ORDINANCE NO. 1481

SUBDIVISION CONTROL ORDINANCE OF PLYMOUTH, INDIANA

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Amendments

(Post 2025)

PC Case	Brief Description
2026-PC-03	Replat procedure Adjustments

ORDINANCE NO. 1481

AN ORDINANCE REVISING, AMENDING AND RESTATING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF PLYMOUTH, INDIANA, CONTAINING REGULATIONS REQUIREMENTS, DESIGN STANDARDS, SPECIFICATIONS, PROCEDURES, FEES AND PENALTIES.

WHEREAS, the Common Council of the City of Plymouth, Indiana, deems it necessary to revise and amend its present Subdivision Control Ordinance in its entirety; and

WHEREAS, Subdivision control regulations are authorized by Indiana Code 36-7-4-700 Series;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Plymouth, Indiana, that in order that land may be subdivided in accordance with the purposes set forth, these subdivision regulations are hereby adopted.

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CHAPTER I - GENERAL PROVISIONS

SECTION 1.0 - SHORT TITLE

This ordinance shall be known and may be cited as the Subdivision Control Ordinance of Plymouth, Indiana.

SECTION 1.1 - PURPOSE

This ordinance is deemed necessary for the purpose of promoting the public health, safety, comfort and general welfare of persons living within the corporate boundaries of the City of Plymouth and within its jurisdictional area; to guide future growth and development in accordance with the Comprehensive Plan; to encourage orderly and beneficial development; to protect and conserve the value of land; to establish reasonable standards of design and procedures for subdivision and resubdivision; in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

It shall further be the purpose to avoid scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services; for the establishment of reasonable standards of design and minimum requirements for the creation, installation and improvement of physical facilities which are, or will be, maintained for the benefit of the general public; for the prevention of the pollution of air and water; provision of drainage facilities and the safeguarding of the water table; the encouragement of wise use and management of natural beauty and topography, and the value of land; for the administration of these regulations by defining the powers and duties of approval authorities; and the manner and form of making, filing and processing of any plat.

SECTION 1.2 - POLICY

It is declared to be the policy of the City of Plymouth to consider the subdivision of land and subsequent development of the subdivided plat as subject to the control of the City pursuant to the official Comprehensive Plan of the City for the orderly, planned, efficient, land economical development of the City of Plymouth and the Jurisdictional area.

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water supply, sewerage, schools, recreation facilities, and other elements of a viable community.

The existing and proposed public improvements shall conform to and be properly related to the proposals of the Comprehensive Plan, and capital budget program of the City of Plymouth.

It shall be the policy to guide major development of land and consideration by encouraging the following: 1) A more useful pattern of open space and recreation areas and, if permitted as part of the subdivision, more convenience in the location of accessory commercial uses, industrial uses, and services; 2) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation, and prevents the disruption of natural drainage patterns; 3) A more efficient use of land resulting in substantial savings through shorter utility lines and streets; 4) A development pattern in harmony with land use density, transportation facilities, and community facility objectives of the Comprehensive Plan.

SECTION 1.3 - MEANING OF SUBDIVISION

For the purpose of this ordinance, the work "Subdivision" shall mean land, vacant or improved, both residential and nonresidential, which is divided for the purpose of sale, lease, or development, whether by deed, metes and bounds description, devise, intestacy, lease, nap, plat or other recorded instrument.

Within the corporate limits of the City of Plymouth and the 2-mile jurisdictional area of Plymouth, the division of a single lot, tract, or parcel of land into two or more lots, tracts, or parcels, for the purpose, whether immediate or future, of transfer' of ownership for residential, commercial, or industrial purposes, shall be considered subdivision of land and require approval by the Plan Commission as a Minor or Major Subdivision in accordance with the provisions of this ordinance.

SECTION 1.4 - MINOR SUBDIVISION

A Minor Subdivision shall create no more than three (3) lots, counting the balance of the original parcel as one of the three; and further providing that the subdivision of said parcel shall not involve the creation of any new street, either public or private. The balance of the parcel of land, or any lot created within the Minor Subdivision shall be further subdivided only as a Major Subdivision, with this provision also being applicable to any subsequent change in ownership.

SECTION 1.5 - MAJOR SUBDIVISION

A Major Subdivision will be required when four (4) or more lots, counting the balance of the original parcel as one of the four is created. Regardless of the number of lots involved, creation of any new street in the division of land shall also be by means of a Major

Subdivision. In addition, a Major Subdivision plat shall be required when any parcel of land previously divided as a Minor Subdivision is further divided.

SECTION 1.6 - JURISDICTION

The Subdivision control regulations contained herein shall apply to all subdivisions of land within the corporate limits of the City of Plymouth and within its jurisdictional area.

SECTION 1-7 - INT£RPRETATION, CONFLICT, AND SEPARABILITY

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 of the citizens of Plymouth and the surrounding area.

The regulations contained herein are not intended to interfere with~ or abrogate~ other provisions of law; where these regulations impose restrictions different from those imposed by other provisions~ whichever provisions are more restrictive or impose higher standards shall apply.

If any part or provision of these regulations or application thereof, to any person or circumstances, is adjudged invalid by any court of competent Jurisdiction, such judgment shall be confined in its operation to the part, provision~ or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof, to other persons or circumstances. The Common Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

SECTION 1.8 - REPEALER

Upon adoption of these regulations, the City of Plymouth Subdivision Control Ordinance, as amended, adopted on November 22, 2054, is hereby repealed except as to such sections expressly retained herein.

SECTION 1.9 - AMENDMENTS

The Plymouth Common Council may amend the provisions of these subdivision control regulations as may be deemed necessary. Public hearings on all proposed amendments shall be held by the Plan Commission in the manner prescribed by law, and its recommendation on said amendment forwarded to the Common Council for secondary action.

SECTION 1.10 - CONDITIONS - COMPLIANCE

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State. The developer has the duty of compliance with reasonable conditions laid down by the Plan Commission for design, dedication, improvement, and restrictive use of the land, so as to conform to the physical and economical development of the community at large.

No lot in a subdivision shall be sold, no building permit shall be issued, and no building shall be erected in a subdivision until a secondary plat has been approved by the Plan Commission and has been filed for recording with the County Recorder.

SECTION 1.11 - RESUBDIVISION OF LAND - (REPLAT OF A SUBDIVISION)

Procedure for Resubdivision

Any change in an approved or recorded subdivision plat affecting any street layout, any area reserved for public use, or any lot line shall be subject to approval by the Plan Commission by the same procedures, rules, and regulations as for a Minor or Major Subdivision, depending on the degree of the replatting.

Procedure of Subdivision Where Future Resubdivision is Indicated

Whenever a subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Plan Commission may require such parcel of land to allow for the future opening of streets and for the ultimate opening of adjacent streets. Easements providing for these future openings and extensions may be made s requirement of the plat.

Replats Not Requiring a Hearing -- Replats must be certified by any properly registered land surveyor. The Zoning Administrator shall determine whether a replat requires a public hearing before the Plan commission in compliance of with Section 2.0, Determination for Plat Approval of this ordinance. The following circumstances shall be considered by the Zoning Administer:

a. Interior **Lot Line Adjustment** – A replat which involves the removal or adjustment of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting no increase or in fewer parcels than were contained in the original parcel. The new parcel must abide with the conditions of the secondary plat;

b. **Easement Removal or Relocation** – A replat which involves only the removal or relocation of easements within the property, as long as the affected agency or utility supports said removal or relocation;

c. **Notations or Corrections** – A replat which involves only the changing of notations written on the plat or corrections of errors thereon;

d. **Court Decree** – A division of land pursuant to court decree;

e. **Addition Requirements**: An Addition may be approved if it meets or complies with the following requirements.

(1) An Addition may occur between any two (2) or more parcels which are contiguous to each other. Two (2) or more parcels shall be considered contiguous if the share at least twenty-five (25) feet of uninterrupted border.

(2) The deed that adds the property together shall have this following paragraph on the deed: "Hereafter, the within described real estate shall not be conveyed other than in conjunction with the _____- acre tract of real estate described in a certain deed dated _____, _____, recorded in Deed Record _____, page _____, of the records of Marshall County, Indiana, unless approval to do otherwise is first obtained from the Plymouth Plan Commission or its successor(s)".

(3) An Addition shall not leave any previously conforming affected parcels, which, after the Addition, fail to satisfy the existing lot size, road frontage, and setback requirements for a property in such zoning district as prescribed in the Zoning Ordinance for the City of Plymouth. However, the requirement set forth in this subsection shall not prohibit an Addition involving one (1) or more legal, non-conforming parcels. Moreover, such an Addition would not cause any legal, non-conforming parcel to lose its grandfathered status.

(4) To be reviewed and confirmed by TRC. To be recorded and with copy of recorded deed provided to the Zoning Administrator within 30 days of recording.

SECTION 1.12 - VACATION OF PLATS

Any plat, or part thereof, may be vacated by the owner at any time prior to the sale of any lot. Such action shall be by written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

The request shall be submitted to the Plan Commission and such instrument approved or disapproved by the Commission after a public hearing. The Plan Commission may reject

any such instrument which abridges or destroys any public right in any of its uses, improvements, streets, or alleys.

If such an instrument is approved, it shall be executed, acknowledged and recorded in the same manner as plats of subdivisions; and being duly recorded shall void the recording of the plat and divest all public rights in the streets, alleys, and public grounds and all dedications laid out or described in such plat.

When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots in such plat joining in the execution of the instrument. The vacation of a plat will not be approved if any improved lot is left without the required frontage on a public right-of-way.

SECTION 1.13 - VARIANCES - MODIFICATIONS

Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances or modifications to these subdivision regulations so substantial Justice may be done.

The Plan Commission shall not approve variances or permit modifications unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance or modification will not be detrimental to the public safety, health, or welfare or injurious to other property; and

2. The conditions upon which the request for modification or, variance is based are unique to the property and are not applicable generally to other property, and

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out; and

4. The variance or modifications will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Zoning Map.

A petition for any such variance or modification shall be submitted in writing by the subdivider at the time the primary plat is filed for the consideration of the Plan Commission. The application shall indicate the specific section of this ordinance under which the variance or modification is sought and state fully the grounds ~or the application

and all the facts relied upon by the petitioner. After due consideration, the Plan Commission shall render a decision which shall be:

1. Recorded in the minutes of the Commission, which minutes shall include the reasoning on which the variance or modification vas approved or disapproved.

