

Ordinance No. 3196

SUBDIVISION CONTROL ORDINANCE

An Ordinance establishing regulations and procedures for the subdivision of land; for the dedication and acceptance of land for public use; for the preparation of plats; for the installation of utilities, roadways, and other improvements essential to service the subdivided land; that the public health, safety, convenience, comfort and general welfare may be promoted; and for the recording of plats within the jurisdiction of the City of Goshen Plan Commission as a part of the Master Plan for the City of Goshen, Indiana, in accordance with the authority vested in the City under the provision of the "Planning Act of 1947" of the State of Indiana, and all amendments and supplements thereto.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, that the Subdivision Control Ordinance No. 1506, passed by the Common Council of the City of Goshen, Indiana, on the 5th day of December, 1960, and signed by the Mayor on the 5th day of December, 1960, as amended, is hereby revised and amended in its entirety by the substitution in lieu thereof of the following:

ACKNOWLEDGMENTS

We wish to thank the members of the Goshen Advisory Committee that spent so much of their time reviewing the various sections of the Ordinances as they were written. This process took place over a twelve month period and resulted in the documents that follow. These completed documents could never have been finished in time without their full cooperation and complete dedication.

We want to especially thank Mayor Max Chiddister, City Engineer Forrest Miller, Assistant City Attorney Tom Murto, Board of Zoning Appeals Chairman Tom Marquis, and Department of Planning and Development Plan Administrator Steve Siefert, for their loyal attendance at our Committee meetings and for their efforts in ensuring the zoning ordinances were reviewed and completed.

We would also like to thank Larry E. Blackport, Councilman-at-large, Dave Stauffer and Virgil L. Snyder, representatives from the Goshen Chamber of Commerce, for their help and attendance at these Committee meetings.

Also, we wish to recognize Terry Hoogenboom, Bob Kramer, Cal Zehr, Alan Metzler and Charles Daub for their assistance.

Without the help of all of these individuals, this effort could not have been successful.

SUBDIVISION CONTROL ORDINANCE

FOR

GOSHEN, INDIANA

MAX. R. CHIDDISTER

MAYOR

PREPARED BY:

Michiana Area Council of Governments

Anthony P. Molnar, Regional Planner

MACOG Staff

Thomas E. Byers, Executive Director

Wanda L. Harrah, Office Manager

Margaret S. Kennedy, Planning Technician

Ordinance No. 3196, adopted on September 2, 1986

The preparation of this document was financed in part through a Comprehensive Planning Grant from the Department of Housing and Urban Development under the provisions of Section 701 of the Housing Act of 1954, as amended.

TABLE OF CONTENTS

GOSHEN SUBDIVISION ORDINANCE

<u>Article</u>	<u>Section</u>
I	General Provisions
	100 Title
	110 Short Title
	120 Purpose
	130 Authority
	140 Jurisdiction
	141 Jurisdiction - Plan Commission
	142 Plat Committee - Establishment and Jurisdiction
	143 Plan Commission Staff - Jurisdiction
II	Definitions
	200 Application & Determination
	210 Definitions of Words and Phrases
III	General Regulations and Design Standards
	300 General Regulations
	310 Design Standards
	311 Street Design Standards
	312 Right-of-Way & Pavement Width
	313 Intersection Standards
	314 Street Names
	315 Block Standards
	316 Lot Standards
	317 Easements
	318 Apartments & PUD's

IV	Minor Subdivisions
400	Minor Subdivision Procedure
410	Submittal
411	Minor Subdivision Drawing
412	Supporting Drawing
413	Ownership
414	Fees
415	Letter
420	Referral & Review Procedure
421	Staff Review Procedure
430	Consideration by the Plat Committee
431	Form of Decision
440	Notification
450	Appeal Procedure
451	No Appeal Filed
452	Appeal Filed
460	Plan Commission Consideration & Action on an Appeal of a Minor Subdivision
461	Consideration
462	Commission Approval
463	Commission Disapproves
464	Form of Decision
465	Appeal of Plan Commission Decision
V.	Major Subdivisions
500	Primary Subdivision Procedure
510	Submittal
511	Primary Subdivision Drawing
512	Drainage Plan
513	Feasibility Report
514	Ownership
515	Application
516	Letter
517	Fee
518	List of Property Owners
520	Referral and Review Procedure

	521	Staff Review Procedure
	530	Consideration by the Plan Commission
	531	Form of Decision
	540	Notification
	550	Plan Commission Action
	560	Secondary Subdivision Procedure
	570	Submittal
	571	Secondary Subdivision Drawing
	572	City Engineer's Report
	573	Application
	574	Fee
	580	Referral and Review Procedure
	581	Staff Review Procedure
	590	Consideration by the Plat Committee
VI.		Commercial and Industrial Subdivisions
	600	General Compliance
	610	Lot Standards
	620	Street System
VII.		Subdivision Re-plats
	700	Subdivision Replat Procedures
VIII.		Site Improvements
	800	Design and Construction
	801	Inspection
	810	Required Improvements
	811	Boundary Improvements
	812	Street Drainage & Underground Utility Improvements
	820	Acceptance of Dedication
IX.		Surety Bonds (Performance Guarantees)
	900	Surety

- X. Administration
 - 1000 Amendments
 - 1010 Variances
 - 1020 Improvements Location Permit - Certificate of Occupancy
 - 1030 Staff Report
 - 1040 Records
 - 1050 Recording of Subdivision Drawings
 - 1060 Severability

APPENDIX

- A. Land Surveyor Certificate
 - Deed of Dedication
 - Owner's Certification
 - Notarization Statement
- B. Fee Schedule
- C. Surety Bond Schedule
- D. Street Functional Classification System Street Standards
- E. Major Subdivision Checklist
- F. Subdivision Approval Procedural Flowchart
- G. Ordinance Amendments

ARTICLE I General Provisions

Section 100 Title

An Ordinance establishing regulations and procedures for the subdivision of land; for the dedication and acceptance of land for public use; for the preparation of plats; for the installation of utilities, roadways, and other improvements essential to service the subdivided land; that the public health, safety, convenience, comfort and general welfare may be promoted; and for the recording of plats within the jurisdiction of the City of Goshen Plan Commission as a part of the Master Plan for the City of Goshen, Indiana, in accordance with the authority vested in the City under the provisions of the "Planning Act of 1947" of the State of Indiana, and all amendments and supplements thereto.

Section 110 Short Title

This Ordinance shall be known and shall be cited as the "City of Goshen, Indiana, Subdivision Control Ordinance".

Section 120 Purpose

The purpose of this Ordinance shall be to provide rules, regulations and standards in order to achieve orderly development in the City of Goshen, Indiana, through land subdivision; to promote the utilization of land to assure to the residents of the City the best possible environment; to cause land subdivision to be made in accordance with the comprehensive plan of the City; and to promote health, safety and general welfare of the City. It shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land by adequate provision for circulation, utilities and services.

Section 130 Authority

The City of Goshen Plan Commission, by virtue of the "Planning Act of 1947" of the State of Indiana, and all amendments and supplements thereto is established as the administrative agency for the City of Goshen Subdivision Control Ordinance.

Section 140 Jurisdiction

No plat, replat or any division of land located within the legal jurisdictional areas of the City of Goshen Plan Commission as now or hereafter established shall be recorded until said plat, proposed improvements and all procedure relating thereto, shall in all respects be in full compliance with the regulations, hereinafter contained in this Ordinance, as well as all lands offered to the City for use as public ways and drainage ways, parks and other public uses within proposed subdivisions shall be referred to the Plan Commission or Plat

Committee of the City of Goshen for review and a report before being accepted or rejected by the City Council or by any other appropriate governing authority.

