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Table of Contents

- I. BE IT ORDAINED4
- II. PURPOSE AND CONTROL4
 - A. EFFECTIVE DATE4
 - B. PURPOSE.....4
 - C. OBJECTIVES4
 - D. ESTABLISHMENT OF CONTROL5
 - E. SEVERABILITY5
- III. SUBDIVISION DESIGN.....6
 - A. CONDITIONS FOR APPROVAL6
 - B. DENSITY REQUIREMENTS.....6
 - 1. NUMBER OF LOTS.....6
 - 2. INDUSTRIAL AND COMMERCIAL SUBDIVISIONS.....6
 - C. OPEN SPACE REQUIREMENTS6
 - 1. RESIDENTIAL SUBDIVISIONS6
 - 2. COMMERCIAL AND INDUSTRIAL SUBDIVISIONS.....7
- IV. APPLICATION AND PROCEDURES8
 - A. WAIVER AUTHORIZATION.....8
 - B. REPLATS & AMENDMENTS.....8
 - C. MINOR RESIDENTIAL SUBDIVISIONS9
 - 1. PURPOSE9
 - a. PERIOD BETWEEN APPLICATIONS.....9
 - b. ACCESS.....9
 - c. MINOR PALT EXEMPTIONS.....10
 - 2. PRE-APPLICATION10
 - 3. CONCEPT PLAN.....10
 - 4. PRIMARY AND SECONDARY PLAT.....10
 - 5. NOTICE OF PUBLIC HEARING.....10
 - 6. DECISION BY THE APC OR PLAT COMMITTEE AS APPROPRIATE10
 - D. MAJOR RESIDENTIAL SUBDIVISIONS.....12
 - 1. PRE-APPLICATION12
 - 2. CONCEPT PLAN.....12
 - 3. PRIMARY PLAT14
 - a. APPLICATION.....14
 - b. PRIMARY PLAT PLANS15
 - c. NOTICE OF PUBLIC HEARING.....16
 - d. DECISION BY THE APC.....16
 - 4. SECONDARY PLAT.17
 - a. APPLICATION.....17
 - b. SECONDARY PLAT PLANS.....17
 - c. CONSTRUCTION PLANS.....18
 - d. PUBLIC NOTICE19
 - e. DECISION BY THE APC.....19
 - E. COMMERCIAL & INDUSTRIAL SUBDIVISIONS.....21
 - 1. PRE-APPLICATION21
 - 2. CONCEPT PLAN.21
 - 3. PRIMARY PLAT.21
 - 4. SECONDARY PLAT.22
 - 5. AMENDMENTS22

V.	PERFORMANCE AND MAINTENANCE SURETY	23
A.	PERFORMANCE SURETY.	23
	1. LETTER OF CREDIT OR BOND.....	23
	2. COMPLETION PERIOD	23
	3. EXTENSION	23
	4. RESPONSIBILITY OF THE SUBDIVIDER.....	23
	5. INSPECTIONS	24
B.	MAINTENANCE SURETY.	25
	1. LETTER OF CREDIT OR BOND.....	25
	2. RESPONSIBILITY OF THE SUBDIVIDER.....	25
	3. INSPECTIONS	25
VI.	STANDARDS FOR IMPROVEMENTS.....	27
A.	DRAINAGE & EROSION CONTROL	27
B.	LOTS.	30
C.	STREETS	32
D.	UTILITIES.	40
E.	OPEN SPACE	42
F.	MONUMENTS & MARKERS	44
G.	EMERGENCY WARNING SIRENS.....	45
H.	PUBLIC USES IN SUBDIVISIONS.....	45
	APPENDIX.....	46

I. BE IT ORDAINED UNDER AUTHORITY OF THE AREA PLANNING LAW OF THE STATE OF INDIANA (IC36-7-4): The Ordinance known and cited as the “Subdivision Control Ordinance of Boone County, Indiana” is hereby amended and restated as follows:

II. PURPOSE AND CONTROL

- A. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage by the appropriate Legislative Body. This ordinance was passed by:
Boone County Commissioners on December 21, 1998
Whitestown Town Board on _____, 1998
Advance Town Board on _____, 1998
- B. PURPOSE. This Ordinance is enacted for the purpose of adopting subdivision regulations for the jurisdictional area of the APC. The regulation of land subdivision has become widely recognized as a method of ensuring sound community growth and the safeguarding of the interests of the home owner, the subdivider, and the local government. The citizens of Boone County need the assurance that residential subdivisions will provide permanent assets to their community or neighborhood. This Ordinance should be viewed, not as an end in itself, but as one tool or technique for the shaping of urban oriented land use according to a Comprehensive Plan for the development of Boone County as a whole. The planning of a subdivision is the joint responsibility of the subdivider and the APC, the former having the prime responsibility for the creation of desirable, stable neighborhoods that become an integral part of the entire County. Subdivision design and utilities can enhance or depreciate the character and potentialities of the surrounding areas and stabilize or endanger the individual's investment in a home. The APC has the responsibility of helping the subdivider achieve a high standard of excellence in the planning of his subdivision, and of informing all subdividers of the minimum standards and requirements for subdivision development within Boone County.
- C. OBJECTIVES. The objectives of these subdivision regulations are to protect and promote the public health, safety, and general welfare, and to:
1. Preserve prime farmland soils.
 2. Avoid scattered and uncontrolled subdivision of land that would result in the unnecessary imposition of an excessive expenditure of public funds for the supply of services that are a part of the community infrastructure.
 3. Establish reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
 4. Prevent the pollution of air and water; provision of drainage facilities and the safeguarding of the water table; and the encouragement of wise use and

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

5. Simplify land descriptions and avoid susceptibility to more than one interpretation.

D. **ESTABLISHMENT OF CONTROL.** No plat or replat of a subdivision of land located within the jurisdiction of the APC shall be recorded until it has been approved by the APC or Plat Committee as appropriate, and such approval has been entered in writing on the plat by the appropriate Chairman and Director of the APC. In determining whether an application for approval of a Primary Plat or a Secondary Plat of a subdivision shall be granted, the APC shall determine that the plat is in accordance with the principles and standards required in this ordinance which shall be deemed as minimal; and whenever the applicable requirements of other ordinances adopted by the appropriate legislative body are higher or more restrictive, those requirements shall control any application for plat approval.

1. Before granting approval of any subdivision, the APC shall be satisfied that the proposed subdivision meets the criteria set forth in all other applicable ordinances including, but not limited to the Storm Drainage Erosion and Sediment Control Ordinance, the Mailbox Ordinance, and the Flood Hazard Management Ordinance.
2. Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics.
3. Land may be considered by the APC to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formations, topography, or any other feature harmful to the health and safety of potential residents and the community as a whole.
4. No land shall be subdivided for residential use unless adequate access to the land over approved streets or thoroughfares exists or will be provided by the subdivider.
5. No land shall be subdivided unless the intended use of the individual lot is in conformance with the Zoning Ordinance, now or hereafter adopted.

E. **SEVERABILITY.** If any chapter, article, section, subsection, clause, paragraph, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of proper jurisdiction, such decision shall not affect any other portion of this ordinance.

III. SUBDIVISION DESIGN

A. **CONDITIONS FOR APPROVAL.** The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the residents in the jurisdiction of the APC. Considerations for approval, in addition to the other criteria and requirements in this ordinance include:

1. Protection of all Primary Conservation Areas;
2. Preservation and maintenance of woodlands, existing fields, pastures, meadows, and orchards and creation of sufficient buffer areas to minimize conflicts between uses, including residential and agricultural uses;
3. Protection of wildlife habitat areas and sites of historic, archaeological or cultural value;

B. **DENSITY REQUIREMENTS.** The Comprehensive Plan encourages housing development around existing town centers where existing utilities, educational institutions, and public safety services are already in place. Therefore, development criteria have been established to limit development density unless close to the appropriate infrastructure.

1. **NUMBER OF LOTS.** The number of lots in any subdivision shall be as indicated in the applicable Residential Use and Requirements Table of the Zoning Ordinance. The number of acres used in determination of the number of lots shall exclude areas designated as Primary Conservation Areas. In determination of lots, any fraction of less than one-half shall be disregarded, while a fraction one-half or greater shall be counted as one lot.
2. **INDUSTRIAL AND COMMERCIAL SUBDIVISIONS.** Lot size and number of lots for commercial and industrial subdivisions shall be dictated by the private market.

C. **OPEN SPACE REQUIREMENTS**

PURPOSE. It is the desire of the Area Plan Commission to protect the natural, historic and community resources in Boone County, by promoting open space development within our jurisdiction. In preserving open space in subdivisions, several objectives will be promoted, such as preserving green space for recreation and aesthetic purposes, increasing future property values, and creating a sense of community and pedestrian movement.

1. **RESIDENTIAL SUBDIVISIONS.** Open space requirements for any subdivision shall be as indicated in the following table, or the sum of all Primary Conservation Areas and Bufferyards within a subdivision, whichever is greater. A minimum

amount of open space will not be required for residential subdivisions with less than 15 lots or multi-family developments with less than 15 units (see table below).

