



# PETITION

## SUBDIVISION PLAT APPROVAL

PETITION#:	_____
FEE:	_____
RECIPT#:	_____

PRELIMINARY  FINAL

### BEFORE THE SELLERSBURG PLAN COMMISSION:

The undersigned Applicant requests primary and/or final Plat Approval of the Subdivision Plat identified herein and submitted this date and represents and warrants to the Plan Commission as follows:

**Plat Name:** \_\_\_\_\_

**Developer Information:**

Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Corporation  LLC  Partnership  Individual(s)

**Property Owner Information: (If Different From Above)**

Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Corporation  LLC  Partnership  Individual(s)

**Surveyor/Engineer:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Property Acquisition Date by Owner:** \_\_\_\_\_ (Provide Copy of Deed)

**Tax Key Number of Property:** \_\_\_\_\_

**No. of Acres to be Platted:** \_\_\_\_\_ **No. of Lots:** \_\_\_\_\_

**Road Serving Subdivision:** \_\_\_\_\_

**Current Zoning:** \_\_\_\_\_ **Township:** \_\_\_\_\_

**To be Served By:** Septic  Sewer

**Is Any Property in Plat in Floodway/Floodplain?** Yes  No

**Dated and Signed at Clark County, Sellersburg, Indiana, this the** \_\_\_\_\_ **day of** \_\_\_\_\_, 20 \_\_\_\_\_

**Developer:** \_\_\_\_\_ **All Legal Owners (Named on Deed) Must Sign**  
\_\_\_\_\_  
\_\_\_\_\_



**Affidavit of Notice of Public Hearing  
Sellersburg, Indiana**



I [we] \_\_\_\_\_ certify that notice of public hearing to consider  
Petition # \_\_\_\_\_ pertaining to the \_\_\_\_\_ was sent by certified first class  
mail the last known address, as determined by records of the Clark County Auditors, to each of the following  
persons.

OWNER'S NAME	MAILING ADDRESS

*Attach additional sheets if needed*

And that such notice were mailed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ being at least 10 days prior to the  
scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

\_\_\_\_\_  
Applicant, Attorney, or Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name.

State of Indiana)

County of Clark)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public Resident of Clark County, Indiana

My commission expires: \_\_\_\_\_



Please Provide the Following:

1. Attach the legal description of the property.
2. Attach a development plan depicting all information required and information the applicant believes necessary for review by the Board or Commission; including, as applicable: parcel dimensions, locations of streets, driveways, location and number of parking spaces, sewer and water lines, and other appropriate information.
3. Proof of Zoning ( 1993 zoning map will apply without recorded proof of zoning )
4. Include any additional evidence necessary to support the petition.

I affirm, under the penalties of perjury that the foregoing representations are true.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Name (printed): \_\_\_\_\_

Please complete and attach the Findings of Fact worksheet to this Petition before submitting to the Office of Planning and Zoning, as well as the Affidavit of Notice of Public Hearing found within this Petition application. Please note the following requirements regarding time-sensitive notices, required by IC 36-7-4-604 and IC 5-3-2, and read in the Sellersburg Zoning Ordinance as follows:

- 1.The petitioner must mail a notice of hearings by certified mail, return receipt to each of the abutting property owners no less than ten (10) days prior to the hearing.
- 2.Notice of public hearing shall be published one time at least ten (10) days before the date of the hearing.
- 3.A sign depicting the Notice of a Public Hearing must be posted in a conspicuous space on the subject property, along all road frontage of the subject property, at least ten (10) days prior to the hearing.

Please submit proof of mailings and proof of publication from the newspaper to the Building Commissioner 5 days prior to the hearing of the Petition.

