

ARTICLE 6

DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context:

1. Words and phrases that are defined in this Article shall be given their defined meaning when used in this Ordinance;
2. Words and phrases that are not defined in this chapter but that are defined in the Dearborn County Zoning Ordinance or in the Dearborn County Code shall be given their defined meanings when used in this chapter;
3. Technical words and phrases that are not defined in this chapter, or in the Dearborn County Zoning Ordinance, or in the Dearborn County Code, but that have established and appropriate meanings in law shall be given such meanings when used in this chapter;
4. Words and phrases that are not otherwise specifically defined shall be taken in their plain, ordinary and usual sense or as defined in current industry publication or references to include the current edition of Webster's Dictionary or by publication provided by the American Planning Association.

Definitions

Access Easement

A private way which provides access to lots, tracts or parcels of land and which meets the minimum standards set for in these regulations.

Accessory Building or Structure

A building, or structure, the use of which is customarily incidental and subordinate to the use of the principal building or the principal use of the land on which the structure is located. Where a substantial part of the wall of a building housing an accessory use is a part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner, as by roof, such accessory building shall be considered a part of the principal building.

Administrator

The Planning Director or designee appointed by and/or delegated the responsibility for the administration of these regulations by the Subdivision Ordinance or Zoning Ordinance. This term shall be construed to include those planning staff members working under the direction of the Director.

ADT

Average Daily Traffic

Advisory Plan Commission

A Plan Commission serving a single local government jurisdiction established as defined under the Indiana Code 36-7-4-101 as amended.

Agency

See Public Agency.

Alley

A public or private right-of-way primarily designed to provide secondary access to the side or rear of those properties, which have principal frontage and/or access on a street.

Applicant

The owner of the land proposed to be subdivided or the Owner's agent or the Owner's legal representative or a person who owns a subordinate interest in the land and who has the Owner's consent to apply for a Subdivision of the land.

Arterial

See "Streets" defined in this Article.

Block

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries; railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Board of Commissioners

The duly elected Board of Commissioners of the County of Dearborn, Indiana, referred to herein as "Board" so as not to be confused with the Dearborn County Advisory Plan Commission which is referred to herein as "Commission" or "Plan Commission".

Building Department

The Department within Dearborn County Government that under Indiana Law reviews building plans, issues building permits and inspects buildings or structure to ensure compliance with the Building Codes of the State of Indiana.

Building Line

The line that establishes the minimum permitted distance on a lot between the front-most portion of any building or structure and the street right-of-way line.

Building Permit

A certificate issued by the building permit official of a governing body that permits a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the governing body's jurisdiction, or cause the same to be done.

Capital Improvements Program

A proposed schedule of all future, major County capital improvements projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All projects that require the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the more durable, longer lived physical assets for the community shall be considered as major projects.

Cemetery

Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Cfs

Cubic feet per second

Checkpoint Agency

A public agency or organization that is called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or that is required by law to give its assent before Subdivision may take place (e.g., without limitation, Indiana Department of Transportation, Indiana Department of Environmental Management, Federal Emergency Management Agency, Army Corps of Engineers, Public Service Commission, Indiana Stream Pollution Control Board, Indiana Department of Natural Resources, Indiana State Board of Health, Dearborn County Board of Health, or other county departments or boards as necessary).

Collector Street

See Streets defined in this Article.

Commercial or Industrial Subdivision

Any Subdivision of land which involves land that is zoned or intended to be used for commercial, industrial or multifamily purposes as defined in these regulations and/or in Zoning Ordinance.

Commission

The Dearborn County Advisory Plan Commission and/or a delegate of the Dearborn County Advisory Plan Commission, unless the context indicates to the contrary.

Conceptual Layout

A drawing that generally illustrates, depicts, and/or describes a Subdivision development proposal (Primary Plat) for a specific piece of property. This plan is meant to illustrate prior to completed surveying or engineering data, how this property will be subdivided with all of the lots and streets prior to a detailed engineering plan. It is understood that after the final detailed engineering plans have been completed minor changes will likely result from the approved Primary Plat or as defined here Conceptual Layout.