Minimum Open Space Requirements for Residential Subdivisions												
Zoning District	AG	RE	R1	R2	R3	R4	MF	LB	UB	GB	PB	AB
Single Family (15 lots or larger)	-	-	10%	20%	30%	30%	30%	30%	30%	30%	30%	30%
Two Family and Multi Family (15 units or larger)	-	-	-	30%	30%	30%	30%	30%	30%	30%	30%	30%
Mobile Home Parks	-	-	50%	50%	50%	50%	50%	-	-	-	-	-

All areas designated as Primary Conservation Areas shall be designated as open space. In instances where combined Primary Conservation Areas and Secondary Conservation Areas exceed the required percentage of open space, all Secondary Conservation Areas need not be designated as open space.

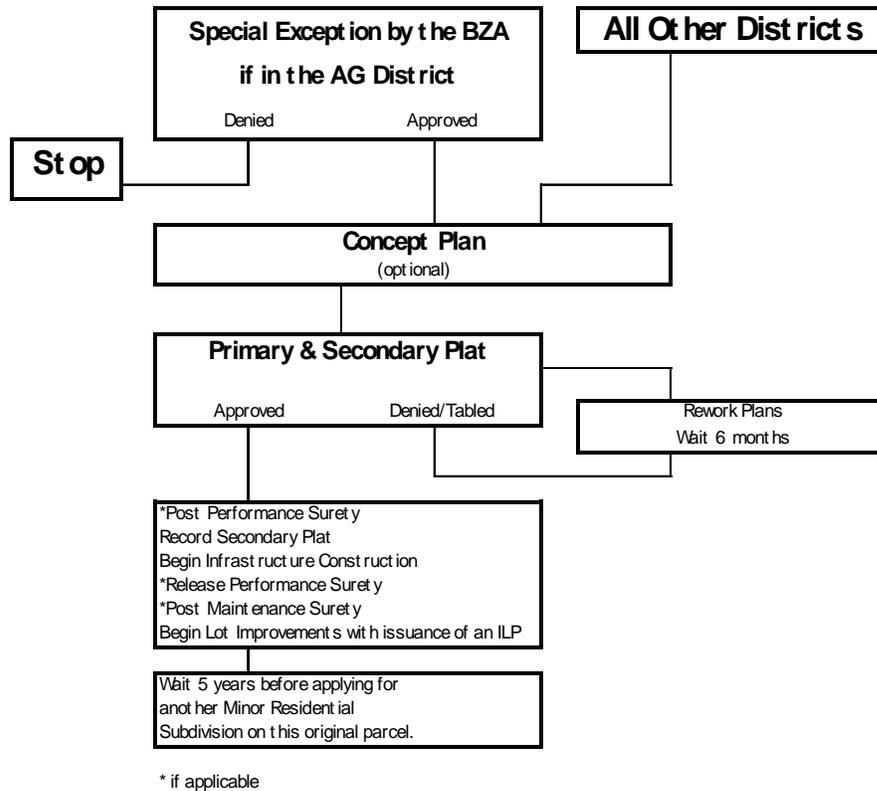
2. **COMMERCIAL AND INDUSTRIAL SUBDIVISIONS.** Commercial and industrial subdivisions shall be required to provide only sufficient open space as to meet the bufferyard requirements.

I. APPLICATION AND PROCEDURES

- A. **WAIVER AUTHORIZATION.** Where the subdivider can show that a provision of this ordinance would cause unnecessary hardship if strictly adhered to and where, in the opinion of the APC, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the APC may authorize a waiver. Any waiver must be requested at the time of Primary Plat or Secondary Plat application. Any waiver thus authorized is required to be entered in writing in the minutes of the APC and the reasoning on which the departure was justified shall be set forth.

- B. **REPLATS & AMENDMENTS.** For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the APC by the same procedure, rules, and regulations as for a subdivision.

C. MINOR RESIDENTIAL SUBDIVISIONS



1. **PURPOSE.** The division of a tract of land into four residential parcels or less may be approved as a minor subdivision one time only. The minor subdivision shall be subject to the same basic procedures as set forth in the Rules of Procedure. The intent of this Section is to eliminate unnecessary requirements and reduce the time and effort required by major subdivision plats. However, the intent of this section is not to circumvent good subdivision practices, therefore, use of this procedure shall be limited to the creation of three new parcels after November 1, 1998.
 - a. **APPLICATIONS FOR MINOR SUBDIVISION.** An applicant shall submit or receive approval one time on a parent tract allowing a minor residential subdivision containing no more than (4) residential lots, any further subdividing requires an application for a zoning map amendment for the entire tract.
 - b. **ACCESS.** Minor subdivisions may utilize a private, shared driveway as an alternate to development of a public street.
 - c. **MINOR PLAT EXEMPTIONS.** The following subdivisions are exempt

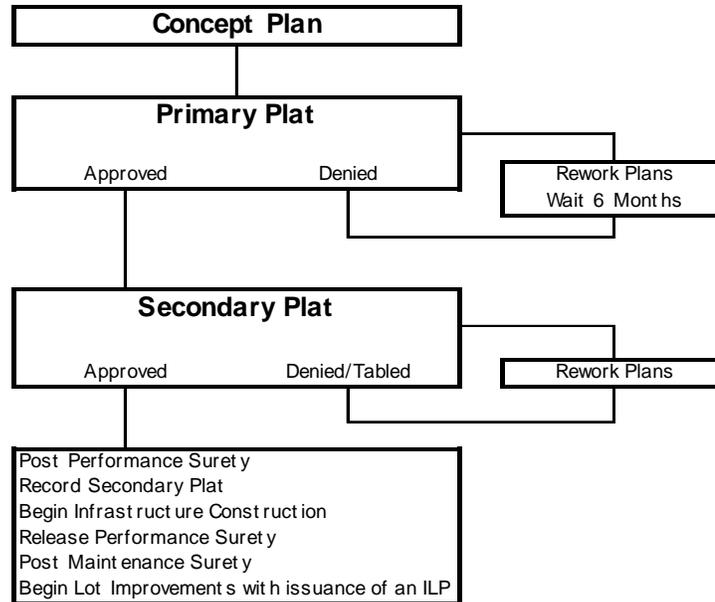
from the requirements of this section (IV C) if the Technical Advisory Committee reviews and approves the plan. If the applicant disagrees with the TAC recommendation, the petition must be presented to the APC as a minor plat.

- (1) Agricultural sales: A subdivision where the resulting lots are 1) intended solely for agricultural uses, 2) are at least twenty (20) acres, and 3) abut existing public ways.
 - (2) Two-lot subdivision: A subdivision resulting in only two (2) building lots where the parent lot, tract or parcel existed prior to January 1, 1999.
 - (3) Adjoining transfers: A subdivision resulting in the transfer or sale of land between adjoining lot owners that does not create additional building sites.
2. **PRE-APPLICATION.** From the standpoint of economy of time and money, it is recommended that the subdivider consult early and informally with the Director for advice and assistance. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
 3. **CONCEPT PLAN.** The Concept Plan is an optional part of any application for Primary Plat approval of a minor residential subdivision. Its purpose is to bring the conceptual proposal before the APC or the Plat Committee as appropriate and general public for discussion. The Concept Plan shall be prepared in accordance with standards set forth for Major Subdivisions.
 4. **PRIMARY AND SECONDARY PLAT.** Application for Primary and Secondary Plat Plans for minor subdivisions shall be in accordance with standards set forth for Major Subdivisions with the exception that they may be heard simultaneously by the APC or the Plat Committee as appropriate.
 5. **NOTICE OF PUBLIC HEARING.** Once an application has met all requirements, the Director shall set a date for a public hearing before the APC or the Plat Committee as appropriate. Notice of public hearing shall be in accordance with IC36-7-4-706 and with established Rules of Procedure. The cost of notification shall be borne by the applicant.
 6. **DECISION BY THE APC OR PLAT COMMITTEE AS APPROPRIATE.** Within 30 days after application for approval of the Secondary Plat, the APC or the Plat Committee as appropriate shall approve or disapprove it.
 - a. **APPROVAL.** If the APC or the Plat Committee as appropriate determines that the plat complies with the standards of this ordinance, it shall make written findings of fact and a decision granting secondary approval to the plat. The secondary approval of a plat by the APC or the Plat Committee as appropriate shall be certified on behalf of the APC by the Chairman of

the APC or by the Chairman of the Plat Committee as appropriate and the Director who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures. Approval by the APC or the Plat Committee as appropriate shall be reported to the APC at the next public meeting.

- b. **DISAPPROVAL.** If the APC or the Plat Committee as appropriate disapproves the Secondary Plat, it shall make written findings of fact and notify the applicant in writing within 10 days, stating the specific reasons for disapproval. This written notice shall be ratified by the APC and signed by the Chairman and Director of the APC.
- c. **APPEALS.** Appeals of decisions made by the APC or the Plat Committee as appropriate shall come before the APC for final decision and may be made by either the applicant or remonstrator in accordance with IC36-7-4-708.

