



Tecumseh Chapter of the Indiana Society of Professional Land Surveyors
309 Columbia Street, Suite 101 Lafayette, Indiana 47901

2003-2004 OFFICERS:

President: Patrick N. Cunningham, R.L.S.

Vice President: Roger A. Fine, R.L.S.

Secretary-Treasurer: Timothy A. Beyer, P.E., R.L.S.

GOVERNMENT AFFAIRS COMMITTEE

Timothy A. Beyer, P.E., R.L.S., Co-Chairman

Roger A. Fine, R.L.S., Co-Chairman

Members:

David N. Ayala, R.L.S.

James A. Butcher, R.L.S.

Robert W. Gross, R.L.S.

John C. Nagy, R.L.S.

Proposed elements of a Planned Development rezone submittal:

A) Single drawing showing the following:

- 1) Layout showing proposed density (no. of lots/units) with a typical lot/unit with setbacks
- 2) Proposed amenities
- 3) Approximate percent of vegetative cover
- 4) Proposed landscaping to include general placement of material and a list of acceptable species

B) Other paperwork requirements for a typical rezone

C) Meeting with APC Staff required



Tecumseh Chapter of the Indiana Society of Professional Land Surveyors
309 Columbia Street, Suite 101 Lafayette, Indiana 47901

2003-2004 OFFICERS:

President: Patrick N. Cunningham, R.L.S.

Vice President: Roger A. Fine, R.L.S.

Secretary-Treasurer: Timothy A. Beyer, P.E., R.L.S.

GOVERNMENT AFFAIRS COMMITTEE

Timothy A. Beyer, P.E., R.L.S., Co-Chairman

Roger A. Fine, R.L.S., Co-Chairman

Members:

David N. Ayala, R.L.S.

James A. Butcher, R.L.S.

Robert W. Gross, R.L.S.

John C. Nagy, R.L.S.

March 24, 2004

Sallie Fahey
Executive Director
Area Plan Commission of Tippecanoe County
20 North Third Street
Lafayette, Indiana 47901

Dear Sallie,

Per your request following the APC Efficiency/Procedures Meetings, attached is a proposal for the elements to be required for a PD rezone submittal. As you may recall, the idea behind this proposal was to reorganize the process such that less upfront expense was required before a rezone determination was made.

We realize that there are some unfinished items from previous Ordinance Committee meetings last year; therefore, we are asking that this item, along with other suggestions mentioned during the efficiency meetings related to PDs be placed on the agenda for the Ordinance Committee at the next available meeting time once the unfinished items have been completed.

Respectfully yours,

Timothy A. Beyer

Roger A. Fine

Margie,

Attached is a PD rezone proposal that a committee of six local land surveyors came up with last year that you may or may not have seen. Since many of the local land surveyors will be attending our annual State convention this Wednesday thru Friday, I thought I should send you a brief summary of our thoughts on revising the PD process.

As shown on the attached sheet, we are proposing a method that will allow a property owner to have their property rezoned to PD earlier in the process to lessen the amount of expense prior to the rezone, which is the point at which they know they have a project.

Our goal is to achieve a process that is a little closer to the subdivision process without depriving the PD process of its uniqueness and comfort level with Area Plan and the governing jurisdictions.

As you know, for the rezone process to a zone that would permit a subdivision, the only requirement is to file a legal description and the associated paperwork. Depending on the type of rezone, a drawing may also be required in order to represent a possible layout for the subdivision; however, the layout may be changed with the filing of the subdivision as long as it complies with the Subdivision Ordinance. Once the property has the appropriate zone, the property owner then proceeds with the subdivision process (sketch plan, preliminary plat, construction plans, final plat).

For a PD rezone, we are suggesting a similar process (a legal description, rezone paperwork and drawing), except that the drawing would be required for every rezone and its contents such as density, common amenities, etc., as shown on the attached sheet, would still be negotiated with Staff and would be a requirement of the rezone (i.e. those minimum requirements must be represented in the proposed project, but the property owner would have some flexibility with layout as long as they complied with their commitments during the rezone). If the property was successfully rezoned, then a property owner would go through a similar process as a subdivision (sketch plan, preliminary plat, construction plans, final plat).

In essence, this simply reorders the process so that much of the expense currently associated with draft plan and preliminary plan submittals follows the rezone, rather than preceding it. Depending on the type of project, such expense can be as much as \$30,000 to \$40,000 or more.

In summary, I think that through the use of a workgroup involving APC Staff, representatives of some of the governing jurisdictions, and representatives from the development community, we can revise this process and still keep the comfort level that APC and the governing jurisdictions have with the current process.

2-27-1 INTENT:

- (a) PD zoning may be used to foster innovative and diverse design in land development that is still consistent with both the adopted *Comprehensive Plan* and the intent of the *Unified Zoning and Subdivision Ordinances*. To achieve this, the Commission does not apply any other provisions of this chapter or Chapter 4 below. Instead, the Commission -- through its staff -- negotiates a specific development plan with the petitioner for PD zoning and representatives of the checkpoint agencies. The combined elements of this negotiated plan -- rather than zone regulations -- then become the subject of the rezoning process. All restrictions and regulations for a specific Planned Development are thus contained within the approved and recorded plan itself, having been arrived at prior to rezoning. PD zoning may be applied to existing **development** or to open land, on small or large tracts.
- (b) The Commission's goal is to provide a widening variety of environmentally appropriate residential, nonresidential and mixed-use **developments** to meet the needs of this community. To help create attractive, healthful, efficient and stable places to live, shop and work, the Commission encourages use of PD zoning within the following contexts:
 - (1) to accommodate compatible **development** in environmentally sensitive locations;
 - (2) to enhance compatibility with surrounding land **uses**;
 - (3) to permit a harmonious variety of **uses** within a single **development**;
 - (4) to promote efficiency and thus economy by clustering structures and/or by using shared facilities or services;
 - (5) to foster new site treatments not contemplated in other kinds of **zones**.

2-27-2 ORIGINATION OF PROPOSALS:

- (a) A request to rezone from any other zoning classification to PD may be initiated by:
 - (1) all owners of the property in question; or
 - (2) any group of owners united in interest, acting jointly in pursuance to an agreement to carry out the proposal in separate ownership.
- (b) Because of the unified design of a planned development and because the combined elements of the negotiated plan are the substance of the **zone** itself, this ordinance requires that a request to reclassify from PD to PD shall include amongst the petitioners either:

- (1) all owners of the property within the current planned development; or
 - (2) the owners' association acting on behalf of a majority of property owners in the current planned development, as constituted in the recorded bylaws.
- (c) Also, in keeping with provisions of 5-2-3 below, PD zoning is mandatory for any new **condominium** construction or **condominium** conversion.