Condominium

The division of building(s) and the related land into horizontal property interests meeting the requirements of condominiums as prescribed by Indiana Code 32-1 - 6-1 through 31.

Conservation Easement

An easement which restricts the use and/or guarantees preservation and/or maintenance of existing vegetation and/or other natural features within environmentally sensitive portions of the site.

Construction Bond

A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to cover the construction cost of public improvements in the case of default by the Subdivider. Sometimes referred to as a Performance Bond or Insurance Bond.

Construction Plan(s)

See Improvement Plan

County

The word County means Dearborn County, Indiana

County Auditor

The County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

County Drainage Board

The Dearborn County Drainage Board if created.

County Engineer

The person designated by the County to furnish engineering assistance in the administration of these regulations.

County Jurisdictional Area

The areas of Dearborn County, Indiana, in which the County exercises planning and zoning jurisdiction: namely, all unincorporated areas of Dearborn County, Indiana, that are not under the jurisdiction of another duly established plan commission. Or any area of Dearborn County, Indiana, in which an inter-local agreement has been created by an incorporate Town Board or City Council with the Board of County Commissioners. NOTE: Pursuant to IC. 36-7-4-1104(b), the planning and zoning ordinances of Indiana political Subdivisions may not regulate or restrict the use of property that is owned or occupied by the state or by any state agency.

County Recorder

The County official empowered to record and file Subdivision plats and deeds.

County Surveyor

The county official empowered to keep and maintain the legal survey record book and the corner record book.

Covenant

See restrictive covenant.

Cul-de-loop

A cul-de-sac with a center or island, that is intended to be used, for parking or open space purposes.

Cul-de-sac

See Streets

Department

The Dearborn County Planning Department and the staff thereof.

Designated Officials

Those officials of the Commission designated in the Subdivision Control Ordinance as required signatories of the certificate.

Developer

The word developer as used in this Ordinance has the same meaning as Subdivider or Applicant.

Drainage Swale

A natural or constructed waterway, usually broad and shallow covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

Drainage System

Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of these regulations.

Drives, Private

Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.

Driveway

An access to a public road for one residence or one tract of land.

Driveway Apron

The portion of the driveway lying within the County right-of-way.

Driveway Shared

A single access to a public road shared by two or more tracts of land.

Dwelling

A structure or portion thereof that is used exclusively for human habitation.

Environmental Constraints

Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Erosion Control Handbook

The Indiana Construction Site Erosion Control Handbook or any other erosion control handbook designated by County ordinance or by official action of the Commission.

Escrow

A deposit of cash with the Commission in lieu of an amount required and still in force on a Performance or Maintenance bond. Such escrow funds shall be held by the County Auditor.

Exempt Divisions

See definition of Subdivision.

Feasibility Report

A written report prepared by a registered professional engineer or a registered land surveyor pertaining to the suitability of the site for various types of water and sewage disposal systems, for drainage retention or detention; and the subsoil conditions for various methods of street construction.

Financial Institution

Any bank, trust company, corporate fiduciary, building and loan association, credit union, savings bank, bank of discount and deposit or industrial loan and investment company organized or reorganized under the laws of the State of Indiana.

Frontage

That side of a lot abutting on a street watercourse or lake and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner and through lots will be considered to front on both intersecting streets. Multiple frontage lots will be considered to front on each street, watercourse or lake.

Frontage Street

A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

Grade

The rise over run of a street or other public way specified in percentage (%) terms.

Grading

The stripping, cutting, filling, spreading or stockpiling of soil, sand, gravel or stone or any combination or mixture thereof on a tract, parcel or lot.

Health Department and County Health Officer

The Dearborn County Health Department and the person(s) designated by the County to administer the state and local health regulations within the County.

Height, Building

The vertical distance from the average grade level adjoining the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and, to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

Highway, Limited Access

See Streets.

Improvement Plan

The engineering plans showing grading, types of materials and construction details for the physical structures and facilities to be installed in, or in conjunction with, the proposed Subdivision.

