

ARTICLE 1 GENERAL PROVISIONS

Section 100 - TITLE

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

Section 105 - AUTHORITY

This Subdivision Control Ordinance is adopted by the Town of St. Leon pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq., specifically the provisions of the IC 36-7-4-700 series. Whenever codes cited in this Ordinance refer to Indiana Code that has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Code.

Section 110 - PURPOSE

This Ordinance is adopted for the following purposes:

1. To ensure the orderly and efficient development of St. Leon;
2. To provide for the coordination of new thoroughfares with existing and planned thoroughfares;
3. To promote the health, safety, and general welfare of the residents of St. Leon;
4. To ensure coordination of the extension of community facilities and utilities;
5. To implement adopted Town policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, as set forth in the St. Leon Comprehensive Plan; and
6. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

Section 115 - JURISDICTION

This Ordinance shall apply to all land within the incorporated areas of the Town of St. Leon.

Section 120 - SAVING PROVISION

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, the prior existing Subdivision Control Ordinance, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the Town, except as expressly provided for in this Ordinance.

Section 125 - RECORDING OF PLATS

All plats of subdivisions which have been submitted and approved shall be copied in the Dearborn County Plat Cabinet and be kept among County records by the County Recorder. Any revision to an approved and recorded plat, no matter how minor, must be reviewed by the Planning Director, or his designee, and, at his discretion, forwarded to the Plan Commission, if necessary.

Section 130 - REPEALING PROVISION

All ordinances or parts of ordinances in conflict with provisions herein shall be repealed by passage of this ordinance, except where such repeal is specifically not designated by this Ordinance.

Section 140 - VALIDITY

If any article, section, subsection, sentence, clause, or phrase of this Ordinance is adjudged invalid, such decision shall not affect the validity of remaining portions of this Ordinance.

Section 145 - CONDITIONS

The attachment of reasonable conditions to the subdividing of land is an exercise of valid police power delegated by the State of Indiana to the Town of St. Leon. However, conditions imposed by the Commission must be supported and permitted by this Ordinance. Conditions that are not requirements of this Ordinance shall not be permitted by the Commission. The Subdivider has the duty of compliance with reasonable conditions as provided in this Ordinance and as set forth by the Commission for design, dedication, improvement, and restrictive use of the land. The failure to comply with such conditions may be cause for denial of the submitted application and shall, if such failure occurs after Secondary Approval, constitute a violation of the Ordinance.

Section 150 - ENFORCEMENT

No plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until approved in the manner prescribed herein.

Section 155 - VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully, and accurately, state the causes and basis of the alleged violation, and be filed with the Plan Commission or its designee. The Plan Commission or its designee shall investigate the complaint in a timely manner (generally within one to two weeks) and, if warranted, take action thereon as provided by this Ordinance. Any person filing a written complaint shall be notified in writing by the Plan Commission or its designee of the action taken and/or status of such complaint.

If it is determined that a violation exists, the Plan Commission or its designee shall issue a written notice to the person(s) responsible for the alleged violation, by certified mail. The notice shall describe the details of the alleged violation and the basis for the violation. The notice shall also require an explanation, or correction, of the alleged violation to the satisfaction of the Plan Commission or its designee, within a specified time limit, which is to be determined by the Plan Commission or its designee. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Plan Commission or its designee within the specified time limit constitutes admission of the violation of the terms of this Ordinance. Any person who violates any provisions of this Ordinance shall upon conviction be fined not less than \$10.00 and not more than \$300.00 for each offense. Each day that the violation exists shall constitute a separate offense. Violations of this Ordinance resulting from failure to apply for or obtain a permit shall result in a tripling of the permit fee.

Section 160 - APPEAL

The primary approval or denial of a plat by the Plan Commission, or the imposition of a condition on primary approval, is a final decision of the Commission that may be appealed or reviewed as provided in IC 36-7-4-1016.

Section 165 – WAIVERS

1. General

Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with this Ordinance and/or the purposes of this Ordinance may be served to a greater extent by an alternative proposal, it may approve a waiver to this Ordinance so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of this Ordinance. The Commission shall not approve a waiver unless it shall make findings, based upon the evidence presented to it in each specific case, that:

- a. The granting of the waiver will not be detrimental to the public safety, health, or welfare, or injurious to nearby property;
- b. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties;

- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to; and
- d. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

2. Conditions

In approving waivers, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of standards and requirements herein.

3. Procedures

A petition for any such waiver shall be submitted in writing by the subdivider to the Planning Director, or his designee, at the time the Primary plat is filed for consideration by the Commission. The petition shall state fully the grounds for the application and all facts relied upon by the petitioner.

Section 170 - EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law. Adopted this 1ST day of November, 2010 by the Town Board of St. Leon, Indiana.

Chairman

Attest:
