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CHAPTER 3

SUBDIVISION APPLICATION PROCEDURES

3.01 GENERAL

- A. Subdivision Defined.** A subdivision is any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plats, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes re subdivision, but does not include condominiums regulated by I.C. 32-1-6.
- B. Exempt Subdivisions.** The following divisions of land shall not be considered subdivisions in the usual sense of the word and are therefore exempt from the requirements associated with the division of land for residential, commercial and industrial purposes.
1. The division of land into parcels, or tracts, which do not involve the construction of any new streets or easements of access;
 2. The sale or exchange of parcels of land between adjoining or contiguous land not creating any additional building sites;
 3. The conveyance of parcels of land, or interests therein, for their use as right-of-way for railroads or other public utility facilities and do not involve any new streets or easements of access;
 4. The division of land for federal, state, or local government to acquire street right-of-way;

5. The conveyance of land for highway roadbed or other public purposes or grants of conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
6. The conveyance of land to correct descriptions in prior conveyances of land;
7. The distribution of land by court order, primarily in the settlement of an estate but also for any other court action relative to the distribution of land.

In all cases, the proper legal descriptions, both superseded and new, and the legal authorization for the action taken, shall be provided for the Commission's file.

C. Advisory Plan Considerations. In order to make the most of the opportunities related to the subdivision and to conserve time, effort, and expenses, the owner or subdivider should consult with the Commission and other public or utility officials prior to the preparation of the tentative plan of the subdivision. The Master Plan of the City shall be reviewed to determine how the proposed plan will fit into the Master Plan requirements for major and minor streets; school and recreational sites; shopping centers; community facilities; sanitation facilities; water supply facilities and adequacy of water source; appropriate drainage systems; and the relationship to other developments, existing and proposed, in the vicinity, and downstream from the proposed subdivision.

The applicant shall be provided with a copy of the Columbia City Subdivision Checklist of a current date and as shown in Figure 3-1, and a list of Checkpoint Agencies in Figure 3-2.

The Executive Director or Staff member of the Planning and Building Department shall provide the applicant with a schedule of dates for an Advisory Plan, Preliminary Plat and Final Approval public hearing said dates reflecting the steps necessary in the quest for a Certificate of Approval for the plat.

The Advisory Plan shall be submitted to the Planning Department at least one (1) week prior to the date of the hearing. The purpose of the Advisory hearing is to provide the applicant with commentary by the Planning Commission relative to the proposed plan. No official action on the Advisory Plan shall be taken at this time. The applicant shall submit

preliminary plat and secondary plat petitions ten (10) days prior to the regularly scheduled meeting date of the Planning Commission.

**COLUMBIA CITY SUBDIVISION
CHECKLIST**

- File the application and pay the filing fee.
- Contact Surveyor and have Primary Plat prepared.
- Place legal advertisement in the newspaper
(Notice of Public Hearing)
- Notify adjacent property owners (Affidavit of Notice of
Public Hearing to Adjacent Property Owners.)
- Complete Agent's Statement. (If applicable.)
- Submit the following items to the Planning & Building Department
at least one (1) week prior to the date of the scheduled hearing:
 - Primary Plat
 - Proof of Publication (if not already forwarded to the Plan
Commission Staff by the newspaper.)
 - Completed Notice to Adjacent Property Owners Form
(with any green receipt cards.)
 - Comment letters from the Health Department, NIPSCO,
R.E.M.C. or City Utilities, United Telephone, County
Soil and Water Conservation District/ Department of
Natural Resources, (Rule 5 Permit.)
 - Restrictive Covenants.

FIGURE 3-1 SUBDIVISION CHECKLIST

COLUMBIA CITY CHECKPOINT AGENCIES

1. County Engineer Highway Department
2. County Soil and Water Conservation District
3. County Board of Health
4. City Board of Works
5. City/Township Fire Chief
6. Electric Company
7. Telephone Company
8. Gas Company
9. Cable TV Co.
10. City Park Director

FIGURE 3-2 CHECKPOINT AGENCIES

D. Classification of Land Divisions. It should be noted in discussing the subdivision of the land that a lot or parcel is "created" on the date of its recording with the County Recorder and a principle-use building is defined as that building in which the principle-use of the lot or parcel is conducted. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given building constitutes one or more buildings in cases where ambiguities exist. All land to be divided shall be categorized as follows:

1. **Major Subdivisions.** A major subdivision is one which requires new streets and/or extensions of existing streets and also substantially affects other local governmental facilities or causes the creation of any public improvements. Major subdivisions require the preparation of an Advisory Plat, a Preliminary Plat, and a Secondary (or Final) Plat.

