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PART A. GENERAL PROVISIONS

Section 1. Applicability

{The subdivision procedure described in this article shall be required for the subdivision or resubdivision of any tract of land and/or the dedication of right-of-way within the planning jurisdiction of the City of Noblesville.} **ORD. #64-11-08**

Section 2. General Procedure

Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following three-step procedure:

- A.** {A Minor Subdivision Plat shall be submitted to and reviewed by the Director of Planning or his/her designee; reviewed and approved by the Technical Advisory Committee (TAC); prepared on Mylar and signed by the President and Secretary of the Plan Commission; and submitted to the Board of Public Works or the Hamilton County Commissioner's for acceptance, depending on the jurisdiction and recorded in the Hamilton County Recorder's Office.} **ORD. #29-9-11**
- B.** A Primary Plat shall be submitted to and reviewed by the Director of Planning and Development or his/her designee, reviewed by the Technical Advisory Committee, and reviewed and approved by the Plan Commission in a Public Hearing.
- C.** A Secondary Subdivision Plat {or a Replat of a Subdivision} shall be submitted to and approved by the Director of Planning and Development, reviewed and approved by the Technical Advisory Committee, signed by the {President} and Secretary of the Plan Commission, signed by either the Board of Public Works or the County Commissioners depending on jurisdiction and filed with the Hamilton County Recorder. **ORD. #29-9-11**
ORD. #10-03-13

Section 3. General Restrictions

- A.** The following actions may occur once the secondary plat has been signed, regardless of whether the plat has been recorded:
 - 1.** The granting of an Improvement Location Permit or the construction of any public improvements authorized thereby providing appropriate performance bonds have been posted and all required pre-construction meeting(s) have been held with the public agency of jurisdiction.

2. Contracts made for the sale of any part of the subdivision;
 3. Improvements or building on any individual lot.
- B.** No building permit shall be issued until the plat has been recorded.
- C.** No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this Article 5.

Section 4. Resubdivisions (Replats)

- A.** [For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling the subdivision, such change shall be approved by the Plan Commission by the same procedure, rules, and regulations as for a subdivision.] **ORD. #29-9-11**
- B.** Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and there are indications that such lots will eventually be resubdivided, the Plan Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. As a requirement of the plat, dedications of rights-of-way shall be provided for the future opening and extension of such streets.

Section 5. Variances to Subdivision Standards

- A.** Variances to subdivision standards found in Articles 5 and 6 of this Unified Development Ordinance shall not be granted by the Board of Zoning Appeals, but may be granted by the Plan Commission subject to the applicable requirements herein. It is not within the jurisdiction of the Board of Zoning Appeals to grant variances to subdivision regulations.
- B.** It is the intention of this ordinance that all newly created lots conform to the provisions of this ordinance for lot area and width. Variances to these or other zoning standards may be granted subject to the provisions of Section 4.D.3, Variances, or may be obtained through flexible zoning districts such as the Zero Lot Line (ZLL) or Planned Development (PD) Overlay Districts. It is not within the jurisdiction of the Plan Commission to grant variances to zoning regulations.
- C.** Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with the subdivision regulations of Article 5 and/or 6, or if the purposes of these regulations may be better served by an alternative proposal, it may approve variances to said regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Plan Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
1. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property.
 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out. Financial hardship does not constitute grounds for a variance.

4. The variance will not in any manner vary the provisions of the Comprehensive Master Plan or this Unified Development Ordinance.
 5. Where the variance impacts on design and construction of public facilities, all appropriate public agencies will be given ample time to comment in writing to the Commission.
- D. In approving variances, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- E. A petition for any such variance shall be submitted in writing by the subdivider at the time when the sketch plat is filed for the consideration of the Director of Planning and Development. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Section 6. Homeowners' Associations

Wherever a subdivision includes common areas, such as but not limited to detention ponds, open space, private streets and private parks; provisions shall be made in covenants accompanying the subdivision to create a Homeowners' Association to maintain such common areas in a neat, safe condition. This shall also apply to condominium developments.