2. Transmitted to the subdivider in written form and to applicable govern-mental units.

SECTION 1.14 - APPEAL FROM PLAN COMMISSION DETERMINATION

Every decision of the Plan Commission which regards subdivision platting shall be subject to review by certiorari. Any person aggrieved by a decision of the Plan Commission may present to the circuit or superior court of the County in which the premises affected are located a petition duly verified, setting forth that such decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision or order of the Plan Commission being challenged.

SECTION 1.15 – ESTABLISMENT OF FEES

-Repealed-

SECTION 1.16 - ENFORCEMENT, VIOLATIONS, AND PENALTIES

It shall be the duty of the Plan Commission to enforce these regulations and to bring to the attention of the City Attorney any violation or lack of compliance herewith.

The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer or lease, with the intent of evading these regulations, shall not be permitted. All such described subdivision shall be subject to all of the requirements contained in these regulations.

Any person, firm or corporation who fails to comply with or violates any of these regulations shall be subject to a fine of not more than $100.00 for each violation, plus cost of prosecution. Each and every day such violation occurs shall be deemed a separate offense.

SECTION 1.17 - DEFINITIONS

For the purpose of these regulations, certain works and phrases used herein shall be interpreted as follows:

The work "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.

The masculine includes the feminine.

The present tense includes the past and future tense, words in the singular includes the plural.

The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied".

The word "lot" includes the words "plot, parcel, and tract".

For the purpose of this ordinance, certain words are hereby defined.

Agricultural Purposes - The use of a tract of land for agricultural purposes only, which shall include farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry.

Bond - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council.

Building Line - A line drawn parallel to a lot line equal to the depth of a minimum building setback for the zoning district in which the lot is located as established by the Zoning Ordinance of the City of Plymouth.

Certiorari - A writ issued by a superior court to call up the records of an inferior court or of body acting in a quasi judicial capacity.

Comprehensive Plan - A plan for the physical development of the community, a composite, or portion thereof, of the mapped and written proposals and recommendations relative to the growth and development of a given planning area which shall have been duly adopted by the City Council.

Construction Plan - The maps, drawings and textual descriptions accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements enumerated in this ordinance as a condition to the approval of the plat.

Council, City, Common - The Common Council of the City of Plymouth, Indiana.

Covenant - A private legal restriction on the use of land contained in the deed to the property and otherwise formally recorded along with the subdivision plat.

Culvert - A drain pipe that channels water.

Devise - The art of giving or disposing of real property by will.

Easement - A grant by a property owner for the use of a parcel of land by the general public, the utilities, or for a certain specific purpose not inconsistent with the general property rights of the owner.

Escrow - The arrangement for the handling of instruments or money not to be delivered until specified conditions are met.

Feasibility Report - A written report prepared by a professional engineer or land surveyor pertaining to the suitability of a site for various types of water and sewer systems; for drainage retention/detention and the subsoil conditions for various methods of street construction.

Frontage - The length along the street right-of-way line of a single lot, tract, or development area between the side lot lines of the property on an interior lot. A corner lot shall have frontage on both streets with one street being designated as the front when a building permit is obtained.

Grade - The slope of a road, street, or other public way, specified in terms of percentage (%). Example: One foot of rise in 100 feet would be one percent.

Improvement - Any alteration to the land or other physical construction associated with subdivision and building site development.

Improvement, Lot - Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated, .constituting a physical betterment of real property, or any part of such betterment.

Improvement, Public - Any drainage ditch, roadway, sidewalk, curb, tree, off-street parking area, main, or other facility for which the local or state government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local or state government responsibility is established.

Improvement, Temporary - Improvements built and maintained by a subdivider during construction of the subdivision, which may or may not become permanent prior to release of the performance bond.

Infrastructure - The fixed public works and facilities necessary in a community, such as sewers, water systems and streets.

Intestacy - The quality or state of being or dying having made no valid will.

Jurisdiction - Jurisdiction of local government means all land within its boundaries and any land outside its boundaries over which it is authorized to exercise powers as recorded by map or description in the Office of the County Recorder of Marshall County.

Lease - A contract by which one conveys real estate for a specified term and a specified rent.

Lot - A parcel or portion of land separated from other parcels or portions by a description as on a subdivision, or record of survey map, or by metes and bounds, for purpose of sale, lease, or separate use. In computing the number of lots in a subdivision, any portion remaining to the owner and not intended for sale shall, nevertheless, be considered a lot.

Lot Area - The area of the horizontal plane of the lot bounded by the vertical planes of the front, side and rear lot lines.

Line - A line which marks the boundary of a lot.

Lot, Types - Terminology used in this ordinance with reference to different types of lots is as follows:

Corner Cot - A lot located at the intersection of two or more streets.

Interior Lot - A lot with only one frontage on a street.

Through Lot - A tot other than e corner-lot with frontage on more than one street. Through lots abutting two streets may also be referred to as double frontage lots.

Monument - Any permanent marker either of stone, concrete, galvanized iron pipe, or iron or steel rods, used to identify the boundary lines of any tract, parcel, lot or street lines.

No Access Easement - A public easement along a public right-of-way, across which the access to a property is not permitted.

Office of the Recorder - The Recorder's Office of Marshall County, Indiana.

Owner - Any individual, company, partnership or corporation, having sufficient proprietary interest in the land sought to be subdivided, to -commence and maintain proceedings to subdivide the same under this ordinance.

Performance Guarantee - Any guarantee which may be accepted in lieu .of a requirement that certain improvements be made before the Plan Commission approves the secondary plat, including, but not limited to, performance bond, escrow agreements, or surety arrangements as approved as valid and enforceable by the City Council.

Plat - The drawing~ map, or plan of a subdivision or other tract of land or a replat such, including certifications, descriptions, and approvals.

Plat, Secondary - The secondary presentation of the map, plan or record of a subdivision and any accompanying material, as described in these regulations.

Plat, Primary - The primary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Plan Commission for approval.

Plat, Sketch - An informal sketch preparatory to the preparation of the primary plat (or secondary plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Plan Commission as to the form of the plat in accordance with the objectives of these regulations.

Public Sewer - A sewage disposal system which is constructed, installed, maintained, operated and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana, but shall not include a County sewer installed for the purpose of carrying surface water runoff and sub-soil drainage.

Public Utility - A firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation to the public electricity, gas, steam, communication (including CATV), transportation, drainage, sewer and water.

Public Water - A water supply system which is constructed, installed, maintained, operated and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana.

Registered Engineer - An engineer who is licensed in compliance with the laws of the State of Indiana.

Registered Land Surveyor- A land surveyor who is licensed on compliance with the laws of the State of Indiana.

Reserve Strip - An area of land adjacent to a public right-of-way which is retained in private ownership by the subdivider for the purpose of denying access to the adjacent land or an area of land which is reserved and held in public ownership for street widening.

Right-of-Way - A strip of land appropriated for public use as a street, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other similar uses.

Screening - Any means of protecting an area of land from the adverse visual and audible effects of another area. The specific requirements for screening are set forth in the Zoning Ordinance.

Setback - The distance between a building and the nearest street right-of-way line or property line regardless of whether it is the front, side or rear of the building. It is a line established by the zoning ordinance that requires all buildings to be set back a certain distance from property lines.

Standards - A specific and detailed listing of materials and construction methods for subdivision improvements, and standards of construction and design as adopted by the City Council.

Street - The area between the lot lines abutting upon a right-of-way, designed for vehicular traffic, whether designated as an alley, street, highway throughway, freeway, expressway, road, avenue, boulevard, or however otherwise designated:

> Arterial Minor - Any roadway that provides for through traffic movements between areas within the County and through the County.
>
> Arterial Principal - Limited access highways which carry large volumes of inter- state traffic and have more importance regionally than locally. They may contain four or more moving lanes and a permit a continuous high speed traffic flow.
>
> Collector - A street which carries traffic from local streets to arterial streets, and may include the principal entrance street of residential developments.
>
> Cul-de-sac - A dead-end street terminated by a vehicle turn-around.
>
> Local - Any roadway, the primary function of which is to provide direct access to residential, commercial, industrial, or other abutting real estate.
>
> Loop Street - Any street which has its origin and termination point with the same street and forms a loop or "U" of various shapes or proportions.
>
> Marginal Service Road - A minor road which is parallel and adjacent to a thorough- fare, and which provides access to abutting properties and protection from through traffic.
>
> Perimeter - Any existing street to which the parcel of land to be subdivided abuts on only one ¢1) side.
>
> Private - An access roadway that is not dedicated or accepted for public use or maintenance which provides vehicular and pedestrian access.

Subdivider - Subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this ordinance. The subdivider need not be the owner of the property. However, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

Subdivision - See Sections 1.3, 1.4, and 1.5.

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CHAPTER 2 - APPROVAL PROCESS - MINOR/MAJOR SUBDIVISIONS

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of s structure in such proposed subdivision shall be granted, the subdividing owner or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure for a Minor Subdivision or a Major Subdivision.

SECTION 2.0 - DETERMINATION FOR PLAT APPROVAL

In determining whether to grant approval of a subdivision plat, the Plan Commission shall determine if the plat provides for: (1) establishment-of minimum width, depth, and area of lots within the projected subdivision; (2) coordination of subdivision streets with existing and planned streets and highways; (3) coordination with and extension of facilities included in the comprehensive plan; (4) fair allocation of areas for streets, parks, Schools, public and semi-Public buildings, homes, utilities, businesses, and industry; · and (5) distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the City.

As a condition of approval of a plat, the Plan Commission may specify: (1) the manner in which streets shall be laid out, graded and improved; (2) a provision for water, sewage and other utility services; (3) a provision for schools; (4) a provision for essential municipal services; ~and (5) a provision or recreational facilities.

SECTION 2.1 - REVIEW PROCEDURE - MINOR SUBDIVISION

The Plan Commission shall review any subdivision of a parcel of land and determine if the plan is in conformity with the Comprehensive Plan, the minimum requirements of the Zoning Ordinance and other applicable codes.

Upon request, the Commission may review a sketch plan or primary plat for a Minor Subdivision by placing it on the agenda of the next regularly scheduled Plan Commission meeting. Public notice is not required for the primary review of a Minor Subdivision.