Individual Sewage Disposal System

A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department to serve the disposal needs of one single-family residential dwelling. An individual sewage disposal system is a private sewage disposal system.

Interested Parties

Those persons who are to be notified by mail of a public hearing, or other action, on a proposed Subdivision of land. Namely, the applicant or developer of the property to be subdivided and the fee simple owners of those properties that share a common boundary line or point with the property to be subdivided or that would share a common boundary line or point with the property to be subdivided but for the existence of a public or private street. If an abutting property consists of common areas that are owned and/or maintained by a Subdivision/condominium property owners' association, the association, rather than the individual Subdivision lot/condominium owners' shall be deemed the interested party for purposes of notice.

Intermittent Stream

A surface watercourse which flows typically only after significant precipitation events or during a particular season and contains evidences of a discernable streambed. The term intermittent stream does not encompass man-made drainage ways or natural swales, which lack a discernable streambed.

Interstate

See Streets.

Irrevocable Letter of Credit

A financial commitment provided by a lending institution, on behalf of a Subdivider, which cannot be revoked except as expressly stated in the terms of the agreement within the letter of credit.

Land Disturbing Activity

Any man-made change of the land surface including the removal of vegetative cover, the removal of trees and filling or grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting crops, growing and tending gardens and minor landscaping modifications.

Land Divider

The owner of a parcel of land to be further divided pursuant to the exempt division regulations.

Legal Access

A platted access easement or the minimum required frontage on a street.

Legal Description

A description recognized by law, which definitely describes real property by reference to government surveys, coordinate systems or recorded maps; a description, which is sufficient to locate property without oral testimony.

Legal Drain

Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, that is under the jurisdiction of the County Drainage Board as provided by IC 36-9-27, as amended.

Location Map

A map showing the location of the property proposed to be subdivided. Such a map shall show the closest cross streets in all directions.

Local Street

See Streets.

Lot

See Dearborn County Zoning Ordinance

Lot Area

The area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Lot, Corner

A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street

Lot Depth

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. The lot depth of a multiple frontage lot may be determined from any of its front lot lines.

Lot Improvement

Any building, structure, or other object, or improvement of the land on which such objects are situated that constitute a physical betterment of real property.

Lot Line, Front

The lot line abutting a street, watercourse or lake. Corner lots and through lots have at least two front lot lines, multiple frontage lots may have more than two front lot lines.

Lot Line, Rear

The lot line that is opposite to and most distant from the front property line. In the case of a triangular or irregularly shaped lot, the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line at a maximum distance from the front lot line. If the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint. A lot may have more than one rear lot line.

Lot, Substandard

A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

Lot, Through

A lot having frontage on two parallel or approximately parallel streets or on a street and a watercourse or lake. A through lot has a front yard on each abutting street, watercourse or lake.

Lot Width

The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building line. The width of a multiple frontage lot shall be determined at all of its building lines.

Maintenance Bond

A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to insure the performance of a public improvement for a specified period of time and to cover the cost of any unfinished improvements in the case of default by the Subdivider. Sometimes referred to as a Performance Bond or Insurance Bond.

Major Subdivision

Any Subdivision not classified as a Minor Subdivision or as an Administrative Division of Land, including but not limited to Subdivisions of eight (8) or more buildable lots in addition to the Parent Tract, or *any* size Subdivision requiring any new street or extension of the facilities, which require public maintenance by the local government.

Map

A representation of the earth's surface, or any part thereof, in signs and symbols, on a plane surface, at an established scale with a method or orientation indicated.

Master Plan

See Comprehensive Plan in Dearborn County Zoning Ordinance.

Minor Subdivision

Any Subdivision containing seven (7) buildable lots or less, in addition to the Parent Tract, that is located along an existing public street or private drive. This type of Subdivision does not involve any new public street or extension of the facilities, which require public maintenance by the local government.

Non-Buildable Parcel

A parcel of land that is created on which a principally permitted use, as defined and permitted by the Dearborn County Zoning Ordinance, is not permitted to be constructed. This parcel will be label on the plat and within the deed as non-buildable.

