenever any sidewalk shall have been ordered built, repaired or replaced, the dirt removed may be used by the city in the improvement of the street on which building or repairs are being made, or on streets, alleys, or public places where the grading of such is of the same general plan. In the case the city does not desire to use the dirt, the property owner may remove it together with all old material within five (5) days from the completion of the work. In case the property owner fails to do so, the contractor shall proceed to remove the material and the cost thereof shall be collected as part of the cost of the improvement. It shall be the duty of the contractor, at the times while building, repairing, relaying or replacing any sidewalk to see to it that the stakes indicating the grade of the sidewalk have not been tampered with (per the Allocation of Dirt and Old Material; Duty of Contractor with Reference to Grade Stakes in the Rochester General Regulations).

S. It shall be unlawful for any unauthorized person to tamper with or in any way interfere with any grade stake for any sidewalk or to deface or disturb any such walk while in process of construction (per the Tampering with Grade Stakes in the Rochester General Regulations).

T. It shall be unlawful for any unauthorized person to tamper with or in any way interfere with any grade stake for any sidewalk or to deface or disturb any such walk while in process of construction (per the Tampering with Grade Stakes in the Rochester General Regulations).

Street Lighting Standards

4-2.12 Street Lighting Standards

A. The subdivider shall provide lighting to meet the standards of the Area Zoning Ordinance.

B. Street lights shall be pole mounted and not exceed twenty (20) feet in height.

C. All electric lines are to be buried.

Subdivision and Street Name Standards

4-2.13 Subdivision and Street Name Standards

A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of the Primary Plat approval.

B. Street names shall not duplicate any existing name within the area covered by these regulations except where a new street is a continuation of an existing street. Street names that may be spelled different but sound the same as existing streets shall not be used.

C. The Plan Commission shall have final authority to name all streets (in case of conflicts) at the time of secondary plat approval.

Easement Standards

4-2.14 Easement Standards

A. Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide on both sides of the property lines. Easements shall generally be contiguous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.

B. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, the subdivider shall designate drainage easements on both sides of the watercourse, the width to be determined by the Plan Commission and in the case of a legal drain, the Fulton County Drainage Board.

C. Easements to permit access for maintenance and repair of surface and subsurface drainage improvements established by law and utility installations, shall be provided on the final copies of the primary plat, secondary plat, and construction plans. Location of easements shall be reviewed by the Plan Commission and/or its representatives along with the local utility companies.

D. Easements shall be a minimum of twelve (12) feet in width, shall provide continuity from block to block, and shall be located along rear, side, or front lot lines, one-half (1/2) the width of the easement shall be taken from each lot. In the case of lots extending to the boundary of the lands platted and not adjoining another plat, the full width of the easement shall be provided on such peripheral lots.

E. When a proposed drainage system shall carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the subdivider and indicated on the plat.

Public Sites and Open Space Standards

4-2.15 Public Sites and Open Space

A. The subdivider may be required to plat a minimum of eight hundred and seventy five (875) square feet of open space for each dwelling unit to be constructed when the density of such development is one (1) dwelling unit per three fourths (3/4) acre or greater. A dwelling unit shall be defined as a single family home, condominium, or apartment/rental unit.

B. The subdivider shall reserve the open space acreage for public use. The land may be deeded by the subdivider to a duly organized homeowners. association within the subdivision.

C. Easements, crosswalks, and road frontage to provide public access to the open space shall be shown on the secondary plat.

D. Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision and should be incorporated into dedicated open space.

E. Easements, roadways, and rights-of-way cannot be considered open space.

F. All open space shall be usable spaces for normal recreation. Narrow strips of land throughout a development and similar (marginal) areas shall not be considered open space.

General Drainage Standards

4-2.16 General Drainage Standards

In order to provide more suitable sites for building, to improve surface drainage, the following requirements shall be met:

A. Drainage control shall conform with the requirements of the Fulton County Surveyor.s Office and Drainage Board, and shall be reviewed by the Fulton County Surveyor and Drainage Board.

B. The locations, grading, and placement of subgrade (base) material of all streets, public driveway, and public parking areas shall be accomplished as the first work done on a development plan.

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

D. Excavation and Fills
   a. Fills shall not encroach or impede flows of natural watercourses or constructed channels.
   b. Grading shall 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 land owner.
   c. During grading operations, necessary measures for dust control shall be exercised.
   d. Grading equipment shall not be allowed to cross streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.