The Commission shall, upon the filing of an application for approval of a secondary plat for a Minor Subdivision by placing it on the agenda of the next regularly scheduled Plan Commission meeting. Public notice is not required for the primary review of a Minor Subdivision.

The Commission shall, upon the filing of an application for approval of a secondary plat for a Minor Subdivision, review the plat along with accompanying exhibits. If it is determined that the requirements and standards have been met, the Commission shall docket a date

for public hearing at the next Commission meeting, notify the applicant and give proper public notice as required by law.

The Commission shall approve the secondary plat for record only after it has determined that the plat meets the minimum requirements of this ordinance and all applicable ordinances of the City.

After the Commission has granted secondary approval of the plat for record, the officers shall affix their signatures to the original tracing and the divider shall record the plat with the Recorder of the Marshall County within six ¢6) months. If not recorded within this time, the approval shall be null and void.

The Subdivider shall file with-the Plan Commission two (2) prints of the recorded plat, including any recorded restrictive covenants. One (1) reproducible print of the recorded plat shall be filed and retained in the office of the County Surveyor of Marshall County. Until such prints have been filed, no building permit shall be issued for any lot shown upon said plat.

SECTION 2.2 - REVIEW PROCEDURE - PRIMARY PLAT - MAJOR SUBDIVISION

A subdivider shall submit to the Plan Commission a written application for primary plat approval for a major subdivision.

The Commission shall, upon receiving an application for primary plat approval for a major subdivision, review the plat along with the accompanying exhibits. If it is determined that the requirements and standards of this ordinance have been substantially met, the Commission shall docket a date for public hearing at the next Commission meeting, notify the applicant and give notice of public hearing as required by law. If the Commission determines that the primary plat does not meet the requirements, and standards have not been substantially met, the application for primary plat approval shall not be docketed for hearing, but immediately returned to the subdivider with the reasons noted.

Following the public hearing, the Commission may then approve the primary plat, approve it subject to conditions, or request additional information on specific technical matters, or disapprove it. The Commission may require such changes or revisions as are deemed necessary in the interest and needs of the community.

Approval of a primary plat for a major subdivision shall not constitute approval of a secondary plat. Rather, it shall be deemed an expression of approval to the layout submitted on the primary plat, and act as a guide in the preparation of the secondary plat. Approval of the primary plat will terminate two years from the date of said approval unless further extended by the Commission upon written request of the subdivider.

Upon approval of the primary plat for a major subdivision, the Commission will indicate upon each copy that it has been approved. One copy shall be returned to the subdivider along with a written statement indicating the action taken by the Commission. If approved with conditions, a written copy of the conditions shall be attached to each copy of the approved plat and the plat shall be marked as having "conditional approval".

If disapproved, the Commission shall return to the subdivider one copy of the plat marked "Disapproved by the City Plan Commission" along with a written statement indicating the reason or reasons for its disapproval.

If the reason for disapproval is correctable, such changes may be made by the subdivider and the primary plat returned to the Plan Commission for reconsideration. Notice of public hearing shall be given prior to reconsideration of the primary plat.

SECTION 2.3 - REVIEW PROCEDURE - SECONDARY PLAT - MAJOR SUBDIVISION

The Commission shall, upon the filing of an application for a major subdivision secondary plat approval, review the secondary plat along with the accompanying data and determine whether or not the secondary plat meets all minimum requirements and standards of this ordinance and of all other applicable ordinances of the City.

The Commission shall then take one of the following actions on the secondary plat within thirty days after its submission or a mutually agreed upon extension:

1. If the Commission determines that upon the satisfactory completion of one of more specified conditions, consistent with the requirements, standards, and specifications of this ordinance, said secondary plat would comply with the terms of this ordinance, the Commission may give conditional approval to said plat.

   Conditional approval of a secondary plat may include a construction agreement which is acceptable to the Commission and would permit the subdivider to proceed with the installation of improvements prior to recording. Written notice of such conditional approval shall constitute formal authorization to the subdivider to construct and install all or a part of the required improvements, subject to inspection and acceptance procedures required by this ordinance. The subdivider shall furnish sufficient evidence to the Commission of the satisfactory completion of such conditions before said plat will be deemed to have secondary approval record.

2. The Commission shall approve the secondary plat for record only after it has determined that the secondary plat meets the minimum requirements of this

ordinance and all applicable ordinances in the City and that sufficient financial guarantees have been submitted in accordance with this ordinance.

3. If for any reason the Commission disapproves the secondary plat, written notice of such action, together with reasons therefore shall be transmitted to the subdivider. Such action shall also be entered on the official records of the Commission; provided, however, that nothing contained therein shall prejudice the subdivider's ability to make reapplication for secondary plat approval according to the terms of this ordinance.

If approved with conditions, a written copy of the conditions shall be attached to each copy of the plat and the subdivider given a written statement indicating the action taken.

Upon unconditional approval of the secondary plat, the Commission shall give a written statement to the subdivider indicating the action taken by the Commission.

After the Commission has granted unconditional secondary approval of a major subdivision plat for record, the officers shall affix their signatures to the original tracing, and the subdivider shall record the plat with the Recorder of Marshall County within twelve months. If not recorded within this time, the approval shall be null and void.

The subdivider shall pay the recording fee and file with the Plan Commission four (4) prints of the subdivision, including restrictive covenants, as recorded. One reproducible print of the secondary plat, as recorded, shall be filed and retained in the office of the County Surveyor of Marshall County. Until such recorded prints have been filed, no building permit shall be issued for any lot shown upon said plat.

Secondary approval of a plat for a major subdivision shall not be construed as an acceptance of the offer of dedication of any street improvement, utility improvement, or open space improvement, within such areas shown upon the plat unless such acceptance is endorsed by the Board of Works upon the original tracing of the secondary plat.

SECTION 2.4 - FINANCIAL GUARANTEES

Financial guarantees shall be prerequisite to the Plan Commission action on the application for secondary plat approval. The Commission shall approve the secondary plat for record only after notice has been received from the Board of Works that there has been filed with and approved by said Board one of the following:

1. A certification to the effect that the streets, sewers, water, monuments and other utilities and facilities required as a precedent to approval, have been installed in accordance with the specifications of this ordinance and have been accepted for maintenance; or

2. A performance bond is posted with the Board of Works which-shall:

a. Run to the City of Plymouth, Indiana.

b. Be in an amount equal to one hundred percent (100%) of the cost as estimated by the Board of Works, of all improvements and instillations as required by this ordinance, excluding, however, the cost of any said required improvements and installations already constructed, installed and completed in compliance with the requirements of this ordinance, for which sufficient written proof of such construction, installations and completion has been furnished by the Board of Works. The Board may require the estimated cost to be prepared by a registered engineer and paid for by the subdivider.

c. Be with surety satisfactory to the Board of Works of Plymouth, Indiana.

d. Run until and terminate sixty (60) days after the filing with the Commission of the completion affidavit obtained from the Board of Works; or

3. Cash bond or other negotiable securities acceptable and assigned to the City of Plymouth is posted with the Board of Works in lieu of the performance bond.

4. Acceptance of said improvements is conditional and is based upon the posting of a maintenance bond with said Board of Works, the period of time to be determined by said Board of Works, but not less than one year, with the subdivider or some other person satisfactory to the Board as principal, which shall:

a. Run to the City of Plymouth, Indiana.

b. Be in an amount equal to twenty-five percent (25%) of the estimated cost of all improvements and installations as required by Chapter 5 of this ordinance. The estimated cost shall be prepared by a registered engineer, and the cost of preparing the estimate shall be paid by the subdivider.

c. Be with surety or other negotiable security satisfactory to the Board of Works of Plymouth, Indiana.

d. Warrant the workmanship and all materials used in construction, installation and completion of said improvements and 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 previously approved plans and specifications.

e. Provide that for a period of not less than three years after said installations and improvements have been completed or are accepted for public maintenance by the Board of Works, the applicant will, at his own expense, make all repairs to said improvements and installation, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including damage to said improvements and installations resulting from forces or circumstances beyond the control of said applicant or occasioned by the inadequacy of the standards, specifications, or requirements of this ordinance.

Any funds received from the financial guarantees required by this ordinance shall be used only or the purposes of making the improvements, installations or repair for which said guarantees were provided, in accordance with the standards, specifications and requirements of this ordinance.

Upon the acceptance of said improvements and installations by the Board of Works of Plymouth, the applicant shall obtain a completion affidavit from said Board stating the required improvements and installations have been installed in compliance with the specifications of this ordinance and have been accepted for public maintenance by said Board, subject to the terms of the maintenance bond provided by the applicant. The completion affidavit shall be filed with the Plan Commission.

SECTION 2.5 - ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE GUARANTEES IN THE EXTRA TERRITORIAL JURIDICTION.

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

a. Irrevocable Letter of Credit - For those improvements with a total installed cost of under $250,000, an irrevocable letter of credit shall be used. The owner may submit an irrevocable letter of credit. In the event an irrevocable letter of credit is utilized, it shall be written in accordance with Appendix B and must be written for a minimum length of one (1) year; or
b. Cashiers Check -The owner may submit a cashier's check made payable to the Marshall County Planning and Building Department.
c. Performance Bond - For those improvements with a total installed cost of $250,000 and above, a performance bond shall be used. This performance bond shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency, and manner of execution, in accordance with Appendix B.

3. Full Force until Release -- A performance guarantee shall be deemed by the Board of County Commissioners to be in full force and effect until the time the guarantee is released by written notice by the Board of County Commissioners.
4. 4. Current Until Improvements Accepted -- It shall be the responsibility of the owner to keep the performance guarantee current and not allow it to expire until all improvements have been accepted by the Board of County Commissioners.
5. No Permits with Expiration -- If the performance guarantee does expire, no improvement location permits will be issued to those lots within the subdivision or section there of which required the performance guarantee until a new guarantee is provided.
6. Release -- Upon completion of the improvements for which a performance guarantee has been provided, the owner shall request a release of the performance guarantee in writing from the Marshall County Planning Department.
    a. Inspection -- The Planning Department will conduct an inspection of the completed improvements. Such inspection shall be in accordance with MCSDSCO.
    b. Maintenance Guarantee -- If the improvements have been completed to the satisfaction of the Planning Department and if a suitable maintenance guarantee has been provided in accordance with Appendix B, then the Board of County Commissioners shall release the performance guarantee.
    c. Appeals -- Appeals of the Plymouth Planning Department decisions regarding inspection of completed improvements shall be made to the Plymouth City Council.

