

SUBDIVISION OF LAND

PRIMARY PLAT APPLICATION

A. Purpose and Intent: A Primary Plat shall provide the Plan Commission with the opportunity to review the details of a subdivision of land to determine compliance with the provisions of this Unified Development Ordinance. A Primary Plat shall also ensure the statutory requirements established in Indiana Code for the subdivision of land are met.

B. Project Applicability: A Primary Plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the Plan Commission.

1. *Applicable Districts:* The subdivision of land shall occur only in the following zoning districts:

2. *Replats:* A replat shall consist of two (2) processes. First, the plat or the portion of the plat shall be vacated in accordance with Indiana Code 36-7-3-10 and 36-7-3-11. Then, the property shall be platted using the Primary Plat process in this section and the Secondary Plat process in *Section 9.15*.

2. *Exemptions:* Condominiums regulated by Indiana Code 32-35 are exempt from this subdivision process outlined in this Unified Development Ordinance.

C. Prerequisites:

1. *Eligible Applicants:* An application for Primary Plat shall be initiated by the owner of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner shall accompany the application.

2. *Pre-application Meeting:* Prior to submitting an application for Primary Plat, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures, and examine the proposed use and development of the site.

D. Filing Requirements:

1. *Application:* An application for Primary Plat shall be made on forms provided by the Zoning Administrator.

2. *Supporting Information:* The following supporting information shall accompany a completed application for Primary Plat.

a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a street, river, railroad, or other physical barrier exists. This information may be obtained from the Steuben County Auditor's Office.

b. A Site Plan, drawn to a scale, that includes the following items:

i. North arrow.

ii. Graphic scale.

iii. Proposed address for each lot.

iv. Proposed name of the subdivision.

v. Area map insert showing the general location of the site referenced to major streets.

vi. Legal description of the site.

vii. Boundary lines of the site including all dimensions of the site.

viii. Names, center lines, and right-of-way widths of all streets, alleys, and easements.

ix. Layout, number, dimension, area, building setback lines on all lots.

- x. Location and dimensions of any existing structures.
 - xi. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
 - xii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
 - xiii. Proposed perimeter landscaping areas.
 - xiv. Proposed entryway feature signs.
 - xv. Stamp of Registered Professional Engineer.
 - xvi. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator. This may include the supporting information listed in *Subsection 9.11(D)(2)(i)* for projects within the WH-O District.
- c. Representative building elevations for each facade of primary structures including the following information.
- i. Permitted building materials to be used for wall, window, roof, and other architectural features.
 - ii. Placement, size, color, and illumination details for any proposed wall sign.
 - iii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- d. A Site Access and Circulation Plan shall be required, but may be incorporated into the required Site Plan or may be submitted as a separate plan. It shall be drawn to scale and shall include the following items:
- i. North arrow.
 - ii. Graphic scale.
 - iii. Proposed name of the subdivision.
 - iv. Names, center lines, and right-of-way widths of all existing and proposed streets, alleys, and easements within 100 feet of the site.
 - v. All improvements to the street system on-site and off-site.
 - vi. Measurement of curb radius and/or flares.
 - vii. Location of proposed and existing sidewalk and sidepaths.
 - viii. Location and details of all proposed wayfinding signs.
 - ix. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- e. A Utility Plan, drawn to scale, including the following items:
- i. Location of all existing and proposed utility easements.
 - ii. Location and size of all existing and proposed utility components including, but not limited to sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
 - iii. Location and illumination capacity of all lights.
 - iv. Names of legal ditches and streams in or adjacent to the site.
 - v. Contours sufficient to illustrate storm water runoff.
 - vi. Storm water drainage plan including estimated runoff.
 - vii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- f. Traffic Impact Study.
- i. A Traffic Impact Study shall be required when a proposed development meets or exceeds the warrants of the Indiana Department of Transportation Traffic Impact Study Guidelines (150 or more dwelling units; 15,000 square feet or more of retail space; 35,000 or more square feet of office space; 70,000 square feet or more square feet of industrial space; 30,000 square feet or more of educational space; 120 or more occupied

rooms; 46,000 or more square feet of medical space; or any mixed use development which generates 100 or more peak hour trips in the peak direction).

ii. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Zoning Administrator and City Engineer to determine an appropriate scope for the Traffic Impact Study.

g. Statement of Development Build-out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:

i. The order of development of the major infrastructure elements of the project.

ii. Future section boundaries, if any.

iii. The order and content of each section.

iv. An estimate of the time frame for build-out of each section.

h. Landscape Plan: The applicant shall indicate, either on the required Site Plan or on a separate landscape plan, existing and proposed perimeter landscaping and other landscaping that meet or exceeds the standards detailed in *Article 05: Landscape Standards* and *Article 07: Perimeter Landscaping*.

i. Restrictive Covenants: The applicant shall provide a copy of the restrictive covenants that will apply to each lot within the subdivision.

j. Requested Waivers:

i. Lot Establishment: Requirements within *Section 7.11 Lot Establishment Standards* may be waived to allow for more creative design, but accessibility shall not be compromised.

ii. Open Space: Requirements within *Section 7.15 Open Space* may be reduced by as much as fifty percent (50%).

iii. Perimeter Landscaping: Requirements within *Section 7.18 Perimeter Landscaping* may be reduced as much as fifty percent (50%).

iv. Street Lighting: Requirements within *Section 7.30 Street Lighting* may be waived.