Storm Water and Subsurface Drainage Standards

4-2.17 Storm Water and Subsurface Drainage Standards

A. A stormwater sewer or a surface drainage system adequate to serve the subdivision and potential subdivisions in the drainage area of which the subdivision is a part shall be provided by the subdivider. If, in the opinion of the Plan Commission, a hardship would be created by sizing the system to the entire drainage area, the Plan Commission may recommend that the involved governmental agency join with the subdivider in financing the drainage requirements that are beyond the requirements of the subdivision. When the surface drainage, in the opinion of the Plan Commission, is adequate, easements for such drainage shall be provided. Where curb and gutter are not provided, shallow swales, sown or sodded in grass, shall be provided. Deep, open ditches shall be avoided. Roadside drainage shall not be disrupted by public driveways or other obstructions. The plans for the installation of the storm sewer system shall be prepared by a registered professional surveyor or registered professional engineer, be provided by the subdivider, and approved by the Plan Commission. In the approval of such plans, the Plan Commission may require off-site improvements of drainage outlets to adequately handle the run-off from the subdivision. Utilities and sewers shall be installed under paved areas of streets.

B. It shall be illegal for sump pumps, down spouts, or foundation drains to outlet directly to the street or into the right-of-way of the street, or to be connected to the sanitary sewer. Sump pumps shall be connected to the subsurface drainage system described in this Ordinance.

C. It is the responsibility of the subdivider to keep all major watercourses, drainage systems, etc., not under the jurisdiction of any public agency, open and free flowing.

D. Loss of the 100 year floodplain water storage capacity due to building or filling shall not be allowed. No primary structures are permitted to be constructed in the Floodway Fringe unless explicitly permitted by the Area Zoning Ordinance. No building or filling is allowed at all in the Floodway.

Sewer Standards

4-2.18 Sewer Standards

A. If, in the judgment of the Plan Commission, a public sanitary sewer main is reasonably accessible, a complete sanitary sewer system including a lateral connection to each lot in the subdivision shall be installed and connected to the main. The system shall be provided with all necessary supplemental equipment or machinery (including, but not limited to, lift stations) and be in such lengths, sizes, dimensions and specifications as shall be required by the Rochester City Board of Works. The plans for the installation of a sanitary sewer system shall be prepared by a registered professional surveyor or registered professional engineer, be provided by the subdivider and approved by the Indiana State Board of Health Regulation H.S.E. 14, I.S.B.H. Upon completion of the sewer installation, the plans as built shall be filed with the city if in the unincorporated jurisdictional area of the county.

B. If in the judgment of the Plan Commission, a public sanitary sewer main is not reasonably accessible, sanitary wastes may be disposed of by one of the following methods.

a. The subdivision may be provided with a complete sanitary sewer system, with lateral connections to each lot and a common treatment plant, each meeting the standards of the Indiana State Board of Health and the Indiana Water Pollution Control Board.

b. The subdivision may be provided with a private sewage treatment system on individual lots consisting of a septic tank and soil absorption field, or other approved sewage treatment system, provided the systems are installed in accordance with at least the minimum standards of the Indiana State Board of Health and provided that the soil in the subdivision will properly absorb sewage effluent in accordance with the Indiana State Board of Health Bulletin No. S.E. 11, .The Sanitary Vault Privy. 1986 Edition, or as determined by such other comparable test approved by the Plan Commission. Regardless of the tests used, the following shall apply.

1. An adequate number of tests (at least one (1) to an acre) to clearly indicate the soil conditions throughout the subdivision shall be provided by the subdivider.
2. These tests shall be performed by a professional consulting soil scientist acceptable to the Plan Commission. Additional tests may be required by the Plan Commission at their discre tion.

C. Sewers shall comply with the requirements of the Rochester Utility Department. It is the intent of this Ordinance that all subdivisions connect to a sanitary sewage system. If the sewer district cannot provide service, then the subdivider shall install a private septic system in compliance with the requirements of the Fulton County Board of Health.

Water Supply Standards

4-2.19 Water Supply Standards

Where 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 the public water supply and provide a connection with each lot. The work shall be done in accordance with the plans, profiles and specifications prepared by a registered professional surveyor or registered professional engineer and shall be approved by the city and be in conformance with at least the minimum requirements of the State Board of Health Regulation H. S. E. 5, 1. S. B. H.

