

ORDINANCE NO. 2022-4F

**AN ORDINANCE AMENDING CHAPTER 155 OF THE
CODE OF ORDINANCES OF HANCOCK COUNTY**

WHEREAS, the Hancock County Commissioners have heretofore enacted by ordinance Chapter 155 of the Code of Ordinances of Hancock County, commonly referred to as the subdivision control ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-710, the Plan Commission is authorized to delegate to members of its staff secondary plat approval for all subdivisions requiring such approval; and

WHEREAS, after a duly advertised public hearing held by the Hancock County Plan Commission on the 22nd day of March 2022, the Hancock County Plan Commission has made a favorable recommendation to the Hancock County Commissioners that Chapter 155, § 155.056 should be amended and that such amendment is in the best interest of the official administration of the Hancock County Plan Commission and the citizens of Hancock County, Indiana.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Hancock County, Indiana, as follows:

SECTION I

Chapter 155, § 155.056 shall be deleted in its entirety and inserted in lieu thereof shall be the following:

§ 155.056 REVIEW PROCEDURE OF TECHNICAL COMMITTEE.

(A) Upon receipt of an application for secondary plat approval, the Technical Committee shall review the secondary plat and make a report to the Plan Commission Executive Director within 15 days after the final filing date.

(1) If the Technical Committee finds that the secondary plat has been prepared in accordance with the terms of this chapter, they shall forward a report so stating to the Plan Commission Executive Director for consideration.

(2) If the Technical Committee finds that the secondary plat has not been prepared in accordance with the terms of this chapter, they shall return the plat to the subdivider with a written specification of the items of nonconformance and shall submit a copy of the same to the Plan Commission Executive Director.

(B) The Plan Commission Executive Director shall, upon the filing of an application for secondary plat approval, review the secondary plat along with the accompanying data, review the report of the Technical Committee, and determine whether or not the secondary plat meets all minimum requirements and standards of this chapter and of all other applicable ordinances in the county. The Plan Commission Executive Director shall then take one of the following actions on the secondary plat within thirty days after its submission or a mutually agreed upon extension.

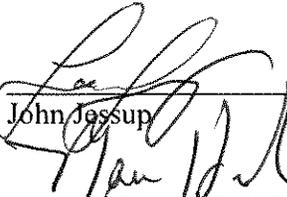
(E) After the Plan Commission Executive Director has granted final approval of the plat for recording, the officers shall affix their signatures to the original tracing and the subdivider shall record the plat with the County Recorder within 18 months. If not recorded within this time, the approval shall be null and void, unless further extended by the Plan Commission Executive Director upon written request of the subdivider, filed with the Plan Commission Executive Director 60 days prior to the expiration of the approval and by payment of a filing fee established the Executive Director of the County Plan Commission. The subdivider shall pay the recording fee, and file with the Commission four prints of the approved secondary plat, including restrictive covenants, as recorded. One reproducible print of the secondary plat, as recorded, shall be filed and retained in the office of the County Surveyor. Until the prints have been so filed, no improvement location permit, occupancy permit, or other permits shall be issued for any lot shown upon the plat.

SECTION II

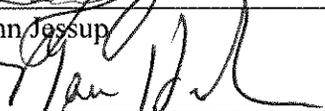
This Ordinance shall be in full force and effect from and after its passage and publication as prescribed by law.

Adopted this 19th day of April, 2022.

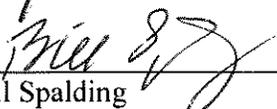
BOARD OF COMMISSIONERS OF HANCOCK COUNTY, INDIANA



John Jessup



Marc Huber



Bill Spalding

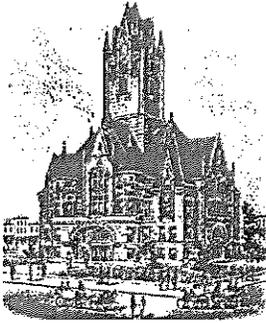
Attest:



Debra Carnes, Hancock County Auditor

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.



*The Hancock County Area Plan Commission
Court House Annex
111 American Legion Place, Suite 146
Greenfield, IN 46140
Phone: (317) 477-1134
Fax: (317) 477-1184*

CERTIFICATION
Hancock County Area Plan Commission

Project Name: Secondary Plat Approval Process – Subdivision Control Ordinance Text Amendment
Petitioner: Hancock County Plan Commission
Project Location: County-Wide
Townships: All
Certification Date: 15 April 2022

I, Wendell Hester, being the Secretary of the Hancock County Area Plan Commission of Hancock County, Indiana, do hereby certify that the attached subdivision control ordinance amendment is a true and accurate record of the meeting of the Plan Commission on 22 March 2022. The attached ordinance received a favorable recommendation by a vote of seven (7) ayes and zero (0) nays.