2. **Phased Subdivision Application.** A phased subdivision application is for subdivision approval submitted pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes

to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, nonresidential development projects, planned unit developments, mixed-use projects, and residential developments.

3. **Planned Unit Development (PUD).** A Planned Unit Development is a development constructed on a tract of minimum size, initially under single ownership, planned and developed as an integral unit, consisting of a combination of residential and/or non-residential use of the land.
4. **Non-Residential Subdivision.** A non-residential subdivision is a subdivision whose intended use is other than residential, such as commercial or industrial.
5. **Minor Subdivision.** A minor subdivision does not require new streets and/or additional local government facilities.

3.02 Procedure for Primary Approval.

- A. **Application Requirements.** In order to begin the subdivision process, the applicant shall file an application for review with the Executive Director. This application shall:
 1. Be made on forms available at the office of the Commission and signed by the owners:
 2. Include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page numbers of the conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which the contract of sale was executed.
 3. Be presented to the Executive Director in duplicate;
 4. Be accompanied by a minimum of three (3) copies of the

plan;

5. Include an address and telephone number of an owner or agent who shall be authorized to receive all notices required by this ordinance; and

B. Checkpoint Submission. In order to fulfill this last application requirement, a copy of the proposed plan shall be submitted to each of the appropriate agencies to show the plan location so that their comment may be made to the Executive Director. The checkpoint agencies appropriate to each participating jurisdiction in which a plan may be located are listed as Figure 3-2 Checkpoint Agencies; namely by Municipal Utilities, R.E.M.C., and/or I & M, United Telephone, and NIPSCO, and Triax Cable. The Executive Director shall request that all officials and agencies to whom a request for review has been made, submit a written report within fifteen (15) calendar days after receipt of the request. No response from an agency shall be interpreted as meaning "no objection."

C. Primary Plat Approval.

1. **Date of Hearing; Notice.** The Planning Commission shall consider the application for primary plat approval, sometimes referred to as preliminary plat, not later than the second regular meeting following its proper submission to the Planning Department. The Plan Commission shall review the primary plat for the subdivision and when satisfied that the plans meet all the requirements of the Subdivision Ordinance, schedule a public hearing of the petition at the next regularly scheduled meeting of the Planning Commission. The Plan Commission shall give written notice to the subdivider and to all interested parties, including all owners of property abutting the proposed subdivision said notice to be given at least ten (10) days prior to the date set for the hearing, as specified in I.C. 36-7-4-706. The Commission shall have the published notice of the hearing pursuant to I.C. 5-3-1-1 through I.C. 5-3-1-9, but in no case shall the hearing notice be less than fifteen (15) days prior to the hearing. The cost of publishing the notice shall be paid by the subdivider at the time the notice is given or published.

2. **Primary Approval or Denial.** At the conclusion of the public hearing the Commission may give its primary

approval, with or without conditions, or deny the petition for cause. Conditions placed on the primary approval shall be deemed necessary to the interests and needs of the community. Primary approval shall be effective for a period of 12 months after the date of primary approval. Upon request by the applicant, a one (1) year extension of the first extension for a total time period of two (2) years beyond the date of primary approval; these extensions do not require further public notice or public hearing. It is the responsibility of the subdivider to file for an extension of the completion date for the petition. **If secondary approval has not been given within this time limit, the plat must again be submitted to the Commission for primary approval.**

Within five (5) working days of the public hearing, one copy of the preliminary (primary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval, and the reasons therefore, accompanying the plat.