A. *Distribution system. No* pipe smaller than six inches in diameter shall be permitted. Six-inch (6.) pipe shall be limited to lengths of not over eight hundred (800) feet unless looped. In high-value districts, so designated for purposes of fire protection and prevention, distributors shall be not less than eight inches and cross-connected within eight hundred (800) feet. On arterials and for all long lines, distributors shall be twelve (12) inches or larger.

B. *Valves.* Valves shall be installed so that no single accident, break, repair or extension will necessitate shutting down a length of pipe greater than five hundred (500) feet in high-value districts, or greater than one thousand (1,000) feet in other districts so that flows may be maintained through arterial mains.

C. Hydrants.
   a. All hydrants, their setting, number, and size of outlets shall conform to standards and specifications of the American Insurance Association. To insure standardization, the brand name of hydrants used shall be as specified by the city.
   b. One (1) hydrant shall be placed near each street intersection. Intermediate hydrants shall be placed where the distance between intersections exceeds six hundred (600) feet.
   c. In high-value districts, as now or hereafter designated for purposes of fire defense and protection, the distance between hydrants shall not exceed four hundred (400) feet to four hundred fifty (450) feet.

D. Where public water supply is not available within two hundred (200) feet of any boundary of the proposed subdivision, and where the Plan Commission determines that connecting thereto would create a hardship for the subdivider, the subdivider may provide each lot with a community or individual water supply, provided that installation conforms to at least the minimum standards or requirements of the Indiana State Board of Health, Bulletin No. *S.E. 7,* Safe Water Supply. Upon completion of the water supply system, the plans for the system as built shall be filed with the Rochester Water Board.

E. The subdivider shall provide the subdivision with a complete water distribution system, which shall be connected to a City-approved water supply.

F. The plans for the installation of water main supply systems shall be provided by the subdivider and approved by the Water Board and the Indiana Department of Environmental Management. Upon completion of the water supply installation, the plans for such system as built shall be filed with the Water Board.

Miscellaneous Utility Standards

4-2.20 Miscellaneous Utility Standards

All utility lines, including electrical power, gas, telephone, cable television, sewer, and water shall be located underground throughout the subdivision. The location of utility lines shall be shown on the Primary Plat and on the Construction Plans. Service connections to the property lines of each lot in the development shall be provided by the utility or subdivider.

Environmental Standards

4-2.21 Environmental Standards

A. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the overall development plan.

a. Existing features which would add value to residential, commercial, natural, or man-made assets such as trees, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design.

b. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.

c. Development plans shall 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.

d. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

e. The disturbed area and the duration of exposure shall be kept to a practical minimum.

f. Temporary vegetation and mulching shall be used to protect environmentally sensitive 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.

j. Design and construction of the drainage facility shall be such that it will be durable and easy to maintain.

Erosion Control Standards

4-2.22 Erosion Control Standards

A. Erosion, and sediment control shall conform with the requirements of the Natural Resource Conservation Service (NRCS). Any development over five (5) acres shall be reviewed by NRCS.

B. No changes shall be made in the contour of the land, nor shall grading, or excavating begin until a plan for minimizing erosion and sedimentation has been reviewed by Plan Commission. Any development over five (5) acres shall be reviewed by NRCS. A copy of said approval shall be held in the office of Plan Commission.

C. Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the applicant, 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.

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

E. No applicant, person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Fulton County Drainage Board and/or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.

F. It is the responsibility of the applicant or owner to keep all major watercourses, not under the jurisdiction of any public agency, open and free flowing.

G. The applicant or owner will assume the responsibility for maintaining an open and free flowing condition in all minor streams, watercourses, and drainage systems, constructed or otherwise improved in accordance with this Article, which are necessary for proper drainage.

Monument and Marker Standards

4-2.23 Monuments and Marker Standards

A. Monuments shall be of stone, precast concrete, or concrete poured in place with a minimum dimensions of four inches (4.) X four inches (4.) X thirty inches (30.). They shall be marked on top with a brass or copper dowel set flush with the top of the monument and deeply scored on top with a cross. Markers shall consist of galvanized iron pipes or steel bars at least thirty (30) inches long and not less than five-eighths (5/8) inch in diameter.

B. Monuments and 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.

C. Monuments shall be set at the intersection of street property lines forming angles in the boundary of the subdivision and the intersection of street property lines.