PART B. SUBDIVISION APPLICATION AND APPROVAL PROCESS

Section 1. {Minor Subdivision Plat

The purpose of the Minor Subdivision Plat is to allow the creation of a maximum of three (3) lots without being subject to the entire procedural provisions of the Primary and Secondary plat regulations of this title. Prior to the submission of the application and fees, the subdivider shall discuss with the Director of Planning and/or his/her designee, the proposed changes to the existing subdivision plat regarding the proposed Minor Subdivision Plat. Any setback legally established and currently considered lawfully non-conforming setback(s) shall remain as lawfully non-conforming setbacks provided it is not altered by the creation of the Minor Subdivision Plat. The submission of the "Minor Subdivision Plat" application and the filing fee(s) are required as per the adopted Schedule of Meeting Dates and Filing Deadlines and the Schedule of Fees, Charges and Expenses and shall meet the conditions as set forth by the definition of "Minor Subdivision" and the Unified Development Ordinance. The Minor Subdivision Plat shall require review by the Technical Advisory Committee and after approval of the Technical Advisory Committee, the Planning Staff shall complete the process administratively including the acceptance of the Minor Subdivision Plat by the Board of Public Works or the County Commissioners based on the jurisdiction. This process may be used one time per lot adjustment(s). Any additional adjustments shall require the entire procedural provisions of the Primary and Secondary Plats.} **ORD. #29-9-11**

Section 2. Primary Plat

A. Primary Plat Application

Applications for Primary Plat approval shall be processed in accordance with the procedures set forth below:

1. Action by the Department of Planning and Development

a. Transmit Primary Plat Application to Technical Advisory Committee for Site Plan Review

Within {twenty-eight (28)} **ORD. #12-02-03** days after receipt by the - Department of Planning and Development of a completed primary plat application, the Director of Planning and Development or his/her designee shall transmit the application to the Technical Advisory Committee for hearing and review. The

Technical Advisory Committee hearing and review shall be conducted pursuant to Article 4, Part B, Section 2, "Site Plan Review". Within {twenty-one (21)} **ORD. #12-02-03** days of the Technical Advisory Committee hearing, the report and recommendations of the Committee shall be submitted in writing from the Director of Planning and Development to the Plan Commission for its review.

b. Add Primary Plat Application to Plan Commission Agenda

The Director of Planning and Development or his/her designee shall add the Primary Plat Application to the agenda of the next regularly scheduled Plan Commission meeting.

c. Submit Notice of Public Hearing

The Director of Planning and Development or his/her designee shall submit a notice of public hearing for publication in one newspaper of general circulation in Hamilton County to be published at least seventeen (17) days prior to the public hearing.

2. Action by Subdivider

At the time of the public hearing, the subdivider shall submit an affidavit stating that he has notified by certified mail, return receipt requested, each property {owner to a depth of two properties or 660-FT which ever is less} **ORD. #12-02-03** at least seventeen (17) days prior to the public hearing. The subdivider shall bear the cost of the public notice. If the subdivider does not notify the property owners as described above, the subdivider shall notify the Director of Planning and Development at least seven (7) days before the scheduled public hearing so that the hearing date may be rescheduled.

3. Action by Plan Commission; Public Hearing

Upon receipt of the Primary Plat application, the report of the Technical Advisory Committee, and the report of the Director of Planning and Development, the Plan Commission shall hold a public hearing scheduled pursuant to Section 1 (B), above. Within forty-five (45) days after the public hearing, the Plan Commission shall approve, approve with conditions, or deny the Primary Plat.

4. Director of Planning and Development to Notify Subdivider

The Department of Planning and Development shall return one (1) copy of the Primary Plat application to the subdivider with the date of approval, conditional approval, or disapproval and the reasons therefore, in writing, accompanying the application. The Director shall maintain one (1) file copy of the Primary Plat application.