2.6 PROVISIONS FOR MAINTENANCE OF IMPROVEMENTS

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

2.7 TEMPORARY IMPROVEMENTS

1. Owner Pays -- The owner shall build and pay for the cost of all temporary facilities and improvements required by the Plan Commission.
2. Performance – Prior to construction of any temporary facility or improvement, the owner shall file with the Planning Department a separate and satisfactory performance guarantee, in accordance with Section 3.16 of this ordinance, which shall insure that the temporary facility will be properly constructed and removed.

Said performance guarantee shall be in an amount equal to 110% of the cost of construction and removal of the temporary improvement(s).

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

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CHAPTER 3 - PLATTING REQUIREMENTS - MINOR/MAJOR SUBDIVISION

Subdividers of land under the control of the Plymouth Plan Commission will be expected to familiarize themselves with the procedures for subdivision of land. It is deemed to be the responsibility of the subdivider to allow adequate lead time for the proper review procedures and approval process. Minor and major subdivision platting requirements are outlined in this chapter.

SECTION 3.1 - MINOR SUBDIVISION PLAT REQUIREMENTS

In accordance with the definition of "Subdivision" in Section 1.3 of this ordinance, the division of any parcel of land fronting on an existing dedicated street or road shall be by means of a minor subdivision plat providing such division creates no more than three lots counting the balance of the original parcel as one of the three (3), and further providing that the subdivision of said parcel shall not involve the creation of any new street either public or private. The balance of the parcel of land, or any lot created within the minor subdivision, shall be further subdivided only as a major subdivision with this provision also being applicable to any subsequent change in ownership. 21

....Sketch Plan

Prior to the submission of the actual plat, the subdivider shall submit s sketch plan and a soils report from the Marshall County Soil and Water Conservation District Soil Survey Publication indicating degree of soil limitation and consult informally with the Plan Commission. This will enable the subdivider to become familiar with the general requirements and conditions affecting the subdivision and avoid unnecessary revisions. The sketch plan should be in a tentative form with sufficient detail for informal review and comment.

....Primary Plat

Although a primary plat approval for a minor subdivision is not required, a primary plat may be submitted to the Plan Commission with a request for such approval. The Plan Commission approval of a primary plat is to serve only as a further guide for preparation of the secondary plat. Public notice for a minor subdivision plat will be given at the time an application for secondary plat approval is submitted.

....Secondary Subdivision Plat Requirements

The original drawing shall be 24 x 36 inch at a scale of 1 inch equals 50 feet or 1 inch equals 100 feet. Four copies shall be submitted to the Plan Commission. The drawing shall show the following:

1. Name of the proposed subdivision;
2. Complete legal description of the subdivision;
3. Lot dimensions in feet and hundredths thereof~ angles and/or bearings expressed in degrees, minutes and seconds;
4. Lots numbered;
5. Building setback lines dimensioned;
6. Easements dimensioned and labeled as to their specific use with secondary elevations;
7. Right-of-way lines dimensioned~ including existing right-of-way; and any dedication required for the widening of an existing street;
8. Name, address, registration number and certification of the registered land surveyor preparing or certifying the subdivision;
9. Deed of Dedication;
10. Owners Certification;
11. Scale, graphic scale bar, north point and date.

Supporting data and drawing(s) will be required to show the following information:

1. Legal description and tract boundary drawing;
2. Physical features such as wooded areas, swamps, wet lands and marshes;
3. Existing topographic contours at vertical intervals of five (5) feet or less from available data - 6eological Survey data may be used;
4. Access plans for the entire parcel if additional subdividing is probable in the future;
5. Adjacent road(s), showing both the width of the right-of-way and of the improved surface areal
6. Soil information from the Marshall County Soil and Water Conservation District indicating degree of soil limitation;
7. Scale, graphic bar scale~ north point and date;
8. Source of water supply and sewerage disposal indicated;
9. Proof of ownership of the property being subdivided.
10. Names and addresses of all property owners of record within a radius of 300 feet from all plat boundary lines.

SECTION 3.2 - MAJOR SUBDI¥ISION PLAT REQUIREMENTS

Subdivision of a parcel of land into four (4) or more lots, counting the balance of the original parcel as one of the four (4) shall require platting as a major subdivision. Regardless of the number of lots involved, creation of any new street in the division of land shall alas be by

means of a major subdivision plat. In addition, a major subdivision plat shall be required when any parcel of land previously divided as a minor subdivision is further divided.

...Sketch Plan

Prior to the submission of a primary subdivision plat, the subdivider shall submit a sketch plan and soils report from the Marshall County Soil and Water Conservation District Soil Survey Publication indicating degree of soil limitation and consult informally with the Plan Commission. This will enable the subdivider to become familiar with the general requirements and conditions affecting the subdivision, thus avoiding unnecessary and costly revisions. The sketch plan may be in a very tentative form. 23 However, it should provide adequate information and sufficient detail for intelligent review and comment.

...Primary Plat

A primary plat and an application shall be submitted to the Plan Commission for a major subdivision. Primary plat approval by the Plan Commission shall be given only after a legally advertised public hearing has been held.

The primary plat shall be on a 24 x 36 inch sheet at a scale clearly legible and in no case shall it be less than 1 inch equals 100 feet. The following information shall be provided on the plat:

1. Name of proposed subdivision;
2. Complete legal description;
3. Name and address of subdivider (owners and developers);
4. Name, address and registration number of surveyor;
5. Scale, graphic bar, north point and date;
6. Dimensioned boundary line of proposed subdivision;
7. Layout of all proposed and existing lots appropriately dimensioned, including setback lines;
8. Street layout, proposed rights-of-way, easements, common areas, and dedications.
9. Location, width and names of existing streets, easements, section and corporate lines;
10. Existing topographic contours at vertical intervals of five feet of less. United States

Geological Survey data may be used unless unusual characteristic exist which would require greater detail.

Supporting data shall include the following:

1. All existing permanent features, natural or man-made that may influence the design of the subdivision, such as water courses, tree groves, swamps, outstanding natural

topographic features, power transmission towers, sewers, water mains, utility lines and fire hydrants. Where underground utilities exist within or adjacent to the tract, the location, size, and direction of flow shall be indicated;

2. A soils report from the Marshall County Soil and Water Conservation District, indicating the degree of limitation on the soil of the proposed subdivision. The report shall indicate degree of limitation with respect to road construction, drainage, sewage disposal, erosion control and such other information helpful to the review of the plat;
3. Existing street pattern for the area adjacent to the subdivision and a plan showing the manner in which the streets within the proposed subdivision can be tied in with existing streets;
4. A drainage plan shoving the natural watercourse, marshes, etc.; existing drainage facilities, culverts, etc.; proposed contours and grading plan; and the proposed drainage plan for the subdivision and an analysis of existing drainage facilities to nearest watercourse, showing culverts, retention ponds, etc.;
5. All land contagious to the proposed subdivision owned by or under the control of the subdivider;
6. An engineering feasibility report including the following: The feasibility of connecting to an existing sewerage system and water supply. This portion of the study shall include the distance to the nearest public sever, its capacity and present load, and its capacity to handle the additional sewage load created by the subdivision. The same information shall be submitted for the water supply. A study of the storm water drainage for the area, a method of dispersion or retention and adequacy of downstream facilities. This study shall give consideration to both water entering the subdivision from adjacent land and water within the boundaries of the subdivision.
7. Names and addressee of all property owners of record within a radius of 300 feet from all plat boundary lines.

...Secondary Plat

Application

Application for the secondary approval of a subdivision plat shall not be filed until the primary plat and supporting data has received secondary Plan Commission action and the primary plat amended in accordance with and to meet all requirements and conditions.

Phasing of a Plat

If a subdivision is to be constructed in Phases or Sections, the subdivider may request secondary plat approval for that portion of the approved primary plat that is scheduled for

initial construction. However, no Phase or Section shall contain less that 10% of the total number of lots in the approved primary plat.

Submission of a secondary plat with a request for Phase or Section secondary approval shall be closely studied and considered as to the effect it may have on the continuity of roads, utilities and services. Secondary plat approval shall not be granted on any single Phase or Section of a plat that cannot stand alone should the balance of the approved primary plat not be constructed as originally presented.

A plat approved for such Phase or Section construction shall clearly indicate the Phase or Section number or letter designation as a part of the name of the subdivision title. A Phase or a Section of a plat shall be filed with the County Recorder and meet all requirements the same as if the entire plat were being filed at one time.

Plat Requirements

The subdivider shall submit the original drawing a 24 x 36 inch at a scale no less than 1 inch equals 100 feet.

The secondary plat shall include;

1. Name of subdivision;
2. Complete legal description;
3. Certification of land surveyor;
4. Approval of Plan Commission;
5. Scale, graphic bar, north point and date;
6. Owners certification;
7. Boundary of plat, based on an accurate traverse, with angular and lineal dimensions;
8. Lots numbered and dimensions in feet and hundredths;
9. Location, width and name of streets within the plat, utility easements and any other ground that will be dedicated for public purposes;
10. Building setback lines accurately shown in accordance with the Zoning Ordinance of the City of Plymouth.
11. True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat. Also, the locations of the subdivision cornerpoints and the location of the elevation benchmarks as well as accurate location of all monuments;
12. Radius and angle of intersection, tangent length, length of curve, P.C.'s and P.T.s, radii, internal angles, points and curvatures, tangent bearings and length of all arcs.

Restrictive covenants regulating the use and development of the lots may be lettered on the secondary plat or made a part thereof, subject to the approval of the Plan Commission.

The owner's acknowledgement of the subdividing of the real estate; the dedication of streets and other public areas; and the reserving of easements for public utility purposes and drainage facilities shall be shown on the plat or separately and made a part thereof to the approval of the Plan Commission.

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CHAPTER 4 - DESIGN PRINCIPLES AND STANDARDS

SECTION 4.0 - DESIGN CRITERIA

In addition to the criteria for plat approval determination provided in Chapter 2, Section 2.0, the Plan Commission shall further determine if the plat conforms to the principles and standards of this ordinance, which shall be deemed to be minimal.