Section 141 Jurisdiction - Plan Commission

The Goshen City Plan Commission has exclusive control over the Primary or Secondary approval of subdivision plats within its jurisdiction, except where the Subdivision Ordinance has delegated its powers to the Plat Committee or Plan Commission Staff.

Section 142 Plat Committee - Establishment and Jurisdiction

A. Establishment

The Plan Commission may establish a Plat Committee consisting of five persons.

1. The elected Secretary of the Plan Commission, who shall be the chairman of the Plat Committee.
2. The other four members shall be appointed from the membership of the Plan Commission.
3. Three members shall constitute a quorum and three votes shall be required for a decision.

B. Term

Members of the Plat Committee are appointed for a term of one year, beginning at the first of the calendar year. The Plan Commission shall appoint the members of the Plat committee.

C. Jurisdiction

The Plat Committee shall have the authority to:

1. Grant Primary Approval or Disapproval of all Subdivisions.
2. Impose necessary conditions for Secondary Approval in said subdivisions.
3. Grant Secondary Approval for all subdivisions.

D. Findings and Decision

The Plat Committee shall make written findings of decisions and be signed by the Chairman of the Plat Committee. A copy of these findings will be mailed to the applicant and all interested parties.

E. Appeal

The decision of the Plat Committee is subject to an appeal to the Plan Commission.

Section 143 Plan Commission Staff – Jurisdiction

A. Jurisdiction

The staff shall have the authority to:

1. Grant Secondary Approval for all subdivisions as allowed in this Ordinance.

B. Appeal

The decision of the staff is subject to an appeal to the Plan Commission.

ARTICLE II Definitions

Section 200 Application and Determination

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

- A. The present tense shall include the future tense and vice-versa.
- B. Words in the singular includes the plural and vice-versa.
- C. The word "person" includes a partnership, company or corporation, as well as an individual.
- D. The word "lot" includes the word "plot", "parcel", or "tract" of land.
- E. The term "shall" is always mandatory and directory.

Section 210 Definitions of Words and Phrases

For the purposes of this Ordinance, certain words and terms are hereby defined. Words and terms not defined herein shall be defined in a current dictionary of general use.

Alley - Public right-of-way which normally affords a secondary means of access to abutting property.

Assessor's Office - The Assessor's Office of Elkhart County Indiana.

Block - A tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad rights-of-way, rivers and lakes and other lines of demarcation, including city limit lines.

Board of Works - The Goshen Board of Public Works and Safety.

City Council (Common Council) - The City Council of the City of Goshen, Indiana.

City Sewer - A sewage disposal system which is constructed, installed, maintained, operated, and owned by the City of Goshen, Indiana.

Commission or Plan Commission - The Goshen City Plan Commission.

Easement - An authorization or grant by a property owner to specific person(s) or to the public to use land for specific purposes.

F.I.A. - The Federal Insurance Administration.

Flood or Floodwater - The water of any lake or watercourse which is above the banks and/or outside the channel and banks of such watercourse.

Flood Hazard Area - Any Floodplain, Floodway, or Floodway Fringe district or any combination thereof.

Flood Plain - The area adjoining a river or stream which has been or which may hereafter be flooded, so designated by the Federal Insurance Administration.

Flood Profile, Regulatory - A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

Flood Protection Grade - The elevation of the lowest floor of a building or structure including the basement. If a commercial or industrial building is flood proofed, the term "Flood Protection Grade" applies to the surface elevation for which the building is protected.

Flood, Regulatory - That flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a hundred year period as calculated by a method and procedure which is acceptable to and approved by the IDNR. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

Floodway - The channel of a stream or river and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any stream or river.

Frontage - The contact of abutting property with a street which affords unobstructed access to the property.

IDNR - The Indiana Department of Natural Resources.

Improvement Location Permit - A permit issued by the Zoning Administrator in accordance with the provisions of this Ordinance prior to the erection or alteration and use of a building or structure or the use of land, stating that the proposed building, structure, and/or use comply with all applicable provisions of the Zoning Ordinance and authorizing the Building Commissioner to issue a Building Permit.

Interested Party - A land owner whose property line abuts or is within three hundred (300) feet of a proposed subdivision boundary.

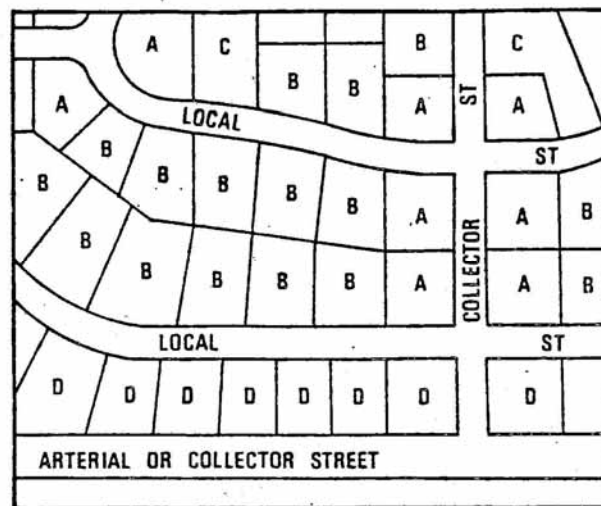
Lot - A parcel or portion of land separated from other parcels or portions by description as on a subdivision of record of survey map or by metes and bounds for purposes of sale, lease, or separate use. In computing the number of lots in a subdivision, any portion remaining to the owner and not intended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

Lot Area - The area of any lot exclusive of street, highway, alley, road or other rights-of-way. Easements are considered to be part of the Lot Area.

Lot of Record - A lot which is part of a subdivision or a lot or parcel described by metes and bounds, the descriptions of which have been so recorded in the office of the County Recorder.

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

- A. **Corner Lot** - a lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the lot meet at an interior angle of less than 135 degrees (shown as A on the diagram below).
- B. **Interior Lot** - a lot with only one frontage on a street (B).
- C. **Through Lot** - a lot other than a corner lot with frontage on more than one street. Through lots may also be referred to as double lots (C).
- D. **Reversed Frontage Lot** - a lot on which the frontage is at approximately right angles to the general pattern on the street (D).



Minor Subdivision - A subdivision consisting of three (3) or less lots, sites, or parcels, including the balance of original tract, and which does not:

- A. establish any new streets or easements of access, or
- B. substantially affect existing drainage systems.

Non-Access Easement - An easement along a public right-of-way across which access to the property is not permitted.

Owner - Any individual, firm, association, syndicate, co-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 Bond or Surety Bond - An assurance by a subdivider or developer to the City for the amount of the estimated construction cost guaranteeing the completion of required site improvements in accordance with Article VIII, Site Improvements, of this Ordinance, according to plans and specifications within the time prescribed by the subdivider's agreement.

Planned Unit Development - An area of land in which a variety of residential and commercial uses are planned and developed as a whole according to comprehensive and detailed plans, with more flexible standards, such as lot sizes, uses and setbacks, than those restrictions that would normally apply under these regulations.

Plat - A drawing which is to be recorded showing the division of a parcel of land.

Plat Committee - A committee appointed by the Plan Commission to hold hearings on and approve or disapprove plats and replats on behalf of the Plan Commission in accordance with the authority vested in them by the Plan Commission.

Primary Approval/Disapproval - A decision by the Plan Commission or Plat Committee to accept or reject a subdivision based on:

- A. Standards of this Ordinance.
- B. Conditions set by the Plan Commission or Plat Committee for Secondary Approval.

Private Sewer - A sewage disposal system which is not 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.

Private Water - A water supply which serves only the lot on which it is located.

Property Lines - Those lines bounding a lot.