D. Standards for Review

In reviewing applications for Primary Plat approval, the Plan Commission shall consider the following criteria:

1. The degree to which the application meets the criteria for Site Plan Review found in Article 4, Part B, Section 2 (E), as determined by the reports of the Technical Advisory Committee and Director of Planning and Development;
2. Consistency with the goals and objectives of the Comprehensive Plan;
3. Consistency with the purposes of the zoning district in which it is located;
4. The presence or absence of any exceptions to the development standards for the zoning district in which it is located, any general development standards, or Article

VI, Site Design and Improvement Standards; as evidenced by the listing of any exceptions in the primary plat application;

5. The presence or absence of any protective covenants for the subdivision which would alter its impact from what would typically be permitted in the zoning district in which it is located; as evidenced by the inclusion of any covenants in the primary plat application.

E. Effective Period of Primary Plat Approval

An approved primary plat application shall be effective for a period of one (1) year, at the end of which time a secondary plat of the proposed subdivision must have been approved and signed by the Chair and Secretary of the Commission. {A signature block for the President and Secretary with date line and the following words: “Noblesville Plan Commission.”} **ORD. #12-02-03** Any primary plats not receiving secondary plat approval and signature within one (1) year shall be null and void, and the subdivider shall be required to submit a new primary plat application for approval subject to any new zoning and subdivision regulations. Upon request of the subdivider, the Commission may extend the approval of a primary plat in increments of one (1) year beyond the expiration date, without further notice and public hearing.

F. Primary Plats Exempt from Subsequent Ordinance Amendments

Approved primary plats shall be exempt from any subsequent amendments to the Unified Development Ordinance, which would otherwise render the plat non-conforming as to size, shape, or use.

G. Grading of Site Permitted Prior to Secondary Plat Approval

1. Prior to the recording of the secondary plat, the subdivider may apply for an earthwork (topsoil and excavation) permit from the Department of Planning and Development upon approval of a primary plat. The subdivider shall also provide a performance bond or other surety before grading.
2. Upon receipt of an earthwork permit and acceptance of a performance bond, the subdivider may commence construction in accordance with the grades and elevations stated in the approved primary plat application.

H. Model Homes Permitted Prior to Secondary Plat Approval

1. For the purpose of allowing the early construction of model homes in a subdivision, the Commission may permit a portion of a subdivision involving one (1) or more lots to be sectionalized from the primary plat pursuant to Section 2 (I), below, provided that said portion derives access from an existing public street, that the lots are clustered together near the entrance of the subdivision, and that no future road or other improvement are anticipated where said lots are proposed.
2. A secondary plat for the model home lots shall be submitted to the Commission simultaneously with the primary plat for the subdivision. Subsequent to the approval of both of said plats, and the recording of the model home secondary plat, the model home(s) may be constructed subject to such additional requirements that the Commission may require.
3. Model Homes shall also require a Temporary Use Permit subject to Article 9, Part H, Temporary Uses.

I. Sectionalizing of Plats

1. The Plan Commission may permit any primary subdivision plat to be divided into two (2) or more sections for the purpose of secondary plat approval. No plats may be sectionalized having less than ten (10) lots, {unless the total number of lots in the

subdivision is less than ten (10) lots or the lots are located on a cul-de-sac or } except for model homes in accordance with Section 2 (H), above. **ORD. # 56-11-07**