**Please use the Public Notice templates within this Petition application for the mailings and publication. DO NOT ALTER ANY WORDING IN THIS TEMPLATE, ONLY FILL IN THE BLANKS WITH THE APPROPRIATE INFORMATION.**

## Sample Legal Notice

Complete and publish the following legal notice in a daily newspaper of general circulation in Clark County at least 10 days prior to the date of the public hearing. The applicant should be aware that the newspaper has deadlines for submittal of public notices. It is the sole responsibility of the applicant to meet these deadlines.

### Public Notice Sellersburg, Indiana Board of Zoning Appeals/Plan Commission

The Board of Zoning Appeals/Plan Commission will meet on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 6 p.m. at 316 East Utica Street Sellersburg, Indiana 47172 for the purpose of holding a public hearing and acting on the following:

Requested Action: The applicant is requesting a \_\_\_\_\_ to

\_\_\_\_\_

\_\_\_\_\_

At the following commonly known address: \_\_\_\_\_

The petition is available for public review at the Commission of Buildings and Code Enforcement 316 East Utica Street Sellersburg, Indiana 47172 between the hours 9 a.m. to 4 p.m. 10 days prior to the meeting.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place. Written comments to the proposal that are filed with the Building Commissioner before the hearing will be considered. The hearing may be continued from time to time, as may be found necessary.

## ARTICLE III

### SUBDIVISION APPLICATION AND APPROVAL PROCESS

#### Section A. General Procedure

1. Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Plan Commission.
2. No improvement or building shall be made on the property until preliminary approval of the plat is given.
3. No contract shall be made for the sale of any part of the subdivision until final approval of the plat is given, either by completion of public improvements or by posting of a bond. No final plat shall be filed with the County Recorder until the plat has been approved by the Plan Commission.
4. No improvement, building, or driveway permits shall be issued until the approved plat is filed with the County Recorder.
5. Depending on whether the proposed subdivision is a minor or major subdivision, the applicant is required to follow either a basic two (2) or three (3) step procedure:

Minor Subdivision -- Sketch Plat and Final Plat

Major Subdivision -- Sketch Plat, Preliminary Plat and Final Plat

#### Section B. Sketch Plat

1. Pre-Platting Conference. Before preparing the preliminary plat for a subdivision, the applicant should discuss with the Administrator the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Administrator shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve the aspects of the subdivision plat coming within their jurisdiction. The applicant has the option to request a conference with the Commission, also, but not for the purpose of overriding the Administrator. This action will not require application, but notification should provide sufficient time for the matter to be placed on the agenda.

#### Section C. Preliminary Plat

1. Discussion of Requirements. If the proposed subdivision is classified as a major subdivision, the applicant shall file an application for approval of a preliminary plat. No preliminary plat application is required for subdivisions classified as minor. The applicant may proceed to file for a final plat approval for minor subdivision development.

2. Application. The sub divider shall file an application with the Administrator for approval of the preliminary plat. The application shall:

- a) Be made in duplicate and presented at least ten(10)days prior to a regular meeting of the Commission.
- b) Be made on forms available at the office of the Administrator.
- c) Be accompanied by a fee as established by the town.
- d) Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one lot or three hundred (300) feet, whichever is greater, therefrom, or of that directly opposite thereto, extending one lot or three hundred(300) feet, whichever is greater, from the street frontage of such opposite land, with the names of the owners as shown in the Assessor's files. This information may be shown on a separate current tax map or plat reproduction from the Assessor's Office showing the subdivision superimposed thereon.
- e) Be accompanied by a minimum of six copies of the preliminary plat as described in these regulations.
- f) Be accompanied by a minimum of three copies of construction plans, as described in these regulations.
- g) Comply generally with the sketch plat.

3. The Administrator shall refer the proposed preliminary plat and construction plans to the Technical Committee for its review, recommendations, and report. Such report of the Committee shall be submitted in writing to the Plan Commission at the time of the next regular meeting of the Commission.

