Amend and replace Section 81.04 (B) Figure 1 with proposed 81.04 (C), (D), (E), (F), and (G).

(C) Land Division Review Procedures.

All applications for the division of land shall be reviewed and processed according to the classification of the proposed division established under Section 81.03(28). Plan Commission Staff shall review the proposed land division to determine whether the classification identified by the applicant is appropriate under Section 81.03(28). If the proposed division does not qualify for the classification requested, Staff shall identify the applicable classification and notify the applicant of the applicable review procedure and any additional information or application requirements necessary for processing.

(1) Subdivision.
A proposed Subdivision under Section 81.03(28)(a) shall be subject to the primary approval, secondary approval, notice, hearing, and other applicable procedures established by this Section and applicable Indiana law.

(2) Rural Subdivision.
A proposed Rural Subdivision under Section 81.03(28)(b) shall be reviewed in accordance with the requirements and procedures applicable to a Subdivision, except as otherwise expressly provided in this Chapter.

(3) Administrative Division.
A proposed Administrative Division under Section 81.03(28)(c) shall be reviewed administratively by Plan Commission Staff for compliance with the applicable requirements of this Chapter. An Administrative Division shall not require a public hearing before the Plan Commission unless otherwise required by law or referred to the Plan Commission pursuant to this Chapter.

(4) Exempted Division.
A proposed Exempted Division under Section 81.03(28)(d) shall be reviewed and processed in accordance with Section 81.11 and shall not be subject to the subdivision application, review, hearing, primary approval, secondary approval, or improvement requirements of this Section, except as expressly provided in Section 81.11.

(D) Administrative Division Application and Plat Requirements.

(1) An application for approval of an Administrative Division shall include sufficient information for Plan Commission Staff to determine compliance with the applicable requirements of this Chapter. At a minimum, the plat shall include:

a. Names and addresses of the owner and the sub-divider, and the surveyor or surveying firm, which prepared the plat.
b. Listing the physical location address of the property, (if available).
c. North point, scale and date.
d. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract. If the boundary of the plat is represented by a U.S. Public Land Survey Section

Line, two section corners shall be shown for each section line with bearings and distances to each section corner. Accurate direction and length in feet and hundredths of feet of each line. Geometrically curved lines shall be identified with sufficient curve data to define the curve. (Curve data include delta angle, radius, chord distance, chord bearing, arc length, tangent length). Tract Boundaries, including:

i. The boundaries of the parent tract and each proposed resulting parcel or lot, including dimensions, lot numbers, frontage, and total area in square feet or acres;
ii. The parcel number (tax identification number) of the parent tract and references to the sources of title for the parent tract and all adjoining parcels;
iii. Whether each resulting parcel or lot is intended for building or nonbuilding purposes; and
iv. Any additional information necessary to establish the location and configuration of the proposed division.

e. Streets, Rights-of-Way, Easements, and Utilities. The survey or plat shall show:
   i. Existing streets, rights-of-way, and access easements on and adjoining the site, including street names and whether streets are publicly maintained, privately maintained, or abandoned;
   ii. Existing recorded easements, rights-of-way, and other known property restrictions affecting the site, including their locations, dimensions, widths, and purposes;
   iii. For any resulting parcel or lot that relies upon a private easement, right-of-way, or other access arrangement to reach a public street, the source of the access rights, identified by deed reference, recorded instrument, plat reference, or other reasonably available documentation. If the source cannot reasonably be identified, the applicant shall provide a written explanation of the known basis for the access arrangement;
   iv. Any existing right-of-way that is narrower than the right-of-way designated by the adopted Thoroughfare Plan and any additional right-of-way proposed to conform to that plan; and
   v. Existing public utilities serving or reasonably available to the property, private sewage disposal system, and any proposed utility easements or extensions, as applicable, including the location and dimensions of utility easements and any limitations affecting their use.
f. Adjoining subdivisions with lot designations and title of the plat including reference to source of title.
g. Existing structures located on the parent tract and their approximate relationship to proposed parcel or lot lines;
h. The zoning classification of the parent tract and proposed resulting parcels or lots. All surveys and plats of land in the A-1 or A-2 Agriculture districts shall include the "Agricultural Restrictive Covenant" as set forth in section 81.08(G) of the Area Subdivision control code of Ripley County.
i. If a resulting parcel or lot is intended for a building site and is not served by a public sanitary sewer system, the plat shall include the following notice:

   ONSITE SEWAGE DISPOSAL NOTICE:

Approval of this land division does not constitute approval or certification of an onsite sewage disposal system. Any required permit or approval for an onsite sewage disposal system shall be obtained from the Ripley County Health Department or other governmental authority having jurisdiction. Approval of this land division does not guarantee that an onsite sewage disposal permit will be issued.

j. If a resulting parcel or lot is intended for a building site and is proposed to be served by a public sanitary sewer system, the plat shall identify the public sanitary sewer utility or provider and include a statement indicating whether public sanitary sewer service has been confirmed as available for the proposed building site.

   PUBLIC SANITARY SEWER NOTICE:

   This land falls within the service territory of _____ [name of utility or service provider]. Approval of this land division does not constitute approval for connection to a public sanitary sewer system or establish that public sanitary sewer service is available to any resulting parcel or lot. Connection to a public sanitary sewer system is subject to confirmation of service availability and approval by the applicable utility or service provider, including compliance with applicable connection requirements, capacity limitations, and other regulations.

k. The FEMA FIRM Map Number, if any special flood hazard areas (SFHA) exist show the flood plain shall be accurately shown on the plat. Known drainage, or other physical conditions when reasonably necessary to determine compliance with this Chapter; and
l. Location, type, material, and size of all monuments and lot markers, including a notation as to whether found or set.
m. Certification by a registered land surveyor.
n. A certification of administrative approval in the form prescribed below.

   Commission Certificate of Administrative Approval
   The Plan Commission Staff hereby certifies that the land division shown on this plat has been reviewed and approved as an Administrative Division pursuant to Section 81.03(28)(c) and Section 81.04 of the Ripley County Subdivision Control Ordinance. This approval is limited to compliance with the requirements applicable to an Administrative Division and does not constitute approval of a building site, onsite sewage disposal system, or any other permit or approval otherwise required by law.

   Executive Director, Plan Commission
   Date: _____

o. Any additional information reasonably necessary for Plan Commission Staff to determine compliance with the applicable requirements of this Chapter.

(2) Plan Commission Staff may waive any information required by this subsection when the information is not reasonably necessary to determine compliance with the applicable requirements of an Administrative Division. A request to appeal a decision of staff may be made in writing and presented to the Technical Review Committee for a final decision.

(E) Primary Plat Procedure & Requirements.

(1) Upon receipt of an application for primary approval of a plat of a subdivision, the Plan Commission Staff shall review the application for technical conformity with the standards set forth in this Chapter of the Code.

(2) Within the time prescribed by Indiana law, or within thirty (30) days after receipt of a complete application when no different period is prescribed by law, staff shall schedule the application for hearing before the Commission and provide notice in accordance with accordance with applicable Indiana law and the Rules of Procedure of the Plan Commission. After the Plan Commission Staff has announced a date for a hearing before the Commission, it shall:

   a. Notify the applicant in writing;

   b. Give notice of the hearing by publication in accordance with I.C. 5-3-1; and

   c. Provide for due notice to interested parties at least ten (10) days before the date set for the hearing, all in accordance with the Rules of Procedure of the Plan Commission.

(3) After the Hearing for Primary Approval:
   a. If, after the hearing, the Commission determines that the application and plat comply with the standards in this Code, it shall make written findings and a decision granting primary approval for the plat of the subdivision. This decision shall be signed by the President of the Commission.
   b. If, after the 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. This decision shall be signed by the President of the Commission.

(4) Appeals. A decision granting or denying primary approval, or imposing conditions upon primary approval, may be appealed in accordance with applicable Indiana law. The time for filing an appeal and the procedure for judicial review shall be governed by Indiana Code, as amended.

(5) Application. An application for primary approval of a subdivision shall include the following plat documents:
   a. Original Plat. One (1) original, legible, and reproducible copy of the subdivision plat, prepared at a scale sufficient to clearly display all required information, with sheet dimensions no smaller than eleven (11) inches by seventeen (17) inches and no larger than twenty-four (24) inches by thirty-six (36) inches.
   b. Additional Plat Copies. Two (2) additional legible copies of the subdivision plat, with the same dimensions and substantially the same content as the original plat.
   c. Planning Commission Copies. Six (6) legible copies of the subdivision plat, reduced or prepared at a scale suitable for reproduction on sheets no larger than eleven (11) inches by seventeen (17) inches. All required information shall remain legible and identifiable on these copies.