D. MAJOR RESIDENTIAL SUBDIVISIONS



1. **PRE-APPLICATION.** From the standpoint of economy of time and money, it is recommended that the subdivider consult early and informally with the Director for advice and assistance. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
2. **CONCEPT PLAN.** The Concept Plan is required as part of any application for Primary Plat approval for major subdivisions. The applicant shall submit the Concept Plan to a public meeting of the APC prior to the Primary Plat hearing for the purpose of discussion and recommendations. The Concept Plan shall be drawn at a scale of 50 feet to one inch, except that when the drawing at that scale requires more than one sheet, the plan may be drawn at a scale of 100 feet to one inch. Sheets shall not exceed 24 inches by 36 inches in size. The Concept Plan shall consist of a site analysis map and a site development map.
 - a. **SITE ANALYSIS MAP.** A location map which may be prepared by indicating the required information by notation on available maps of an appropriate scale. The purpose of the site analysis map is to indicate consideration and respect for the unique features of a site. A site analysis map shall include the following:
 - (1) Location of the proposed subdivision, including adjacent parcels of land;

- (2) Existing schools, parks, fire, police, and emergency medical (EMS) facilities that will serve the subdivision;
 - (3) Public thoroughfares that will serve the subdivision;
 - (4) Water and sewer services to serve the subdivision, if applicable.
 - (5) Primary Conservation Areas;
 - (6) Secondary Conservation Areas;
 - (7) Location of streets and thoroughfares including those in contiguous subdivisions or undeveloped property;
 - (8) Other unique features or characteristics of the site such as views (to and from the site), impacts (by the subdivision or by surrounding elements) and geographical features;
 - (9) Indication of the resulting prime location for houses after site analysis.
- b. **SITE DEVELOPMENT MAP.** The site development map shall indicate the proposed layout of the subdivision, including streets, lots, houses and common areas. In coordination with a Primary Plat application, the Primary Plat may act as the site development map.
 - c. **NOTICE OF PUBLIC MEETING.** A placard displaying the public meeting date and relevant information for the Concept Plan will be posted on the subject site in a prominent, visible location as the notice of public hearing. The non-refundable cost of the placard shall be borne by the applicant at the time of filing as noted in the Fee Schedule.
 - d. **PUBLIC MEETING.** The Concept Plan shall go before the APC for presentation to and suggestions by the APC. While no official action shall be taken, the APC shall mandate impact assessments to be performed prior to application for Primary Plat.
 - e. **IMPACT ASSESSMENT.** As a result of Concept Plan review, the APC may require that impact assessments be done for discussion at the time of the Primary Plat hearing. Impact assessment shall be performed by a qualified professional with training, experience, and expertise in the field relevant to the specific section of the study in which work shall be performed. The APC shall mandate such studies at the expense of the applicant and of the professional of choice of the APC. Such assessment may include any of the following: traffic and transportation; tax base; water and sewer service; fire, police, and emergency services; schools; parks. Any additional expense necessary to ensure adequate information, reports, or plans shall be met by the applicant.

3. PRIMARY PLAT

- a. APPLICATION. A subdivider desiring approval of a Primary Plat of a subdivision of any land lying within Boone County shall submit to the Director:
- (1) a written application for approval,
 - (2) 10 copies each of the Concept Plan and Primary Plat,
 - (3) draft covenants and restrictions of the subdivision,
 - (4) all impact assessments mandated by the APC,
 - (5) a clear transparency at a scale of 1 inch = 400 feet to overlay on aerial maps,
 - (6) a basic layout of the subdivision on a sheet not to exceed 11 inches by 17 inches.

The application shall be in accordance with filing deadlines predetermined by the APC before the meeting at which the APC is expected to consider said application. The application shall be accompanied by an application fee as indicated in the Fee Schedule. The Director shall surrender the application fee to the Boone County Auditor. The application fee shall be non-refundable. Of the application copies submitted, the Director shall forward one copy to each of the following:

- Boone County Surveyor
- Boone County Board of Health
- Natural Resource Conservation Service Soil Conservationist
- Applicable County, City, or Town Engineer
- Applicable public utility which may be affected
- Applicable executive officer of any Town or City
- Boone County Highway Department Superintendent
- Applicable School Superintendent
- Applicable Safety Services

If the application is for a Development Plan Approval and includes any real estate located within two miles of an incorporated City or Town, one additional copy of all required plans shall be filed with the Director. The Director shall distribute the additional plans to the applicable Town Officials for review and comment in the same manner as the above listed agencies.

The above listed agencies, persons, or Town Officials shall forward any comments or recommendations concerning said plat to the Director prior to the date of the meeting at which the APC is expected to consider said application in accordance with the Rules of Procedure.

- b. PRIMARY PLAT PLANS. The Primary Plat shall be required as part of any application for Primary Plat approval. If applicable, the applicant shall submit proof of secured public sewer and/or public water connection. The plat shall be drawn at a scale of 50 feet to one inch, except that when the

drawing at that scale requires more than one sheet, the plat may be drawn at a scale of 100 feet to one inch. Sheets shall not exceed 24 inches by 36 inches in size. The Primary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. A primary subdivision plat shall be submitted showing the following, but not limited to:

- (1) The proposed name of the subdivision
- (2) Names and addresses of the owner, subdivider, and consulting engineer, land surveyor, or planning firm that prepared the plan
- (3) Legend and notes including the scale, north point, and date
- (4) Tract boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners
- (5) Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision
- (6) All section and municipal corporate boundaries lying within or contiguous to the tract
- (7) Topographic contours at typical intervals of one foot if the general slope of the tract is less than 5%, or intervals of two feet if the slope is in excess of 5%. Said contours shall be referenced to mean sea level elevations
- (8) Layout of lots, showing dimensions and numbers and square footage of each lot
- (9) Building lines showing setback dimensions throughout the subdivision
- (10) Parcels of land proposed to be dedicated or reserved for schools, open space (indicating its use as park, playground, natural area, or other) or other public, semi-public or community purposes
- (11) Streets, rights-of-way, and driveways within 500 feet on adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and horizontal curve radii.
- (12) Existing and proposed easements including the location, width, and purpose of such easements
- (13) Location, size, and capacity of any public sewer and/or water utilities, if such facilities are available
- (14) Location of natural streams, regulated drains, floodplain, pipelines, power lines, etc.
- (15) A description of the surface drainage system to an approved outlet, including data showing that said outlet is adequate to accommodate the drainage requirements of the finished subdivision. Arrows designating the general drainage of all streets and lots shall be included.
- (16) Location of any subsurface drainage required under the Boone County Sewage and Drainage Ordinance and any amendments thereto, showing the location of all easements and all data pertaining to the size and capacity of such drainage

- (17) The boundaries and numbers of sections shall be shown if the Primary Plat is to be divided into sections or phases of development.
 - (18) Protective covenants and restrictions which are properly prepared and legally sound shall, subject to the approval of the APC.
 - (19) Bufferyard, lighting and parking plans.
- c. **NOTICE OF PUBLIC HEARING.** Once an application has met all requirements, the Director shall set a date for a public hearing before the APC. Notice of public hearing shall be in accordance with IC36-7-4-706 and with the Rules of Procedure established by the APC. The cost of notification shall be borne by the applicant.
- d. **DECISION BY THE APC.** Within 30 days of the public hearing concerning an application for approval of a subdivision plat, the APC shall notify the applicant in writing stating whether the Primary Plat is approved or disapproved.
- (1) **APPROVAL.** If the APC determines that the Primary Plat complies with the standards set forth in this Ordinance, it shall make written findings of fact and a decision granting primary approval to the plat.
 - (a) The APC may introduce such changes or revisions as are deemed necessary to the best interest and general welfare of the community.
 - (b) Approval of a Primary Plat by the APC signifies the general acceptability of the layout submitted.
 - (c) Approval of a Primary Plat shall be effective for a maximum period of two years unless, upon application of the applicant the APC grants an extension. The APC may extend approval of a Primary Plat to a maximum of four years without further notice, public hearing, or fees.
 - (2) **DISAPPROVAL.** If the APC disapproves a Primary Plat application, the APC shall make written findings of fact and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the Chairman and Director of the APC.
 - (a) The applicant shall be required to observe a six month waiting period before refiling a Primary Plat which has been disapproved by the APC.
 - (b) The original applicant may submit a new application for Primary Plat approval in accordance with established Rules of Procedure.

4. SECONDARY PLAT.

- a. **APPLICATION.** After approval of the Primary Plat by the APC and fulfillment of the requirements of this ordinance, the applicant shall submit to the Director a written application for Secondary Plat approval, 10 copies each of the Secondary Plat, construction plans, landscape plans, final covenants and restrictions of the subdivision, and all approved required State and Federal permits. Such application shall be filed in accordance with filing deadlines predetermined by the APC before the meeting at which the APC is expected to consider said application. At the time of filing, the application shall be accompanied by a non-refundable application fee as indicated in the Fee Schedule. The Director shall surrender the application fee to the Boone County Auditor.

