Wells County Area Plan Commission

Requirements for a Major Subdivision

Filing and Meeting dates are available at the Area Plan Commission Office and the Wells County Area Plan Commission Web Site (http://www.wellscounty.org/apc.htm)

Copies of the Wells County Zoning Ordinance and Wells County Subdivision Control Ordinance are available for purchase at the Wells County Area Plan Commission Office or may be viewed and printed online at the Wells County Area Plan Commission Web Site (http://www.wellscounty.org/apc.htm)

1) FEES

a. Filing Fee: $300.00+$10.00 per lot (Payable to Area Plan Commission)
(Filing fee set forth by the Wells County APC Fee Schedule)

b. Sign Fee: $15.00 (Payable to Area Plan Commission)
(Public advertisement sign required by APC Rules of Procedure)

c. Legal Add: $116.00 (Payable to Bluffton News Banner)
(Legal advertisement required by IC 5-3-1)

2) Filing

a. Filled Out and Signed Petition
b. Current Deed for the affected property
c. 5 copies of the plat **Must Be 24" x 36"**
d. Status of any applicable permits from other regulatory agencies
e. Copy of Notice of Agriculture Activity Form (if property is zoned A-1 or A-R)
f. If petition is not signed by legal owner(s) then applicable Power of Attorney, Trust documents, and/or death certificate(s) are required.

3) APPEAL PERIOD: **30 DAYS**
(State required appeal period set forth in IC 36-7-4)

* All Fees Are Not Refundable
* As A Petitioner You Are Responsible For Reviewing The Wells County Zoning Ordinance And Subdivision Control Ordinance Requirements For Your Petition. The Area Plan Commission Office Staff Will Be Available To Answer Any Questions You May Have.
* A COMPLETE FILING DOES NOT GUARANTEE APPROVAL. (THE FILING MUST MEET THE APPLICABLE REQUIREMENTS OF THE WELLS COUNTY ZONING AND SUBDIVISION CONTROL ORDINANCE TO BE APPROVED.)

APC STAFF: Michael Lautzenheiser Jr. (Director); Suzie Gentis (Administrative Assistant); Tracey Ulmer (Part-Time Clerical)

Major Subdivision Petition

PETITION FOR MAJOR SUBDIVISION APPROVAL: (APC OFFICE) _____

Owner of Real Estate (Petitioner):_____

Address: _____City: _____State: _____Zip: _____

Phone #: _____E-Mail: _____

Plans Prepared By: _____

Address: _____City: _____State: _____Zip: _____

Phone #: _____E-Mail: _____

Property Location: _____

Property Description: _____

Proposed Major Subdivision: _____

Current Zoning Classification: _____

Comes now the Area Plan Commission and in support of granting "Petitioner's" Petition for Major Subdivision makes the following Findings of Fact, to wit:

"Petitioner" filed a Petition for a Major Subdivision as to the following described real estate located in _____Township, Wells County, Indiana; more particularly described on Exhibit A attached hereto.

The sign as required by the Plan Commission has been duly posted in accordance with the Rules of Procedure of the Plan Commission more than fourteen days prior to the Plan Commission hearing.

On _____, the Area Plan Commission conducted a public hearing on the Petition in accordance with the Rules of Procedure of the Area Plan Commission and the following evidence was heard.

(Petitioner or Petitioner's Agent shall verify and explain why the petition meets each of the requirements listed below)
(Yes means Approved and No means Denied)

5-03 REQUIREMENTS:

(1) The proposed Major Subdivision must conform to the objectives of the Comprehensive Plan

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

_____

_____

(2) The real property on which the proposed Major Subdivision is to be developed must be under single ownership and/or unified control.

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

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(3) The proposed Major Subdivision must be of a type and so located as not to be detrimental to the surrounding properties and land uses.

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

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_____

(4) The proposed Major Subdivision shall not substantially diminish or impair the property values of the neighboring properties.

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

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(5) The proposed Major Subdivision shall not endanger the public health, welfare, or safety of the neighborhood in which it is to be located.

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

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(6) The proposed Major Subdivision shall present a traffic management plan that creates conditions favorable to public health, safety, and convenience and shall be harmonious with the Comprehensive Plan. The Plan Commission may require but not be limited to acceleration and deceleration lanes, passing blisters, site angles, and construction requirements.