Public Right-of-Way - A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to a transportation or transmissions facility.

Railroad Right-of-Way - A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

Recorder's Office - The Recorder's Office of Elkhart County, Indiana.

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

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

Replat - A drawing which is to be recorded showing the redivision or modification of a platted subdivision or portion thereof.

Reserve Strip - An area of land adjacent to a public right-of-way which is retained in ownership by an individual for the purpose of denying access to the adjacent land.

Secondary Approval - A determination by the Plan Commission, Plat Committee or Plan Commission Staff that a subdivision plat meets all standards and conditions set by this Ordinance and the requirement of the primary approval section of this Ordinance.

Setback Line - A line extending across the full width of a lot in a subdivision. Between said line and the front property line of the lot (or right-of-way line) no buildings may be built, erected, or maintained. The distance between said line and the front property line shall be determined by the current Goshen Zoning Ordinance and the district in which the lot is located. Said line shall be shown and dimensioned on all plats and shall be considered a minimum building setback requirement.

Sewage Disposal Report - A study report on the suitability of the soil for on-lot septic system, based on a mechanical analysis or soil classification or other methods as determined acceptable by the Commission.

Staff - The staff of the Plan Commission of the City of Goshen, Indiana, including but not limited to the Zoning Administrator.

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

Street - A term denoting a public way used for pedestrian and vehicular travel and including the entire area within the right-of-way. The term "street" shall also include the terms "highway", "parkway", "road", "thoroughfare", "avenue", "boulevard", "land", "court", "place", etc. For the purposes of this Ordinance, streets shall be classified as follows:

- A. **Arterial Street** - serves to move traffic through an area and is not intended to provide access to specific residential, commercial or industrial uses.
- B. **Collector Street** - serves to collect and distribute traffic between local streets and arterial streets. It also moves traffic to, from, and within residential areas, commercial developments, and industrial areas.
- C. **Local Street** - serves as primary access to any property and acts as a link to move traffic from the property to the collector or arterial street.
- D. **Cul-de-sac Street** - serves the same purpose as a local street but has only one end open, with the other end serving as a turn-around for vehicles.
- E. **Frontage** - a local street or road, auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas, and for control of access. (Sometimes also called a "marginal access street")

Street Width -The shortest distance between lines of lots delineating the public street.

Subdivision - A division or redivision of land in which two or more parcels, lots or sites are established for residential or business purposes. This may include a street through the tract of land; except that it is not a subdivision when:

- A. the sale or exchange of parcels of land to or between adjoining property owners where such sales or exchanges do not create additional building lots; or
- B. an order of the Court to divide the land.

Subdivision, Industrial - A subdivision of property for industrial or business uses permitted when located on land which is zoned M-1 and M-2 Industrial Districts.

Subdivision, Minor - A minor subdivision is a subdivision consisting of three (3) or less lots, sites or parcels and which does not:

- A. establish any new street or easement of access; or
- B. substantially affect existing drainage systems.

Subdivider - The owner or the authorized agent for the owner of a subdivision.

Zoning Administrator - The Goshen City Zoning Administrator, or his or her duly authorized representatives.

Zoning Ordinance - The current City of Goshen Zoning Ordinance.

ARTICLE III General Regulations and Design Standards

Section 300 General Regulations

The subdivider shall observe the following minimum requirements and standards of land subdivision. All subdivisions approved by the Commission shall comply with the following:

- A. The subdivision shall conform to the applicable provisions of the Zoning Ordinance and the Comprehensive Plan.
- B. In all subdivisions every consideration shall be given to attempt to preserve the natural environment and to preserve historic monuments as designated by the State or National Registry of Historic Buildings and Monuments and as designated by the Goshen Historic Preservation Commission.
- C. The subdivision shall be coordinated with existing developments or neighborhoods in regard to street patterns.
- D. In the review of subdivisions, the Commission shall give consideration to the needs and requirements for the following open space uses and community facilities, including but not limited to:
 - 1. Playlots and neighborhood parks based upon the standards recommended in the Land Use and Transportation Plan.
 - 2. School sites, other public and semi-public buildings and facilities and locations for water supply systems, sewage treatment facilities and drainage facilities in accordance with City and Council Comprehensive Plans.
- E. Where open space uses or community facilities shown in the Comprehensive Plan are located in whole or part within the subdivision, the Commission may require the preservation of such area as may be deemed reasonable for such purposes. When such an area is not intended to be dedicated by the developer, it shall be reserved as vacant real estate for a period of fifteen (15) months for the purpose of permitting the City, school district, or other public agency to acquire an option to purchase said real estate for such community facility development. If the City, school district, or other public agency and the developer do not enter into such an option agreement within the time limit, the community facility reserved shall become null and void.

Section 310 Design Standards

The following standards shall be considered as minimum requirement and shall be used by the Engineer or Land Surveyor when designing a prepared subdivision.

Section 311 Street Design Standards

- A. Residential streets shall be laid out as to discourage through and high speed traffic and shall conform to the latest Standards adopted by the City of Goshen.

- B. Stub streets connecting adjacent areas shall be dedicated and improved to the latest Standards adopted by the Board of Works or shall be dedicated to the City as an easement for future street right-of-way.
- C. Subdivisions abutting arterial streets shall provide a frontage road or reverse frontage with a minimum five (5) foot non-access easement.
- D. In order to provide an integrated street system, all stub streets of abutting subdivisions shall be continued into the proposed and existing street system. Existing stub streets in abutting subdivision which are to be continued and are un-improved shall be improved by the subdivider of the proposed subdivision.
- E. Dead-end streets shall be prohibited, except as stub streets to permit street extension into adjoining vacant tracts, or when designed as cul-de-sacs.
- F. The platting of half streets shall be prohibited.
- G. Reserve strips of areas denying access to adjacent streets are prohibited.
- H. Cul-de-sac streets shall not be more than one thousand (1,000) feet in length measured along their center line from the center line of the street of origin to the center point of the turnaround.

Section 312 Right-of-Way and Pavement Width

The dedication of right-of-ways and determination of pavement widths shall be in accordance with the latest Standards adopted by the City of Goshen as shown in Appendix D of this Ordinance.

Section 313 Intersection Standards

- A. No more than two (2) streets shall intersect at one point.
- B. Whenever possible, all streets shall intersect at ninety (90) degrees for a minimum centerline distance of one hundred (100) feet; however, in no instance shall they intersect at less than eighty (80) degrees.
- C. Two minor streets intersecting from opposite sides of a street shall have their centerline offset at least one hundred fifty (150) feet.
- D. Two major streets intersecting from opposite sides of a street shall intersect at their centerlines, or their centerlines shall be offset at least five hundred (500) feet.

Section 314 Street Names

No new street shall have a name which duplicates or so nearly duplicates so as to be confusing any existing street in the incorporated and unincorporated areas of the County, unless the new street is an extension of an existing street. Loop streets and cul-de-sacs which are an extension of existing streets but will never be continued shall not duplicate the name of the existing street. Contiguous streets which have major directional changes shall require a change in street name for each directional change.

Section 315 Block Standards

- A. Block Length - Blocks, when totally bounded by streets, shall be no longer than 1,000 feet.
- B. Pedestrian Walkways - Where blocks exceed one thousand (1,000) feet in length, and where the Commission determines it is necessary, pedestrian easements of not less than ten (10) feet in width shall be provided for adequate pedestrian circulation. Paved walks of not less than four (4) feet in width shall be placed within the pedestrian walkways.