The Director shall forward one copy to each of the individuals indicated in the previous section regarding Primary Plat Application. Those agencies or persons shall forward any comments or recommendations concerning said plat to the Director prior to the date of the meeting at which the APC is expected to consider said application for Secondary Plat approval.

- b. **SECONDARY PLAT PLANS.** The plat shall be drawn at a scale of 50 feet to one inch, except that when the drawing at that scale requires more than one sheet, the plat may be drawn at a scale of 100 feet to one inch. Sheets shall not exceed 24 inches by 36 inches in size. The Secondary Plat shall be prepared and certified by a land surveyor and/or a professional engineer registered by the State of Indiana. The Secondary Plat may include all or only a part of the Primary Plat which has received approval. The following information shall be shown on the Secondary Plat, but not limited to:
- (1) Name of subdivision and section number followed by the words "Secondary Plat".
 - (2) Accurate boundary lines, with dimension and angles, which provide a legal survey of the tract, closing with an error of not more than one foot in 5,000 feet.
 - (3) Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plan.
 - (4) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - (5) Accurate metes and bounds description of the tract boundary.
 - (6) Source of title of the applicant to the land as shown by the last entry in the books of the County Recorder.
 - (7) Street names.
 - (8) Complete curve data for all curves included in the plan.
 - (9) Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines.
 - (10) Lot numbers and dimensions including the square footage of each lot.

- (11) Accurate locations of easements for utilities and any limitations on such semi-public or community use.
- (12) Accurate dimensions and plans for any property to be dedicated or reserved for open space or other public, semi-public, or common use.
- (13) Building lines and setback dimensions throughout the subdivision.
- (14) Location, type, material, and size of all monuments and markers.
- (15) Plans and specifications for the improvements required in this Ordinance.
- (16) Final protective covenants and restrictions which are properly prepared and legally sound which shall be incorporated into the plat and restrictions of all types which will run with the land and become covenants in the deed for lots.
- (17) Name and address of the owner and subdivider.
- (18) North point, scale, and date.
- (19) Certification of dedication of streets and other public property.
- (20) Final landscaping, lighting or parking plans shall be incorporated in the Secondary Plat design plans when requested by the Director or the APC.
- (21) Certificate of approval by the APC.

c. **CONSTRUCTION PLANS.** It shall be the responsibility of the subdivider of every proposed subdivision to have prepared and certified by a land surveyor and/or professional engineer registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The final construction plans shall be based on preliminary plans which have been approved with the Primary Plat, and shall be prepared, submitted, and distributed in conjunction with the Secondary Plat. The plans shall show the following:

- (1) Construction plans shall be prepared for all required improvements. Plans shall be drawn on standard 24 x inch by 36 inch sheets at a scale of no more than one inch equals fifty 50 feet, and map sheets shall be of the same size as the Primary Plat.
- (2) Topographic contours at intervals of one foot if the general slope of the tract is less than 5% or intervals of 2 feet if the slope exceeds 5%. Contours shall be referenced to mean sea level elevations.
- (3) Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection. Approximate radii of all curves, lengths of tangents, and central angles on all streets. Complete curve data for all curves included in the plan.
- (4) Where steep slopes exist, the APC may require that cross-sections of all proposed streets at 100 foot stations shall be shown as

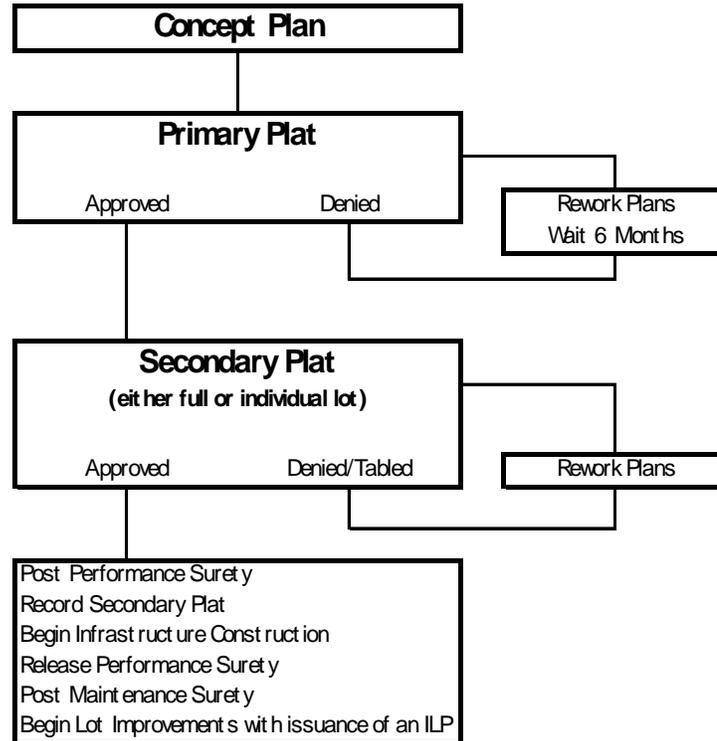
follows: on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, points 25 feet inside each property line, edges of pavement, curbs, break points, and ditch lines.

- (5) Plans and profiles showing the location and typical cross-section of streets including curbs and gutters, sidewalks, mailboxes, rights-of-way, drainage facilities, manholes, and catch basins: the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems: the location of street trees, street lighting standards, and street signs: and exact location and size of all water, gas, or other underground utilities or structures.
 - (6) Location, size, elevation, and other appropriate description of any other existing physical and natural features or facilities including features noted on the official maps of local government, trees with a diameter of eight inches or more (measured four feet above ground level), the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes and streams. All elevations shall be referred to the USGS datum plane.
- d. **PUBLIC NOTICE.** Public notice for Secondary Plats shall be in accordance with the Rules of Procedure established by the APC.
- e. **DECISION BY THE APC.** Within 60 days after application for approval of the Secondary Plat, the APC shall approve or disapprove it.
- (1) **APPROVAL.** If the APC determines that the plat complies with the standards of this ordinance, it shall make written findings of fact and a decision granting secondary approval to the plat. After necessary performance surety has been posted, the secondary approval of a plat by the APC shall be certified on behalf of the APC by the Chairman and Director who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures. One copy of the certified plat shall be forwarded to each the following persons:
 - Boone County Surveyor
 - Boone County Auditor and Recorder
 - Appropriate public utility that may be affected
 - Subdivider or applicant
 - File of the APC
 - (a) **RECORDING.** A plat of a subdivision may not be filed with the Boone County Auditor and the Boone County Recorder may not record it, unless it has been granted secondary approval by the APC and has been properly signed by the Chairman and Director of the APC. The

filing and recording of the plat is without legal effect unless approved by the APC.

- (b) **IMPROVEMENT LOCATION PERMITS.** No Improvement Location Permit shall be issued by the Director, or his agent, for any structure on any subdivision lots prior to the following:
- i) The recording of said subdivision by the County Recorder of Boone County, Indiana, except for the purposes of public facilities, and
 - ii) Installation and completion of all improvements, including grading, as shown on the development plans and approved by the APC, 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 installed prior to acceptance of the road for public maintenance.
 - iii) Written certification from the Boone County Highway Department and the Boone County Surveyor that improvements are complete.
 - iv) The release of necessary performance surety and the posting of necessary maintenance surety.
- (2) **DISAPPROVAL.** If the APC disapproves the Secondary Plat, it shall make written findings of fact and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the Chairman and Director of the APC.

- E. **COMMERCIAL & INDUSTRIAL SUBDIVISIONS.** In creating commercial or industrial subdivisions, it is recognized that the subdivider often faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the APC shall be upon street layout and lot arrangement.



1. **PRE-APPLICATION.** From the standpoint of economy of time and money, it is recommended that the subdivider consult early and informally with the Director for advice and assistance. This will enable the subdivider to become familiar with these and other regulations as they affect the area and will prevent unnecessary and costly revisions.
2. **CONCEPT PLAN.** Procedures for the Concept Plan shall in accordance with standards set forth for Major Subdivisions.
3. **PRIMARY PLAT.** Procedures for the Primary Plat shall be in accordance with standards set forth for Major Subdivisions, however, the subdivider need show only two lots along with the street and block layout.
4. **SECONDARY PLAT.** Procedures for the Secondary Plat shall be prepared in accordance with standards set forth for Major Subdivisions and may be done in one of two ways.

- a. FULL PLAT. The subdivider may submit the Secondary Plat for the entire subdivision and then amend the Secondary Plat as may be necessary.
 - b. INDIVIDUAL LOT. The subdivider may submit the Secondary Plat for each lot which will include all necessary infrastructure serving such lot.
5. AMENDMENTS. As prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded subdivision plat for consideration. Streets that have been built by following an approved set of plans on the previously approved Secondary Plat shall not have to be rebuilt because of the adoption of new criteria by the APC. This shall also apply to storm drainage facilities within said subdivision unless runoff characteristics have been changed by the newly proposed improvements or by unauthorized existing improvements.