D. Markers shall be set at the beginning and ending of all curves along street property lines, at all points where a lot line intersects curves, either front or rear, at all angles in property lines of lots, and at all other lot corners not established by a monument.

Article Five

Definitions

Article Five

Definitions

5-1.0 Interpretation

The following definitions listed within Article Five are applicable throughout all of Fulton County (except as may otherwise be provided within this ordinance).

5-1.1 General:

The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

Undefined words in this Article may be found in the Fulton County Zoning Ordinance.

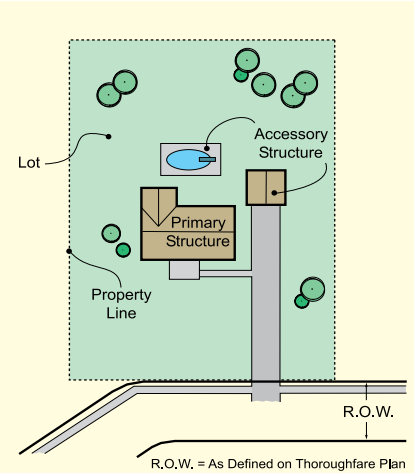
5-1.2 Defined Words:

The following terms shall have the following meanings:

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of two (2) years by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Building, or Structure: A building or structure which:

A. is subordinate to a principal building or structure in area, intent, and/or purpose;
B. contributes to the comfort, convenience, or necessity of occupants of the principal building, structure, or principal use;
C. does not alter or change the character of the premises;
D. is located on the same zoning lot as the principal building, structure, or use;
E. conforms to the setback, height, bulk, lot coverage, and other requirements of this Ordinance unless otherwise provided for by this Ordinance.



Administrator: See Planning Director

Area Plan Commission: A planning commission serving the county unincorporated jurisdiction, as well as, at least one incorporated city or town; established as defined under the Indiana Code, 36-7-1. The Fulton County Plan Commission is an Area Plan Commission.

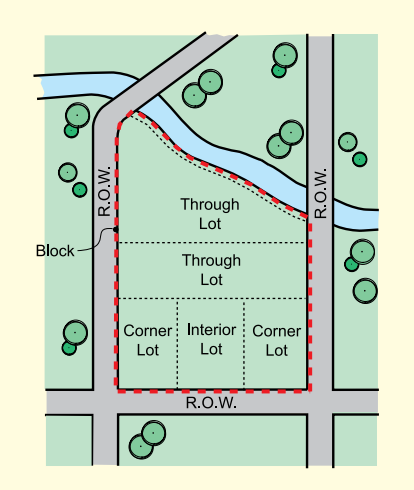
Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.

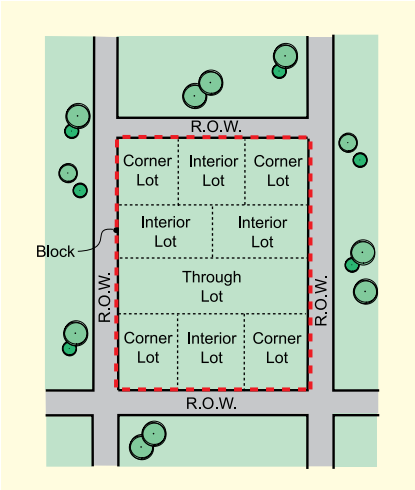
Applicant: See Petitioner

Arterial, Primary: See Primary Arterial

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.

Block: Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.





Board: See Board of Zoning Appeals

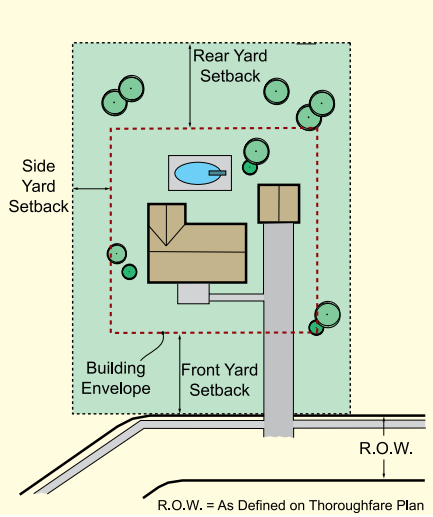
Board of Zoning Appeals: The Fulton County Board of Zoning Appeals or any division thereof.