Section 316 Lot Standards

- A. Lot Sizes - The minimum lot areas, widths and building setbacks shall meet the requirements of the Zoning Ordinance and all other applicable Ordinances. Lots containing easements dedicated for future street rights-of-way, shall be considered as corner lots and shall not include said easement for determining lot area, widths and building setbacks.
- B. Rear Lot Width - The rear lot line of any lot shall not be less than twenty (20) feet so as to provide for utility easements.
- C. Lot Lines - Side lot lines shall generally be at right angles or radial to the street line or substantially so.
- D. Double Frontage - Double frontage lots should not be platted, except where required along arterials. In this event, the requirements of Section 311, Street Design Standards, shall be used.

Section 317 Easements

Easements within the subdivision shall be provided for public utilities and drainage as necessary and dimensioned and labeled as to their specific use. Size of easements shall be to the latest Standards adopted by the Board of Works.

Section 318 Apartments and PUD's

Apartments and Planned Unit Developments shall only be constructed after subdivision plans have been recorded and the improvements required by the City in connection therewith have either been constructed or guaranteed, as herein provided.

ARTICLE IV Minor Subdivisions

Section 400 Minor Subdivision Procedure

A parcel of land that was in single and separate ownership on the effective date of this Ordinance may be divided as a Minor Subdivision, into not more than three (3) lots, including the balance of the original tract.

Section 410 Submittal

The drawings of the Minor Subdivision, a letter describing the plat, proof of ownership, required fee, and a completed application shall be filed in the Plan Commission office at least ten (10) working days prior to the next scheduled Plat Committee meeting. Sections 411 through 415 below describe in detail the required data.

Section 411 Minor Subdivision Drawing

An original ink drawing on 24 x 36 inch vellum, linen or mylar film, at a scale of 1 inch equals 50 feet with three (3) prints of the drawing showing:

1. Name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision within the incorporated and unincorporated areas of the County.
2. Legal description of the subdivision which shall include Section, Township, Range and governmental township.
3. Lot dimensions in feet and hundredths thereof, angles and/or bearings expressed in degrees, minutes and seconds.
4. Lot numbers.
5. Dimensioned building setback lines.
6. All easements dimensioned and labeled as for their specific uses.
7. All right-of-way lines and width of right-of-way, existing and required for dedication.
8. Name, address, seal and certification of the Registered Land Surveyor preparing or certifying the subdivision.
9. Deed of dedication.
10. Owner's Certification.
11. Notarization and seal.
12. Scale, graphic bar scale, north point and date.
13. All printed numbers, letters and typed information shall be a minimum size of a 100 Leroy Template or equivalent so that the drawing is adaptable to photographic reduction and will maintain complete legibility.

14. Certificate of Approval.
15. Examples of the Surveyor's Certification, Deed of Dedication, Owner's Certification and Notarization Statement are shown in Appendix A of this Ordinance.

Section 412 Supporting Drawing

Three (3) prints of the supporting drawing on a sheet 24 x 36 inches at a scale not less than 1 inch equals 100 feet or greater than 1 inch equals 50 feet, showing:

1. Legal description and tract boundary drawing of the entire property which is being subdivided.
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. United States Geological Survey data may be used.
4. If adjoining property within three hundred (300) feet of the Minor Subdivision is unsubdivided, the names of property owners, as shown in the Assessor's Office, Auditor's Office, or Recorder's Office shall be included. If the property within three hundred (300) feet of the Minor Subdivision is subdivided, the subdivision layout, name, section, and Recorder's Book and Page Number shall be included.
5. Future access plan of the entire property which is being subdivided.
6. The adjacent City or County road(s) and the nearest major intersection.
7. Scale, graphic bar scale, north point and date.
8. Name and address of subdivider.
9. Name and address of Registered Land Surveyor.
10. A vicinity key map at a scale of 1 inch equals 2,000 or 3,000 feet showing the location of the Minor Subdivision, major streets and roads and major physical features, such as rivers and creeks, within a distance of two (2) miles.

Section 413 Ownership

A copy of a recorded deed indicating that the petitioner of the Minor Subdivision is in fact the legal owner of land to be subdivided.

Section 414 Fees

The submission shall also be accompanied by the required fee. The amount of fee required shall be shown in Appendix B of this Ordinance.

Section 415 Letter

The plat shall also be accompanied by a letter from the owner specifying the intent of the land use, type of drainage improvements necessary (if any), sewage disposal, water supply, and any restrictions to be placed on the property, as well as the expected date of development.

Section 420 Referral and Review Procedure

The Minor Subdivision shall be reviewed by the staff of the Plan Commission and any other agency deemed appropriate by the Plan Commission. This review shall determine if the minor plat conforms with the requirements of this Ordinance; however, the comments from the other agencies are not required for action to be taken on the plat, only a Staff Report shall be necessary for approval.

Section 421 Staff Review Procedure

Within one (1) working day after submission of the Minor Subdivision, the staff shall refer prints of the Minor Subdivision Drawing and the Supporting Drawing to the appropriate agencies for their review and comment. The staff review shall include at a minimum the following items:

- A. If the Subdivision falls within the designated flood hazard area, the staff may forward copies of the drawing to the IDNR for their review and comments.
- B. The staff shall review the subdivision for conformity to the regulations of this Ordinance and Zoning Ordinance and shall also consider the comments made by other agencies.
- C. After the staff has reviewed the subdivision and received the comments from the other agencies, they shall determine if the subdivision meets the technical requirements of the Ordinance and then accomplish the following:
 1. If the subdivision meets the requirements of the Ordinance or has minor problems that can be corrected quickly, the Staff shall place the subdivision on the next agenda of the Plat Committee, and notify the owner and surveyor of items that must be changed or corrected.
 2. If the subdivision does not meet the requirements of the Ordinance, then the owner and surveyor shall be notified in writing and the corrections must be made before the subdivision is put on the agenda for the Plat Committee. As soon as the corrections are made, the staff shall then set the subdivision on the next agenda of the Plat Committee.

Section 430 Consideration by the Plat Committee

The Plat Committee shall consider the Minor Subdivision without public hearing and after reviewing the plat, the Staff Report and Recommendation, the Committee shall then:

- A. Grant primary approval for the Minor Subdivision, or
- B. Grant primary approval for the Minor Subdivision with conditions, or
- C. Disapprove the Minor Subdivision.

Section 431 Form of Decision

The decision of the Plat Committee shall be in the form of written findings and shall be signed by the Secretary of the Commission.

Section 440 Notification

The Plan Commission staff shall notify, within ten (10) days after the Plat Committee meeting, the owner, surveyor and all interested parties of the decision made by the Plat Committee, and shall inform the owner and the interested parties of their right to appeal the decision of the Plat Committee to the Plan Commission as required by State statutes.

Section 450 Appeal Procedure

Section 451 No Appeal Filed

- A. If the Minor Subdivision received primary approval from the Plat Committee and no appeal has been filed within ten (10) days of the date that the Notice to Interested Parties was mailed and if any minor corrections required have been made, then the Staff shall give secondary approval to the Minor Subdivision. The plat drawing shall then be signed by the Zoning Administrator on behalf of the Plan Commission and may be released for recording after Article IX (Surety Bonds) of this Ordinance has been fully complied with, as applicable.
- B. If the Minor Subdivision was denied by the Plat Committee, and no appeal has been filed within ten (10) days of the date that the Notice to Interested Parties was mailed, the Staff shall notify the owner in writing and return the original drawing of the Minor Subdivision to the surveyor that prepared it.

Section 452 Appeal Filed

If an appeal is filed within ten (10) days of the date that the Notice to Interested Parties was mailed, the staff shall place the Minor Subdivision on the agenda for the next Plan Commission meeting and notify the owner, surveyor and all interested parties, as required by State statutes.