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

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(7) The proposed Major Subdivision shall allow for the availability and coordination of essential utilities and other necessary appurtenances for urban development. The petitioner shall present written evidence that they have entered into a contract with the local legislative body or appropriate utility agencies to install and extend necessary services to accommodate proposed division of a property.

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

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(8) The petitioner shall present the final draft of any restrictive covenants or private restrictions to be adopted with the secondary approval of the Plat.

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

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5-04 REQUIREMENTS:

(1) Does the proposed Major Subdivision meet the easement requirements?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

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_____

(2) Does the proposed Major Subdivision meet the Street Light and Sidewalk requirements?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

_____

_____

(3) Does the proposed Major Subdivision meet the Utility requirements?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

_____

_____

(4) Does the proposed Major Subdivision meet the Sign requirements?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

_____

_____

(5) Does the proposed Major Subdivision meet the Lot and Yard requirements (A-E)?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

_____

_____

(6) Does the proposed Major Subdivision meet the Lot and Yard requirements (F)?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

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_____

(7) Does the proposed Major Subdivision meet the Public Ways – Roads requirements?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

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(8) Does the proposed Major Subdivision meet the Storm Water Standards?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

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_____

(9) Does the proposed Major Subdivision meet the Floodplain Management requirements?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain

_____

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(10) Does the proposed Major Subdivision meet the General Regulations section of the Zoning and Floodplain Management Ordinance?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

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_____

(11) Does the proposed Major Subdivision meet the Survey Standards?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

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(12) Does the proposed Major Subdivision meet the Performance Standards?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

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(13) Will the proposed Major Subdivision meet the Performance and Maintenance Bonding Requirements?

- **a.** Does The Petition Meet the Requirement? (YES or NO)
- **b.** Explain _____

_____

_____

_____

PETITIONER'S SIGNATURE:

_____	_____	_____	_____
Signature	Date	Signature	Date
_____	_____	_____	_____
Signature	Date	Signature	Date

(This petition must be signed by 50% of the owners/sellers. If the power of attorney or the trustee is filing this petition then the proper paperwork shall be submitted proving their title to the Area Plan Commission)

Board of Zoning Appeals Variance(s): _____

_____

_____

Area Plan Commission Waiver(s): _____

_____

_____

Conditions or Commitments: _____

_____

_____

Wherefore, based upon the above findings of fact and upon the Motion of _____, duly seconded by _____, the Petition for a Major Subdivision by "Petitioner" is hereby granted by a vote of _____in favor and _____opposed.

Granted this ____day of _____, _____.

_____

Area Plan Commission President

_____

Area Plan Commission Secretary

NOTICE OF AGRICULTURAL ACTIVITY

TO: ALL PETITIONERS IN AGRICULTURAL ZONED AREAS OF **WELLS** COUNTY, INDIANA

This notice is given to you because of your petition to move into an area of **Wells** County that is zoned for Agriculture.

The purpose of this notice is to assure you are aware that all agricultural operations are allowed in this area.

Agricultural activity may include, but is not limited to, grazing of livestock, confined feeding of livestock, application of animal manure to land, application of herbicides and pesticides to fields and growing crops, creation of dust from field operations and noise from livestock and machinery operations which includes the drying and transportation of grain, sometimes with machinery that has a "Slow Moving Vehicle" emblem on it, meaning it is traveling at 25 mph or less.

People who choose to live in these areas must understand that agricultural operations may be occurring nearby.

You must also understand that Indiana has a "RIGHT TO FARM" law that protects farm operations from unwarranted nuisance suits by neighbors who move next to an existing farm operation. Farm operations do not constitute a nuisance so long as they are not negligently maintained, do not endanger human health and do not cause bodily injury to third parties.

By signing this notice form you verify that you have received it, read it and understand it. You are not giving up the right to seek redress for negligence by individuals associated with a farm operation or by other residents of the area.

I, _____CERTIFY THAT I HAVE RECEIVED THIS NOTICE. I HAVE READ IT AND I UNDERSTAND IT.

_____

Printed Name

_____

Date