In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourse, or similar conditions, which if preserved, will add to the aesthetics and value of the development. Consideration shall be given to the prevention of air and stream pollution and to the elimination of any other blighting characteristics. The layout of the subdivision shall be of such a nature as to protect the health, safety, and general welfare of the City and it residents.

SECTION 4.1 - PRINCIPLES OF STREET DESIGN The subdivider shall be guided by the following principles in laying out the street system within the subdivision:

All parcels shall have adequate and safe vehicular and pedestrian access and street systems shall be designed to minimize through traffic movement, however, connections into and from adjacent areas may be required by the Plan Commission where it will not substantially increase through traffic. The design shall provide reasonable direct access to the primary circulation system and not conflict with the efficiency of bordering arterial routes.

To function effectively and safely, the circulation system within a subdivision shall be designed with .the least number of interruptions possible, and further, to discourage excessive speeds and minimize pedestrian-vehicular points of conflict. The streets shall be related to topography and shall minimize space devoted to streets and intersections.

All dedicated rights-of-way shall conform to the following minimum widths:

Arterial Streets .....120 feet

Major Collector Streets .....100 feet

Minor Collector Streets .....70 feet

Local Residential Streets .....60 feet

Cul-De-Sacs .....60 feet*

Crosswalks .....10 feet

Utility Easements .....20 feet

The following criteria in street design shall be observed in laying out streets in a new subdivision:

Street Jogs with centerline offsets of less than 125 feet shall not be permitted.

Ail streets shall intersect at 90 degrees whenever possible for a minimum distance of 100 feet; however, in no instance shall they intersect at less than BO degrees onto arterial or collector streets or less than 50 degrees onto local streets.

To insure adequate sight distance, when the street centerlines deflect sore than 10 degrees, connections shell be made by horizontal curves. The minimum centerline radius for local residential streets shall be 200 feet and for other residential streets, 400 feet.

A tangent, of at least 100 feet, shall be introduced between reversed curves on local and collector streets.

The maximum vertical grade for arterial streets shall not exceed 7.5 percent; for collector streets, 10 percent; and for local streets, 12 percent; provided, however, that within 200 feet of a street or railway intersection, the maximum grade permitted shall be 50 percent of the maximum grade specification.

The maximum length for cul-de-sac streets shall be 500 feet measured along the centerline from the intersection at origin through the center of the circle to the end of the. Right- of-way. Each cul-de-sac shall haves terminus of nearly circular shape with a minimum right-of-way diameter of 120 feet, unless an equally safe and convenient form of space as approved by the Plan Commission.

Only one street or point of vehicle access shall be permitted from a subdivision onto a major collector street or an arterial street or road. Two or more streets or points of vehicle access onto a minor collector street may be permitted by the Plan Commission only if they are definitely needed to improve the safety and traffic circulation in the area.

No street names may be used which will duplicate or be confused with names of existing streets. Streets which are logical extensions or continuations of existing streets shall bear the names of such existing streets.

Right-of-way for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to adjacent properties unless such 'extension is not feasible because of topography or other physical conditions, or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the advantageous development of adjacent tracts. No subdivisions shall be designed so as to create or perpetuate the land-locking of adjacent undeveloped land.

Temporary dead-ended streets shall be permitted only when a street is proposed and should logically be extended, but is not yet constructed. An adequate easement for a turn-around shall be provided for all 28 temporary dead-ended streets which extend 200 feet or more in length. Such easement shall be automatically vacated to abutting property owners when the street is extended.

In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by this ordinance, the subdivider shall dedicate additional width along either one or both sides of such streets so as to bring them up to standards, provided the area to be used for widening is owned r under the control of the subdivider.

No driveway shall be located within 70 feet of the intersection of two street lines.

All developments must abide by the Plymouth Complete Streets Policy.

SECTION 4.2 - BLOCK STANDARDS

Block length and width shall be such as to accommodate and provide for convenient access, circulation control, and safety of traffic. Blocks that are unreasonable large or small will not be approved. Maximum block length shall be 1200 feet. The Plan Commission may require pedestrian crosswalks at a point useful to facilitate pedestrian circulation to a school, park, recreation area, or significant neighborhood destination.

Residential blocks shall normally be of sufficient depth to accommodate two tiers of lots, except where lots border a freeway, arterial street or flood plain and are designed as through lots.

Blocks must fit easily into the overall plan of the subdivision and evidence consideration of lot planning, traffic flow, and public areas.

SECTION 4.3 - LOT STANDARDS

Lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing building permits to build on all lots on compliance with the Zoning Ordinance. Provisions shall be made for driveway access to all lots from an approved street at a proper distance from intersecting streets.

Lot dimensions shall comply with the minimum requirements of the Zoning Ordinance. 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.

Through lots shall be avoided where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

A subdivider shall be required to furnish and install fences wherever the Plan Commission determines a hazardous condition may exist. The type of fencing material and height shall be noted on the secondary plat.

A no-access screened buffer strip of ten feet shall be provided along lot lines adjoining an adverse influence or an arterial street or highway, if required by the Plan Commission. This requirement shall be noted on the secondary plat.

Corner lots shall be sufficiently larger than interior lots to allow proper setback from both streets. Side lines of lots shall be approximately at right angles to the street lines.

Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area and drainage shall be designed so as to avoid concentration of storm water drainage from one lot to adjacent lots. Where possible, drainage should be contained on each lot or parcel.

SECTION 4.4 - EASEMENTS

Adequate areas of suitable size and location shall be allocated for utility easements. AS a general principle, such easements shall be a minimum of 30 feet in width, and shall provide reasonable continuity from block to block. They shall be located at rear lot lines whenever possible and alongside and front lines only when deemed necessary.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, adequate areas for storm water or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said watercourses in accordance with the requirements of the County Drainage Board.

Whenever practicable, the subdivider shall be encouraged to design for the placement of utility lines underground, following the required standards and specifications established by each utility company. The location of each underground utility system shall be shown by appropriate easement lines on the proposed plat.

SECTION 4.5 - COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

Commercial and industrial subdivisions face unique problems of lot design not encountered in residential subdivisions. For this reason, the emphasis of the Plan Commission consideration shall be upon street layout and block arrangement. The

procedural requirements shall be basically as outlined in this ordinance, with the exception being the subdivider need show only two lots along with the street and block layout.

As lots are sized to the specifications of the prospective purchaser, the owner shall submit an amendment to the previously approved recorded subdivision plat for Plan Commission consideration. Regular procedural requirements for a secondary subdivision plat shall then apply.

Streets that have been built to the specifications of previously approved plans on the recorded plat shall not have to be rebuilt because of the adoption of new criteria by the City. This shall also apply to storm drainage facilities within said subdivision unless run-off characteristics have been changed by the newly proposed improvements or by unauthorized existing improvements.

A non-residential subdivision shall also be subject to all requirements set forth in the Zoning Ordinance. Site plan approval and non-residential subdivision plat approval may proceed simultaneously at the discretion of the Plan Commission.

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.

Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

Special requirements may be imposed by the Plan Commission with respect to street, curb, gutter, sidewalk design and construction as well as installation of public utilities, including water, sewer and storm water drainage.

Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.

Streets carrying non-residential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.

SECTION 4.6 - RESERVE STRIPS

The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to said street.

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CHAPTER 5 - SPECIFICATIONS - IMPROVEMENTS AND INSTALLATIONS

SECTION 5.O - IMPROVEMENTS

Subdivision improvements shall be designed, furnished and installed by-the subdivider in accordance with the requirements of this chapter, State, County, and City specifications, when applicable. The higher or more restrictive requirements shall prevail.

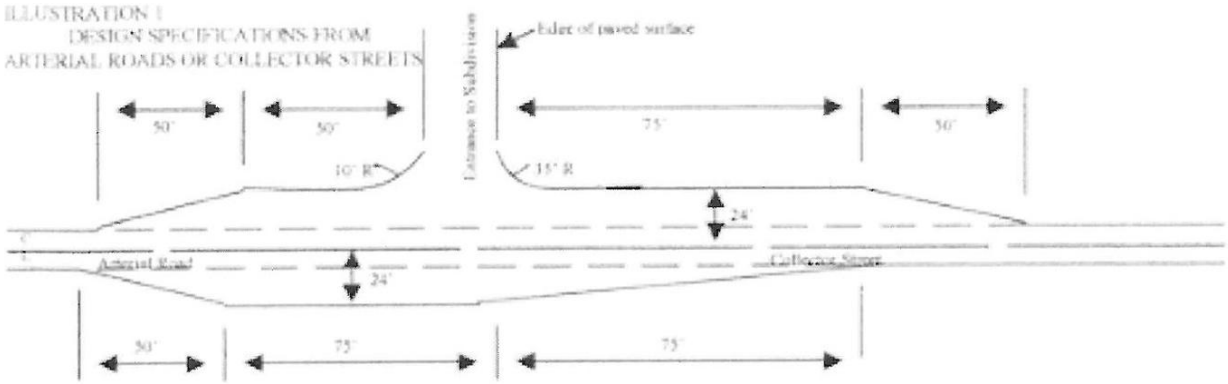
No subdivision plat shall be approved by the Plan Commission unless the following improvements have been completed as herein specified and required, or the subdivider provides a financial guarantee therefore, as specified in Chapter 2, Section 2.3, of this ordinance.

After Commission approval of the primary plat and prior to any construction in the subdivision, the subdivider shall submit copies of the construction drawings for streets, sewers, water lines, and drainage facilities or review by the Board of Works a minimum of 45 days before construction is proposed to begin. Supervision' and inspection of construction of all required improvements shall be under the direction of the City Board of Works.

SECTION 5.1 - STREET IMPROVEMENTS

Improvements for streets shall be performed to meet the following minimum standards and requirements. At the intersection of a subdivision collector street with an arterial or major collector street or road, the Commission may require the subdivider to install deceleration and passing lanes along the arterial or collector street in accordance with the graphic specifications in Illustration 1.