4. Notice of Public Hearing. Upon receipt of formal application and all accompanying material, the Administrator shall:

- a) Call a public hearing for the next scheduled meeting of the Plan Commission providing the submittal of the application is in compliance with Section C.2.
- b) Require the applicant to submit a notice for publication in one (1) newspaper of general circulation in the county to be published at least ten. days prior to the public hearing. This public notice shall describe the location of the subject property by street, block, and adjacent subdivisions as applicable or in the case of un subdivided properties, location by township range and section (metes and bounds). At the time, of the public hearing, the applicant shall submit an affidavit stating that he has notified by certified mail, return receipt requested, each adjacent or opposite owner of property as indicated on the application for subdivision approval, at least ten (10) days prior to the public hearing and "Proof of Publication" of the notice. The Commission may require the applicant to bear the cost of the public notice.

5. Preliminary Approval. After the Plan Commission has reviewed the preliminary plat, construction plans, reports received from the Technical Committee and other agencies, and heard testimony submitted at the public hearing, the applicant shall be advised of any required additions. The Commission shall approve, conditionally approve, or disapprove the preliminary plat.

6. Conditions of Preliminary Approval. As a condition of preliminary approval of a plat, the commission may specify:

- (1) the manner in which public ways shall be laid out, graded, and improved;
- (2) a provision for water, sewage, and other utility services;
- (3) a provision for lot size, number, and location;
- (4) a provision for drainage design;
- (5) a provision for other services as specified in the subdivision control ordinance;  
and
- (6) a provision for the distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the municipality.

7. The Administrator shall return one (1) copy of the proposed preliminary plat and construction plans to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore, in writing, accompanying the plat.

8. Public Improvements and Performance Bond.

- a) Completion of Improvements. Subsequent to preliminary approval but before the final plat is signed by the President and Secretary of the Commission, all applicants shall be required to complete all the streets, curbs, sidewalks, sanitary and storm sewers, waterlines, street signs, and other public improvements on the individual lots of the subdivision as required in this ordinance, specified in the final subdivision plat, and as approved by the Commission.
- b) The Commission in its discretion may waive the requirement that the applicant complete all public improvements prior to the approval of the final subdivision plat, and that, in lieu thereof, the applicant shall post bond securable by the Town, hereinafter referred to as performance bond, in an amount equivalent to 110% of the estimated cost of completion of the required public improvements, which shall be sufficient to secure to the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements as provided for in Article VI Section A through F of this regulation. The estimated cost of completion shall be done by a registered professional engineer and shall be based on construction bids received by the applicant or developer.
- c) That in lieu of such a bond, the developer may submit a certified check made payable to the Town in an amount equivalent to 110% of the estimated cost. of completion of the uncompleted portion of required public improvements ass provided for in Article VI Sections A through F of this regulation. Any such check shall be held by the Clerk-Treasurer.
- d) That in lieu of such a bond, the developer may submit irrevocable letters of credit on behalf of the developer and securable by the Town in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Article VI Sections A through F of this regulation. In the event an irrevocable letter of credit is utilized, it shall be written for a maximum length of one (1) year and the Commission shall after a period of ten (10) months determine if the public improvements have been accepted for maintenance by the governmental unit having jurisdiction over the public improvement, and if they have not been accepted, shall so notify



the sub divider of intent to secure the funds and then commence procedures to secure the funds pledged by such letter of credit, or at the discretion of the Commission to grant an extension for such period fixed by the Commission, not to exceed one (1) year, and the sub divider filing with the Commissioner a new letter of credit for the period so fixed.

- e) That in lieu of such a bond the sub divider may submit a certificate of deposit made out to the Town of Sellersburg and the developer, to be held by the Clerk-Treasurer and in an amount equivalent to 110% of the cost of completion of the uncompleted portion of required public improvements as provided for in Article VI Sections A through F of this regulation.
- f) Such performance bond or other instrument shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution as set forth in this ordinance. The period within which the required public improvements must be completed shall be specified by the Commission in the resolution approving the preliminary subdivision plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of final approval, except as provided for in the irrevocable letter of credit. Such bond shall be approved by the participating jurisdiction as to amount. The Commission may, upon proof of difficulty, grant an extension of the completion date set forth in such bond for a maximum period of one (1) additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond.