2-27-3 CLASSIFICATION OF PLANNED DEVELOPMENTS:

- (a) To identify the nature of planned developments on zoning maps, they shall be classified as one of these four **zones**:
- (1) **PDRS**, in which all **buildings** and land are developed for residential **use** and those activities customarily accessory to residential **use**;
 - (2) **PDNR**, in which no **buildings** or land are developed for residential **use**, but rather for commercial and/or industrial and/or recreational and/or some other nonresidential **use**;
 - (3) **PDMX**, in which **buildings** and land are developed as a mix of both residential and nonresidential **uses**; and
 - (4) **PDCC**, in which the only change proposed involves either:
 - (A) the conversion to **condominium** ownership of a **development** which has received occupancy permits for all parts no less than three years prior; or
 - (B) the conversion to **condominium** ownership of an existing **building** in a CB or CBW **zone** or in a PD **zone** adjoining or surrounded by a CB or CBW zone;
where there is no further division of land involved.
- (b) Those PD **zones** and overlays approved prior to the adoption of this amendment shall be reclassified as one of the above four zoning categories.

2-27-4 PRE-SUBMISSION CONFERENCE:

- (a) No pre-submission conference is required before submitting a rezoning request to PDCC.
- (b) Before submitting any of the materials required for a rezoning request to either PDRS, PDNR or PDMX, the petitioner shall arrange a meeting with staff and the appropriate **Administrative Officer**, and if outside the corporate limits of Lafayette and West Lafayette, the County Surveyor and Highway Executive Director, or their designees (Amend 15). If outside the service area of sanitary sewer, the County Health Department shall also be notified (Amend 41).

- (c) The petitioner shall bring to this meeting a drawing or sketch of the proposed planned development that:
 - (1) is at least approximately scaled;
 - (2) includes the entire tract;
 - (3) shows, in at least schematic detail, location of proposed **uses** and major **buildings**, layout and classification of **roads**, all entrances and exits, any environmentally sensitive areas;
 - (4) proposes treatment of environmentally sensitive areas;
 - (5) indicates phasing and a time frame for **development**.
- (d) Discussion at this meeting shall include:
 - (1) the intent and requirements of PD zoning;
 - (2) the petitioner's intentions and objectives regarding land **use**, **street** improvements, utilities, the interrelationship of these aspects, and similar matters (Amend 15);
 - (3) the petitioner's intentions assuring compatibility between **uses** proposed for the perimeter of the PD and surrounding land **uses** and zoning classifications;
 - (4) general availability of utilities to the site;
 - (5) the area's current zoning pattern and all elements of the *Comprehensive Plan*;
 - (6) specific materials and documents required in 2-27-5 below to be included with the submission, and a list of checkpoint agencies to be involved;
 - (7) classification of the proposed rezoning as either PDRS, PDNR or PDMX, as per 2-27-3 above; and
 - (8) a proposed schedule for the rezoning process.

2-27-5 FILING REQUIREMENTS FOR A PD REZONING REQUEST WITH DRAFT PLAN:

- (a) After a pre-submission meeting, or to initiate a PDCC action, the petitioner may file a rezoning request to one of the PD classifications. The last working day of each month is the deadline for a petitioner to make a complete submission intended to be heard as a rezoning request no sooner than the Commission's public meeting about 1½ months later.
- (b) This submission shall contain the following:
 - (1) a non-refundable processing fee as set by the Commission;
 - (2) a signed and notarized Petition to Rezone with metes and bounds legal description **or description by platted lots**, indicating the PD classification being sought, signed by the owner or owners of all property involved, or with a notarized Affidavit of Consent of all owners attached;

- (3) a list of names, addresses and auditor's key numbers of all property owners located adjacent to and directly across the street, alley, or railroad **right-of-way** from the property described in 2-27-5-b-2 above;
 - (4) 2 Notices of Public Hearing, each with a metes and bounds or other proper legal description and the common address or location of the property;
 - (5) 2 release letters authorizing the staff to submit Notices of Public Hearings to the designated newspapers;
 - (6) a typed original and 16 copies of the proposed ordinance to rezone the property, using the sample format provided by the staff;
 - (7) 3 sets of drawings, labeled Draft Plan, using the format described **in Appendix B-1 below** the Commission's publication, ~~PD Draft and Preliminary Plan Supplemental Guidelines~~; ~~to include a published and recorded boundary survey meeting the requirements of IAC Title 865 Article 1 Rule 12 or its successor, plus a full and detailed site analysis and proposed **site plan**, utilities plan and landscape plan called for in that publication;~~
 - (8) if dividing **or replatting** land, 3 copies of the preliminary ~~plat sketch plan~~, prepared by a Registered Land Surveyor in conformance with the requirements of Appendix B-1 below.
 - (9) 3 **draft** copies of any proposed covenants and horizontal property ownership and owners' association documents (including amendment provisions that conform to 2-27-14-a through 2-27-14-c below). These shall include a table of contents, and be written in plain language easily understood by most readers; and
 - (10) signatures of all required checkpoint agencies, or post office receipts of certified mailing, indicating receipt of one set each of the items listed as (7) through (9) above.
- (c) Checkpoint agencies to be provided with sets of plans and other documents will have been determined at the pre-submission meeting. They include those agencies having jurisdiction in areas potentially affected by the petitioner's proposed **development**. The list may be drawn from the agencies listed in 2-27-5-c-1 on the following page. For a PDCC rezoning, upon request of the petitioner, the staff will provide a list of checkpoint agencies to be provided with sets of plans and documents (Amend 15).
- (d) If the petitioner fails to meet the filing requirements of 2-27-5 above within 6 months of the pre-submission meeting date, the petitioner shall schedule a new pre-submission meeting, as per 2-27-4, in order to continue the project.

2-27-5-c-1 LIST OF CHECKPOINT AGENCIES:

CITY OF LAFAYETTE	
City Engineer	Redevelopment Commission
Water Dept.	Tippecanoe Soil and Water County
Health Department	Conservation District
Wastewater Dept.	Indiana Department of Transportation
Police Dept., Traffic Division	Lafayette or Tippecanoe
Fire Chief	School Corporation
Parks and Recreation Dept.	
CITY OF WEST LAFAYETTE	
City Engineer	W. L. or Tippecanoe School Corp.
Traffic Commission	Environmental Commission
Wastewater Trtmnt. Utility	Development Department
Police Dept. Traffic Chief	Tippecanoe County Health Dept.
United Water of West Lafayette	Tippecanoe Soil and Water
Fire Chief	Conservation District
Parks and Recreation Dept.	Indiana Dept. of Transportation
TIPPECANOE COUNTY	
Highway Dept.	Parks and Recreation Dept.
Building Commission	Tippecanoe Soil and Water
Surveyor	Conservation District
Health Dept.	Tippecanoe, Lafayette, West Lafayette
County Sheriff or	or Benton County School Corp.
Municipal Police Dept.	Appropriate Water Utility
Local Fire Department	Appropriate Wastewater Utility
	Indiana Dept. of Transportation
INCORPORATED TOWNS	
Town Council	Tippecanoe School Corporation
County Health Dept.	Tippecanoe Soil and Water
Town Marshall	Conservation District
Local Fire Dept.	Indiana Dept. of Transportation

2-27-6 REQUIRED REVIEW MEETING:

- (a) The Commission's staff shall determine if the petitioner's submission is complete. If it is, written notices shall be sent to the petitioner, the petitioner's representatives, the checkpoint agencies and the staff, scheduling a Required Review Meeting to be held on or before the third Wednesday of that month. If the submission is found to be

incomplete, the staff shall provide the petitioner with a written statement detailing its deficiencies regarding items in 2-27-5-b above. The last day of that month will then be the next filing deadline for a complete submission.