2. In the case of sectionalized plats, each section shall be considered a separate secondary plat with respect to the following:
 - a. The Commission may require the completion of improvements located only in the section(s) of plat for which a secondary plat application has been submitted, and allow the subdivider to defer completing improvements in the remaining sections of the plat until a secondary plat application has been submitted for those sections.
 - b. The Commission may require the performance bond or other security be in an amount commensurate with the section(s) of the plat for which a secondary plat application has been submitted, and the subdivider may defer posting a performance bond or other surety for the remaining sections of the plat until a secondary plat application has been submitted for those sections.
 - c. The subdivider may file irrevocable offers to dedicate streets and public improvements in the section(s) of the plat for which a secondary plat application has been submitted, and defer filing offers of dedications for the remaining sections of the plat until a secondary plat application has been submitted for those sections.
 - d. Only sections for which the secondary plat applications have been approved, subject to Section 2 (I)(4) below, shall be filed with the Hamilton County Recorder.
3. The Commission may also impose any conditions upon the filing of secondary plat applications for said sections to assure the orderly development of the subdivision. This may including requiring the completion of improvement necessary to the overall subdivision but not located within the current section of secondary plat, or the posting of a bond or other security in lieu thereof, and the required dedication of such improvements.
4. The approval of all sections of a sectionalized primary plat 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 five (5) years of the date of primary approval of the subdivision plat unless extended by the Commission.

Section 3. Secondary Plat

A. Secondary Plat Application Procedure

Applications for a Primary Plat approval shall be filed with the Department of Planning and Development, on a form provided by the Director and shall contain at least the information listed in Section 3 of Part H of Appendix B of this Ordinance, "Secondary Plats".

B. Secondary Plat Review Procedure

An application for Secondary Plat approval shall be processed in accordance with the procedures set forth below:

1. Action by the Department of Planning and Development

Upon receipt of a completed Secondary Plat application and all information required by Section 3 of Part H of Appendix B, the Director of Planning and Development or his/her designee shall:

a. Review for Consistency With Primary Plat

The Director of Planning and Development or his/her designee shall review the secondary plat application and determine that it meets all the requirements of this Unified Development Ordinance and of the Commission's Primary Plat approval. The lack of information under any item specified herein, or improper information supplied by the subdivider, shall be cause for disapproval of a Secondary Plat.

b. Transmit Secondary Plat Application to Technical Advisory Committee for Review

Within {twenty-eight (28) days} **ORD. #12-02-03** after receipt by the Department of Planning and Development of a completed secondary plat application, the Director or his/her designee shall transmit the application to the Technical Advisory Committee for hearing and review. The Technical Advisory Committee hearing and review shall be conducted pursuant to Article 4, Part B, Section 2, "Site Plan Review".

c. Notify Subdivider

Within {twenty-one (21) days} **ORD. #12-02-03** of the Technical Advisory Committee hearing, the report and recommendations of the Committee shall be submitted in writing from the Director of Planning and Development or his/her designee to the subdivider. The Director shall return one (1) copy of the secondary plat to the subdivider, with the date of approval, conditional approval, or disapproval noted thereon; and the reasons therefore, in writing, accompanying the plat. The Director shall maintain one (1) file copy of the secondary plat application.

2. Action by the Subdivider

a. Conditionally Approved and Disapproved Secondary Plats

If the secondary plat has been conditionally approved or disapproved by the Director of Planning and Development, the subdivider shall make the changes necessary to earn approval of the secondary plat and shall resubmit the secondary plat Department of Planning and Development in accordance with this Section 3. Secondary Plats not approved and signed within one (1) year of the Primary Plat approval shall expire subject to Article V, Part B, Section 2 (E), Effective Period of Primary Plat Approval.

b. Approved Plats

If the Secondary Plat has been approved by the Director of Planning and Development, the subdivider shall complete all public improvements in the subdivision or submit a Performance Bond or other security in lieu thereof, in accordance with Section 3 (C) below. The subdivider shall then resubmit the secondary plat and related materials for signature by the Secretary and Chair of the Plan Commission, in accordance with Section 3 (E) below.

C. Completion of Public Improvements; Performance Bond

1. General Requirement for Completion of Improvements

Following secondary plat approval by the Director of Planning and Development, but before the secondary plat is signed by the President and Secretary of the Commission, the subdivider shall complete all public improvements in the subdivision as they are required by Article VI of this Development Ordinance, specified in the secondary plat approval, and approved by the Director of Planning.