Non-residential Subdivision

A Subdivision intended for nonresidential use, such as commercial or industrial. Such Subdivision shall comply with the applicable provisions of these regulations.

Official Map

The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems, and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County or additions thereto resulting from the approval of Subdivision plats by the Commission and the subsequent filing of such approved plats.

Ordinance

The word Ordinance shall have the meaning of Subdivision Control Ordinance unless otherwise stated.

Open Space

Total horizontal area of all portions of the lot not covered by buildings, structures, streets, parking areas or paved walkways.

Owner

Any person listed in the records of the County Auditor and/or County Recorder as having title to land sought to be subdivided under these regulations. For purposes of these regulations, any land, which is involved in a contract purchase, may be subdivided only if both the contract purchaser and the contract seller sign the application for such Subdivision.

Parcel

A part or portion of land having a legal description formally set forth in a conveyance instrument (e.g., a deed) together with the boundaries thereof, in order to make possible its easy identification.

Parent Tract

An existing lot, parcel, or tract of land as established and referenced by deed and plat in the Dearborn County Recorder's Office.

Performance Bond

A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to insure the performance of a public improvement for a specified period of time and to cover the cost of any unfinished improvements in the case of default by the Subdivider. Sometimes referred to as a Maintenance Bond or Insurance Bond.

Person

A natural person or legal entity

Planning Department

Staff hired by the Plan Commission to perform the daily responsibilities of the Plan Commission.

Planning Director

The individual appointed by the Plan Commission to administer, interpret, and enforce the provisions of the zoning regulations and subdivision ordinance pursuant to the provision of this order.

Plat

A map, drawing or plan indicating the Subdivision or re-subdivision of land which is filed or intended to be filed with the Commission for approval under these regulations and with the County Recorder for recording.

Plat Committee

The Dearborn County Plat Committee, appointed by the Commission may hear Subdivision proposals which do not involve the opening of new public ways and that comply in all other respects with these regulations and with the Zoning Ordinance.

Primary Approval

An approval (or approval with conditions imposed) granted to a Subdivision by the Commission after having determined in a public hearing that the Primary Plat of the Subdivision complies with the standards prescribed in this Ordinance.

Primary Plat

The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the Subdivision to be submitted to the Commission for approval.

Private Sewage Disposal System

Any sewage disposal system not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private sewage disposal system is typically an individual sewage disposal system that may be either a subsurface septic system or mound septic system that is surface constructed of material brought to the site.

Private Water System

Any plumbing system for providing potable water to a lot or parcel of property that is not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private water system is typically a well drilled to serve a single lot.

Property Line

The boundaries of a lot of record excluding any right-of-way.

Public Agency

An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

Public Hearing

Public Hearing means, after proper publication of notice as required herein at which the public can comment upon the matter at issue and which complies with Indiana Law.

Public Improvement

Any drainage facility, street, thoroughfare, highway, parkway, sidewalk, pedestrian or bike-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Sewage Disposal System

Any sewage disposal system constructed, installed, maintained, operated, owned or defined as a public sewage, disposal system by a municipality, taxing district possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

Public Water System

Any water system that is constructed, installed, maintained, operated, owned or defined as a public water system by a municipality, taxing district or a corporation or organization possessing a Certificate of Territorial Authority issued by the Indiana Utilities Regulatory Commission and established for that purpose.

Registered Land Surveyor

A land surveyor properly licensed and registered or, through reciprocity, permitted to practice in the State of Indiana.

Registered Professional Engineer

An engineer properly licensed and registered in the State of Indiana or, through reciprocity, permitted to practice in the State of Indiana.

Regulatory Flood

The flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood has a probability of occurrence of one percent (1 %) in any given year.

Regulatory Flood Elevation

The maximum elevation, as established by the Indiana Department of Natural Resources reached by the Regulatory Flood at the locations in question relevant to approval of a given Subdivision.