- (b) At the Required Review Meeting, the staff and checkpoint agency representatives will have an opportunity to recommend revisions to the Draft Plan submission and discuss them with the petitioner and petitioner's representatives. Checkpoint agencies may provide written comments to the **Executive Director** instead of being present.

2-27-7 PRELIMINARY PLAN SUBMISSION REQUIREMENTS:

- (a) Following the Required Review Meeting, the petitioner shall submit a Preliminary Plan no later than the last Wednesday of the month preceding the intended public hearing. A complete Preliminary Plan submission shall contain the following:
 - (1) 8 sets of drawings, labeled Preliminary Plan, **using the format described in Appendix B-1 below and** containing all the elements of the Draft Plan reflecting changes resulting from the Required Review Meeting;
 - (2) if dividing land, 8 copies of the preliminary **plat**, prepared by a Registered Land Surveyor as per Appendix B-1 below, ~~included within the Preliminary Plans;~~ and
 - (3) 8 **draft** copies of any covenants and horizontal property ownership and owners' association documents (including amendment provisions that conform to 2-27-14-a through 2-27-14-c below). These shall include a table of contents, and be written in plain language easily understood by most readers.
- (b) If the petitioner fails to meet the Preliminary Plan submission requirement within 6 months of the date of the Required Review Meeting, his rezoning petition shall be void. If the petitioner wishes to continue with the project, he shall schedule a new pre-submission meeting, as per 2-27-4 above.

2-27-8 PRELIMINARY PLAN HEARING AND DISPOSITION:

- (a) The petition and Preliminary Plan shall then be heard by the Commission as a petition for zoning ordinance amendment, subject to the procedures that apply to such an amendment. Upon hearing the request, the Commission may recommend either approval, amendment, or disapproval of the Preliminary Plan, or may vote no recommendation pursuant to **APC** bylaws.
- (b) The Commission may impose reasonable conditions with its recommendation. These conditions shall only involve the inclusion of additional items unrelated to the project's design. Such items include

being granted additional approval by another governmental agency such as the Drainage Board, or obtaining permission to attach to an existing utility.

- (c) If the Commission requires changes in design, regarding the proposed site, utilities or landscape plans, then the Commission shall vote to recommend amendment. Should this happen, the petitioner may resubmit a second Preliminary Plan, as per 2-27-7 above, for a later rehearing by the Commission.
- (d) If the Commission recommends approval, disapproval or no recommendation, the 8 sets of Preliminary Plans (including drawings, **plats** and covenants) shall be stamped with that recommendation and signed by the President and Secretary of the Commission. The distribution of these sets shall be as follows:
 - (1) 1 set shall be permanently retained in the office of the Commission;
 - (2) 2 sets shall be returned to the petitioner;
 - (3) 4 sets shall be distributed by the staff, with 1 set going to each of the appropriate, gas, electric, telephone and cable television utilities; and
 - (4) 1 set shall be certified to the appropriate legislative body for adoption as a **Planned Development Zone** pursuant to the laws governing zoning ordinance amendments.
- (e) The legislative body may adopt or defeat the certified Preliminary Planned Development, but shall not amend it. If it is adopted by the legislative body, the petitioner may prepare Final Detailed Plans.

2-27-9 APPROVAL OF FINAL DETAILED PLANS FOR PDCC ZONES:

- (a) Following rezoning to PDCC by the legislative body, the petitioner may submit Final Detailed Plans. The petitioner cannot file required **condominium** documents with the County Recorder, until the staff approves these Final Detailed Plans.
- (b) A complete PDCC Final Detailed Plans submission shall contain the following:
 - (1) evidence that any conditions imposed by the Commission at the time of its hearing have been met;
 - (2) a minimum of 8 sets of drawings, labeled Final Detailed Plans -- **Condominium** Conversion, identical in content to the Approved Preliminary Plan (within the context of the imposed conditions), reviewed and signed by the appropriate **Administrative Officer**, **including the signed final plat (and a separate reproducible mylar thereof), prepared by a Registered Land Surveyor in conformance with Appendix B-3 below, with a Planned Development Dedication Certificate appended; also including a published and recorded boundary survey (or**

reference thereto) of the perimeter of the *planned development* or a larger tract fully containing the *planned development* meeting the requirements of *IAC Title 865 Article 1 Rule 12 or its successor*. The number of sets shall be determined by the staff;

PD

2-27 PLANNED DEVELOPMENT ZONES, cont'd.

PD

- (3) a minimum of 8 signed copies of any covenants and horizontal property ownership and owners' association documents (including amendment provisions that conform to 2-27-14-a through 2-27-14-c below). These shall include a table of contents, and be written in plain language easily understood by most readers. The number of copies shall be determined by the staff.
- (c) The staff shall review these Final Detailed Plans within 5 working days of the petitioner's submission. If the staff finds they comply with 2-27-9-b above, the staff shall approve them by attaching a certificate of approval, signed and dated by the **Executive Director**, stating its finding of compliance. If the staff finds them incomplete as per 2-27-9-b above, the staff shall notify the petitioner of the deficiencies. After this certificate is attached, the petitioner shall not submit an alternate or revised set of Final Detailed Plans for the same legal description, except under the circumstance described in 2-27-11-c below.

2-27-10 APPROVAL OF FINAL DETAILED PLANS FOR PDRS, PDNR AND PDMX ZONES:

- (a) Following rezoning to PDRS, PDNR or PDMX, the petitioner may file Final Detailed Plans. The petitioner can neither seek **improvement location permits** nor begin any **development** (including earth moving) activity until the Commission approves these Final Detailed Plans and the petitioner records them (Amend 15). To be complete, Final Detailed Plans shall have already been approved and signed by the appropriate **Administrative Officer**; any applicable sanitary sewer and water provider, public or private; and if outside the Cities of Lafayette and West Lafayette, the Director of the County Highway Department, and the County Surveyor on behalf of the County Drainage Board. Final Detailed Plans may be submitted for the entire project or any part of it.
- (b) A complete PDRS, PDNR or PDMX Final Detailed Plans submission shall contain the following:
 - (1) evidence that any conditions imposed by the Commission at the time of its hearing have been met. If Final Detailed Plans for

only part of the project are being submitted, only those conditions bearing on that part need be met;

- (2) 10 sets of drawings, labeled Final Detailed Plans, consisting of all the elements of the Approved Preliminary Plan, plus full Construction Plans, prepared in conformance with the requirements of Appendix B-2 below, for all public improvements

PD

2-27 PLANNED DEVELOPMENT ZONES, cont'd.