2. Performance Bond or Other Securities In Lieu of Completion of Improvements

The Commission may waive the requirement that the subdivider complete all public improvements prior to the signing of the secondary plat provided that the subdivider shall post a bond securable by the City of Noblesville or Hamilton County, as applicable, and hereinafter referred to as Performance Bond. The Performance Bond shall be sufficient to secure to the City or County the satisfactory completion of any uncompleted portion of required public improvements, and the amount of the Bond shall be equivalent to 110% of the estimated cost of completion of the required public improvements or in accordance with fee schedules adopted, from time to time, by the Common Council. The current fee schedule is found in Appendix A of this Unified Development Ordinance.

In lieu of a Performance Bond, the subdivider may submit one of the following forms of assurance:

- a. A certified check made payable to the City of Noblesville or Hamilton County, as applicable, in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements or in accordance with fee schedules adopted, from time to time, by the Common Council. Such check shall be held by the City Clerk or County Auditor, as applicable.
- b. A certificate of deposit made out to the City of Noblesville or Hamilton County, as applicable, and to the subdivider, in an amount equivalent to 110% of the cost of completion of the uncompleted portion of required public improvements or in accordance with fee schedules adopted, from time to time, by the Common Council. Such certificate shall be held by the City Clerk or County Auditor, as applicable .
- c. Irrevocable letters of credit on behalf of the subdivider and securable by the City or County, as applicable, in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements or in accordance with fee schedules adopted, from time to time, by the Common Council.

3. Conditions of Performance Bond or Other Securities

- a. The Performance Bond or other security shall comply with all statutory requirements and shall be satisfactory to the City or County Attorney as to form, sufficiency, and manner of execution.
- b. The period within which required public improvements must be completed shall be specified by the Commission in the resolution approving the secondary plat, shall be incorporated into the bond or other security, and shall not in any event exceed one (1) year from date of secondary plat approval.
- c. The bond shall be approved by the City or County as to amount.

4. Time Extensions and Expiration

- a. The Commission may, upon proof of difficulty, grant an extension of the completion date set forth in the resolution and Bond or other security for a maximum period of one (1) additional year, provided that a bond or security is submitted for this extension period, which meets all other requirements herein. The Commission may at anytime during the period of such bond accept a substitution of principal or sureties on the bond as described in Part C of this Article 5.

D. Signing of Plat

1. Subsequent to the completion of subsections (B) and (C) above, final copies of the subdivision plat and related construction plans shall be submitted to the Director of Planning as follows:
 - a. Three (3) copies on reproducible Mylar,
 - b. One (1) copy on paper, and
 - c. One (1) digital copy as per the *Noblesville Digital As-Built Submittal Requirements*
2. When installation of improvements is required, the President and the Secretary of the Commission shall sign the plat only after any conditions on the approved secondary plat have been satisfied and all improvements satisfactorily completed. There shall be written evidence as to the following: **ORD. #64-11-08**
 - a. That the required improvements have been installed in a manner satisfactory to the local government shall be shown by a certificate signed by the City or County Engineer, and
 - b. That the necessary dedication of public lands and improvements has been accomplished shall be shown by a certificate signed by the City or County Attorney.
3. When a bond is required, the President and the Secretary shall sign the plat and construction plans only after any conditions on the approved secondary plat have been satisfied and after the bond or other security has been submitted and accepted.
4. Upon satisfaction of subsection (2) or (3) above, as applicable, the President and Secretary shall sign the three (3) reproducible mylar copies of the subdivision plat. **ORD. #64-11-08**

E. Recording of Plat

1. It shall be the responsibility of the subdivider to file the signed plat with the Hamilton County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the subdivider shall record any agreements of dedication together with any other legal documents as shall be required to be recorded by the City or County Attorney. **ORD. #10-03-13**
2. Within ten days after the plat has been filed with the Hamilton County Recorder, the subdivider shall return to the Department of Planning and Development one (1) mylar copy of the plat, stamped with the recorder's seal.