ILLUSTRATION 1



Required Pavement Width - Local and Cul-de-sac Streets

Width with curb and gutter. . .... 31' - back to back of curb

Width without curb and gutter· . 24'

Residential cul-de-sac .....50' - radius

Radius at intersections .....35'

Required Pavement Width - Industrial and Commercial Streets

Width with curb and gutter . . .... 38' - back to back of curb

Width without curb and gutter. . 28'

Cul-de-sac .....50' - radius

Radius at intersections .....35'

Required Pavement Width - Collector Streets

Width with curb and gutter . . ... 38' - back to back of curb

Width without curb and gutter...26’

Radius at intersections .....35’ SECTION

5.2 - PAVEMENT CONSTRUCTION

Local and Cul-de-sac Streets Local and cul-de-sac streets shall be constructed of the following minimum thickness of sub-base, base course, and pavement:

a. A six (6) inch plain concrete pavement on a six (6) inch compacted aggregate sub-base; or
b. A three (3) inch hot asphalt concrete base pavement on a six {6) inch compacted aggregate sub-base, with a two (2) inch hot asphalt concrete binder and a one (1) inch hot asphalt concrete surface.

Collector, Industrial, and Commercial Streets

Collector, industrial and commercial streets shall be constructed of the following minimum thickness of sub-base, base course, and pavement:

a. A six (6) inch reinforced (6x6x6 mesh) plain concrete pavement on a six (6) inch compacted aggregate sub-base; or
b. A four (4) inch hot asphalt concrete base pavement on a six (6) inch compacted aggregate sub-base, with a two (2) inch hot asphalt concrete binder and a one (1) inch hot asphalt concrete surface.

Materials Specifications

All material used to construct streets shall conform to the current State Highway Commission's standard specifications.

Street Improvement Timetable

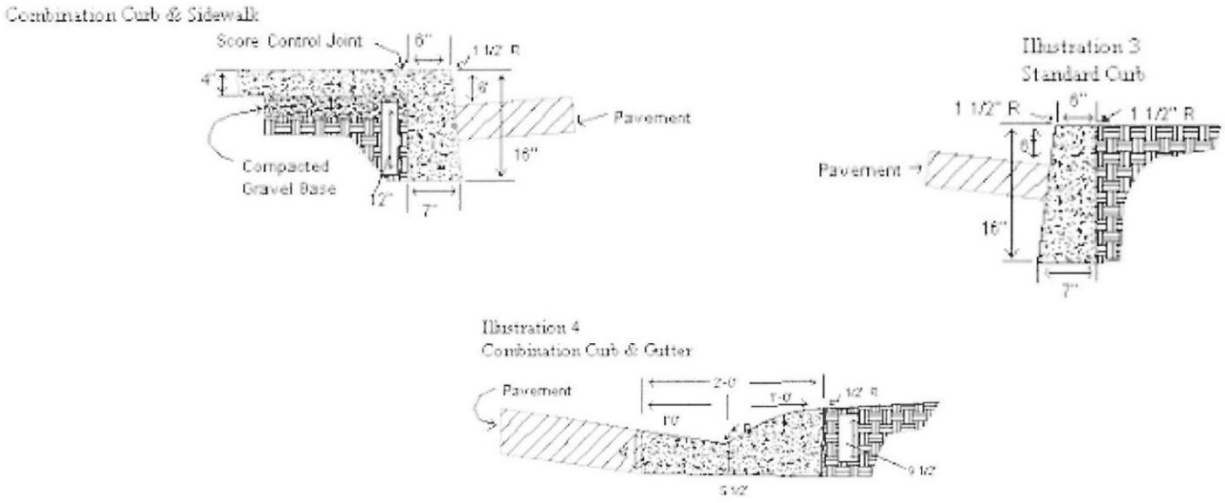
Street improvements shall be installed in an approved subdivision according to the following timetable in that portion of the subdivision that is being developed and building permits have been issued:

a. Grading and aggregate base to be installed within six (6) months secondary plat approval.
b. Base Asphalt to be installed within twelve (12) months of secondary plat approval.
c. Concrete or deep strength Asphalt streets to be completed within twelve (12) months of secondary plat approval.
d. Secondary or finish coat Asphalt to be installed within eighteen (18) months of secondary plat approval·

SECTION 5.3 - CURB AND GUTTER

Subdivisions within the corporate limits of Plymouth and the 2-mile Jurisdictional area shall be required to have curb and gutter in the street improvements unless otherwise waivered by the Plan Commission. Consideration of wavering this requirement will be made based upon existence of curb and gutter in previously developed areas of the same subdivision, or density of less than three (3) lots per acre of land platted.

Residential areas may be combination curb and sidewalk (Illustration 2), (Illustration 3), or combination curb and gutter (Illustration 4). *All areas other than residential shall be 6n vertical face standard curb or combination curb and sidewalk. Construction shall be of 6 bag concrete.



SECTION 5.4 - SIDEWALKS

The subdivider shall provide sidewalks in the subdivision as required by the standards of Article 6, Section 190, B. Sidewalks in the Plymouth Zoning Ordinance.

SECTION 5.5 - ROADSIDE SWALES

Streets not having curb and gutter shall provide the following:

1. Side ditch swales measuring 12 inches deep at a point five (5) feet inside the right-of-way line.
2. A culvert at all driveways sized according to storm water flow.
3. Culverts under the roadway where necessary. Size of culvert to be according to storm water flow, but not less than 12 inches. All culverts shall extend at least five (5) feet beyond either edge of the paved roadway.
4. Relief of side ditches and swales along the roadway through the use of off-street retention basins or ex/sting public drainage channels.

SECTION 5.6 - STREET IDENTIFICATION SIGNS AND TRAFFIC SIGNS

It shall be the responsibility of the subdivider to provide and install street identification and traffic signs at all street intersections within the subdivision prior to the construction of any permanent improvements other than those specifically set forth by this ordinance. Said signs and poets shall conform to the following standards or be of a design approved by the Plan Commission after appropriate consideration has been given to future maintenance.

Each sign post shall consist of materials and design as currently being used in the City or County and shall be approved by the Street Superintendent or Highway Superintendent as appropriate.

All signs shall be located within the street right-of-way, but no closer than six (6) feet from the edge of the traveled portion of the street and with a ground clearance to the bottom of the sign of not less than seven (7) feet.

SECTION 5.7 - DRAINAGE

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water in the subdivision and the drainage area of which it is a part. The system shall be constructed and installed in accordance with plans and specifications approved by the City Engineer for subdivisions in the corporate limits of Plymouth, and by the County Surveyor for subdivisions in the 2-mile Jurisdictional area. In designing a drainage system, the subdivider shall be guided by the following standards:

All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters and storm sewers or side ditches and culverts as determined by the Plan Commission.

Street drainage shall serve as the primary drainage system and shall be designed to carry at least the street, adjacent land, and house storm water drainage.

Whenever the evidence available to the Commission indicates the natural surface drainage is inadequate, the subdivider shall provide the subdivision with an adequate storm water sewer system. When the surface drainage is adequate, easements for surface drainage shall be provided.

When topsoil has been removed on a slope where erosion will cause a displacement of loose materials, the subdivider shall be required to seed or provide other means to prevent the wash from damaging adjacent property. The erosion control measures shall be in accordance with standards and specifications on file in the Marshall County Soil and Water Conservation District office.

In order to insure the maintenance of a properly designed and installed drainage system, the following paragraphs shall be required as a provision of the restrictive covenants of all secondary plats:

> Drainage swale ditches along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without written permission of the Board of Works. Property owners must maintain these swales as sodded grass ways or other non-eroding surfaces.
>
> Water from roofs or parking areas must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriate sized culverts or other approved structures have been approved by the City Street Department.
>
> Any property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for such action and will be given ten (10) days notice by registered mail to repair said damage~ after which time, if no action is taken, the City will cause such repairs to be accomplished, and the bill for such repairs will be sent to the affected property owners for immediate payment.

SECTION 5.8 - SANITARY SEWAGE SYSTEM

A subdivision plat shall not be considered for secondary approval until the construction plans for the sewage system have been submitted to and approved by the Sanitary Board of Trustees.

Sanitary sewer disposal systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning reports. Sewer capabilities should be adequate to handle the anticipated maximum hourly quantity of sewerage together with allowance for infiltration and other extraneous flow.

...Design and Construction

A sanitary sewer system shall be designed and constructed by the subdivider. Sewers shall be installed to serve all lots, to grade and size required by the City. All plans shall be in accordance with local regulations and are subject to specific written approval from the Sanitary Board of Trustees prior to the start of construction. Such approval shall be by the affixing of the Board's signature on the cover sheet of the secondary construction prints.

It shall be required that each developer provide two copies of "As-built" prints to the City no later than six months after completion of said construction. The "As-built" prints shall be certified to be correct by the developer's engineer.

A permanent sanitary sewerage collection system including all pipes and manholes shall be provided and said collection system shall be connected (extended to connect, if necessary) with an existing public sanitary sewerage system when available.

The design and construction of the sewers shall be in accordance with "Ten States Standards", the Recommended Standards for Sewage Works by the Great lakes – Upper Mississippi River Board of State Sanitary Engineers.

...Connection Requirements

A Minor or Major Subdivision shall be required to connect to the municipal system if it is within 300 feet of an available adequate connecting point.

...Private Sewerage System

In the event an area proposed to be platted is not so located as to permit connection into the municipal sewerage system, a private sewage disposal system or each lot shall be designed in accordance with the minimum requirements of the County Health Department and in accordance with all rules and regulations set forth by the Indiana State Board of Health.

In no case will any part of the private system, including seepage field or leaching field, be located closer than l0 feet to a property line or within 75 feet of a private veil.

If individual septic systems are proposed for the subdivision, it shall be required that a percolation test is done for each and every proposed lot in the subdivision. Certification of

test results on each proposed lot shall be submitted with the request for approval of the private system.

The Sanitary Board of Trustees shall not approve the use of any private sever system until written assurance and approval of said system has been received item the County Health Department and/or the Indiana State Board of Health, as may be applicable.

The Plan Commission shall not consider secondary approval of a plat until advised by the Sanitary Board of Trustees that all applicable approvals have been received and are on file. Copies of such approvals shall be made a part of the Plan Commission's file on said plat.

SECTION 5.9 - WATER SYSTEM

A water distribution system shall be designed and constructed by the subdivider to provide adequate water service for all lots in the proposed subdivision.

A subdivision plat shall not be considered for secondary approval by the Plan Commission until improvement plans for a water system have been submitted and approved by the Water Works Board of Trustees. Such approval shall be indicated by the Board affixing their signatures to the cover sheet of the construction plans.