9. Effective Period of Preliminary Approval. Unless extended, the approval of a preliminary plat shall be effective for a period of one (1) year for subdivisions of twenty (20) lots or fewer and two (2) years for subdivisions of greater than twenty (20) lots at the end of which time final approval on the subdivision must have been obtained and certified by the President and Secretary of the Commission. Any plats not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations. Upon request of the applicant, the Commission may extend the approval of a preliminary plat in equivalent increments beyond an expiration date without further notice and public hearing.

10. Zoning Ordinances. Every plat shall conform to existing zoning ordinances and subdivision regulations applicable at the time of final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the zoning ordinances which would otherwise render the plat nonconforming as to size, shape or use.

11. Grading of Site Prior to Final Plat Approval. Subsequent to final approval of the preliminary plat, the developer may apply for an earthwork (topsoil and excavation) permit from the Administrator or such other agency as the Governing Body has designated, and upon receipt of such permit may commence construction to the grades and elevations required by the approved preliminary plat.

12. Model Homes. For the purpose of allowing the early construction of model homes in a subdivision, the Commission, in its discretion, may permit a portion of a major subdivision involving no more than two (2) lots to be created in accordance with the procedures for minor subdivisions, provided that said portion derives access from an existing public street, and provided that no future road or other improvements are anticipated where said lots are proposed. The subdivision plat for the "minor" portion shall be submitted to the Commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to the preliminary approval, the model home(s) may be constructed, subject to such additional requirements that the Commission may require, and all local building codes..

Section D. Final Plat

1. Discussion of Requirements. Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major sub division, the applicant, if he wishes to proceed with the subdivision, shall file with the Plan Commission an application for final approval of a subdivision plat.

2. Application. The application shall:

- a) Be made in duplicate forms available at the office of the Administrator.
- b) Be presented to the Administrator at least twenty (20) days prior to a regular meeting of the Commission to provide sufficient time for staff and technical committee review, and the legal ten (10) day notice.
- c) Be accompanied by a minimum of three (3) copies of the final plat which shall comply substantially with the sketch plat or preliminary plat, as approved, whichever is applicable, depending upon the classification of the subdivision.
- d) Be accompanied by a minimum of three (3) copies of complete final construction plans, as described in these regulations. Should any modification of these plans be made in the actual construction of these improvements, "as built" drawings shall be submitted upon completion.
- e) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, utilities, parks, easements, and other local government uses in a form approved by the Town Attorney. In addition, the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to the Town of Sellersburg all the streets, local government uses, easements, parks, road rights-of-way, and required utilities shown on the subdivision plat and construction plans.

Signature \_\_\_\_\_

Date \_\_\_\_\_

- f) Be accompanied by a performance bond or other instrument in a form satisfactory to the Town Attorney and in an amount established by the Plan Commission upon recommendation of the Town (See Section C.5. of this Article). It shall include a provision

that the principle of the bond shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Commission and shall include, but not be limited to, the performance of all required subdivision and offsite improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the Town free and clear of all liens and encumbrances on the premises.

3. Endorsements by Other Public Authorities. The final subdivision plat shall be properly endorsed by appropriate authorities to assure the Commission that the plat is in, compliance with all rules, regulations, and requirements of local and state authorities.

4. Approval Procedure. Upon receipt of formal application and all accompanying material, the Administrator shall:

- a) Assign a docket number and place the application for final approval on the agenda of the next scheduled meeting of the Plan Commission providing the submittal of the application is in compliance with Section D, 2, b, above, two (2) weeks after the date of the application.
- b) Maintain file copies of the plat and construction plans for public review prior to said meeting.