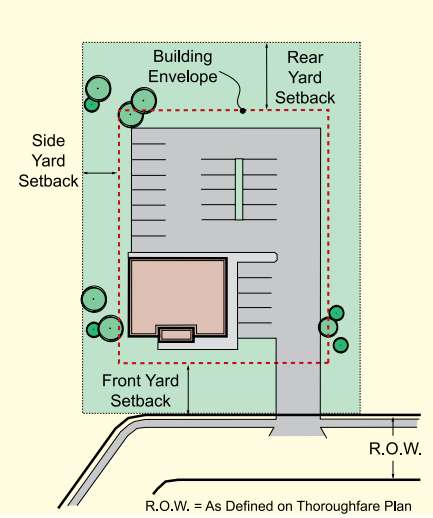
Bond: See Surety

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two feet.

Building Envelope: The setback lines that establishes an area on a lot in which building can occur.





BZA: See Board of Zoning Appeals

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/ industrial development.

Certificate of Occupancy: A certificate stating that the occupancy and use of a building or structure complies with the provisions of the Indiana Building Code.

City: Rochester, Indiana

Collector, Major: See Major Collector

Collector, Minor: See Minor Collector

Commission: See Advisory Plan Commission

Comprehensive Plan: Refers to the Fulton County Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Construction Plan: See Improvement Plan

County: Fulton County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Cul-De-Sac: A short street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround.

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

District: Areas within Fulton County for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by this Ordinance. Districts are drawn on the Official Zoning Map.

Drives, Private: See Street, Private

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Exempt Subdivision: See Subdivision, Exempt

Final Plat: See Plat, Secondary

Flood Protection Grade: The elevation of the lowest point around the perimeter of a building at which a one hundred (100) year flood may enter any Finished Floor Area.

Frontage: See Lot Frontage

Impervious Surface: Any material that prevents absorption of stormwater into the ground.

Improvement(s): Street grading, street surfacing and paving, curb and gutter, sidewalks, water mains and lines, sanitary sewers, drainage facilities, culverts, bridges, utilities, and the like.

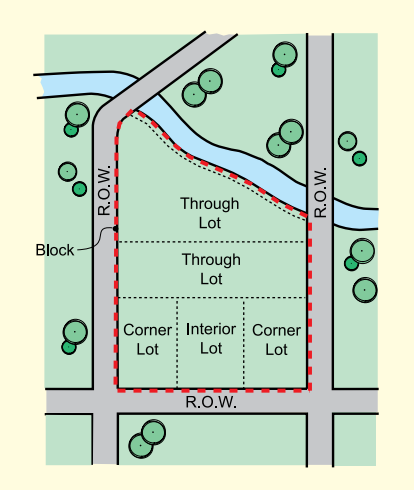
Improvement Plan(s): The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance as a condition of the approval of the plat.

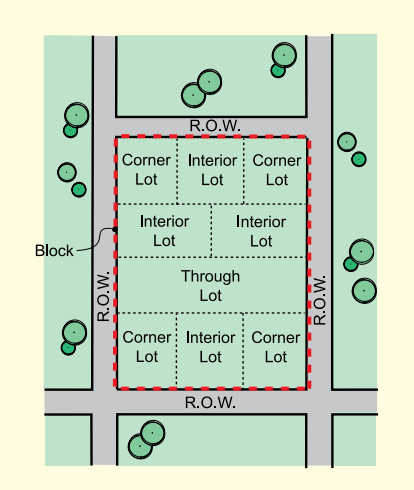
Interested Party: Interested parties shall include, but are not limited to, all properties adjacent to the subject site boundaries within seven-hundred (700) feet or two (2) properties deep, whichever is less within the corporate boundary and only directly adjacent properties outside the corporate limit. This excludes roads, rivers, etc. (i.e. includes properties across the street or on the other side of a river).

Local Road: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Transportation Plan element within the Comprehensive Plan.

Location Improvement Permit: A permit issued under the Zoning Ordinance prior to receiving a building permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, move, improve, remove, or convert any building or structure within its jurisdiction, or the pursuit of changes to the condition of the land.

Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control.





Lot, Buildable: See Lot, Improved

Lot, Developed: A lot with buildings or structures.

Lot Frontage: All property of a lot fronting on a street right-of-way, as measured between side lot lines.

Lot, Improved: A lot upon which a structure or building can be constructed and occupied. The lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available to the lot such as sewer, water, electricity, etc.