   All submitted plats shall be prepared in a form suitable for reproduction and shall clearly display the information required by these regulations.

(6) The plat shall include the information required for an Administrative Division under subsection (D)(1), to the extent applicable, together with the following additional information:
   a. Proposed name of the subdivision;
   b. Vicinity Map showing:

i. Subdivision name and location.

ii. Any thoroughfares related to the subdivision.

iii. Existing elementary and high schools, parks, and playgrounds available for serving the area proposed to be subdivided, and other community facilities.

iv. Location of Corporation Lines if applicable.

v. Title, scale, north point and date.

c. Existing and proposed streets, rights-of-way, and street connections, showing the names (which for new streets shall not duplicate other names of streets in the Town or County, except for extension of existing streets) which, in accordance with the requirements of I.C. 36-7-4-405, shall meet with the approval of the Commission, including proposed widths, approximate grades, and other information required by this Chapter, including roadway widths, approximate gradients, types and widths of pavement, curbs, walks, crosswalks, sidewalks, tree planting and other pertinent data;

d. Proposed lot layout, including lot numbers, dimensions, areas, widths, and building setback lines;

e. Existing and proposed easements for utilities, drainage, access, and other purposes;

f. Existing and proposed public and community utilities and utility extensions;

g. Topographic information, drainage information, and stormwater facilities when required by the nature of the proposed subdivision; If fifty percent (50%) or more of the Subdivision has a slope of generally less than two (2%) percent, it shall require a hydrologist report, Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is at ten percent (10%) or greater.

h. Record the 100-year flood elevation on all subdivision plats containing lands identified in Chapter 80, if the subdivision lies in a flood hazard area as defined in Sec. 80.43 of the Zoning Code, the plans and material shall be forwarded to the Indiana Department of Natural Resources for review and comment. The Executive Director of Planning and Development shall require appropriate changes and modifications in order to assure that:

i. It is consistent with the need to minimize flood damages;

ii. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

iii. Adequate drainage is provided so as to reduce exposure to flood hazards;

iv. On site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of regulatory flood.

v. Owners of manufactured home parks or subdivisions located within the FP Flood Plain District of SFHA identified as Zone A on the community's FHMB or FIRM develop an evacuation plan for those lots located in Zone A and file it with the Plan Commission and have it filed and approved by the appropriate community emergency management authorities.

i. Proposed common areas, open spaces, or land to be dedicated or reserved for public or common use;
j. Proposed restrictions, covenants, or other development conditions applicable to the subdivision including Maintenance Agreement Certificate for shard Access Drive.;
k. Proposed improvements required by this Chapter or otherwise proposed as part of the subdivision;
l. Proposed phasing, where applicable;
m. Any required utility (water, sewer, and electric) certification indicating that such utility can and will serve the proposed development or subdivision.
n. Any other required agency, surveyor, or engineer certifications;
o. Information necessary to demonstrate compliance with the Comprehensive Plan, Thoroughfare Plan, applicable zoning requirements, and other applicable standards of this Chapter; and
p. Any other information reasonably necessary to evaluate the proposed subdivision.

(F) Improvement Plans and Required Improvements

(1) Where public improvements or other improvements are required by this Chapter or as a condition of primary approval, the subdivider shall submit improvement plans and specifications as required by Plan Commission Staff.

(2) Improvement plans shall be consistent with the approved primary plat and all conditions of primary approval.

(3) Improvement plans shall be reviewed and approved by Plan Commission Staff and, where applicable, the governmental entity, utility, or other agency responsible for the improvement.

(4) The Plan Commission may require an improvement plan to be submitted to the Commission for review when the proposed improvement materially affects the approved subdivision or represents a substantial modification of the primary approval.

(5) Approval of an improvement plan shall not authorize a material change to the approved primary plat or conditions of primary approval. A material change shall require approval pursuant to the applicable provisions of this Chapter.

(G) Secondary Plat Procedure & Requirements.