II. PERFORMANCE AND MAINTENANCE SURETY

- A. **PERFORMANCE SURETY.** Before the plat is signed by the officers of the APC or is recorded, the subdivider shall file a performance bond or irrevocable letter of credit with the APC office and the appropriate legislative body.
1. **LETTER OF CREDIT OR BOND.** The performance bond or letter of credit shall:
 - a. Cover 100% of the installation costs of the streets, surface swales, subsurface and storm drainage systems, and seeding/erosion control.
 - b. Run to the appropriate legislative under whose jurisdiction the subdivision is located.
 - c. Be in an amount determined by the appropriate legislative body to be sufficient to complete the improvements and installations in compliance with this Ordinance. The subdividers engineer shall supply an estimate of the cost of improvements and installations on the project to aid in determination of the amount of surety. The engineer's estimate, however, shall not be binding.
 - d. Be with surety satisfactory to the appropriate legislative body. Comply with all statutory requirements and shall be satisfactory to the counsel of the appropriate legislative body as to form, sufficiency, and manner of execution as set forth in these regulations.
 2. **COMPLETION PERIOD.** The period within which required improvements must be completed shall not in any event exceed two years from date of final approval.
 3. **EXTENSION.** The appropriate legislative body may, upon proof of difficulty, extend the completion date set forth in such surety for a maximum period of one additional year. The appropriate legislative body may at any time during the period of such surety accept a substitution of principal or sureties on the surety upon recommendation of counsel for the appropriate legislative body.
 4. **RESPONSIBILITY OF THE SUBDIVIDER.** All required improvements shall be made by the applicant, at his expense, without reimbursement by the local government or any improvement district therein.
 - a. In those cases where performance surety has been posted and required improvements have not been installed within the terms of such performance surety, the local government may thereupon declare the surety to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the surety is declared to be in default.

- b. Any money received from the surety or otherwise shall be used only for making the improvements and installations for which the surety was provided.
- c. The subdivider shall be required to maintain at his expense a certified civil engineer or engineering firm on the job site to manage the construction of the subdivision improvements. The on-site engineer shall certify that the subdivision construction is in compliance with the detailed construction plans submitted to the APC during the review of the Secondary Plat. The on-site engineer shall submit weekly progress reports to the Director during construction and should notify the Director, County Engineer, and other appropriate officials when important work has been scheduled so that the County may conduct an inspection. A final report shall be submitted to the APC and the appropriate legislative body by the engineer or his firm. If the County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the local government construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by performance surety, the applicant and the bonding company shall be severally and jointly liable for completing the improvement according to specifications.
- d. The appropriate legislative body shall not accept any of the required improvements nor release the performance surety until the appropriate officials have submitted a final inspection report. Such a report shall state that all required improvements have been satisfactorily completed and that the layout of all public improvements is in accordance with the construction plans submitted by the subdivider's engineer for the development. Only after this step should the appropriate legislative body consider acceptance of the improvements and the release of the performance surety .

5. INSPECTIONS

- a. **ROAD INSPECTION.** It shall be the duty of the subdivider to notify the County Highway Superintendent before any construction commences on the curbs, gutters, public walks, or roads in the subdivision, such that the inspector may run any and all tests required during the construction period.
- b. **SEWER AND WATER INSPECTION.** It shall be the duty of the subdivider to notify the Boone County Health Department, before any construction commences such that the Sanitarian may run any and all tests required on the sewage disposal and water supply facilities in said subdivision.

- c. DRAINAGE INSPECTION. It shall be the duty of the subdivider to notify the Boone County Surveyor before commencing construction so that any and all tests may be run on the drainage structures and the grading of the subdivision during the entire construction period.
- B. MAINTENANCE SURETY. Upon completion of all subdivision improvements and the release of the performance surety and prior to acceptance of these improvements into the Boone County maintenance system, the subdivider shall provide a three-maintenance bond or irrevocable letter of credit. Upon completion of all infrastructure installation, the plans for such systems as built shall be filed with the office of the APC.
 1. LETTER OF CREDIT OR BOND. The maintenance bond or letter of credit shall:
 - a. Be in an amount equal to 20% of the cost of said improvements and installations as indicated in establishment of the performance surety.
 - b. Cover any necessary maintenance needed for the streets, surface swales, subsurface and storm drainage systems, and seeding/erosion control during the three year maintenance period.
 - c. Run to the appropriate legislative body, under whose jurisdiction the subdivision is located.
 - d. Provide surety satisfactory to the appropriate legislative body.
 2. RESPONSIBILITY OF THE SUBDIVIDER.
 - a. The subdivider shall warrant the workmanship and all materials used in the construction, installation, and completion of said improvements and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications, and requirements of this Ordinance and the satisfactory plans and specifications for the subdivision by the APC.
 - b. Any money received from the surety or otherwise shall be used only for making the improvements and installations for which the surety was provided.
 3. INSPECTIONS. Near the end of the three year maintenance period and before the maintenance surety is scheduled to expire, the Director shall schedule an inspection of the subdivision. If the appropriate officials find upon inspection that any of the required improvements are in need of repair, he shall notify the Director, the appropriate legislative body, and subdivider of those items in need of repair, and he shall prepare a report documenting such items. The subdivider shall be required to complete the repairs and upon the satisfactory completion of

such repairs may request that the appropriate legislative body assume maintenance of all subdivision improvements and release the maintenance bond. Until acceptance of the subdivision improvements by the County, it shall be the responsibility of the subdivider to maintain the subdivision to the standards of the County.

III. STANDARDS FOR IMPROVEMENTS

A. DRAINAGE & EROSION CONTROL

1. In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met;
2. The locations, grading, and placement of sub-grade (base) material of all street, public driveway, and public parking areas shall be accomplished as the first work done on a development plan.
3. All lots, tracts, or parcels shall be graded to provide proper drainage away from the buildings and dispose of it without ponding, and all land within the development shall be graded to drain and dispose of surface water without ponding, except where approved by the Boone County Drainage Board. Around each permanent building foundation there shall be a slope with a minimum vertical fall of six inches for the area measured from the foundation to a point ten feet from the building foundation or to the property line, whichever is closer.
4. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted as required and shall be of such slope, shape, and size as to conform with the requirements of the APC.
5. Concentration of surface water runoff shall only be permitted in swales or watercourses.
6. Land alteration shall be accomplished in such a way that the grades left at the time that the work is completed will be permanent and stable.
7. EXCAVATION AND FILLS
 - a. Cuts and fills shall not endanger adjoining property.
 - b. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil,
 - c. Fills shall not encroach or impede flows on natural watercourses or constructed channels.
 - d. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during this period of construction.
 - e. Grading will not be done in such a way so as to divert water onto the property of another land owner without the expressed consent of the Director.
 - f. During grading operations, necessary measures for dust control will be exercised.

- g. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of temporary or permanent culverts or bridges.
- 8. **SEDIMENTATION.** Whenever sedimentation is caused by stripping, vegetation, regrading, or other development activities, it shall be the responsibility of the applicant, person, corporation, and/or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage at his expense as quickly as possible.
- 9. **MAINTENANCE.** Maintenance of all driveways, parking areas, drainage facilities, and watercourses within any development plan area is the responsibility of the subdivider, provided that said facilities have not been dedicated to the public and accepted by the appropriate authority for public maintenance.
- 10. **CONSTRUCTION ALONG WATERWAYS.** It is the responsibility of the applicant and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the floodplain, floodway, or floodway fringe area of any watercourse during the period of development to return these areas to their original or equal conditions upon completion of said activities.
- 11. **CONSTRUCTION IN/ALONG DRAINAGE WAYS.** No applicant or person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Boone County Drainage Board and/or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.
- 12. **DESIGN, INSTALLATION, AND MAINTENANCE.** The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the standards and specifications set forth in the Storm Drainage, Erosion and Sediment Control Ordinance.
- 13. **PLAN APPROVAL.** The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development, and shall become a part thereof.
- 14. **GRADING/CLEARING.**
 - a. Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Director.

- b. In the event the subdivider proceeds to clear and grade prior to the approval of the subdivision or development plan, without satisfying conditions specified herein, the jurisdictional agency having authority over the approval of said subdivision or development plans may revoke the approval of all plans and a suit for an injunction may be instituted by the APC to halt further construction until development plans are approved.
 - c. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least adequate cover on the lots. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street in the subdivision.
15. Land which exhibits severe limitations to urban development due to flooding, inadequate drainage, poor soils, or other features likely to be harmful to the safety, welfare, and general health of future residents, shall not be subdivided, unless adequate remedies to overcome said limitations are formulated by the subdivider and approved by the APC and other appropriate public agencies.
16. Land which exhibits very severe limitations to urban development, such as floodplains and very poorly drained organic (muck) soils, characterized by seasonal high water tables at or near the surface, ponding, or frequent to occasional flooding, shall not be platted for urban development or used for non-agricultural structures.
17. The subdivider shall provide the subdivision with an adequate storm water sewer system in accordance with the Storm Drainage, Erosion and Sediment Control Ordinance. When the surface drainage is adequate, easements for such surface drainage shall be provided. Curbs and gutters along streets are required, however, if the APC finds it necessary to waive this requirement, a shallow swale with its low point at least three inches below the elevation of the subgrade of the pavement shall be installed. In this case, one of the following types of improvements shall be furnished at driveway crossings:
- a. A corrugated metal pipe, at least 12 inches in diameter and 14 feet in length to be placed where required for each driveway; or
 - b. A proper length vertical curve concrete pavement, 24 feet in length, 12 feet minimum width, and six inches thick, designed to meet INDOT Standard Specifications so as not to create a hazard to the under parts of automobiles, at the entrance of each driveway.
18. Upon completion of the storm sewer installation, the plans for such system as built shall be filed with the APC and the Boone County Surveyor.