...Design and Construction

A permanent water distribution system, including all pipes, fire hydrants, valves, and other appurtenances shall be provided ~or in the plans. If the system contains 2,500 feet or more of pipe, or would serve 5% or more of the City population, the plans must be approved by the Indiana Department of Environmental Management prior to approval by the Water Works Board.

All design and construction shall meet the current standards as set forth by the American Water Works Association and the current standards of the Water Works Board of Trustees.

...Private Water Supply

In the event the area proposed to be platt.dis not mo located with regard to such adequate public or group water supply system, before any structure on any lot therein is occupied, an individual water supply system for such lot shall be constructed and installed in accordance with the satisfactory plans and specifications therefore. In no case viii any part of the private water system is located closer than 10 feet to a property line or within 50 feet of a private sewage disposal system.

The subdivider shall provide certified information to the Water Works Board of Trustees that safe potable water can be obtained from private veils and the approximate depth at which an adequate vein of potable water can be expected to be found.

SECTION 5.10 - MONUMENTS

Monuments and markers shall be installed by the subdivider so that the top thereof is 3 to 6 inches below the proposed finished grade adjoining it, and the cross marker or other designation thereon shall coincide exactly with the intersecting or other lines marked and designated. Permanent monuments shall also contain elevation controls. Permanent concrete markers measuring 6 inches by 6 inches by 30 inches with iron pipe cast in the center shall be required at a minimum o~ at least two (2) points on the exterior boundary of the plat. United States, State, County, or other official monuments may substitute for the required two (2) concrete monuments where they already exist and where coordinates are provided for these existing monuments.

Permanent markers consisting of ~ inch diameter pipe or ~ inch diameter iron pins 24 inches in length shall be installed at:

1. The intersection of all street and alley right-of-way lines within the proposed plat.
2. The beginning and ending of all curves in street right-of-way lines including corner easements having a radius of 50 feet or less.
3. All points where lot lines intersect street or alley right-of-way lines.
4. All angles formed by intersection of lot lines.
5. All other lot corners not established by a monument.
6. All points required delineating the location or extent of reservations, easements, or dedications not otherwise defined.

All United States, State, County, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

SECTION 5.11 - STREET LIGHTING

Street lighting shall be required for subdivisions within the corporate limits of the City of Plymouth. Standards for such street lighting shall be determined by the Board of Public Works upon review of the subdivision plat. Street lighting shall be bonded or financially guaranteed along with the street and drainage improvements. Installation of street lighting shall be completed within one (1) year after approval of the secondary plat.

NOW, THEREFORE, be it ordained that this Ordinance amending and restating the Subdivision Control Ordinance of the City of Plymouth, Indiana, containing regulations, requirements, design standards, specifications, procedures, fees and penalties, shall be in full force and effect from and after its passage and due publication by the Common Council of the City of Plymouth, Indiana.

Passed by the Common Council of the City of Plymouth, Marshall County, Indiana, and this____ day of D_____, 20__.

COMMON COUNCIL OF THE

CITY OF PLYMOUTH, INDIANA

_____

Mark Senter, Mayor

City of Plymouth, Indiana

ATTEST:

_____

Toni Hutchings, Clerk-Treasurer

APPENDIX A

SURVEY CERTIFICATION

I, _____, hereby certify that I am a land surveyor registered in compliance with the laws of the State of Indiana; and further certify that I have surveyed the property described and that I have subdivided the same into blocks and lots as shown. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place or will be installed as located in accordance with the platting ordinance. All lot corners are marked with _____. Dimensions are in feet and decimal parts thereof.

Dated this _____ day of_____, 20 __.

_____

Signature

APPENDIX B

CERTIFICATE OF OWNERSHIP

STATE OF INDIANA)

) SS:

COUNTY OF MARSHALL)

I or (We) _____ and_____, do hereby certify that I am or (we ere) the owners of the property described in the above caption and have caused the above described property to be surveyed and subdivided as shown on said plat as our own free and voluntary act and deed.

_____

Signature

_____

Signature

Before me, a Notary Public in and for said County end State, personally appeared_____and _____ and & acknowledged that they signed the above certificate as their ova free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this day ____of _____ , 20__·

My Commission Expires:_____

_____

Notary Public Resident of Marshall County, Indiana

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

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

4. The City or County shall not maintain improvements dedicated to the public by this plat until the Board of Public Works or Board of County Commissioners has accepted completed improvements for maintenance. The release by the Commissioners of a financial guarantee of performance and/or maintenance shall constitute acceptance for maintenance by the City or County.
5. 5. National Flood Insurance Program Certificates:
    a. Zone A District Certificate
        i. This subdivision contains property included in the "Zone A District" on the National Flood Insurance Rate/Floodway Map # ____, dated ___. No building may be constructed or substantially improved in the area so designated until the Indiana Department of Natural Resources has determined a flood elevation. Any building constructed or substantially improved after the date of this instrument in the "Zone A District" shall be provided with a flood protection grade which is at least two feet above said flood elevation. The flood protection grade is the elevation of the lowest floor of a building or structure. If a basement is included, the basement floor shall be considered to be the lowest floor.
    b. Floodway Fringe District Certificate
        i. The subdivision contains property in the "Floodway Fringe District" on the National Flood Insurance Program Flood Insurance Rate/Floodway Map #__ ___, dated _____. Any building to be constructed shall be provided with a flood protection grade set at or above ____ feet, M.S.L., which is two feet above the 100-yr. Frequency flood. The flood protection grade is the elevation of the lowest floor of a structure. If a basement is included, the basement floor shall be considered to be the lowest floor.
    c. Floodway District Certificate
        i. This subdivision contains property included in the "Floodway District" on the National Flood Insurance Program's Flood Insurance Rate/Floodway Map # _____ , dated _ ____.
        ii. NO RESIDENTIAL DEVELOPMENT CAN OCCUR IN THE FLOODWAY DISTRICT. ALL PERMITS TO BE ISSUED FOR LAND LYING IN THE FLOODWAY DISTRICT SHALL BE FORWARDED WITH PERTINENT PLANS AND MATERIALS TO THE INDIANA DEPARTMENT OF NATURAL RESOURCES FOR REVIEW AND COMMENT PRIOR TO ISSUANCE. 6.
6. The farm access easement shown on the plat is to provide access for farm equipment only to the farm land located _____ and _____ of the property contained in this subdivision.
7. The __ _ maintenance easement shown on this plat is to provide _____ with access to the located or referenced on this plat. The cost of maintenance of the _____ is to be provided by the owners of ____ lots.
8. Lots in this subdivision are subject to restrictions and covenants set forth in Plat Book _____ ___, Page _ and any amendments thereto.
9. Notarized Signature Required. The notarized signature of the owner(s) must be included on any plat, in a form similar to the following:
    a. WITNESS OUR HANDS AND SEALS THIS _____ day of _____.
    STATE OF INDIANA)
    COUNTY OF MARSHALL)
    SS:

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

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

_____
NOTARY PUBLIC (SEAL)

_____
COUNTY OF RESIDENCE

_____
MY COMMISSION EXPIRES

APPENDIX C

DEDICATION

I, (we), the undersigned_____ , owner(s) of the real estate shown and described herein, do hereby layoff, plat and subdivide said real estate.

This subdivision shall be known and designated as _____. All streets and public areas shown, and not heretofore dedicated, public are hereby dedicated to the public.

Front building setback lines are hereby established as shown on this plat between which line and the right-of-way line of the street, there shall be no structure erected. The strips of ground shown on this plat and marked "easement" are reserved for the use of the public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, drainage facilities, and are herein reserved. No permanent structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their title subject to the rights of the public utilities and to the rights of the owners of other lots in this subdivision.

_____

Signature

_____

Signature

STATE OF INDIANA)

) SS:

COUNTY OF MARSHALL)

I,_____, Notary Public in and for said County and State, do hereby certify that_____and _____appeared before me this day in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth

Given under my hand and notarial seal this_____day of _____, 20____.

My Commission Expires:_____

_____

Notary Public

Resident of_____ County, Indiana

APPENDIX D

ACCEPTANCE OF DEDICATIONS

BE IT RESOLVED by the City of Plymouth, Board o~ Works and Safety, Marshall County, Indiana, that the dedications shown on this letter or plat are hereby approved and accepted this day ____of_____ , 20__,

BOARD OF PUBLIC WORKS AND SAFETY

CITY OF PLYMOUTH, IINDIANA

APPENDIX E

PLAN COMMISSION APPROVAL

Approved by the Plymouth Plan Commission in accordance with the Subdivision Control Ordinance. By:

_____

President

_____

Secretary

Date:_____, 20_____

Void unless recorded before_____, 20___.

APPENDIX F

PERFORMANCE BOND

SURETY BOND

STATE OF INDIANA)

)SS:

COUNTY OF MARSHALL)

KNOW ALL MEN BY THESE PRESENTS that_____of _____ , as principal, and surety, are held and firmly bound unto the City of Plymouth, Indiana, and to all contractors, subcontractors, journeymen, cartmen , truckmen, workmen, laborers, mechanics, and furnishers of materials jointly as their interests occur in the sum of $_____, in current lawful money of the United States for which payment will truly be made, we bind ourselves, our heirs, successors and assigns in solido by these presents.

Dated and signed at_____, this_____day of _____, 20___.

The conditions of this obligation are such that whereas the above named principal did, on the_____ day of_____, 20 ____, enter into a certain contract with the Board of Public Works and Safety to build or construct streets, sidewalks, curbs and gutters, drainage and sewage facilities in accordance with plans and specifications prepared by_____, and approved by the City;

NOW, THEREFORE, if the aforesaid principal shall veil and truly and faithfully perform said contract and comply with all its terms, covenants and conditions according to its tenor and discharge all of said principal's obligations thereunder and shall fully pay and discharge all of said principal's obligations to contractors, sub-contractors, Journeymen, cartmen, truckmen, workmen, laborers, mechanics and furnishers of materials employed and furnished in the execution of contract, then this obligation shall be null and void~ otherwise, to be and remain in full force, effect and virtue.

In testimony whereof, ye have set our hands in the presence o~ the two undersigned competent witnesses the day, month and year above written.