(1) A plat of a subdivision may not be filed with the Auditor or the County, and the Recorder of the County may not record it, unless it has been granted secondary approval and signed and certified by the President of the Commission; provided, that if the plat has not been properly recorded with six (6) months after the date of such certification, the certification shall then become null and void and the plat may not then be recorded; and provided further, that a sub-divider or applicant whose plat has not been recorded within six months from the date of certification, and who elects to make revisions to the plat, must first vacate the plat in accordance with I.C. 36-7-3 and then proceed to re-apply for primary and secondary approval of the plat of a subdivision.

(2) Secondary approval may be granted notwithstanding incomplete improvements where the applicant has provided financial responsibility or other assurances permitted by this Chapter

and applicable Indiana law and which has heretofore been given primary approval by the Commission, or the Commission may delegate to the Plan Commission Staff the authority to grant such secondary approvals; Secondary approval may be granted only after expiration of the applicable period for appeal of the primary approval under Indiana Code § 36-7-4-708, as amended.

(3) No additional notice or hearing shall be required for secondary approval unless otherwise required by law or the Rules of Procedure of the Plan Commission.

(4) approval may be granted to a plat of a subdivision provided that:

a. All conditions of primary approval have been satisfied;
b. Required improvements have been completed or acceptable financial responsibility has been provided where permitted by this Chapter;
c. Required certifications and agreements have been submitted;
d. The plat is in final form for recording;
e. All other requirements applicable to secondary approval have been satisfied.

(5) Improvements and Financial Responsibility

a. Where required improvements or installations have not been completed prior to secondary approval, the Commission may grant secondary approval upon the submission of a bond, letter of credit, escrow, or other acceptable form of financial responsibility in an amount and form sufficient to assure completion of the required improvements and installations in accordance with this Chapter and the conditions of primary approval.
b. The amount of financial responsibility shall be based upon the estimated cost of completing the required improvements and installations, as determined by the Plan Commission or Plan Commission Staff, as applicable. The Commission or Staff may require a cost estimate prepared or certified by a registered professional engineer or other qualified professional.
c. Financial responsibility shall be payable to the Ripley County Board of Commissioners, or to the applicable governmental entity or utility responsible for the improvement, in a form acceptable to the Plan Commission.
d. For required water, sanitary sewer, electric, or other utility improvements to be installed or extended by a governmental entity or utility provider, the applicant shall provide written evidence of an agreement or other arrangement providing reasonable assurance that the required improvement or extension will be completed.
e. The Plan Commission may require reasonable maintenance security for improvements where necessary to assure the proper maintenance of improvements constructed as part of the subdivision. The amount, duration, form, and release of any maintenance security shall be established as part of the approval of the subdivision.
f. Financial responsibility shall remain in effect until the required improvements have been completed and accepted by the governmental entity, utility, or other authority responsible for the improvement, or until released in accordance with the terms established by the Plan Commission.
g. Any financial responsibility required under this subsection shall be subject to the applicable requirements of Indiana law.

(6) A Secondary Plat shall contain all information required for an Administrative Division and Primary Plat, to the extent applicable, and shall additionally:

a. Incorporate all conditions imposed as part of primary approval;
b. Show the final boundaries, dimensions, areas, and identification of all lots, parcels, streets, rights-of-way, easements, common areas, and other areas to be dedicated or reserved;
c. Include all required dedication statements, restrictions, covenants, maintenance agreements, and other instruments required to be recorded with the plat;
d. Include required surveyor, engineer, owner, and other certifications;
e. Show required monuments and lot markers;
f. Demonstrate completion of required improvements or provide the required financial responsibility for improvements not yet completed, as permitted by this Chapter;
g. Satisfy all conditions of primary approval;
h. Include the signatures and approvals required for recording; and
i. Contain any other information reasonably necessary to establish the final form of the subdivision for recording.

Amend and replace Section 81.11 with proposed 81.11 in its entirety

SECTION 81.11 — EXEMPTED DIVISIONS

(A) Applicability.

An Exempted Division is a division of land that qualifies for one of the exemptions established in Section 81.03(28)(d).

An Exempted Division shall not be subject to the application, review, hearing, primary approval, secondary approval, improvement, or other subdivision requirements of this Chapter, except as expressly provided in this Section or elsewhere in this Code.

Plan Commission Staff shall determine whether a proposed division qualifies as an Exempted Division. A determination that a division qualifies as an Exempted Division shall not constitute approval of a building site, zoning compliance, an onsite sewage disposal system, or any other permit or approval required by law.