19. When the County Sanitarian requires that lots on septic systems in a subdivision be served by a sub-surface drainage system the APC may require that where at all possible the outlet tiles for the sub-surface drainage system shall be installed at a proper depth parallel to the streets. The tile system would serve the dual purpose of providing an outlet for the subsurface drainage system and would also drain excess water from under the street pavement.
- B. LOTS. Subdivision lots shall be in accordance with the standards set forth in the Zoning Ordinance. The Boone County Sanitarian may require lots larger than required to adequately address septic concerns.
1. 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.
 2. All lots shall abut on a street.
 3. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but pointed or very irregular lots should be avoided.
 4. Double frontage lots should not be platted, except that, where desired along interstates, arterials, major collectors, or minor collectors, lots may face on a local street and back on such thoroughfares. In that event a bufferyard of no less than Bufferyard D of the Zoning Ordinance; shall be provided along the back of each lot.
 5. Building lines shall conform to the provisions of the Zoning Ordinance.
 6. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building lines on both streets. A corner lot shall include a vision clearance space between 3 feet and 12 feet above the established grade at the street corner which is free from any kind of obstruction to vision. The vision clearance space shall occupy the triangular space at the street corner which is above a diagonal line connecting two points measured 15 feet equidistant from the street corner along each property line.
 7. Whenever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.
 8. Lots abutting a watercourse, drainage way, channel, or stream, outside of the area designated as open space shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Ordinance for front, rear, and side yards.

9. The following paragraph shall be required as a provision of the restrictive covenants of all final plats to which they apply: "No driveway on any corner lot shall enter the adjoining street at a point closer than 75 feet to the intersection of the street right-of-way lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. "
10. Lots shall not derive access exclusively from an arterial, major collector or minor collector. Where driveway access from an arterial, major collector or minor collector may be necessary for several adjoining lots, the APC may require that such lots be served by a shared driveway in order to limit possible traffic hazards on such street. Because of their limited nature, shared driveways are not required to meet public roadway requirements.
11. In order to provide extended flexibility in design, road frontage requirements may be reduced by up to 20% on up to 20% of all lots in a subdivision.
12. In order to preserve agricultural ground, minor subdivisions in the AG District shall be laid out in a cluster design. This is best accomplished by contiguously grouping the lots in such a manner so as to consume the least amount of land possible given the constraints of the landscape.
13. Depth and Width of any lot shall not exceed a 3:1 depth to width ration
14. Adverse Environmental Regulations
 - (a) No land shall be subdivided that is found to be unsuitable for subdivisions by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to public health, safety or general welfare, unless such unsuitable conditions are to the satisfaction of the County.
 - (b) No subdivision containing land located in a floodway or a flood hazard area shall be approved by the Area Plan Commission with the approval of Indiana Department of Environmental Management. No lot shall be Located so as to include land located within a floodway or flood hazard area unless the lot is such size and shape it will contain a buildable area not within a floodway or flood hazard area, suitable for development as allowed by the zoning ordinance for zone in which the lot is located.
15. Adjacent Land Uses
All residential subdivisions must depict an arrangement of residential lots so as to

reduce, the maximum extent feasible, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts and to demonstrate compatibility of the proposed minor plat and existing agricultural uses.

16. Rural Design

All lots in the Agricultural District must design the lot configuration to take into account the minimum spacing between newly constructed dwellings. The minimum spacing between residential dwellings is 140' feet. The minimum space shall provide an aesthetic reprieve from new residential development going into a rural area. Within the 140' foot buffer, no permanent structures can be built. The applicant must provide a provision in the Covenants, Conditions, and Restrictions which describes the obligation of the developer to meet the requirements of the spacing buffer.

17. Aesthetic Design

An aesthetic design reprieve shall be placed on developing minor plats in the Agricultural District. The minimum spacing buffer shall be measured from the nearest property line requiring a spacing distance between minor plats equally sharing the 300' reprieve not less than ½ of the 300' reprieve per developer. Within the minimum spacing buffer, no permanent structures can be built. The applicant must provide a provision in the future Covenants, Conditions, and Restrictions for any developing minor plat which describes the obligation of the developer to meet the requirements of the minimum spacing buffer.

C. STREETS

1. PRIVATE ROADWAYS.

- a. MINOR SUBDIVISIONS. Private roadways may be constructed to serve lots in minor subdivisions. The owners of each lot parallel to the roadway shall own, as tenants in common, an undivided interest in the private roadway.
- b. MAJOR SUBDIVISIONS. Private roadways are not permitted in any type of major subdivisions.

2. GRAVEL ROADS. Public gravel roads, in general, will not be improved by the county in order to mitigate impacts resulting from increased population or subdivision.

3. ABANDONMENT. No public roadway shall be abandoned or vacated unless in accordance with IC36-7-3.

4. **LINES OF RIGHT-OR-WAY.** For the purposes of establishing lot lines, street right-of-way lines shall be considered as the front line of lots and tracts bordering such street.
5. **STREET CLASSIFICATIONS.** Streets in Boone County are classified as Interstate, Arterial, Major Collector, Minor Collector and Local. For the purposes of subdivision development, Local roads shall be further classified and defined as follows:
 - a. **SUBCOLLECTOR.** Subcollectors operate as the principal traffic artery within subdivision development. Subcollectors commonly carry relatively high volumes and convey traffic from collectors and other county roads outside of the development. Subcollectors are designed to promote the free flow of traffic. Parking along a subcollector shall be prohibited and road cuts shall be minimized.
 - b. **FEEDER.** Feeders convey traffic from access streets to subcollectors, collectors and other county roads. Feeders commonly carry a relatively low volume of traffic. Feeders may be used for road frontage and access to lots.
 - c. **ACCESS.** Access streets convey traffic from the subdivision lot to feeders or subcollectors. Access streets commonly carry no through traffic and include short streets, often ending in a cul-de-sac. Access streets are designed to serve a limited number of dwellings or establishments.
6. **CONSIDERATIONS FOR STREET CLASSIFICATION.** In classification of streets, the following shall be considered:
 - a. **AVERAGE DAILY TRAFFIC (ADT).** As noted in Table 4, ADT shall be determined according to Trip Generation, developed by the Institute of Transportation Engineers. In the instance that a use is not indicated, the applicant shall either propose, to the satisfaction of the Director, a similar but indicated use, or provide sufficient private information regarding such use as to provide an accurate estimate of average daily traffic including but not limited to:
 - (1) Density and lot width
 - (2) Abutting land use
 - (3) Availability of off-street parking
 - (4) Proximity of residential to commercial (or commercial to residential) development and other services
 - (5) Public service such as trash collection, snow removal and public safety

Traffic Volume According to Street Classification
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Traffic Volume According to Street Classification	
Class	ADT Range
Access	0 to 200
Feeder	201 to 1,000
Subcollector	1,001 to 3,000
Collector (Minor or Major)	3,001 to More

7. LAYOUT. The street layout shall provide adequate vehicular and pedestrian access to all lots and parcels of land within the subdivision and where streets cross other streets, jogs shall not be created. Streets shall conform to the following principles and 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 may 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 adjacent to the proposed subdivision, the remainder of the street 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. Local circulation systems and land development patterns shall not conflict with the efficiency of bordering thoroughfares.
 - f. Widths of thoroughfares shall conform to the widths set forth in Appendix 2, Street Design Characteristics.
 - g. The minimum right-of-way of Residential Streets or Cul-de-sacs shall be 50 feet. All cul-de-sacs longer than 600 feet shall terminate in a right-of-way with a minimum diameter of 100 feet and minimum roadway diameter of 95 feet.
 - h. The center lines of streets should intersect as nearly at right angles as possible.

- i. At intersections of streets, property line corners shall be rounded by arcs of at least 20 feet radii or by chords of such arcs.
- j. If the smaller angle of intersection of two streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the APC.
- k. Intersections of more than two streets at one point shall be avoided.
- l. Street jogs with centerline off-sets of less than 125 feet shall not be permitted when intersecting an access or feeder road, or 250 feet when intersecting a subcollector or collector road.
- m. Where parkways or special types of streets are involved, the APC may apply special standards to be followed in their design.
- n. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, arterial, major collector, or minor collector, frontage or access road to be built in such a manner as to provide adequate and safe access, parking and loading to the site while minimizing road cuts.
- o. A temporarily 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 constructed. An adequate easement for a turn-around shall be provided for any such temporary dead-end street which extends 200 feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
- p. In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established in Appendix 2, Street Design Characteristics, the subdivider shall dedicate additional width along either one or both sides, of such streets of inadequate width so as to bring them up to standards, provided the area to be used for widening is owned by the subdivider or under his control.
- q. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center line as follows: Arterials and Major Collectors - 500 feet; Minor Collectors - 300 feet; Local Streets - 200 feet.
- r. Curvature measure along the center line shall have a minimum radius as follows: Arterials and Major Collectors - 500 feet; Minor Collectors - 300 feet; Local Streets - 200 feet.
- s. Between reversed curves of Arterials, Major Collectors and Minor Collectors, there shall be a tangent of not less than 100 feet and on Local Streets such tangent shall be not less than 40 feet.