Section 460 Plan Commission Consideration & Action on an Appeal of a Minor Subdivision

Section 461 Consideration

After receiving the Staff Report, Recommendation and findings of fact from the Plat Committee, the Plan Commission shall consider the appeal at a public hearing in compliance with Section 452 of this Ordinance and shall then:

- A. Grant primary approval for the Minor Subdivision, or

- B. Grant primary approval for the Minor Subdivision with conditions, or
- C. Disapprove the Minor Subdivision.

Section 462 Commission Approval

If the Minor Subdivision receives primary approval from the Plan Commission and after any required changes have been made, the staff shall then give the plat Secondary Approval. The plat drawing shall then be signed by the Zoning Administrator on behalf of the Plan Commission and may be released for recording after Article IX (Surety Bonds) of this Ordinance has been fully complied with, as applicable.

Section 463 Commission Disapproval

If the Minor Subdivision is not approved by the Commission, the owner shall be notified in writing and the original drawing returned to the surveyor that prepared it.

Section 464 Form of Decision

The decision of the Plan Commission shall be in the form of written findings and shall be signed by the Secretary of the Commission.

Section 465 Appeal of Plan Commission Decision

The decision of the Plan Commission shall be subject to review by the Courts.

ARTICLE V Major Subdivisions

For the purpose of this Ordinance, a major subdivision shall be considered in two (2) phases. These phases shall be called in accordance with State statutes, a Primary Subdivision and a Secondary Subdivision. The requirements for these two phases of the major subdivision process will be different because the Primary Subdivision will show a total development plan, which will include physical features, proposed lot layout, proposed street pattern, land to be reserved for public or semi-public use, sewer and water extensions, drainage facilities and other data required by the Plan Commission and this Ordinance.

This information will allow the Plan Commission to determine if the site is suitable for development and if, based on the information provided, a subdivision can be constructed on the proposed site.

The Secondary Subdivision will include only that part of the subdivision to be built and recorded at that time and will show exact lot sizes, street layouts and all of the other data necessary to convey the land and obtain the necessary permits for construction.

Section 500 Primary Subdivision Procedure

Section 510 Submittal

A drawing of the Primary Subdivision, a letter describing the plat, a drainage plan, a feasibility report, proof of ownership, the required fee, and a completed application form shall be filed in the Plan Commission Office at least twenty-one (21) days prior to the Plan Commission meeting at which it is to be considered. Sections 511 through 518 describe in detail the required data.

Section 511 Primary Subdivision Drawing

An original drawing on 24 x 36 inch vellum, linen, or mylar film, at a scale of 1 inch equals one hundred (100) or two hundred (200) feet, with three (3) prints of the drawing showing:

1. Name of subdivision which shall not duplicate or closely approximate the name of any other subdivision within the City of Goshen or within any other incorporated town or city or within the unincorporated areas of Elkhart County.
2. Location of the subdivision by Section, Township, Range and governmental township.
3. Name and address of subdivider.
4. Name, address, seal and signature of the Registered Land Surveyor preparing the subdivision.
5. Scale, graphic bar scale, north point and date.
6. Boundary line of proposed subdivision, all existing easements and property lines in exact dimensions of feet and hundredths, thereof.

7. Location, width and names of prior platted streets and lots in the proposed subdivision and within three hundred (300) feet of the proposed subdivision. Show all previously recorded streets and lots in dotted lines.
8. A vicinity key map at a scale of 1 inch equals 2,000 or 3,000 feet showing the location of the Preliminary Subdivision, major streets and roads and major physical features, such as rivers and creeks, within a distance of one-half (½) mile.
9. Layout of proposed streets, which shall include the classification of each street, their names and widths, walkways and easements.
10. Layout and approximate dimensions of lots.
11. Parcels of land to be dedicated or reserved for public uses shall be shown and labeled as to use, such as retention basins or open space.
12. Dimensioned building setback lines.
13. Existing topographic contours at vertical intervals of five (5) feet or less from available data. United State Geological Survey data may be used.
14. Flood plains and floodway as shown on maps published by the Federal Insurance Administration.
15. Existing man-made structures and improvements within the proposed subdivision.
16. Existing street patterns within three hundred (300) feet area adjacent to the proposed subdivision.
17. The frontage road(s) and the nearest major intersections.
18. The drawing shall be accompanied by such other information as the Commission may require under the provisions of this Ordinance.

Section 512 Drainage Plan

A drainage plan shall be prepared and certified by a Registered Engineer or a Registered Land Surveyor per the Standards as adopted by the Board of Works and must be approved by the Board before the Plan Commission shall grant approval to the Primary Subdivision.

Section 513 Feasibility Report

Three (3) copies of a feasibility report shall be submitted with the application covering, but not limited to, the following:

1. The report shall indicate how City sewer and water mains will be extended to serve the property, including, but not limited to, the route to be taken by the extensions, the sizes of the extensions and an indication from the City as to whether or not the utility has the capacity to serve the new development.

2. If the developer intends to use an existing drainage system, the extension or use of the system must be approved by the Board of Works and an indication given as to whether or not the existing systems can handle the additional load must be given.
3. If the proposed subdivision or part of the subdivision is located in a flood plain or floodway, and construction is proposed in that area, then the developer must indicate how the construction will be protected from flood damage.
4. A preliminary report shall be given on the type(s) of street construction proposed in the development. This information shall be based on the Standards of the City of Goshen for new street construction.

Section 514 Ownership

A copy of a recorded deed showing that the petitioner of the subdivision is in fact the legal owner of the land to be subdivided.

Section 515 Application

One (1) copy of a completed application form shall be submitted with the other required information. The blank forms are available in the Plan Commission office.

Section 516 Letter

The submission shall also be accompanied by a letter from the owner, specifying the intent of land use, any restrictions to be placed on the property, and the expected schedule to be used to develop the subdivision.

Section 517 Fee

The submission shall also be accompanied by the required fee as shown in Appendix B of this Ordinance.

Section 518 List of Property Owners

The developer shall also provide a list of property owners within three hundred (300) feet of the proposed subdivision, as well as two stamped, addressed envelopes that will be used to notify each of the adjacent owners that the property will be considered for a Primary Subdivision.

Section 520 Referral and Review Procedure

The proposed subdivision shall be reviewed by the staff of the Plan Commission and any other agency deemed appropriate by the Plan Commission. This review shall determine if the plat conforms with the

requirements of the Ordinance; however, the comments from other agencies are not required for action to be taken on the plat; only a Staff Report to the Commission shall be necessary for approval.

Section 521 Staff Review Procedure

Within one (1) working day after submission of the Primary Subdivision, the staff shall refer prints of the plat to the appropriate agencies for their review and comment. The staff review shall be as follows:

- A. If the Subdivision falls within a designated flood hazard area, the staff may forward copies of the drawings to the IDNR for their review and comment.
- B. The staff shall review the subdivision for conformity to the regulations of this Ordinance and shall also consider the comments made by other agencies.
- C. After the staff has reviewed the subdivision and received the comments from the other agencies, they shall determine if the Subdivision meets the technical requirements of the Ordinance and then accomplish the following:
 - 1. If the Subdivision meets the requirements of the Ordinance or has minor problems that can be corrected easily, the staff shall place the Subdivision on the agenda for the next regularly scheduled Plan Commission meeting and notify the owner and surveyor of items that need to be changed or corrected and also notify them of the meeting date. The staff shall also prepare a Notice to Interested parties that shall be mailed to the adjacent property owners, informing them of time, date, place, and purpose of the meeting. Said notice shall be given at least ten (10) days prior to the meeting. The Staff shall also cause the Notice of Subdivision to be published in accordance with statutory requirements. The cost shall be borne by the developer.
 - 2. If the Subdivision does not meet the requirements of the Ordinance, then the owner and surveyor shall be notified in writing and the corrections must be made before the Subdivision is put on the agenda for the Plan Commission. As soon as the corrections are made, the staff shall then set the Subdivision on the next agenda of the Plan Commission.