Section 4. Construction Plans

Construction Plans shall be required for Subdivisions, Planned Developments, and other applications as required by the Technical Advisory Committee.

A. General Requirements

1. Construction plans shall be prepared and submitted for all required improvements to be installed by the subdivider. They shall include profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities.
2. Provisional construction plans shall be submitted with the primary plat application, and secondary construction plans shall be submitted with the secondary plat application.

3. Construction plans shall be prepared in accordance with Article 6 of this Unified Development Ordinance and the Noblesville Standards, except that those improvements under jurisdiction of the County shall be prepared in accordance with County standards and specifications.
4. Plat approval may be withheld if a subdivision is not in general conformity with the requirements herein.

B. Contents of Construction Plans

Construction plans shall be prepared by an engineer at a scale no smaller than one (1) inch to forty (40) feet. They shall be prepared and the sheets shall be numbered in sequence if more than one (1) sheet is used. The following shall be shown:

1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within 100 feet of the intersection shall be shown, plus approximate radii of all curves, lengths of tangents, and central angles on all streets.
2. The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at 100 foot stations shall be shown at five points as follows: on line at right angles to the center line of the street; each property line and points 25 feet inside each property line.
3. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, setback easements, rights-of-way, manholes, and catch basins; the location of street signs; the location size, and invert elevations of existing proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water or other underground utilities or structures.
4. 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 subdivision.
5. Topography at the same scale as the primary plat with a contour interval of two feet, referred to sea level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
6. All specifications and references required by the local government's construction standards and specifications, including a site-grading plan for the entire subdivision.
7. Title, name, address, and signature of Registered Engineer and Land Surveyor, and date.
8. {Attachment of the current adopted City of Noblesville Standards is referenced per this ordinance.

PART C. PROVISIONS FOR SATISFACTORY COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Section 1. Assurance for Completion

A. Applicability

As provided in Article 5, Part B, Section 3 (D), the subdivider has the option of either installing all required public improvements prior to the signing of the secondary plat, or, in lieu of installation, posting a bond or other security in an amount sufficient to assure completion of said improvements. The following regulations are to assure the satisfactory

completion of all improvements, whether installed before or after the secondary plat has been signed and recorded.

B. Temporary Improvements

The Plan Commission may require that temporary facilities be constructed until such time as permanent public improvements can be completed. In such case, the subdivider shall build and pay all costs for temporary improvements and shall maintain them until completion of permanent improvement or for the period specified by the Commission. Prior to construction of any temporary facility or improvement, the subdivider shall file with the City or County, as applicable, a separate bond, suitable to the City or County Attorney, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

C. Failure to Complete Improvements

In those cases where a Performance Bond has been posted but the required improvements have not been installed within the terms of such Performance Bond, the City or County may declare the subdivider to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the subdivider is declared to be in default.

D. Inspection of Completed Improvements

1. The Plan Commission shall provide for periodic inspection of required improvements by the City Engineer or County Engineer, as applicable, during construction to ensure their satisfactory completion.
2. If the City Engineer or County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with: 1) the construction standards and specifications required by Article 6 of this ordinance, 2) The Noblesville Standards, 3) the approved secondary plat, or 4) the approved construction plans, the subdivider shall correct any errors immediately upon notification. Where the completion of improvements is covered by a Performance Bond, the subdivider and the bonding company shall be separately and jointly liable for completing the improvement according to specifications.

E. Acceptance of Dedication Offers

1. General Requirements

- a. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by official action of the Board of Public Works for parcels within the City of Noblesville or the County Commissioners when outside the City limits.
- b. The approval by the Plan Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City/County of any street, easement, or other public areas shown on said plat.