The attached ordinance is hereby certified to the Board of Commissioners, Hancock County, Indiana.

HANCOCK COUNTY AREA PLAN COMMISSION
HANCOCK COUNTY, INDIANA

Wendell A. Hester

Wendell Hester, Secretary

(1) (a) If the Plan Commission Executive Director determines that upon the satisfactory completion of one or more specified conditions consistent with the requirements, standards, and specifications of this chapter, the secondary plat would comply with the terms of this chapter, the Plan Commission Executive Director may give conditional approval to the plat.

(b) Conditional approval of a secondary plat may include a construction agreement which is acceptable to the Plan Commission Executive Director and would permit the subdivider to proceed with the installation of improvements prior to recording. Written notice of the conditional approval shall constitute formal authorization to the subdivider to construct and install all or a part of the required improvements, subject to inspection and acceptance procedures required by this chapter. The subdivider shall furnish sufficient evidence to the Plan Commission Executive Director of the satisfactory completion of the conditions before the plat will be deemed "final approval for record."

(2) The Plan Commission Executive Director shall approve the secondary plat for recording only after it has determined that the secondary plat meets the minimum requirements of this chapter and all applicable ordinances in the county and that sufficient financial guarantees have been submitted in accordance with this chapter.

(3) Should the Plan Commission Executive Director decide to disapprove the plat, written notice of the action, together with reasons therefor, shall be transmitted to the subdivider. The action shall also be entered on the official records of the Commission, provided, however, that nothing contained therein shall prejudice the subdivider's ability to make reapplication for secondary plat approval according to the terms of this chapter.

(4) Should the Plan Commission Executive Director have a question regarding a specific technical aspect of the plat which had not previously been studied by the Technical Committee, the Plan Commission Executive Director may refer to the plat along with a detailed statement of the question to the Technical Committee for a finding.

(5) After review of the secondary plat; drainage calculations and construction plans must be reviewed in accordance to Chapter 154 Stormwater Drainage, Erosion and Sediment Control Regulations before construction may begin. All plans must be stamped approved by the County Surveyor and Highway Engineer.

(C) Upon final approval of the secondary plat, the Plan Commission Executive Director shall indicate upon each copy that it has been approved. One copy shall be returned to the subdivider, along with the written statement indicating the action taken by the Plan Commission Executive Director. If approved with conditions, a written copy of the conditions shall accompany each copy of the approved secondary plat.

(D) Final approval of a plat by the Plan Commission Executive Director shall not be construed as an acceptance by the public of the offer of dedication of any street improvement, way, place, structure, utility improvements, or open space improvement, within the areas shown upon the plat unless the acceptance is endorsed by the County Board of Commissioners upon the original tracing of the secondary plat.

**HANCOCK COUNTY AREA PLAN COMMISSION
111 AMERICAN LEGION PLACE
GREENFIELD, IN 46140**

PLAN COMMISSION MINUTES

DATE: March 22, 2022 TIME: 6:30 P.M.

7. Ordinance amendment regarding Secondary Plats – Mr. Dale stated the Indiana state code provides for us (the county’s Plan Commission) to allow secondary plats to be reviewed and approved administratively. He said there really isn’t that much for this board to do, as long as the secondary conforms to the approved primary plat. Mr. Morelock said if it does conform to the county’s standards, it should be approved. Mr. Dale said if there are issues it would come before this board for review. He said by doing this, it relieves the workload for this board and will also help the tight time line for staff and the developer. Mr. Long said if at the primary stage this board would like to see the secondary come through, can we request that. Mr. Dale said yes. Mr. Scott Wooldridge said he has some concern about Mr. Morelock telling this board that if it meets the county’s standard you must vote to approve. He said don’t be afraid to vote no. Mr. Morelock stated as this boards attorney, he tells them what is legally best for them, to keep them from getting sued. There was no further discussion. Ms. Oldham made the motion for a favorable recommendation to the County Commissioners. Mr. Hester seconded. Seven (7) approved the favorable recommendation, Zero (0) denied.