SURETY COMPANY

By: _____

Attorney-in Fact

WITNESSES:

_____

_____

_____

Signature of Subdivider

APPENDIX G

MAINTENANCE AGREEMENT FORM

STATE OF INDIANA)

) SS:

COUNTY OF MARSHALL)

THIS AGREEMENT made and entered into this____day of_____, 20___, by and between (Name of Subdivider) hereinafter designated as Owner and the City of Plymouth, herein represented by the Board of Public Works and Safety.

WITNESSETH;

WHEREAS, the Owner has subdivided lots_____ through_____

Subdivision and has received approval and acceptance from the City of Plymouth for subdivision improvements constructed therein; and

WHEREAS, under the provisions of Subparagraph_____of Section _____of the Subdivision Control Ordinance, the Owner is required to maintain certain improvements for a period of _____;

NOW, THEREFORE, it is hereby agreed by and between the Owner and the Board of Public Works and Safety that the Owner hereby agrees that he will keep all fill trenches, pipes, manhole structures and paved or unpaved surfaces constructed by him in Subdivision and will make such repairs to any defect in materials or workmanship as may develop or be discovered when called upon to do so by the City.

It is agreed that this Agreement shall be in full force and effect for a period of_____years from _____ to_____.

Dated this _____day of _____20____.

_____

(Name of Owner or Developer)

Witness:

_____

_____

By: BOARD OF PUBLIC WORKS AND SAFETY

CITY OF PLYMOUTH INDIANA

Witness:

_____

Clerk-Treasurer

APPENDIX H

MAINTENANCE BOND

STATE OF INDIANA)

) SS:

COUNTY OF MARSHALL)

KNOW BY ALL MEN THESE PRESENTS that _____ as principal and _____ as surety are held firmly bound unto the City of Plymouth· Indiana, in the sum of $ _____in lawful current money of the United States· for which payment will be made and we bind ourselves, our heirs, successors and assigns in solids by these presents.

Dated and signed at_____, Indiana, this_____day of_____, 20 ___. The conditions of this obligation are such that whereas the above named principal did on the___ day of _____, 20 ___, enter into a certain contract with the Board of Public Works and Safety to maintain for a period of ____ years from _____20 ____, the improvements in Subdivision and keep all fill trenches, pipes, manholes, structures and paved or unpaved surfaces constructed by him in good condition and shall make such repairs to any defects in materials or workmanship as may develop or be discovered when called upon to do so by the City;

NOW, THEREFORE, the aforesaid principal shall well and truly and faithfully perform said contract and comply with all of its terms· covenants and conditions according to its tenor, and discharge ail of said principal's obligations to the City of Plymouth, Indiana, and this obligation shall be null and void; otherwise, to be and remain in full force· effect and virtue.

In testimony whereof, we have hereunto set our hands in the presence of the two undersigned competent witnesses this day, month· and year above written.

SURETY COMPANY

_____

Attorney-in-fact

_____

Signature of Subdivider

Witnesses:

_____

_____

APPENDIX I

AGREEMENT FOR DEVELOPMENT OF SUBDIVISIONS

STATE OF INDIANA)

)SS:

COUNTY OF MARSHALL)

THIS AGREEMENT made and entered into this ___day of_____, 20___, by and between (Name of Subdivider) hereinafter designated as Owner, and the City of Plymouth, herein represented by the Board of Public Works and Safety.

WITNESSETH;

WHEREAS, the Owner owns and desires to develop lots_____through _____ inclusive, of_____ Subdivision located in Plymouth, Indiana; and , both

WHEREAS, the secondary plat of lots _____ through _____ , inclusive,_____Subdivision will be given secondary approval by the Plymouth Plan Commission upon Owner posting a surety bond insuring the satisfactory installation and construction of the following Improvements;

(describe improvements)

as shown on the plat prepared by _____, Land Surveyor, attached hereto and made a part hereof, according to the terms and conditions of this Agreement; and

WHEREAS, the Owner now desires secondary approval of the plat of _____ Subdivision prior to the installation and construction of the above described improvements, which improvements will be installed and constructed at Owner's sole cost and expense; NOW, THEREFORE, it is hereby agreed by and between the Owner and the City of Plymouth that for and in consideration of the secondary approval of lots _____ through _____ inclusive, _____Subdivision for the sale of lots therein without the above described improvements more particularly shown on the attached plan profile, having been first completed and approved, Owner binds and obligates himself within _____months from date hereof to install and construct the described improvements in accordance with plans prepared by _____ , which plans meet the requirements of the Plymouth Subdivision Control Ordinance, said plans being attached hereto and made a part hereof.

The Owner, in order to further insure faithful performance of said obligation, has executed a (surety bond, cashier's check, or certified check) in the amount of $ _____which bond is attached hereto and made a part hereof to guarantee the installation and construction of the following improvements;

(describe improvements)

according to plans and specifications therefore. Said (bond or check) may-be cancelled only after said work has been completed, inspected and approved by written acceptance of the Board of Public Works and Safety.

The above described improvements shall be constructed under the supervision of the Board of Public Works and Safety in full compliance with the specifications and requirements of the City of Plymouth, and when

completed, the Board of Public Works and Safety shall furnish the Plan Commission with a certificate of satisfactory completion.

It is further understood by and between the parties of this Agreement that in the event said improvements are not constructed within _____months from date hereof, the City of Plymouth shall have and is hereby granted the right, without putting the said owner in default, to ipso facto call upon the maid surety to complete the improvements hereinabove described and in default of the surety promptly causing such improvements to be constructed according to the plans and specifications, the City of Plymouth shall have the right to cause the improvements to be made and to call upon said surety for payment of all costs and expenses incurred in the construction thereof.

IN WITNESS WHEREOF, these presents have been signed in the presence of the undersigned competent witnesses at _____ on this _____day of _____, 20____.

(Name of Subdivider or Development Company)

By: _____

Witness: _____

BOARD OF PUBLIC WORKS AND SAFETY

Plymouth, Indiana

Witness: _____

Clerk-Treasurer

APPENDIX J

COMPLETION AFFIDAVIT

THIS IS TO CERTIFY:

That the following improvements designed and engineered for _____Subdivision are complete and that inspections and reports show them to be in accordance with the specifications and requirements of the City of Plymouth Subdivision Ordinance;

That surety has been posted to guarantee all materials and workmanship and to guarantee repair of any damages that may be inflicted upon the improvements listed in the course of completion of the Subdivision; and

That the Board of Public Works and Safety has accepted these improvements and will henceforth be responsible for all maintenance by agreement with the Subdivider.

(List Improvements)

Dated this _____ day of _____,20___

BOARD OF PUBLIC WORKS AND SAFETY

Plymouth, Indiana

ATTEST:

_____

Clerk-Treasurer

APPENDIX K

APPLICATION FOR MINOR SUBDIVISION APPROVAL - City of Plymouth, Indiana

(FOR OFFICIAL USE ONLY)

APPLICATION NO._____

Date Filed_____

Plan Commission Action on Minor Subdivision_____

Date Applicant Notified of Action_____

Date Plat Recorded_____

****

I (We) do hereby apply for Minor Subdivision approval of the following described property in accordance with the provisions of the City of Plymouth, Indiana, Subdivision Ordinance.

1. Name of Subdivision_____
   Section_____ Township_____ Range_____ Area (acres) _____
   Number of Lots_____ Average Size_____ Number of feet of street right-of-ways to be dedicated_____
2. Property Owner(s) _____
   Address_____ Telephone_____
3. Developer_____ (If other than owner) Address_____ Telephone_____
4. Land Surveyor preparing the Plat_____
   Address_____ Telephone_____
5. 5. Legal description of property: _____
   _____

_____

Signature of Applicant

APPENDIX L

PRIMARY SUBDIVISION APPLICATION

(FOR OFFICIAL USE ONLY)

Date Filed _____

APPLICATION NO._____

Date of Public Hearing_____

Plan Commission Action on Primary_____

Date Applicant Notified of Action_____

****

I (We) do hereby apply for primary approval of the following described Subdivision in accordance with the provisions of the City of Plymouth, Indiana, Subdivision Ordinance.

1. 1. Name of Subdivision_____
   Section_____ Township_____ Range_____ Area (acres) _____ Number of Lots_____ Average Size_____ Number of feet of new streets proposed_____
2. Property Owner(s) _____
   Address_____ Telephone_____
3. Developer_____ (If other than owner) Address_____ Telephone_____
4. Land Surveyor Preparing the Plat_____
   Address_____Telephone_____
5. Legal description of property; _____
   _____
   _____

_____

Signature of Applicant

APPENDIX M

SECONDARY SUBDIVISION APPLICATION

(FOR OFFICIAL USE ONLY)

Date Filed_____

APPLICATION NO._____

Date of Primary Approval_____

Date of Public Hearing for Secondary Subdivision_____

Plan Commission Action on Secondary Subdivision_____

Date Applicant Notified of Action_____

Date Plat Recorded_____

****

I (We) do hereby apply for Secondary Approval of the following described Subdivision in accordance with the provisions of the City of Plymouth, Indiana, Subdivision Control Ordinance.

1. Name of Subdivision_____
   Section_____ Township_____ Range_____ Area (acres) _____ Number of Lots_____ Average Size_____ Number of feet of new streets to be dedicated_____
2. Property Owner(s) _____
   Address_____Telephone_____
3. Developer_____ (If other than owner)
   Address_____Telephone_____
4. Land Surveyor preparing the Plat_____
   Address_____Telephone_____
5. Legal desorption of property_____
   _____

_____

Signature of Applicant

APPENDIX N

SUBDIVISION REPLAT APPLICATION

(FOR OFFICIAL USE ONLY)

Date Filed_____

APPLICATION NO._____

Date of Primary Approval_____

Date of Public Hearing for Secondary Subdivision_____

Plan Commission Action on Secondary Subdivision_____

Date Applicant Notified of Action_____

Date Plat Recorded_____

****

I (We) do hereby apply for Secondary Approval of the following described Subdivision in accordance with the provisions of the City of Plymouth, Indiana, Subdivision Control Ordinance.

1. Name of Subdivision_____
   Section_____ Township_____ Range_____ Area (acres) _____ Number of Lots_____ Average Size_____ Number of feet of new streets to be dedicated_____
2. Property Owner(s) _____
   Address_____Telephone_____
3. Developer_____ (If other than owner)
   Address_____Telephone_____
4. Land Surveyor preparing the Plat_____
   Address_____Telephone_____
5. Legal desorption of property_____
   _____

_____

Signature of Applicant