Before the Commission approves a preliminary plat showing park reservations(s) or land of another governmental unit, the Commission shall obtain approval for the park or land reservation from the participating jurisdiction. The participating governmental jurisdiction shall have one (1) year to make a decision as to action to be taken.

D. Action After Hearing.

1. If, after the hearing, the Commission determines that the application and plat comply with the standards of this chapter, the Commission shall make written findings and a decision granting primary approval to the plat. The Commission may direct that the findings be drafted by the applicant or remonstrators. These findings shall be signed by the President and the Secretary of the Plan Commission.
2. If, after hearing, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval, and shall provide the applicant with a copy. The Commission may direct that the findings be drafted by the applicant or remonstrators. These findings shall be signed by the President or Secretary of the Plan Commission.

3. The primary approval or disapproval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission which may be reviewed by certiorari procedure the same as that provided for the appeal of a decision of the Board of Zoning Appeals. (Ord. 399, passed 9-25-56) ('69 Code, 132.09; Am. Ord. 732, passed 7-8-80; Am. Ord. 778, passed 7-24-84).

E. **Field Trip.** The Commission may elect to take an informal field trip to the site of the subdivision if the majority of the members present feel the need for visual clarification of the plans presented. The applicant or his representative shall accompany the Commission to the site. Questions directed to the applicant may be asked by Commission members. No discussion shall take place between Commission members regarding the merits of the subdivision.

If a field trip is considered necessary, the public hearing shall be continued until the next regularly scheduled meeting. The petition hearing does not have to be re-advertised as the action taken at this time is a matter of record.

3.03 **Construction Plan Approval Procedure.**

A. **Requirements for Approval.** The applicant shall file three (3) sets of detailed drawings and specifications with the Planning Commission before starting any improvements. Four (4) or five (5) sets may be necessary if a Drainage Board is involved; or a City Engineer, when a subdivision is located in the jurisdiction of the County but City water and/or sewer treatment facilities are used.

B. **Review Process.** The Executive Director of the Planning Department shall immediately refer these plans to the appropriate agencies of the affected participating jurisdictions for review. These agencies shall give written approval or denial, with justification for their action. When a written response from said agencies has not been received within fourteen (14) working days since the distribution of the construction plans, the Executive Director or his designee shall stamp the plans approved and return one (1) set of the plans to the applicant. In no event shall secondary approval of the final plat be given prior to the approval of the construction plans.

C. **Installation of Improvements.** The installation of improvements

shall be inspected by the appropriate participating jurisdictions. Said inspections are required in all instances regardless of whether the work is performed before or after secondary (final) approval is given. Failure to request or procure inspection of work performed after the date of this ordinance, and before secondary approval is given, may be cause for denial or rescinding secondary approval.

3.04 Final (Secondary) Plat Documentation.

A. Data Package Requirements. After approval of the Preliminary Plat by the Plan Commission and the fulfillment of the requirements of these regulations, and after ten (10) days have passed from the issuance of the Commission's findings with no evidence of appeal forthcoming, one (1) tracing of the secondary plat of the subdivision, drawn with India ink on the best grade of tracing cloth, and three (3) prints thereof, shall be submitted to the Commission for secondary (final) approval. The secondary plat shall be prepared at the same scale as the plat which was granted primary (preliminary) approval and shall conform to it substantially except for changes directed by the Commission. The secondary plat shall show:

1. Name of subdivision.
2. Location by section, township, and range, or by other legal description.
3. The name and certification of the registered professional engineer or land surveyor.
4. Scale shown graphically, date, north arrow, and PETITION NUMBER.
5. Boundary of plat, based on an accurate traverse with angular and lineal dimensions.
6. Exact location, width, and name of all streets within and adjoining the plat; the exact location and width of all alleys.
Street continuations shall have the same name as the pre-existing street with modifications of "North, South, East, West," if necessary.
7. True course and distances to the nearest established street lines or official monuments which shall accurately describe the

location of the plat.