Section 530 Consideration by the Plan Commission

The Plan Commission shall consider the Primary Subdivision at a public hearing and after considering the Plat, the Staff Report and a recommendation, shall then:

- A. Grant Primary Approval of the subdivision,
- B. Grant Primary Approval of the subdivision with conditions, or
- C. Disapprove the subdivision.

Section 531 Form of Decision

The decision of the Plan Commission shall be in the form of written findings and shall be signed by the Secretary of the Commission.

Section 540 Notification

The Plan Commission staff shall notify, within ten (10) days after the public hearing, the owner, surveyor, and all interested parties of the decision made by the Plan Commission.

Section 550 Plan Commission Action

After a decision has been made by the Plan Commission, the staff shall:

- A. If the subdivision was granted Primary Approval by the Commission, the staff shall notify the interested parties as shown in Section 540, above, and shall have the original drawing signed by the President of the Commission and Secretary of the Commission. Said drawing shall then be returned to the surveyor that prepared it and the surveyor shall, within ten (10) days return three (3) copies of the drawing to the staff for the Commission's files and for distribution (one (1) copy to the Zoning Administrator and one (1) copy to the owner).
- B. If the subdivision was granted Primary Approval with conditions by the Commission, the staff shall:
 - 1. If the conditions imposed by the Commission were intended to be accomplished at the Secondary approval phase, the staff shall accomplish the items listed in sub-section A above. The conditions for Secondary Approval being included in the notification to the owner and surveyor and being included in the Commission's records.
 - 2. If the conditions imposed by the Commission were intended to be accomplished at the Primary Approval, the staff shall notify, in writing, the owner and surveyor what changes or additions need to be made to the drawing. When the changes or additions have been made, the staff shall accomplish the items listed in sub-section A above.

Section 551 Appeal of Plan Commission Decision

The decision of the Plan Commission shall be subject to certiorari review by the Courts.

Section 560 Secondary Subdivision Procedure

Section 570 Submittal

A drawing of the Secondary Subdivision, a completed application form, a report from the City Engineer, and the required fee shall be filed in the Plan Commission office. Sections 571 through 574 describe in detail the required data.

Section 571 Secondary Subdivision Drawing

An original ink drawing on 24 x 36 inch vellum, linen or mylar film, at a scale of not less than one inch equals 50 feet or greater than one inch equals 100 feet, and three (3) prints of the drawing, shall be submitted. The Secondary Subdivision may include all or part of the approved Subdivision and shall retain the lot numbers and overall characteristics of the Primary Subdivision and shall include the following:

1. Name of the subdivision. If the Secondary Subdivision is only a portion of the Primary Subdivision, each section or addition shall be separately designated.
2. Legal description of the subdivision which shall include Section, Township, Range and governmental township.
3. Name, address, seal and certification of the Registered Land Surveyor preparing or certifying the subdivision.
4. Scale, graphic bar scale, date and north point.
5. Exact location, width and name of all streets within the subdivision and the exact location and width of all alleys, crosswalks, and other easements.
6. Township, Range or Section Line accurately tied to the subdivision by bearing and distances in feet and hundredths thereof.
7. Boundary of subdivision, based on accurate traverse survey with angular and lineal dimensions in feet and hundredths thereof. The traverse survey shall be closed to a minimum accuracy of 1:10,000. A boundary closure sheet shall be provided.
8. All radii, central angles, points of curvature and tangency, length of tangents, lengths of arcs, width of rights-of-ways and similar data shall be shown for all streets. All street lines shall be tied to other street and alleys with accurate dimensions in feet and hundredths and angles or bearings.
9. Accurate location and type of all existing and required monuments.
10. All easements dimensioned and identified as to their specific uses.
11. All lot numbers and lines with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds. Lots in sections or additions to a subdivision with the same name shall be numbered consecutively throughout the several sections or additions.
12. All recorded subdivisions bounding the Secondary Subdivision shall be shown in dotted lines with name, section or addition and Recorder's Book and Page Number.
13. Any areas other than public right-of-way, to be dedicated or reserved for public use or semi-public use or areas to be reserved for the use of all property owners, shall be shown on the drawing and labeled as to its use and shall have a separate legal description on the drawing with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds.
14. Dimensioned building setback lines.

15. Deed of Dedication.
16. Owner's Certification.
17. Notarization and seal.
18. All printed numbers, letters, and typed information shall be the size of a one hundred (100) Leroy Template or equivalent so that the drawing is adaptable to photographic reduction and will maintain complete legibility.
19. Certificate of Approval.
20. Examples of the Surveyor's Certification, Deed of Dedication, Owner's Certification, Notarization Statement, and the Certificate of Approval are shown in Appendix A of this Ordinance.

Section 572 City Engineer's Report

Prior to Secondary Approval being granted, a report shall be submitted to the Plan Commission staff by the City Engineer. Said report shall indicate that all improvements have been installed in accordance with Article VIII, Site Improvements, of this Ordinance. If all required site improvements (as described in Article VIII of this Ordinance) have not been installed, surety shall be filed and approved by the City Engineer and the Board of Public Works and Safety per Article IX, Surety Bonds, of this Ordinance before an approved secondary plat can be recorded.

Section 573 Application

One (1) copy of a completed application form shall be submitted with the other required information. Blank forms are available in the Plan Commission.

Section 574 Fee

The subdivision shall also be accompanied by the required fee as shown in Appendix B of this Ordinance.

Section 580 Referral and Review Procedure

The proposed subdivision shall be reviewed by the staff of the Plan Commission and any other agency deemed appropriate by the Plan Commission. This review shall determine if the plat conforms with the primary approval.

Section 581 Staff Review Procedure

Within one (1) working day after the submission of the Secondary Subdivision, the staff shall refer prints of the plat to the appropriate agencies for their review and comment. The staff review shall be as follows:

- A. The staff shall review the subdivision for conformity to the regulations of this Ordinance, the Primary Subdivision, and shall also consider the comments made by other agencies.

- B. After the staff has reviewed the subdivision and received the comments from the other agencies, they shall determine if the subdivision meets the technical requirements of the Ordinance and then accomplish the following:
1. If the subdivision meets the requirements of the Ordinance and the Primary Subdivision, then the staff shall grant Secondary Approval. The plat drawing shall then be signed by the Zoning Administrator on behalf of the Plan Commission and may be released for recording after Article IX (Surety Bonds) of this Ordinance has been fully complied with, as applicable.
 2. If the subdivision does not meet the requirements of the Ordinance or the Primary Subdivision, then the staff shall deny Secondary Approval and the owner and surveyor shall be notified, in writing, and the corrections that must be made. As soon as the corrections are made, the staff shall then grant Secondary Approval. The plat drawing shall then be signed by the Zoning Administrator on behalf of the Plan Commission and may be released for recording after Article IX (Surety Bonds) of this Ordinance has been fully complied with, as applicable.
 3. Notwithstanding the foregoing, the staff may transfer an application for Secondary Approval of a subdivision to the Plan Commission, without first making a decision, when the staff, in its sole discretion, determines it would be in the best interest of all parties, or upon written request of the applicant.