2. Release or Reduction of Performance Bond or Other Security

The Board of Public Works or County Commissioners, as applicable, shall not accept dedication of required improvements, nor release nor reduce a Performance Bond or other security, except in accordance with the following:

- a. The Engineer of the applicable jurisdiction shall submit a certificate stating that all required improvements have been satisfactorily completed;
- b. The subdivider's engineer shall submit a certificate to the City or County Engineer stating that the layout of all public improvements are in accordance with construction plans for the subdivision, and that the improvements have been

completed, are ready for dedication to the City/County, and are free and clear of any and all liens and encumbrances.

- c. The subdivider shall submit as-built construction plans to the department of Planning and Development as follows:
 - (1) One (1) copy on paper, and
 - (2) One (1) digital copy as per the *Noblesville Digital As-Built Submittal Requirements*
- d. The subdivider shall file a Maintenance Bond and/or Agreement with the Board of Public Works or County Commissioners in an amount considered adequate by the Engineer of the appropriate jurisdiction, in order to assure the satisfactory condition of the required improvements. Said Maintenance Bond shall be submitted in accordance with Section 2, below.
- e. A Performance Bond or other security may be reduced only upon actual dedication and of public improvements by the Board of Public Works or County Commissioners, and then only to the ratio that the dedicated public improvements bear to the total public improvements for the plat.

Section 2. Assurance for Maintenance

A. General Requirement

The subdivider shall be required to maintain all improvements on the subdivided areas, including all lot improvements on the individual subdivided lots, for a period of three (3) years after the date of their acceptance and dedication by the Board of Works or County Commissioners. Improvements covered by the maintenance bond shall include but not limited to: streets to minimum specifications of the applicable jurisdiction at the end of such period; sanitary sewers, storm sewers, and water lines, including lift stations, pumps, motors, connections and main lines installed in the subdivision; sidewalks, shoulders, side slopes, ditches, street signs, street lights and fire hydrants.

B. Temporary Maintenance

The Plan Commission may require the subdivider to provide for traffic control on streets and remove snow from streets and sidewalks until acceptance and dedication of said improvements by the Board of Public Works or County Commissioners.

C. Posting of Maintenance Bond and/or Agreement

The subdivider shall be required to file a Maintenance Bond and/or Agreement with the Board of Public Works or County Commissioners, as applicable, and prior to dedication in order to assure the satisfactory condition of the required improvements. Maintenance Bonds shall:

1. Run to and be in favor of the City of Noblesville if the subdivision is within the City, or shall be in favor of and run to the Board of County Commissioners of Hamilton County if the subdivision is outside of the City limits;
2. Be in a penal sum established in the fee schedule, to assure and guarantee the maintenance of all improvements and installations during such three (3) year period. The Noblesville Board of Works and Safety may reduce the penal sum set forth herein for good cause if the intent of the Maintenance Bond provision is preserved.
3. Include an amount for maintenance, other than for streets set forth above, which shall be set by the Commission, but in no event shall be less than fifteen percent (15%) of the total cost of all of the improvements and installations in the subdivision proposed for Secondary Plat approval or in accordance with fee schedules adopted, from time

to time, by the Common Council. The current fee schedule is found in Appendix A of this Unified Development Ordinance.

4. Maintenance bonds shall commence upon acceptance of improvements by the Board of Works or County Commissioners, as applicable.

Section 3. Deferral or Waiver of Improvements

A. General Conditions

The Plan Commission may defer or waive at the time of secondary approval, subject to appropriate conditions, the provisions of any or all such improvements as, in its judgment, are not requisite in the interest of public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

B. Assurance for Future Completion

Whenever it is deemed necessary by the Plan Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the subdivider shall pay his share of the costs of the future improvements to the City/County prior to signing of the secondary subdivision plat, or the subdivider may post a bond ensuring completion of said improvements upon demand of the City/County.