PD

to be installed by the developer.

- (3) 10 signed copies of any covenants and horizontal property ownership and owners' association documents (including amendment provisions that conform to 2-27-14-a through 2-27-14-c below). These shall include a table of contents, and be written in plain language to be easily understood by most readers; and
 - (4) a release from the mortgage company, if any, covering the necessary ***right-of-way***, where ***right-of-way*** is to be dedicated.
 - (5) **a published and recorded boundary survey (or reference thereto) of the perimeter of the *planned development* or a larger tract fully containing the *planned development* meeting the requirements of IAC Title 865 Article 1 Rule 12 or its successor**
 - (6) If one or more lots are being created, the petitioner shall provide 10 copies and a reproducible mylar of the signed final ***plat***, prepared by a Registered Land Surveyor in conformance with Appendix B-3 below, with a Planned Development Dedication Certificate appended. The petitioner may either submit this final ***plat*** along with items (1) through (4) above, or at a later time. In either event, the final ***plat*** is a part of Final Detailed Plans, and as such, no ***improvement location permit*** shall be issued until the ***plat*** is both approved as per 2-27-10-d below, and recorded as per 2-27-11. **When the final *plat* is submitted separately, it shall make reference to a published and recorded boundary survey of the perimeter of the *planned development* or a larger tract fully containing the *planned development* meeting the requirements of IAC Title 865 Article 1 Rule 12 or its successor**
- (c) If public improvements or improvements for common usage are to be installed by the petitioner, he or she shall either:
- (1) complete the improvements upon approval of the construction plans portion of the Final Detailed Plans, or
 - (2) ask the Commission's approval at the time the ***plat*** is approved (whether submitted with construction plans or at a later time), to post bond for these improvements, or submit a certified check, or irrevocable letter of credit or certificate of deposit, as per

Appendix B-4 below. No **improvement location permit** shall be issued until surety has been provided (Amend 15).

Improvements for common usage include landscaping, recreational components and all other facilities either located in common areas or designated for common **use**.

- (d) If the Commission finds the submission of Final Detailed Plans (with final **plat**, or final **plat** alone after previous portions of Final Detailed Plans have been approved) to conform to the Approved Preliminary Plan as adopted by the legislative body at the time of rezoning, the Commission shall adopt a resolution. After this resolution is adopted, the petitioner shall not submit an alternate or revised set of Final Detailed Plans for the same legal description, except under the circumstance described in 2-27-11-c below.

PD

2-27 PLANNED DEVELOPMENT ZONES, cont'd.

PD

- (e) The adopted resolution shall be signed and dated by the President and Secretary of the Commission, and a copy shall be attached to the front of each set of approved Final Detailed Plans.
- (f) Adoption of a resolution shall neither constitute nor imply a participating jurisdiction's acceptance of any **street, easement** or park shown in Final Detailed Plans. Acceptance is only that of real property itself. The Commission may require notes to this effect.

2-27-11 RECORDING APPROVED FINAL DETAILED PLANS:

- (a) Before performing any **development**, construction or earth moving activity, or applying for **improvement location permits**, or filing any required **condominium** documents, the petitioner shall record approved Final Detailed Plans in the Office of the County Recorder, **except that the petitioner may begin construction activity when drainage plans, erosion control plans, and applicable plans for the activity under construction have been approved by the appropriate jurisdictions.**
- (b) The staff shall accompany the petitioner in the recording process. Final Detailed Plans shall first be stamped and dated at the County Auditor's office, with one set of plans given the County Auditor. The remaining sets of Final Detailed Plans shall then be stamped, numbered and recorded at the County Recorder's office, and then distributed by the petitioner. The staff shall provide the petitioner a list of agencies to which the petitioner shall distribute sets of approved and recorded plans. The petitioner shall keep at least one set.
- (c) If the petitioner fails to record Final Detailed Plans for all or any part of the entire project within 30 days of the date of their approval, that approval expires. In order to continue, the petitioner then shall

resubmit Final Detailed Plans for approval, as per 2-27-9 or 2-27-10 above.

- (d) Any construction that does not fully comply with recorded Final Detailed Plans will be subject to appropriate enforcement action as provided for in 6-3-1 below.

2-27-12 AMENDING RECORDED FINAL DETAILED PLANS:

- (a) A property owner may wish to make changes to a PDRS, PDNR or PDMX project after Final Detailed Plans have been recorded. If these changes are determined to conform to the Approved Preliminary Planned Development as adopted by the legislative body, and to constitute a minor modification only, then the changes shall be recorded as an Amended Final Detailed Plan, as per 2-27-11 above.
 - (1) This written determination of conformance and minor modification shall be made and signed by the appropriate **Administrative Officer**, and attached to each copy of the Amended Final Detailed Plans before recording.

PD

2-27 PLANNED DEVELOPMENT ZONES, cont'd.

PD

- (2) A minor modification cannot include: any increase in residential **density**; any decrease in residential **density** of 10% or more; any change in **building** dimension or location other than within the defined building envelope; any change in landscaping other than substitution of species or redesign with the same materials; any alteration in the size and/or location of signage; any change in type of land **use**; any change in the alignment or intersection of **streets**; or any change in restrictive covenants, or horizontal property ownership and owners' association documents regarding these items (Amend 15).
- (3) Submission requirements and a timetable for seeking a determination of conformance and minor modification shall be set by each **Administrative Officer**.
- (4) Changes beyond the scope of minor modification require rezoning.
- (b) For any newly constructed **condominium** project or attached **zero-lot-line (ZLL)** project, the property owners shall provide exact measurements locating **buildings** and common **lot lines** after foundations have been put in place. The revised **plat** reflecting exact locations needs to be approved and signed by the appropriate **Administrative Officer** as Amended Final Detailed Plans and recorded as per 2-27-11 above.

2-27-13 LAPSED AND ABANDONED PLANNED DEVELOPMENTS:

- (a) An intended **condominium** conversion has **lapsed** if 2 years have passed since the date on which rezoning to PDCC was granted, and

no Final Detailed Plans have been approved and recorded as per 2-27-9 and 2-27-11 above. Following such *lapse*, the Commission shall initiate a petition to rezone the property to its previous classification.