Section 590 Consideration by the Plan Commission

If an application for Secondary Subdivision is sent to the Plan Commission under Section 581, the staff shall place the subdivision on the next agenda of the Plan Commission. The Plan Commission shall consider the Secondary Subdivision at a public meeting without public notice or hearing, and after considering the plat, the staff report and recommendation, the Plan Commission shall determine if the drawing conforms to the regulations of this Ordinance and the Primary Subdivision. When the determination has been made in the positive, the Plan Commission shall then grant secondary approval. The plat drawing shall then be signed by the President and Secretary of the Plan Commission and may be released for recording after Article IX (Surety Bonds) of this Ordinance has been fully complied with, as applicable.

ARTICLE VI Commercial and Industrial Subdivision

Section 600 General Compliance

In addition to the other requirements set forth in this Ordinance, Commercial and Industrial Subdivisions shall also be required to comply with the requirements of this Article.

Section 610 Lot Standards

Approval of the number of lots and lot size shall be determined by the Zoning Ordinance and the following factors:

- A. Only approximate number of lots shall be shown on the Primary Subdivision drawing. Final lot arrangement need only be shown on Secondary Subdivision drawings.
- B. The total lot area shall be sufficient to provide adequate space for off-street parking, loading, landscaping, drainage, and other needed facilities.
- C. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, owned or managed as a unit.

Section 620 Street System

Approval of the proposed street system or pattern shall be determined by the following factors:

- A. Traffic movements in and out of and entrances and exits to commercial and industrial subdivisions shall not interfere with external or through traffic, nor shall they create hazards for adjacent residential areas.
- B. The design of streets, marginal service roads and pedestrian ways shall provide for safe and hazard-free internal circulation.
- C. Where a commercial or industrial subdivision fronts or abuts an arterial street, the Commission may require a service street approximately parallel to the arterial street at a distance suitable for the appropriate use of the intervening land, and also require a one-foot nonaccess easement along the arterial.

ARTICLE VII Subdivision Replats

For the purpose of this Ordinance, a subdivision replat shall be any revisions that create a new building lot of record to a recorded subdivision. The name of a replat shall not be identical to the original subdivision name, but the original name shall be contained within the name of the replat.

Section 700 Subdivision Replat Procedures

Shall be the same as Article IV, or V, whichever is applicable.

ARTICLE VIII Site Improvements

Section 800 Design and Construction

All required improvements shall be designed and constructed in accordance with the latest standards adopted by the City of Goshen.

Section 801 Inspection

Inspection of all construction of improvements shall be provided by the City Engineering Department.

Section 810 Required Improvements

The improvements listed in the following sections shall be provided in all subdivisions.

Section 811 Boundary Improvements

- A. Monuments. Concrete monuments, four (4) inches square and thirty-six (36) inches long with an iron pipe cast in the center shall be set at each corner or angle of the outside boundary.
- B. Corner Markers. Pipes or steel rods, three-fourths (3/4) inch in diameter by eighteen (18) inches in length, shall be placed at the corner of each lot and block.

Section 812 Street Drainage & Underground Utility Improvements

After Primary Approval has been granted and before any construction begins in the subdivision, and before the submittal of the Secondary Subdivision, the surveyor/engineer for the subdivision shall submit construction drawings to the City Engineer showing, but not limited to:

- A. All streets included in the Primary Subdivision drawing.
- B. All drainage facilities included on the Primary Subdivision drawing.
- C. All underground utilities required to serve the Primary Subdivision.
- D. All other required improvements including fire hydrants and street and traffic control signs.

Section 820 Acceptance of Dedication

In any subdivision containing streets or thoroughfares which are therein reserved for dedication to public use, the Board of Works shall accept dedication prior to final approval of the subdivision by the Commission.

ARTICLE IX Surety Bonds (Performance Guarantees)

Section 900 Surety

If the site improvements (as described in Article VIII) are not complete when a subdivision is submitted for Secondary Approval, a surety bond or performance guarantee shall be filed and approved by the City Engineer and the Board of Public Works and Safety before an approved secondary plat can be recorded. The Board may consider a certificate of deposit or a letter of credit in lieu of a bond. These guarantees:

- A. Shall be assigned to the City.
- B. Shall provide surety satisfactory to the Plan Commission to make all required improvements as shown on the approved construction drawings. The amount of surety shall be as shown in Appendix C of this Ordinance.
- C. May be foreclosed and the improvements installed by the City, unless the improvements have been completed within eighteen (18) months from the date that the Commission gave secondary approval to the subdivision. An extension of time may be granted by the Commission and Board of Works if a request is submitted 30 days prior to the time the surety would lapse.
- D. Shall be released after the construction of improvements has been approved by the City Engineer and Board of Works.
- E. May have partial release granted on an annual basis in accordance with a written partial release schedule agreed to and signed by the Board of Works and the developer.

ARTICLE X Administration

Section 1000 Amendments

The Plan Commission, in accordance with State statutes, may, from time to time, recommend to the City Council that revisions, modifications, or amendments be made to this Ordinance.

Section 1010 Variances

Should the subdivider clearly demonstrate that, because of peculiar physical conditions pertaining to his land or particular design considerations to enhance the development of his land, the literal enforcement of one or more of the regulations of this title is impracticable or will exact undue hardship, the Goshen City Plan Commission, after public hearing, may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulation and standards established by this title.

Section 1020 Improvement Location Permit - Certificate of Occupancy

No Improvement Location Permit or Certificate of Occupancy as defined by the Zoning Ordinance of the City of Goshen shall be issued for the construction or occupancy of any building, structure or improvement to the land or any lot within a subdivision as defined herein which has been approved for platting or replatting, until all requirements of this Ordinance have been fully complied with.

Section 1030 Staff Report

The Plan Commission Staff shall make a report to the Plat Committee or Plan Commission on the conformity of the plat to the Subdivision Control Ordinance and what, if any, conditions are recommended for approval.

Section 1040 Records

- A. The Plan Commission Staff shall keep:
1. Copy of a complete application of all proposed subdivisions.
 2. Recommendations, findings, and decisions on all proposed subdivisions.
 3. Copy of all plats to be recorded.
 4. Copy of the surety and agreement for all plats to be recorded.
 5. Copy of all minutes of meetings of the Plat Committee and Plan Commission.
- B. The City Engineer shall keep copy of all inspections of the construction of the necessary improvements and shall keep a copy of plans and specifications of all necessary improvements.

Section 1050 Recording of Subdivision Drawings

A drawing of a subdivision may not be filed with the Auditor and the Recorder may not record it unless it has been granted Secondary Approval and signed and certified by the Secretary of the Plan Commission, or the Zoning Administrator, as appropriate, and Article IX, Surety Bonds, of this Ordinance, has been fully complied with. The filing and recording of the plat is without legal effect unless in compliance with the Goshen Subdivision Control Ordinance.

Section 1060 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is adjudged to be void, such secession shall not affect the validity of the remaining portions of this Ordinance.

APPENDIX A

Land Surveyor Certificate

Deed of Dedication

Owner's Certification

Notarization Statement

LAND SURVEYOR CERTIFICATE

(Suggested format)

I, (NAME), hereby certify that I am a Land Surveyor, licensed in compliance with the laws of the State of Indiana that this plat correctly represents a survey completed or certified by me on (DATE); that all the monuments (are) (will be, within six months of recording plat,) installed in accordance with the provisions of the platting ordinance; and that their location, size, type and materials are accurately shown.

Signature

Number

Seal

DEED OF DEDICATION

(Suggested format)

I (We) the undersigned (NAME) owner(s) of the real estate shown and described herein, do hereby lay off, plat, and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as (NAME OF SUBDIVISION) .

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

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

OWNER'S CERTIFICATIONS

(Suggested format)

This is to certify that the undersigned is (are) the owner(s) of the land described in the annexed plat, and that he (they) has (have) caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes therein set forth, and does hereby acknowledge and adopt the same under the style and title thereon indicated.