(B) Application and Documentation.

An applicant seeking recognition of an Exempted Division shall submit an application to the Plan Commission Staff, together with the information and documentation required for the applicable exemption under subsection (C) of this Section.

The Plan Commission Staff may require additional information reasonably necessary to determine whether the proposed division qualifies as an Exempted Division, including documentation necessary to verify ownership, legal descriptions, prior divisions, access, or other applicable requirements of this Code.

An application shall not be considered complete until the required information and documentation have been submitted.

(C) Documentation Required by Exemption Type.

The following documentation shall be submitted for the applicable type of Exempted Division:

(1) Correction of Legal Description. The existing legal description and the corrected legal description, together with documentation explaining the error and demonstrating that no additional principal building site is created.

(2) Estate or Court-Ordered Division. A copy of the applicable court decree, estate distribution, or other legal instrument establishing the division and identifying the resulting legal descriptions. For a division pursuant to a court proceeding, the application shall include the court name and cause number.

(3) Government Acquisition. A legal description and survey or plot plan showing the parcel to be acquired and the location of the street right-of-way.

(4) Cemetery Division. A plat or plan showing the cemetery layout, burial lots, private drives, parking areas, and other relevant features.

(D) Staff Review and Determination.

Within five (5) working days after receipt of a complete application, the Plan Commission Staff shall review the proposed land division and determine whether it qualifies as an Exempted Division under Section 81.03(27)(e) and this Section.

The Plan Commission Staff shall issue a written determination that the proposed division:

(1) Qualifies as an Exempted Division and is eligible for a Statement of Compliance; or

(2) Does not qualify as an Exempted Division and is subject to the applicable subdivision requirements of this Code.

If the proposed division does not qualify as an Exempted Division, the written determination shall identify the basis for the determination and the applicable subdivision process.

(E) Certificate of Exempted Division.

(1) When an Exempted Division is depicted on a survey or plat, the survey or plat shall include a Certificate of Exempted Division prescribed herein. The Certificate shall identify the applicable exemption under Section 81.03(28)(d), the date of the determination, and any applicable limitations or conditions and shall be signed by the Executive Director or other official authorized by the Plan Commission.

> **Certificate of Exempted Division**
>
> The Plan Commission Staff hereby certifies that the land division shown on this plat has been determined to qualify as an Exempted Division pursuant to Section 81.03(28)(d) and Section 81.11 of the Ripley County Subdivision Control Ordinance and is therefore not subject to the subdivision review and approval requirements of this Chapter.
>
> This certification is limited to the determination that the land division qualifies as an Exempted Division and does not constitute approval of any building site, zoning compliance, onsite sewage disposal system, or other permit or approval otherwise required by law.
>
> _____
>
> Executive Director, Plan Commission
> Date: _____

(2) If a survey or plat is not required, the Certificate of Exempted Division may be issued as a separate written determination and provided to the applicant and shall be retained in the records of the Plan Commission and shall identify:

a. The name of the owner and applicant;
b. The parcel number and legal description of the parent tract;
c. The legal description or survey of the resulting tract or tracts;

d. The exemption category under Section 81.03(27)(e) pursuant to which the division qualifies;
e. Any applicable limitations or conditions of the exemption; and
f. The date of issuance.

(F) Documentation of Exempted Division.

When an Exempted Division results in the creation or transfer of a parcel or tract that is to be conveyed by deed or other instrument, the Certificate of Exempted Division shall be provided to the County Recorder for recording with, or referenced in, the instrument effectuating the division when required by this Chapter.

(G) Limitations on Exempted Divisions.

An Exempted Division shall not be used to circumvent the subdivision requirements of this Code.

The creation of a tract through an Exempted Division does not authorize any subsequent division of the tract that would otherwise require subdivision approval. A subsequent division of land previously subject to an Exempted Division shall be evaluated based upon the original parent tract, the history of prior divisions.

All applicable zoning, building, access, floodplain, drainage, utility, and onsite sewage disposal requirements remain applicable to the resulting tract or tracts.

(H) Appeals.

A determination by the Plan Commission Staff that a proposed land division does not qualify as an Exempted Division may be appealed to the Plan Commission in accordance with its Rules of Procedure and applicable law.

A determination that a proposed division qualifies as an Exempted Division shall not be construed as approval of any other permit or land-use entitlement.