- (b) **Unless extended**, a planned development has been *abandoned* if 2 years have passed since the date on which rezoning to PDRS, PDNR or PDMX was granted, and no Final Detailed Plans have **final plat has** been approved and recorded for the project or any part or phase of it as per 2-27-10 and 2-27-11 above; or **Upon request from the petitioner, the certification of the Preliminary Planned Development and adoption of the *Planned Development Zone* may be extended in increments of two (2) years without further notice and hearing. In the event that Final Detailed Plans have been approved and recorded prior to the date of this amendment but no final *plat* has been approved and recorded, the 2 year date of abandonment shall be determined starting with the date of this amendment.**
- (c) **Unless extended**, parts or phases of a planned development have been *abandoned* if 10 years have passed since the date on which rezoning to PDRS, PDNR or PDMX was granted, and only Final Detailed Plans **final plats** for other parts or phases have been approved and recorded as per 2-27-10 and 2-17-11 above. **Upon request from the petitioner, the certification of the Preliminary Planned Development and adoption of the *Planned Development Zone* may be extended in increments of two (2) years without further notice and hearing.**
- (d) An **Administrative Officer** cannot issue an *improvement location permit* for an *abandoned* planned development or an *abandoned* part or phase of a planned development. An *abandoned* planned

PD

2-27 PLANNED DEVELOPMENT ZONES, cont'd.

PD

development or *abandoned* part or phase shall be rezoned (and if to a PD classification, comply with 2-27-11 above) before the property's owner once more becomes eligible to receive an *improvement location permit* at that location.

- (e) Neither the Commission nor any legislative body shall initiate a petition to rezone any PD-zoned property unless it has either *lapsed* or been *abandoned*.

2-27-14 COVENANTS AND MAINTENANCE:

- (a) To assure property owners that all aspects of a planned development remain in conformance with plans adopted by the legislative body at the time of rezoning, restrictive covenants and any horizontal property ownership and owner's association documents can only be changed through the procedures detailed in 2-27-12 above.

- (b) These changes may be initiated only by a majority of property owners within the planned development. Multiple owners of a single property shall be considered a single owner. The developer shall be considered a single owner until all property is sold.
- (c) The **Administrative Officer** may determine that these changes constitute a minor modification if they meet the requirements of 2-27-12-a-2 above. Changes to these documents which would alter design aspects of the project, or which are determined by the **Administrative Officer** to be beyond the scope of minor modification require rezoning. Covenants and any horizontal property ownership and owner's association documents must reflect the provisions of this section.
- (d) A planned development containing common facilities shall be provided with an owners' association or other private organization responsible to and controlled by the property owners. This organization's purpose is to ensure adequate operation and maintenance of these common facilities, which may include, but are not limited to private **streets**, common areas, landscaping, and amenities such as a clubhouse, pool or tennis courts. Recorded legal assurances shall be provided which show this organization to be self-perpetuating.
- (e) All **streets** and roadways not dedicated to nor accepted by a public agency, and all other common facilities not dedicated to the public, shall be operated and maintained at no expense to any governmental unit.

APPENDIX B: SUPPLEMENTAL REQUIREMENTS FOR PLANNED DEVELOPMENT SUBMISSIONS

B-1 DRAFT AND PRELIMINARY PLATS PLANS FOR PD SUBMISSIONS

Plans shall be prepared at a convenient scale not more than 100' to the inch. If more than one sheet is used, all sheets shall be numbered in sequence. All sheets shall measure 24" x 36" and shall indicate title, scale, and orientation.

B-1-1 GENERAL FEATURES OF PD DRAFT PLANS:

~~When a petitioner files either a planned development Draft Plan under 2-26-5 above or a planned development Preliminary Plan under 2-26-7 that would create one or more lots, his/her submission shall include a preliminary plat prepared in conformance with this section. This plat shall be prepared by a Registered Land Surveyor at a convenient scale not more than 100' to the inch. If more than one sheet is used, all sheets shall be numbered in sequence. All sheets shall measure 24" x 36".~~

PD Draft Plans shall include the following, either on separate sheets or in combination, on one or more sheets, in a legible manner:

- (a) Cover sheet with project name, vicinity map, and type of rezone.**
- (b) Zoning sheet with proposed site and acreage, approximate boundaries and ownership of adjacent properties, proposed and existing zoning of site, existing zoning of adjacent property, proposed and existing use on site, existing use on adjacent properties, and density (as applicable) for proposed site.**
- (c) Site Analysis sheet showing the following information of proposed site and apportion of adjacent properties: existing conditions including sites under construction; approximate boundaries; paved areas including streets, sidewalks, parking lots, etc.; location and size of existing utilities including but not limited to water, storm and sanitary sewer, electricity, telephone, cable, and gas; existing structures; existing topography at an interval of 2 feet or less; existing vegetation and wooded areas; location and identification of soil types; other natural features such as rock out-cropping, ponds, vistas, etc.**
- (d) Sketch plan, prepared by a Registered Land Surveyor, showing the following information:**
 - (i) Name of planned development**
 - (ii) Name and address, including telephone number, of legal owner or agent of property, and citation of last**

- instrument conveying title to each parcel of property involved in the proposed planned development, giving grantor, grantee, date and land records reference;
- (iii) Citation of any existing legal right-of-way or easements affecting the property;
 - (iv) Existing covenants on the property, if any;
 - (v) Name and address, including telephone number, of the professional person(s) responsible for planned development design, for the design of public improvements, and for surveys.
 - (vi) Location of property by government lot, Section, Township, Range and County, graphic scale, north arrow, and date.
 - (vii) Location of property lines, existing easements, burial grounds, railroad rights-of-way, and water-courses; location, width, names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names and addresses of adjoining or adjacent property owners;
 - (viii) Information on the availability of sewer and water if such facilities are available;
 - (ix) The approximate location and widths of proposed streets;
 - (x) The approximate location, dimensions, and areas of all proposed and existing lots or structures;
 - (xi) The approximate location, dimensions, and area of all land proposed to be set aside for park and playground use or other public use, or for the common use of property owners in the proposed planned development;
- (e) Proposed landscape plan indicating specie, spacing, and location of proposed site, lot and foundation landscaping, existing plant material, proposed retaining walls or mounds, proposed lighting, and proposed entrance sign(s).
- (f) Optional elevation views and dwelling unit floor plans shall be provided when practical.

B-1-2 FEATURES OF A PD PRELIMINARY *PLAT* PLANS:

PD preliminary plans shall contain all of the information required for PD Draft Plans, except that the sketch plan shall be replaced by a preliminary *plat*. The PD preliminary *plat* shall be prepared by a Registered Land Surveyor and include the following:

- (a) name and address of the owner of the land being platted, name and address of the developer if other than the owner, auditor's key number of the land being platted, and name and seal of the Registered Land Surveyor;

- (b) proposed name of the Planned Development and its **streets** both public and private, date of drawing including revision dates, north arrow and scale;
- (c) ~~exact~~ **approximate** location of the property with respect to surrounding properties, and ~~exact~~ **approximate** location, width and names of all **streets**, plus alleys and other **easements** within the PD and names of adjoining **developments** and **streets** both public and private;
- (d) **approximate** location and dimensions of all boundary lines of the property, expressed in feet and hundredths of a foot;
- (e) **approximate** location of existing **streets**, **easements**, water bodies, streams, swamps, **flood plains**, railroads, **buildings**, parks, **cemeteries**, drainage ditches and bridges;
- (f) **approximate** location and width of all existing and proposed **streets**, **alleys**, **rights-of-way**, **easements**, **building setback** lines and proposed street names;
- (g) **approximate** location, dimensions and areas of all existing and proposed **lots**, numbered consecutively;
- (h) indication of proposed land **use** for all **lots**;
- (i) all improvements other than public **right-of-way** to be dedicated or reserved for public use or for the common use of all property owners, identified and numbered as **lots** or outlots and labeled as to **use**; with purpose, ownership and maintenance included in PD covenants; and
- (j) sufficient data to readily determine location, bearing and length of all lines ~~and to reproduce them on the ground~~, and location of all proposed monuments.