NAME _____

ADDRESS _____

THIS _____ DAY OF _____ , _____

APPENDIX B

FEE SCHEDULE

Subdivisions

Minor	\$200.00
Major – Primary	\$250.00 + \$5.00/lot
Major – Secondary	\$150.00
Plat/Public Right-of-Way Vacations	\$175.00

APPENDIX C

SURETY BOND SCHEDULE

Amount of Surety Bond or Performance Guarantee shall be the lesser of that based on total infrastructure cost 1/ and cost of \$150/L.F. 2/.

1/ Total cost of street improvements based on bid(s) obtained by the developer including street, curbs, storm drain, water and sanitary sewer.

2/ Per lineal foot of centerline of street representing total cost of street and related improvements.

APPENDIX D

Street Functional Classification System

Street Standards

APPENDIX D-1

APPENDIX D-2

STREET CLASSIFICATION					EASEMENTS		
	Arterial	Collector	Local	Cul-de-sac turn around	Frontage	Pedestrian Walkways	Utility
Right of Way Width	80 FT.	60 FT.	50 <u>1</u> / FT.	50 FT. RADIUS + 5 FT. EASEMENT	40 <u>2</u> / FT. MIN.	10 FT.	15 FT.
Pavement Width <u>3</u> /	<u>2</u> /	<u>2</u> /	28 FT.	20 FT. MINIMUM WITH 45 FT. OUTER RADIUS AND NO PARKING	20 FT. <u>2</u> / MINIMUM	4	---

1/ Alternative available under PUD option: 30 Ft. + 10 Ft. easements each side.

2/ As required by the City of Goshen.

3/ Measured back to back of curbs.

NOTE: Street standards apply to new streets as well as existing substandard streets on which a subdivision borders or includes.

APPENDIX E

MAJOR SUBDIVISION CHECKLIST

PRIMARY SUBDIVISION PLAT SUBMITTAL

Subdivision Name: _____

Developer's Name: _____

Telephone Number: _____

Developer's Engineering Firm: _____

Engineer's Name: _____

Telephone Number: _____

Are following items included in the submittal?

Three (3) prints of the primary subdivision drawing _____

Application _____

Proof of Ownership _____

List of Surrounding Property Owners & Addresses _____

Three (3) copies of the Feasibility Report (i.e. sewer, water, drainage) _____

Drainage Plan _____

Letter from Owner Specifying Intent of Land Use _____

Application Fees _____

Date of Technical Meeting: _____

Attendance of Planning Dept., Engineering Dept., Utility Dept., Developer, and Developer's Engineer, among others

Date of Preliminary Drainage Plan Approval by Board of Works: _____

(This is only required if the overall subdivision is presented. The phases of the subdivision do not need to have preliminary drainage plan approval.)

Date of Plan Commission Meeting for Primary Subdivision Approval: _____

Approval Granted: Yes _____ No _____

Or Yes with Changes/Conditions _____

DESIGN PLAN SUBMITTAL

Date Preliminary Design Plans Received (2 Sets): _____

Date of Review Meeting: _____

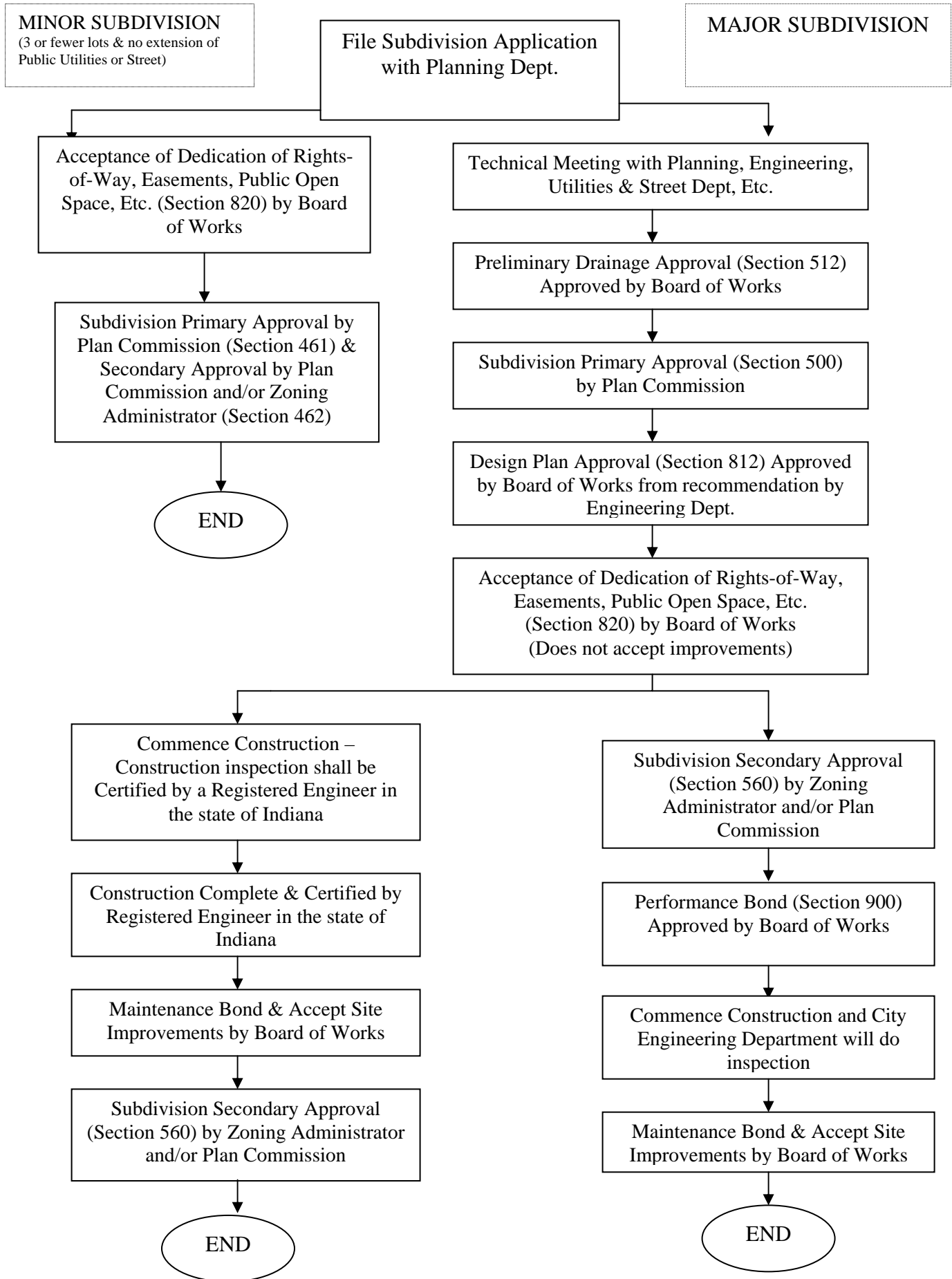
Attendance of Engineering Dept., Utility Dept., and Developer's Engineer

Date Revised Plans Received: _____

Date Revised Plans Approved By Engineering Dept.: _____

Date Developer's Engineer Delivered Three (3) Sets of Final Plans: _____

APPENDIX F



APPENDIX G

AS AMENDED BY ORDINANCE 3683 ADOPTED 9-5-95

AS AMENDED BY ORDINANCE 3717 ADOPTED 5-14-96

AS AMENDED BY ORDINANCE 4061 ADOPTED 2-5-02

AS AMENDED BY ORDINANCE 4482 ADOPTED 4-15-08

AS AMENDED BY ORDINANCE 4834 ADOPTED 9-1-15

AS AMENDED BY ORDINANCE 4866 ADOPTED 5-17-16