5. Consideration and Determination. At said meeting the Commission will give an opportunity to any interested persons to examine or comment upon the plat and construction plans. One copy of the final subdivision plat shall be returned to the sub divider with the date of approval, conditional approval, or disapproval, noted thereon, and the reasons therefore, in writing, accompanying the plat.

6. Submission for Final Review. Subsequent to the approval of the Plan Commission, three (3) paper copies of the construction plans, one (1) copy of the subdivision plat on reproducible mylar, and two (2) copies of the subdivision plat on paper shall be submitted to the Commission for the required signatures. The permanent copy with signatures, shall be made available to the County Recorder for recording purposes. All copies shall be of a size as acceptable for filing in the office of the County Recorder, but shall not be larger than eighteen by twenty-four (18 x 24) inches.

**No final approval shall be endorsed on the plat until a review has indicated that all requirements of Commission approval have been met.**

7. Vested Rights. No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the President of the Plan Commission, and attest action by the Secretary.

All requirements, conditions, or regulations adopted by the Commission applicable to the subdivision, or on all subdivisions generally, shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the President and attested to by the Secretary. Where the Commission has required the installation of improvements prior to signing of the final plat, the Commission shall not unreasonably modify the conditions set forth in the final approval.

8. Signing of Plat. When a bond is required, the President and the Secretary shall endorse approval on the plat only after the bond has been approved by the Town Council, and all the conditions of the approval pertaining to the plat have been satisfied.

When installation of improvements is required, the President and the Secretary shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the local government as shown by a certificate signed by the Town Engineer and Town Attorney that the necessary dedication of public lands and improvements has been accomplished.

9. Recording of Plat. The President and Secretary will sign the reproducible Mylar of the subdivision plat and return it to the applicant to be recorded with the County Recorder. A signed copy of the construction plans shall also be returned. It shall be the responsibility of the subdivider to file the plat with the County Recorder within thirty(30) days of the date of signature. Simultaneously with the filing of the plat, the subdivider shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Town Attorney.

10. Sectionalizing of Plats. Subsequent to granting preliminary plat approval of a major subdivision plat, the Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond or other instrument be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for final approval. The same policy shall apply to installation of improvements.

The developer may also file irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedications for the remaining sections until such sections, subject to any conditions imposed by the Commission, shall be granted final approval.

In the event of approval of sectionalizing, such sections as have been authorized by the Commission shall be filed with the County Recorder. Such sections must contain at least ten percent (10%) of the total number of lots contained in the entire plat.

The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Commission, all fees paid, all instruments and offers of dedication submitted, and performance bonds approved and actually filed with the County Recorder within two(2) years of the date of preliminary approval of the subdivision plat unless extended by the commission. (See Section C.7. of this Article).

# Public Notice

## Minor Subdivision

To whom it may concern:

Please consider this notice of a public hearing of the Plan Commission of the Town of Sellersburg. A public hearing has been scheduled for DATE at 6:00 PM in the Sellersburg Town Hall building at 316 East Utica Street.

# Public Notice

## Major Subdivision

To whom it may concern:

Please consider this notice of a public hearing of the Plan Commission of the Town of Sellersburg. A public hearing has been scheduled for DATE at 6:00 PM in the Sellersburg Town Hall building at 316 East Utica Street.

#### **Section 4.6 - Notice Posting**

Upon the filing of an application for a variance, contingent use, special exception, rezoning, or parking requirement waiver, the applicant or his attorney shall post a sign upon the real estate affected by the action in a conspicuous place which is visible at all times to all persons passing said premises. The applicant shall protect the sign from destruction on the site until the action is approved or denied by the Board. The sign shall be at least 18" x 24" with 1-1/2" lettering. The content shall state the purpose, date, time, and location of the public hearing.

The sign shall be placed thereon not less than ten (10) days prior to the public hearing of the Board, and said sign shall remain posted until approved or denied by the Board.