B-2 CONSTRUCTION PLANS FOR PD SUBMISSIONS

B-2-1 GENERAL (Amend 18):

When a petitioner files Final Detailed Plans under 2-26-10 above that include developer-installed public improvements as part of the planned development, his/her submission shall include a full set of Construction Plans for those improvements. These shall be prepared by a Registered Engineer or a Registered Land Surveyor. (By state statute, a Registered Land Surveyor cannot prepare and sign any parts of Construction Plans involving a water utility, a lift station or any other kind of pressurized situation.) Plans shall be drawn at a convenient scale not more than 50' to the inch. These include: public improvements intended to be accepted for public maintenance; public improvements not intended to be accepted for public maintenance consisting of plans that require approval by a public agency; and any sanitary sewer and water systems owned by a private utility company. If more than one sheet is used, all sheets shall be numbered in sequence. All sheets shall measure 24" x 36". The petitioner may phase construction plans to match phases in the approved

PD, but should the **APC** require it, amenities located in other phases shall be made part of these Construction Plans as well.

B-2-2 FEATURES OF PD CONSTRUCTION PLANS:

Construction Plans for a PD shall include:

- (a) plans and profiles showing existing and proposed elevations along center lines of all **streets**. Where a proposed **street** intersects an existing **street** or **streets**, the elevation along the center line of the existing **street** or **streets** within 100' of the intersection shall be shown, plus radii of all curves, lengths of tangents, and central angles of all **streets**. (Where steep slopes exist, and on request of the local government engineer, the **APC** may require that cross-sections of all proposed **streets** at 100' stations be shown on line at right angles to the center line of the **street**, at each **lot line**, and at points 25' inside each **lot line**.)
- (b) plans and profiles showing:
 - (1) location and typical cross-section of **street** pavements, including curbs and gutters, sidewalks, drainage **easements**, servitudes, **rights-of-way**, manholes and catch basins;
 - (2) location of street signs and traffic control signs;
 - (3) location, size and invert elevations of existing and/or proposed sanitary sewers, stormwater drains and fire hydrants, showing connection to any existing or proposed utility systems; and
 - (4) location and size of all water or other underground utilities or **structures**;
- (c) location, size, elevation and other appropriate description of any existing facilities or utilities, including but not limited to: existing **streets**, sewers, drains, water mains, **easements**, water bodies, streams, **flood plains**, and other pertinent features within the proposed planned development;
- (d) topography, drawn to the same scale as the preliminary **plat**, with a contour interval of 2', referred to the latest National Geodetic Vertical Datum at the site;
- (e) all specifications and references required by the member government(s), including a site grading plan for the entire planned development;
- (f) a driveway permit for any state **road** entrance approved by the Indiana Department of Transportation, including detailed plans for this approved permit;
- (g) a driveway permit for any county **road** entrance approved by the County Highway Department, including detailed plans approved for this permit;
- (h) where required, plans for a temporary turnaround at the stub end of any **street**;
- (i) fire hydrants approved by the appropriate fire department, with plans for actual placement of hydrants approved by the jurisdiction in cooperation with its fire department;

- (j) an Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 approved by the Tippecanoe County Soil and Water Conservation District **or other appropriate local jurisdiction** (Amend 18);
- (k) a storm water management (drainage) plan approved by the appropriate drainage board or jurisdictional engineer (Amend 18);
- (l) an overall utility coordinating sheet approved and signed by the non-government utility companies (Amend 18); and
- (m) name, address, title and signature of the Registered Engineer and Land Surveyor, plus date, including all revision dates (Amend 18).

B-3 FINAL PLATS FOR PD SUBMISSIONS

B-3-1 GENERAL:

When a petitioner's PD creates one or more **lots**, (s)he must file a final **plat**, either as part of Final Detailed Plans, or after Final Detailed Plans have been approved. This **plat** shall be prepared in conformance with this section by a Registered Land Surveyor at a convenient scale not more than 100' to the inch. It shall show any conditions required by the PD rezoning, and any changes or additions required by government review of Construction Plans. If more than one sheet is used, all sheets shall be numbered in sequence. All sheets shall measure 24" x 36". A reproducible mylar of the final **plat** shall also be included.

B-3-2 FEATURES OF A PD FINAL PLAT:

The PD final **plat** shall include the following:

- (a) name of the PD. (If the final **plat** represents only a portion of the approved PD, each phase, or any of its component parts, or any of the parts' sections, shall correspond only to approved construction plans.)
- (b) legal description of the PD, including Section, Township, Range and government township, with Township, Range or Section Line accurately tied to the PD by bearing and distance in feet and hundredths of a foot;
- (c) sufficient data to readily determine location, bearing and length of all lines and to reproduce them on the ground, and location of all proposed monuments;
- (d) the appropriate corporation line where present;
- (e) County Auditor's Key Number for the overall property;
- (f) scale, graphic bar scale, date and all revision dates, and north arrow;
- (g) exact location, and width of all **streets**, **alleys** and other **easements** within the PD, and all street names;
- (h) boundary of the PD, based on an accurate traverse survey with angular and lineal dimensions in feet and hundredths of a foot;