- t. Maximum grades for streets shall be as follows:
 - u. Arterials, Major Collectors and Minor Collectors: not greater than 6%.
 - v. Local Streets: not greater than 8%.
 - w. The minimum grade of any street gutter shall not be less than 0.5%.
8. **STREET NAMES.** No street names may be used which will duplicate, or be confused with, the names of any existing streets unless said proposed streets are the logical extension of continuation of, or obviously in alignment with an existing platted street, in which case the proposed streets shall bear the names of such existing streets. The APC shall have final authority to approve names for all streets.
 9. **SUBDIVISIONS BORDERING EXISTING STREETS.** Whenever a proposed subdivision borders an existing street, the APC may require the reconstruction or widening of such street as a condition of plat approval. Additional dedication of right-of-way may also be required.
 10. **SITE LINES, ACCESS, BRIDGES, & CULVERTS.**
 - a. **SITE LINES.** The following paragraph shall be required as a provision of the restrictive covenants of all Secondary Plats to which they apply: "No fence, wall, hedge, tree, or shrub planting which obstructs sight lines and elevations between three and 12 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting a point 40 feet from the intersection of said street lines, or in the case of a rounded property corner from the intersection of the street right-of-way lines extended."
 - b. **ACCESS.** At the intersection of any proposed Local street and arterial, major collector or minor collector, acceleration and deceleration lanes shall be provided.
 - c. **BRIDGES & CULVERTS.** All bridges and culverts shall be constructed in accordance with applicable engineering standards as approved by the Boone County Highway Department.
 11. **INSTALLATION.** Streets shall be completed to grades shown on plans, profiles, and cross-sections, provided by the subdivider, and prepared by a registered professional engineer and approved by the APC.
 - a. The streets shall be graded, surfaced, and improved to the dimensions required by such plans, profiles and cross-sections and the work shall be performed in the manner prescribed in "Standard Specifications for Road

and Bridge Construction and Maintenance" (current issue) of the State of Indiana Department of Transportation and construction standards of this ordinance and the Boone County Highway Department. References in the following paragraphs refer to the INDOT Standard Specifications.

- b. The street pavement shall be of Portland Cement Concrete or a flexible asphalt concrete pavement in accordance with design standards noted in Appendix A, Street Design Characteristics. Acceptable pavement alternatives are also available in Appendix A. All concrete pavement and flexible asphalt pavement mix designs shall meet or exceed all minimum INDOT Standard Specifications. A gradation report of all materials used in the mix designs and the mix design shall be furnished to the Boone County Highway Department. Recycled Asphalt Pavement (RAP) shall not exceed 10% of base or binder mix designs. No RAP will be allowed in the asphalt surface mix design.
- c. No asphalt base, binder or surface layer shall be placed until air temperature is 45 degrees and rising as in accordance with INDOT standards and Boone County Highway Department requirements. An asphalt emulsion tack coat is required on the full face of any curb and in between the base or binder and surface layer. Before any surface layer can be applied it should be cleaned to the approval of the Boone County Highway Inspector.
- d. The asphalt contractor shall have an adequate supply of equipment on the job site approved by the Highway Inspector.
- e. Compaction of all pavement shall be in accordance with INDOT standards specifications.
- f. All stone aggregates used shall meet or exceed INDOT Standard Specifications and shall be a Class A Type "O" aggregate. A gradation report of the material dated no more than five days prior to delivery of material to the subdivision shall be supplied to the Boone County Highway Department prior to placement of stone material. If the stone does not have enough moisture in it to get adequate compaction then the contractor shall have a water truck available to apply a sufficient amount of water needed to obtain the required compaction. All stone bases shall be compacted by a minimum 10 ton vibratory roller. Each stone base shall be inspected by the Boone County Highway Inspector before the next course can be applied.
- g. Under drains shall be required under both sides of streets and shall be located as indicated in Appendix A, Street Design Characteristics and shall discharge into a storm drainage system. A gradation report for stone or gravel shall be provided to the Boone County Highway Department and the Boone County Surveyor prior to placement of material.

Typical Cross Sections of Pavement Options, Location and Thickness as noted in Appendix A, Street Design Characteristics	
	Location
Major Collector, Curb & Gutter	
Standard	1
Full Depth Bituminous Alternate	2
Minor Collector, Curb & Gutter	
Standard	3
Full Depth Bituminous Alternate	4
Subcollector	5
Feeder	
Typical	6
Alternate with Shoulder	7
Access	
Typical	8
Alternate with Reduced Right-of-Way	9

- h. Subcollector streets for commercial or industrial development shall be required to meet all specifications for residential collector streets while feeder or access streets shall be required to meet all specifications for residential subcollector streets.
- i. Where an arterial, major collector or minor collector is located within a subdivision as established by this ordinance, the subdivider shall construct such street pavement in accordance with Appendix A, Street Design Characteristics.
- j. Prior to placing the street surface, adequate drainage for the street shall be provided by the subdivider. Culvert drainage pipe, when required, shall be concrete pipe or a similar type not less than 12 inches in diameter approved by the APC. Upon the completion of the street improvements, plans and profiles as built shall be filed with the APC. Longitudinal sub-grade drainage shall be provided below the depth of the sub-grade.

- k. Before any performance bond covering a street installation is released, the APC, the appropriate legislative body, or County Highway Superintendent may request that core borings of the street be done at the subdivider's expense. Cores shall be sent to the County Highway Superintendent and/or an independent testing laboratory for analysis. The subdivider may request permission of the APC and the appropriate legislative body to delay the installation of the 1½ 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 subdivider shall be required to submit a separate performance bond to cover the cost of the installation of the 1½inch surface layer of asphalt.

12. BLOCK STANDARDS

- a. Block length and width or acreage within bounding streets shall be such as to accommodate all requirements of this ordinance in the District in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of traffic. Blocks that are unreasonably large or small shall not be approved.
- b. Blocks shall not exceed 1200 feet in length. In the design of blocks longer than 800 feet, the APC may specify the provision of pedestrian crosswalks or interior trails near the center of the block, or wherever would be most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination.

13. CURBS & GUTTERS. The APC shall require curb and gutter to be installed on each side of the street surface. The curb and gutter shall be constructed according to the following specifications:

- a. Curb and gutters shall be placed on a well compacted aggregate base that extends approximately one foot outside the back of the curb.
- b. All gutters and curbs shall be constructed in accordance with appendix A, Street Design Characteristics.
- c. All materials in the curb mix shall meet or exceed INDOT Standard Specifications Class A Concrete and a gradation report for all materials shall be furnished to the Highway Inspector prior to installation.
- d. No concrete curb mix shall be placed below air temperatures of 40 degrees.

14. SIDEWALKS

- a. Sidewalks shall be required on both sides of any collector, subcollector, feeder or access street upon which development occurs. The Director, Plat Committee, or APC may allow a minimum five foot wide asphalt trails as an alternate.

- b. Sidewalks shall be constructed of Class A Portland Cement Concrete in accordance with Appendix 2, Street Design Characteristics.
 - c. When possible, trails should be provided within the subdivision and should complement the sidewalk system. Trails shall be comprised of asphalt and shall maintain a minimum width of five feet.
15. **STREET SIGNS.** The subdivider shall provide the subdivision with standard County or Town street signs at the intersection of all streets.
- a. Stop signs shall be constructed of 30 inch by 30 inch High Intensity 3M sheeting. Stop signs shall be mounted on flanged u-channel sign posts, shall weigh three pounds per foot and extend 12 feet in length.
 - b. Speed limit signs shall be constructed on Engineer Grade 3M sheeting and be mounted on flanged u-channel sign posts which shall weigh three pounds per foot and extend 12 feet in length.
 - c. All street name signs are to be constructed on nine inch aluminum plate High Intensity sheeting. Street signs shall be green with six inch white letters and a white border. All street signs are to be mounted on tubular sign posts, 12 feet in length.
 - d. All mounting brackets shall be provided by the Highway Department.
 - e. All street signs shall conform with the Indiana Manual on Traffic Control Devices Guide Signs for Conventional Roads.
16. **STREET LIGHTS.** Street lights may be required to be installed at intersections throughout the subdivision and such installations shall conform to the requirements of the public utility providing such lighting.
17. **RIGHTS-OF-WAY**
- a. **PERMANENT STRUCTURES.** No permanent decorative signs or permanent objects of any kind such as sprinkler heads or fencing of any kind shall be permitted within the public right-of-way.
 - b. **TREES AND SHRUBS.**
 - (1) Trees and shrubs shall be permitted in the public right-of-way in accordance with a landscape plan approved by the APC during the Secondary Plat process. Such plan shall be developed by an Urban Forester, Arborist or Landscape Architect. In development of any landscape plan that includes trees or shrubs in the public right-of-way, consideration shall be given to mature height and spread; potential damage to sidewalks, street under-drains, curbs, and

street pavements by root systems; maintenance requirements; tolerance to pruning; and adaptability to the specific street environment, including heat, glare, snow and salt. Tree selection shall consider vertical clearance of branches sufficient to allow adequate room visually and physically for vehicles passing underneath.