Lot of Record: A lot recorded in the office of the Fulton County Recorder, as well as the Fulton County Auditor's Office in the official County plat books. A parcel or lot described by metes and bounds, and a description of what has been so recorded in the office of the Fulton County Recorder through an official deed, memorandum, or contract.

Major Collector: A street with signals at important intersections and stop signs on side streets, and that collects and distributes traffic to and from Minor Collectors, as depicted by the Transportation Plan element within the Comprehensive Plan.

Major Plat: See Subdivision

Major Subdivision: See Subdivision

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Master Plan: See Comprehensive Plan.

Minor Collector: A street designed to facilitate the collection of traffic from Local Roads and to provide circulation within neighborhood areas and convenient ways to reach Primary Arterials, as depicted by the Transportation Plan element within the Comprehensive Plan.

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Off-site Improvements: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval, upon which is located

improvements required by or related to the property to be subdivided.

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and floodplains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Parent Tract: A lot of record as recorded (location, size, shape, etc) on the effective date of this Ordinance; or a lot as defined by its last conditional transfer of ownership by recorded contract transacted before the effective date of this Ordinance. Multiple lots that are contiguous and owned by one (1) person, persons in partnership, or a company and/or corporation(s) shall be considered one (1) Parent Tract for the purpose of calculating the amount of exempted splits allowed, yet each lot of record, as recorded by its own separate legal description prior to the effective date of this Ordinance, shall maintain its ability to be sold individually as a lot, but only as it corresponds to the said recorded legal description prior to the effective date of this Ordinance. Easements shall not constitute a separation of two (2) or more pieces of land owned by one (1) person, persons in partnership, or a company and/or corporation(s). A lot of record with an existing public road that splits it shall be considered two (2) parent tracts.

Petitioner: Any person or group of persons, developer or developers, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative. Consent of all involved property owners must be demonstrate prior to making applications for development approval.

Plan: See Comprehensive Plan.

Plan Commission: See Advisory Plan Commission.

Planning Director: The person appointed by and/or delegated the responsibility for the administration of the Subdivision Control Ordinance regulations by the Advisory Plan Commission, or his designees.

Plat: A map or chart that shows a division of land and is intended to be filed for record.

Plat, Primary: The primary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The Primary Plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a "preliminary" plat.)

Plat, Secondary: The secondary (final) plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A secondary (final) plat shall substantially conform with the preceding primary plat, or section thereof. The secondary (final) plat and plans are not subject to public notices and public hearings. Secondary (final) plat approval is an administrative function to be carried out in the manner prescribed by this Ordinance.

Primary Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from minor arterials, as depicted by the Transportation Plan element within the Comprehensive Plan.

Primary Plat: See Plat, Primary.

Primary or Principal Building/Structure: The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling.

Primary or Principal Use: The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

Property Owner of Record: The person(s) identified as the property owner on the most recent list prepared and maintained by the Fulton County Auditor's Office.

Public Street: All property dedicated or intended for public highway, freeway, or roadway purpose and subject to public easements therefore.

Public Utility: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: A flood having a peak discharge which can be equalled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Replat: Any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, area reserved thereon for public use, any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

ROW: See Right-of Way

Road, Local: See Local Road

Secondary (Final) Plat: See Plat, Secondary

Street: Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Collector: A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

Street, Local: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

Street, Primary Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from minor arterials, as depicted by the Transportation Plan element within the Comprehensive Plan.

Street, Secondary Arterial: A street with signals at important intersections and stop signs on sidestreets, and that collects and distributes traffic to and from collector streets, as depicted by the Transportation Plan element within the Comprehensive Plan.

Street, Public: All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Structure: see Building

Subdivider: See Petitioner

Subdivision: The division of a parent tract or other piece of land into two (2) or more lots for the purpose of ownership or building development, or if a new street is involved, any division of a parcel of land.

Subdivision, Exempt: Subdivisions of land that are exempt from the provisions of this Subdivision Control Ordinance. All Exempt Plats shall be entitled as such and shall be recorded at the Office of the Fulton County Recorder. Failure to record an Exempt Plat shall be subject to penalties and fines.

Surety: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

Thoroughfare Plan: see Transportation Plan

Transportation Plan: That part of the Comprehensive Plan which sets forth the approximate location, alignment, identification, and classification of existing and proposed streets, and other thoroughfares.

Zoning Map: The official zoning map of the Fulton County, Indiana, denoting zoning districts.