8. City, town, township, county, or section lines accurately tied to the lines of the subdivision by distances and courses.
9. Radii, internal angles, central angles, points of curvature and tangency, and lengths of all arcs.
10. All easements for right-of-way provided for public services and/or utilities.
11. All lot and block numbers and lines with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions. **LOT NUMBERS IN NEW SUBDIVISIONS WHICH ARE NOT ADJACENT OR CONTIGUOUS TO AN EXISTING SUBDIVISION SHALL BE NUMBERED CONSECUTIVELY. AREAS OF THE PROPOSED SUBDIVISION WHICH ARE SCHEDULED FOR FUTURE DEVELOPMENT SHALL BE IDENTIFIED ALPHABETICALLY OR ASSIGNED OUTLOT NUMBERS AND NOTED AS SUCH.**
12. Lines of all streets, with accurate dimensions and hundredths, showing angles to streets and alley, and lot lines.
13. Accurate location of all monuments.
14. Accurate outlines and legal descriptions of any area to be reserved or dedicated for public use. Each of these areas which are to be reserved by deed or covenant, shall be identified thusly; public park, common area for property owners, etc.
15. Building setback lines accurately shown with dimensions.
16. A description of the property platted which shall be the same as that recorded in preceding transfer of the property or the portion of the transfer covered by the plat.
17. Restrictive covenants of all types which shall run with the land.
18. Certificates for approval by the Commission shall be signed by the **PLAN COMMISSION PRESIDENT OR VICE PRESIDENT**

AND BY THE SECRETARY OF THE PLAN COMMISSION.

3.05 Final (Secondary) Approval Requirements.

- A. Secondary Approval, Review by Certiorari.** Secondary approval shall be scheduled within thirty (30) days following the granting of primary approval per I.C. 36-7-4-708 (d), including any conditions of approval that may have been placed upon it by the Planning Commission. By vote of the Commission, the Final Approval may be delegated to the Executive Director or an authorized assistant, when it is determined that all of the requirements specified at the Preliminary Hearing have been met.
- B. Board of Public Works and Safety Certification.** In submitting the plat to the Commission, it should be accompanied by a notice from the Board of Public Works and Safety stating that there has been filed with and approved by the Board, one of the following:
1. A certificate that all improvements and special installations pertinent to the subdivision have been made or installed in accordance with specifications.
 2. A Subdivision Improvement Agreement and Guarantee, a Maintenance Bond, a Temporary Improvement Bond, all of which, whenever all or part of the subdivision is located within the corporate limits of the City, shall :
 - a. Run to the Board of Public Works and Safety;
 - b. Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this chapter;
 - c. Be with surety satisfactory to the Commission and;
 - d. Specify the time for completion of the improvements and installations.
- C. Board of County Commissioners Certification.** In submitting the plat to the Board of County Commissioners for approval, it should be accompanied by a notice from the County Engineer that there has been filed with, and approved by the Board of Public Works and Safety and/ or the Board of County Commissioners

and the County Engineer, one of the following:

1. A certificate that all improvements and installments pertinent to the subdivision have been made or installed in accordance with the specifications.
2. A Subdivision Improvement Agreement and Guarantee, a Maintenance Bond, a Temporary Improvement Bond, all of which, whenever all or part of the subdivision is located in the unincorporated part of the County, shall:
 - a. Run to the Board of County Commissioners, unless agreed otherwise by the City and County officials;
 - b. Be in an amount determined by the Board of County Commissioners to be sufficient to complete the improvements and installations in compliance with this chapter;
 - c. Be with surety satisfactory to the Board of County Commissioners and;
 - d. Specify the time for completion of the improvements and installations.

D. Final Plat Approval and Recording. When recording the plat with the County Recorder, it shall have the following:

1. The Plan Commission Seal of Approval and the signatures of the President, or Vice President, and the Secretary of the Commission.
2. The Certification of approval of the Registered Professional Engineer or Land Surveyor responsible for the plat layout.
3. Be accompanied by a current Deed of Dedication and any other dedications, protective covenants or private restrictions provided by the subdivider or recommended by the Commission said covenants to specify the use(s) to be made of the property

and in the case of residential use, the minimum habitable floor area.

- E. **Petition Denied or Declared Null and Void.** A Finding of Fact shall be a part of the Petition or Subdivision Plat file should the petition be denied during the approval process or should the improvements and installations be in default by the subdivider.

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