3. *Deadline*: Four (4) hard copies of the application for Primary Plat; Four (4) hard copies of all supporting information; one (1) digital copy of the application for Primary Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.

4. *Fees*: The applicable fee from the City's fee schedule shall be paid at the time the application for a Primary Plat is filed. An application without the appropriate application fee shall not be considered substantially complete. Technical expertise necessary to review a Primary Plat that the City of Angola does not have adequate proficiency may constitute hiring a professional consultant to conduct the review or portions thereof at the expense of the applicant and as per the City's fee schedule.

E. Formal Procedure:

1. *Assignment*: An application for Primary Plat, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the application for Primary Plat is submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.

2. *Internal Review*: Upon assignment of a case number and hearing date, the Technical Advisory Committee and/or the Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Steuben County Surveyor's Office, Utility Departments and other applicable agencies will be notified of the proposed subdivision of land

and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the subdivision of land, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the subdivision of land and information from the Technical Advisory Committee and/or other agencies that have reviewed the subdivision of land. A copy of such report shall be made available to the applicant and all remonstrators.

3. *Public Notice*: The following public notice standards apply to an application for Primary Plat. All costs associated with providing public notice shall be borne by the applicant.

a. The Zoning Administrator shall notify all interested parties of the public hearing by regular U.S. Mail a minimum of ten (10) days before the public hearing.

b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.

c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.

4. *Attendance*: The applicant shall be present at the Plan Commission meeting to present and explain the application for Primary Plat and address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the application for Primary Plat.

5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.

6. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:

a. The application for Primary Plat.

b. All supporting information including the site plan, site access and circulation plan, elevations, etc.

c. The testimony of the applicant.

d. Information presented in writing or verbally by the Zoning Administrator, the Technical Advisory Committee, or other applicable department.

e. Input from the public during the public hearing.

f. Any applicable provisions of this Unified Development Ordinance.

g. Any applicable requirements of the City of Angola's Construction Standards.

h. Any other information as may be required by the Plan Commission to evaluate the application.

7. *Decision*:

a. The Plan Commission shall make findings of fact and take final action or continue the application for Primary Plat to a defined future meeting date.

b. Findings of Fact: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the provision of this Unified Development Ordinance or City of Angola's Construction Standards with which there is not compliance or the manner in which the project is not consistent with the Angola Comprehensive Plan.

i. The subdivision of land is consistent with the Angola Comprehensive Plan.

ii. The subdivision of land satisfies the development requirements of *Article 06: Subdivision Types*.

iii. The subdivision of land satisfies the standards of *Article 07: Design Standards*.

iv. The subdivision of land satisfies the standards of *Article 07: Design Standards*.

v. The subdivision of land satisfies any other applicable provisions of this Unified Development Ordinance;

v. The subdivision of land satisfies the construction requirements of the City of Angola's Construction Standards.

c. Final Action

i. If the Plan Commission finds all of the findings of fact in the affirmative, it shall approve or approve with commitments the application for Primary Plat.

ii. If the Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the application for Primary Plat.

d. Commitments: The Plan Commission may require the applicant to make a written commitment concerning the Primary Plat. Any written commitments shall be recorded in the Office of the Steuben County Recorder within ninety (90) days of the Plan Commission's final action.

e. The findings, final action, and any conditions shall be signed by the President of the Plan Commission.

f. The Zoning Administrator shall provide the applicant a copy of the decision.

F. Duration: An approved Primary Plat shall be valid for two (2) years from the date the Plan Commission granted approval. The Zoning Administrator may grant one (1) six-month extension.

G. Modification:

1. *Minor Amendments:* Minor amendment to an approved Primary Plat which does not involve an increase in the number of lots or intensity of land uses; the designation of additional land uses; the reduction in perimeter yards; changes to circulation; the addition of driveways or access points; or reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. An example of a minor amendment could be the relocation of an easement. A minor amendment authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

2. *Major Amendments:* If the Zoning Administrator or City Engineer determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in the number of lots, or intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new application for Primary Plat.

1. Fees:

(1) Appeal \$100

(2) Change of Zoning \$100 + \$10 per acre

(3) Detailed Development Plan \$200 + \$10/lot over 2 lots

(4) Plan Commission Variance (Waiver) \$450

(5) Plat Vacation \$900

(6) Primary Plat or Replat \$250 + \$20/lot over 2 lots

(7) Secondary Plat or Replat \$175 + \$10/lot over 2 lots

(8) Special Meeting \$400

(9) In addition to the above fees, the applicant shall be charged \$50.00 for publication of the proposed action in the local media and for letters sent to interested property owners.

APPLICATION
PRIMARY SUBDIVISION PLAT APPROVAL

CASE: _____ DATE FILED: _____

DATE OF HEARING: _____

SUBDIVISION NAME: _____

NUMBER OF LOTS: _____ AREA (IN ACRES): _____

APPLICANT OR APPLICANTS: (PLEASE PRINT)

ADDRESS:

PHONE: _____

ENGINEER OR SURVEYOR: _____

REGISTRATION NUMBER: _____

ADDRESS: _____

PHONE: _____

**** PLEASE RECEIPT TO ACCOUNT: 101.2101**

The undersigned, being the owner or owners of record, certify/certifies that the above information is true and correct to the best of my/our knowledge. I/we affirm that we have read and understand the provisions of the Unified Development Ordinance of the City of Angola, Indiana.

(Print)

(Signature)

(Print)

(Signature)

(Print)

(Signature)