- (i) all radii, central angles, points of curvature and tangency, length of tangents, lengths of arcs, widths of **rights-of-way** and similar data for all **streets**. (All **street** lines shall be tied to other **streets** and **alleys** with accurate dimensions in feet and hundredths of a foot and angles or bearings.);
- (j) assigned street address for each lot requiring one;
- (k) where needed, a "No Vehicular Access" statement along the **right-of-way** line included on the plat and in the PD covenants as enforceable by **APC** and irrevocable by lot owners;
- (l) if there is a mortgage on this property, a release from the mortgage company to dedicate necessary **right-of-way**, and if not, a signed affidavit stating so;
- (m) all **easements** dimensioned and identified as to specific use; all existing **easements**, covenants or restrictions on the final **plat(s)**, referenced with the corresponding recorded Document Number and date recorded;
- (n) all lot numbers and **lot lines** with accurate dimensions in feet and hundredths of a foot, and bearings in degrees, minutes and seconds, with lot numbers not duplicating others in other parts or phases or sections of the same PD;
- (o) all improvements other than public **right-of-way** to be dedicated or designated for public use or for the common use of all property owners, identified and numbered as **lots** or outlots and labeled as to **use**; with purpose, ownership and maintenance included in PD covenants;
- (p) all recorded **subdivisions** or PDs bounding the final **plat**, shown in dotted lines by name and County Recorder's Document Number;
- (q) all building **setback** lines or building envelopes;
- (r) for newly constructed **condominium** or attached zero-lot-line PDs, exact measurements locating **buildings** and common **lot lines** after foundations have been put in place, on an amended **plat** as per 2-26-12 above;
- (s) where necessary, the **regulatory flood** elevation and **flood plain** boundary, including certification of the areas of the **plat** that are at or above the **regulatory flood** elevation (100 year flood elevation), as specified above in 2-25-2;
- (t) a temporary turnaround shown in Construction Plans at the stub end of any **street**;
- (u) all required **setbacks** and/or building envelopes shown on the final plat(s);
- (v) name, address, seal and certification of the Registered Land Surveyor preparing or certifying the **plat**, as per B-3-3 below; and
- (w) a Planned Development Dedication Certificate, owner's certification and notarization, as per B-3-4 below.
- (x) **reference to a published and recorded boundary survey of the perimeter of the planned development or a larger tract fully**

containing the *planned development* meeting the requirements of IAC Title 865 Article 1 Rule 12 or its successor.

B-3-3 PD REGISTERED LAND SURVEYOR'S CERTIFICATE:

A final *plat* submitted as part of a PD's Final Detailed Plans or Amended Final Detailed Plans, shall carry a certificate signed by a Registered Land Surveyor in substantially the following form:

LAND SURVEYOR'S CERTIFICATE	
I, _____, hereby certify that I am a registered land surveyor of the State of Indiana; that this plat correctly represents a survey completed by me on _____, 20__; that all the monuments shown thereon actually exist, and their location, size, type and material are accurately shown; that the computed error of closure of the boundary survey is not more than 1' in 10,000'; and that this plat complies with the planned development provisions of the Unified Zoning Ordinance.	
(SEAL)	_____ Signature

B-3-4 PD DEDICATION CERTIFICATE, OWNER'S CERTIFICATION AND NOTARIZATION:

A final *plat* submitted as part of, or following, a PD's Final Detailed Plans or Amended Final Detailed Plans, shall carry a completed Dedication Certificate, signed by all owners and notarized, in substantially the following form. Portions concerning easements and covenants shall be omitted if not part of the final *plat*.

DEDICATION CERTIFICATE

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

This Planned Development shall be known and designated as _____, an addition to _____, (*name of city, town or township*), County of Tippecanoe, State of Indiana. All public streets, alleys and open places shown and not heretofore dedicated are hereby dedicated to the public.

EASEMENTS -- Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Unless otherwise negotiated as part of the PD process. within these easements, no buildings, structures, signs, parking lots, planting, or other material shall be placed or be permitted to remain. The easement area of each lot or outlot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

All lots are subject to certain covenants and restrictions recorded in Document _____ on the _____ day of _____, 20____, in the Office of the Recorder for County of Tippecanoe, State of Indiana. Invalidation of any one of the foregoing covenants or restrictions by judgment of court order shall in no wise affect any of the other covenants or restrictions which shall remain in full force and effect.

The foregoing covenants or restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20____ (*25-year period suggested*), at which time said covenants or restrictions shall be automatically extended for successive periods of 10 years unless, by vote of a majority of property owners within the entire planned development, it is agreed to change such covenants or restrictions in whole or in part. (Multiple owners of a single property shall be considered a single owner. The developer shall be considered a single owner until all property is sold.)

Invalidation of any one of the foregoing covenants or restrictions by judgment of court order shall in no wise affect any of the other covenants or restrictions which shall remain in full force and effect. The right to enforce these provisions by injunction, together with the right to cause the removal by due process of law of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots of this Planned Development to their heirs and assigns.

WITNESS MY (OUR) HAND(S) AND SEALS(S) THIS _____ DAY OF _____,	20__.
State of _____,	_____ Signature
County of _____	_____ Signature

(continued)

DEDICATION CERTIFICATE, cont'd.	
Before me, the undersigned Notary Public in and for the County and State, personally appeared _____, who acknowledges the execution of the forgoing instrument as his/her voluntary act and deed, for the purpose therein expressed.	
WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 20__.	
Residing in _____ County.	_____ Signature
My Commission expires _____, 20__.	_____ Printed Name

B-4 SURETY REQUIREMENTS FOR PD SUBMISSIONS

B-4-1 GENERAL:

- (a) When the petitioner is to install public improvements or improvements for common usage as part of the planned development, he or she shall either:
 - (1) complete the improvement upon approval of the Construction Plans portion of Final Detailed Plans; or
 - (2) seek the Commission's approval at the time the **plat** is approved (whether submitted with Construction Plans or at a later time), to post bond for these improvements, or submit a certified check, or irrevocable letter of credit or certificate of deposit, along with the final **plat**. Improvements for common usage include landscaping, recreational components and all other facilities either located in common areas or designated for common use.
- (b) The petitioner shall make all such improvements at his or her expense, without reimbursement from the participating jurisdiction or any public improvement district within it, unless that public entity agrees to share those expenses. The signed agreement to share expenses shall be included in Final Detailed Plans.

B-4-2 ACCEPTABLE FORMS AND TERMS OF SURETY:

- (a) The petitioner may choose to provide surety in any of the following forms:
 - (1) a certificate of deposit;
 - (2) a performance bond;
 - (3) a certified check; or
 - (4) an irrevocable letter of credit.
- (b) Surety shall be equal to 100% of the completion cost of public improvements and/or improvements for common usage included in the final plat being submitted. The appropriate **Administrative Officer** shall approve the amount of surety the petitioner must provide.
- (c) Surety shall comply with all statutory requirements, and shall be satisfactory to **APC's** Legal Counsel in form, sufficiency and manner of execution. Examples of these forms are shown in B-4-3 through B-4-5 below.
- (d) The period of surety shall not exceed 2 years from the date of final plat approval. The **APC** may, at the time of rezoning, specify a shorter period within which improvements must be completed. If so, this shall be reflected in the surety. The **APC** may grant the petitioner a single extension of up to 1 year, provided that new surety for 1 year is filed, should he or she prove difficulty.
- (e) The **APC** may at any time during the period of surety, accept a substitution of principal.