- (2) Shrubs shall be low growing and salt tolerant.
- (3) The location of trees and shrubs at intersections shall permit clear sight distance two feet to six feet above the street and 100 feet in any direction of an intersection.
- (4) Vegetation shall be selected with consideration for low maintenance requirements and shall have a minimal amount of leaf and fruit litter. All vegetation and its continued maintenance shall be the responsibility of the homeowner or homeowners' association.

D. UTILITIES.

1. DESIGN STANDARDS. Underground installation of communication and electric utilities is encouraged and may be required. Such installations are encouraged to be placed in the public road right-of-way and within dedicated utility easements.
2. SEWAGE DISPOSAL.
 - a. SANITARY SEWER SYSTEM. The subdivider shall provide the subdivision with a complete sewer system, which shall connect with an existing approved public sewer utility and have a documented commitment by that public utility to provide sewer service. The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Indiana State Board of Health (Refer to Regulation H. S. E. -14, I. S. B. H.). All public utility installations shall be designed and installed at least to the standards and specifications as permitted by law of an incorporated area if within two miles of the development.
 - b. PRIVATE SEWAGE DISPOSAL. When an approved sanitary sewer outlet is not available, a private sewage disposal system on individual lots may be utilized. Such system shall consist of a septic tank and tile absorption field or other approved sewage disposal system, when laid out in accordance with the minimum standards of the Boone County Board of Health, in accordance with Ordinance Number 1975-1 Boone County, Indiana, and all amendments thereto. In the case of private sewage disposal the subdivider shall provide evidence that such facility can feasibly be installed and function on the site.

3. WATER. The subdivider shall provide the subdivision with a complete water supply system, which shall be connected to an existing approved public water utility, except that when no such supply is available, the subdivider shall provide one of the following:
 - a. A complete community water supply system to be provided in accordance with the minimum requirements of the Indiana State Board of Health. The plans for the installation of water main supply systems shall be provided by the subdivider and approved by the Indiana State Board of Health.
 - b. An individual water supply on each lot in the subdivision in accordance with the minimum requirements of the Boone County Board of Health. In the case of private water supply the subdivider shall provide evidence that such facility can feasibly be installed and function on the site.
4. UTILITY EASEMENTS. Where easements for utilities shall be provided, such easements shall have minimum width of 20 feet, and where located along lot lines, one-half the width 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 easements shall be provided on such peripheral lots. Before determining the location of easements, the plan shall be discussed with the local public utilities to assure their proper placing for the installation of such services.

E. OPEN SPACE

1. DESIGN STANDARDS.
 - a. RECREATION. In no case shall more than 50% of the total open space provided be utilized for active recreation, in order to preserve a reasonable proportion of natural areas on the site.
 - b. PONDS. Detention/retention ponds may be included as part of the open space area, as may land within easements for underground pipelines and high-tension power lines, provided that no more than 25% of all open space areas within the subdivision shall be used for these purposes. Waiver from this requirement may be requested at the time of Primary or Secondary Plat application.
2. OWNERSHIP. Open space areas may be owned and managed by a homeowners' association, a recognized land trust or conservancy, or a public entity.
 - a. OFFER OF DEDICATION. Dedication of open space may be made to any public or private agency interested in accepting the responsibility for continued management. Dedication shall take the form of fee simple ownership. Such accepting entity may, but shall not be required to accept open space. Any entity accepting open space and its continued management

may require the posting of financial surety to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed three years from the date of acceptance of dedication. The amount of financial surety shall not exceed 20% of the actual cost of installation of said improvements.

- b. **HOMEOWNERS' ASSOCIATION.** The open space and associated facilities shall be held in common ownership by a homeowners' association. In such case, the association shall be formed and operated under the following minimum provisions:
- (1) The subdivider shall provide a description of the association, including its bylaws, covenants, restrictions and methods for maintaining the open space.
 - (2) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from subdivider to homeowners shall be identified.
 - (3) The association shall be responsible for maintenance of insurance and payment of taxes on open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner, if provided for in the covenants and restrictions.
 - (4) The members of the association shall share equitably the costs of maintaining and developing such open space.
 - (5) In the event of a proposed transfer, within the methods permitted in this ordinance, of open space land by the homeowners' association, or of the assumption of maintenance of open space land by a public or private agency, notice of such action shall be given to all property owners within the subdivision.
 - (6) The association shall obtain adequate staff to administer common facilities and properly and continually maintain the open space.
 - (7) The homeowners' association may lease open space lands to any qualified person, or corporation, for operation and maintenance of open space lands, but such a lease or agreement shall provide:
 - a) That the residents of the subdivision shall at all times have access to the open space lands and facilities (except open space lands used for agricultural purposes);
 - b) That the open space to be leased shall be maintained for the purposes set forth in this ordinance; and
 - (8) Any lease shall be subject to the approval of the board of the association and any transfer or assignment of the lease shall be further subject to the approval of the board of the association.
- c. **DEDICATION OF EASEMENTS.** A public agency may, but shall not be required to, accept easements for public use of any portion of open space

land and facilities, title of which is to remain in ownership by the homeowners' association provided that such land and facilities are available to the general public and that a satisfactory maintenance agreement is reached between the subdivider or homeowners' association and the public agency.

- d. **TRANSFER OF EASEMENTS.** An owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and natural resources provided that the conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue to carry out its functions and that a maintenance agreement acceptable to the board of the association is entered into by the subdivider and the organization.
- e. **MAINTENANCE.** The owner of the open space shall be responsible for maintaining operation, maintenance and physical improvements to open space lands and facilities, through use of annual dues, special assessments or other financial capacity. A homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.
- f. **FAILURE TO MAINTAIN.** Failure to adequately maintain the open space in reasonable order and condition in accordance with recorded covenants and restrictions, constitutes a violation of this ordinance subject to any and all enforcement measures authorized by this ordinance necessary to obtain compliance. In the event that the association or any successor organization shall, at any time after establishment of a subdivision containing open space, fail to maintain the open space in reasonable order and condition in accordance with recorded covenants and restrictions, the APC may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space. If no association is functioning, each homeowner shall be individually and jointly liable for the assessed cost of maintenance.

F. **MONUMENTS & MARKERS.** Monuments and markers shall be placed so that the center of the pipe 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.

- 1. **MONUMENTS.** Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four inches by 30 inches set vertically in place. They shall be marked on top with iron or copper dowel set flush with the top of the monument, or deeply scored on top with a cross. Monuments shall be set:

- a. At the intersection of lines forming angles in the boundary of the subdivision, provided that not more than eight such monuments shall be required.
 - b. At the intersection of the center lines of all streets and also at the center points of all cul-de-sac turnarounds.
2. **MARKERS.** Markers shall consist of iron pipes or steel bars at least 30 inches long, and not less than 5/8 inches in diameter. Markers shall be set:
- a. At the beginning and ending of all curves along street property lines.
 - b. At all points where lot lines intersect curves, either front or rear.
 - c. At all angles in property lines of lots.
 - d. At all lot corners not established by monuments.
- G. **EMERGENCY WARNING SIRENS.** In those areas of the county where the APC and the Boone County Emergency Management Agency determines that adequate coverage by the County's emergency warning siren system does not exist for a proposed major subdivision and where the APC and the Boone County Emergency Management Agency determines it necessary for public safety, developers of new major subdivisions shall be required to furnish and install an emergency warning siren that meets the specifications of the Boone County Emergency Management Agency or its successors.

The location for or placement of the emergency warning siren and the extent/radius of its coverage area shall be determined by the APC during the review of the primary plat and based upon coverage deficiencies identified by the Boone County Emergency Management Agency.

Emergency warning sirens shall be located within platted easements dedicated to the county, or in common areas of the subdivision, with a maintenance easement running to the county.

Following its acceptance by the APC and the Boone County Emergency Management Agency, all future maintenance, repair or replacement of emergency warning sirens shall be the responsibility of the county.

- H. **PUBLIC USES IN SUBDIVISIONS.** Where sites for schools, fire prevention, law enforcement, day care, or other public uses indicated by the applicant, such shall be reserved for a negotiated period of time, not to exceed five years, following the date of the final approval of the plan. In the event a government agency or other entity concerned passes a resolution expressing its intent to acquire the land for its intended purpose, the reservation period shall be extended for not more than one additional year.

Appendix

APPENDIX