B-4-3 PLANNED DEVELOPMENT PERFORMANCE BOND, SECURED BY DEPOSIT:

PLANNED DEVELOPMENT PERFORMANCE BOND, SECURED BY DEPOSIT
KNOW ALL PERSONS BY THESE PRESENTS, that I (we), _____, of _____ in the County of Tippecanoe, Indiana, hereby am (are) held and stand firmly bound, and bind and obligate myself (ourselves), and my (our) successors, assigns, executors, administrators, heirs, and devisees to Tippecanoe County in the sum of _____ dollars (\$_____), and have secured my (our) compliance with this obligation by the deposit with the County Auditor of said sum in money, savings bank books duly assigned, or negotiable securities, in an amount satisfactory to the Area Plan Commission;

<p>The condition of this obligation is such that is the undersigned of his/her (their) successors, assigns, executors, administrators, heirs, or devisees shall have within the time specified in the order of the Area Plan Commission fully and satisfactorily performed in the manner specified, all of the conditions, covenants, terms, agreements, and provisions contained in the application signed by _____ and dated _____, 20____, and in the approval of a definitive plan of a certain planned development entitled _____ and drawn up by _____ and dated _____, 20____, which was granted on _____, 20____, or is hereafter granted by the Area Plan Commission, then this obligation shall be null and void;</p>
<p>OTHERWISE it shall remain in full force and effect, and the aforesaid security for the payment of said sum shall be and become the sole property of Tippecanoe County as liquidated damages.</p>
<p>IN WITNESS THEREOF, the obligor has hereunto set his/her (its, our) hand(s) this ____ day of _____, 20____.</p> <p style="text-align: right;">_____</p>

B-4-4 PLANNED DEVELOPMENT PERFORMANCE BOND:

PLANNED DEVELOPMENT PERFORMANCE BOND (TO BE ISSUED ON BONDING COMPANY STATIONARY)
<p>KNOW ALL PERSONS BY THESE PRESENTS, that I (we), _____, as Principal, and _____, as Surety, are held and firmly bound unto Tippecanoe County, Indiana, in the sum of _____ (\$ _____), for payment of which we firmly bind ourselves, our heirs, executors, administrators, and assigns.</p>
<p>THE CONDITION OF THIS BOND is such that if the said Principal shall complete the construction of _____ <i>(COMPLETE DESCRIPTION OF IMPROVEMENTS AND DESCRIPTION OF PROPERTY LOCATION)</i>, according to the approved plans and specifications on file with the Area Plan Commission of Tippecanoe County, on or before _____, 20____, <i>(NOT MORE THAN 2 YEARS FROM DATE BOND IS ISSUED)</i>, then this obligation is null and void, otherwise to remain in full force and effect.</p>

IN WITNESS WHEREOF, we have hereunto set our hands and seal this _____ (DAY, DATE, MONTH, YEAR).

ATTEST BY _____
Name of Principal
Signature of Principal

APPROVED BY: _____
Typed Name of Individual Signing
Name of Surety
Signature of Representative
Typed Name of Individual Signing

Area Plan Commission of Tippecanoe County

Director

B-4-5 IRREVOCABLE LETTER OF CREDIT:

IRREVOCABLE LETTER OF CREDIT (TO BE ISSUED ON BANK STATIONERY)	
Name of Bank _____ Tippecanoe County, Indiana	
Date: _____, 20____	
Dear Sirs: We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$_____ for the account of _____ (PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before _____:(Insert date not more than 24 months from date of this letter):	
1. 2. 3. in _____ a planned development in Tippecanoe County, Indiana.	
Acting through the Board of Commissioners, you will notify us when either: 1. The improvements have been timely completed and the credit may be released, or 2. The purchaser has failed to perform or is in default thereunder.	
All drafts drawn hereunder must be marked "Drawn under _____ (Name of Bank). Credit No. _____, dated _____, 20____"	
The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof, and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.	
Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.	
We hereby agree with the drawers, endorsers, and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before _____, 20____.	
Very truly yours, _____ Name of Bank	
By: _____ Authorized signature	

B-4-5 FAILURE TO COMPLETE IMPROVEMENTS:

- (a) If the petitioner fails to complete required public improvements and/or improvements for common usage within the established period of surety, the participating jurisdiction may request that Tippecanoe County declare the surety to be in default. The County shall then have these improvements installed as per Final Detailed Plans, regardless of the extent of development within the PD at the time of default.
- (b) Upon inspection, if a participating jurisdiction finds that an improvement has not been constructed in accordance with Final Detailed Plans, the petitioner shall complete the improvement according to those plans. The petitioner and the entity providing surety shall be severally and jointly liable for that completion.

B-4-6 TEMPORARY PUBLIC IMPROVEMENTS:

The petitioner shall build and pay for all temporary improvements requested by the participating jurisdiction and required by the **APC**. The petitioner shall maintain them for the period specified by the **APC**. As part of the Final Detailed Plans submission, the petitioner shall submit separate suitable surety for temporary improvements, to insure that they are properly constructed, maintained and removed.

B-4-7 INSPECTION OF PUBLIC IMPROVEMENTS AND IMPROVEMENTS FOR COMMON USAGE:

- (a) If a participating jurisdiction or any of its agencies or departments finds that any of the improvements have not been constructed in accordance with the approved Final Detailed Plans, the petitioner shall be responsible for completing that improvement according to the Plans. Where the cost of the improvements is covered by surety, the petitioner and the provider of the surety shall all be liable for completing the public improvements or improvements for common usage according to specifications.
- (b) The petitioner's engineer or surveyor shall provide the participating jurisdiction with detailed "as built" construction plans of the improvements, indicating location, dimensions, materials, and other information required by the **APC** or participating jurisdiction. The petitioner shall provide the participating jurisdiction with a maintenance bond per B-4-8-b below.
- (c) The participating jurisdiction shall determine if all required improvements have been completed satisfactorily. Following a positive finding, the participating jurisdiction shall thereafter accept the public improvements for maintenance in accordance with established procedures, and the homeowners association shall accept the improvements for common usage.

- (d) It shall be the responsibility of the participating jurisdiction to provide the **APC** a copy of the maintenance bond, and notification of those improvements accepted for public maintenance.
- (e) Surety shall be reduced upon actual acceptance of public improvements or improvements for common usage, but only by the amount originally estimated for completion of those improvements.

B-4-8 MAINTENANCE OF PUBLIC IMPROVEMENTS:

- (a) The petitioner shall be required to maintain all public improvements on individual platted **lots** and provide for snow removal on **streets** and sidewalks, if required, until acceptance of public improvements by the participating jurisdiction.
- (b) The petitioner shall be required to file a maintenance bond, for a period of 3 years, with the participating jurisdiction, prior to acceptance, in an amount not to exceed 10% of the cost of all public improvements, and in a form satisfactory to the participating jurisdiction. This is to assure the satisfactory condition of the required public improvements for a period of 3 years after the date of their acceptance by the participating jurisdiction.

B-4-9 ISSUANCE OF IMPROVEMENT LOCATION PERMITS:

- (a) No **improvement location permit** shall be issued for a **dwelling unit** unless surety for public improvements has been filed, and the **plat** recorded.
- (b) No **improvement location permit** shall be issued for the last 10% of **lots** in a recorded **plat**, or phase, part or section of a **plat** (or the last 2 lots if 10% is less than 2), until all public improvements other than sidewalks, and all improvements for common usage have been fully completed and accepted for maintenance by the participating jurisdiction or homeowners association.