Regulatory Floodway

The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream as shown on the Flood Insurance Rate Map Maps of Dearborn County, Indiana, as prepared by the Federal Emergency Management Agency.

Re-plat

A change in a map of an approved or recorded Subdivision plat which affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling Subdivisions.

Required Improvements

The public improvements lot improvements and/or landscaping features required by these regulations, by primary approval and by the Subdivision improvement agreement.

Restrictive Covenant

Private limitations of various kinds on the usage of lots or parcels of land within a Subdivision which are proposed by the Subdivider that are recorded with the plat and run with the land. These covenants are not enforceable by the Plan Commission and have no bearing upon decisions made by the Plan Commission. Any decision made by the Plan Commission has

Right-of-way

A strip of land (other than an easement) occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline water main, sanitary or storm sewer main, special landscaping, drainage swale or for another special use. The usage of the term "right-of-way" for land platting and zoning purposes shall mean that every right-of-way hereafter established and shown on a Secondary Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the Subdivider on whose plat such right-of-way is established.

Road(s)

See Street(s).

Roadway

The portion of the street right-of-way that is surfaced and available for vehicular movement. Roadway width shall be measured between the edges of the curbs, which are furthest from the street pavement.

Same Ownership

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Secondary Plat

The map, drawing, or plan, described in this ordinance, of a subdivision (including any accompanying material) submitted to the Commission for final approval which, if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

Secondary Plat Approval or Secondary Approval

Commission approval of a Secondary Plat of a Subdivision the construction of which has been completed or secured by a performance bond and financial guaranty.

Sectionalizing or Phasing

A process whereby an Applicant seeks Secondary Plat approval on only a portion of a plat, which has been, granted Primary Approval.

Section Corner

A corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

Sewage

The water-carried waste derived from ordinary living processes, including, but not limited to, human excrete and waste water derived from water closets, urinals, laundries, sinks, utensil and clothes washing machines, bathing facilities or similar facilities or appliances.

Sewage Disposal System

Any arrangement of devices and structures used for receiving, treating, disposing or storing of sewage.

Soil Survey

The National Cooperative Soil Survey Project by the United States Department of Agriculture, Soil Conservation Service (now Natural Resources Conservation Service} in cooperation with Purdue University.

Spite Strip

An unbuildable, usually narrow, strip of land situated between a property line and a proposed road or street right-of-way, the primary purpose of which is to prohibit access to the street or right-of-way from the adjacent property. The creation of a spite strip is not permitted.

Staff

The staff of the Plan Commission or Planning Department.

State Acts

Such legislative acts of the State of Indiana as they affect these regulations.

State Plane Coordinate's System

A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

Streets

Improved land right-of-way that provides the principal means of vehicle access. The following shall be used to classify all streets:

Arterial: Public thoroughfares, which serve the major movements of traffic within and through the community. Arterials connect centers of population and economic activity with the state or federal highway system.

Collector: Public thoroughfares, which serve to collect and distribute traffic primarily from local to arterial streets.

Cul-de-sac:	A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around. These permanent dead-end roads are intended to serve only adjacent property owners and shall not be extended.
Court:	A street having an outlet at one end only and terminated at the other end with facilities permitting vehicles to turn around. This type of street serves six (6) residential lots/units or less.
Expressway:	A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.
Freeway:	A divided multi-line highway for through traffic with all crossroads separated in grades and with full control of access. (Or Interstate)
Frontage Road:	A parallel street adjacent to a freeway, expressway, or arterial street that provides access to adjoining properties.
Local:	A street designed to be used primarily for direct access to adjoining properties.
Public:	A public roadway, constructed and or maintained by the federal, state, county, city or town government normally with dedicated public right-of-way which affords the principal means of access to abutting property.

Streets, Classification

For the purpose of providing for the development of the streets, highways, and rights-of-way in the County, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, has been or will be designated on the Official Map of the County or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the County, its present and estimated future traffic volumes and its relative importance and function as specified in the County Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map.

Street Right-of-Way Width

The width of the street right-of-way measured at right angles to the centerline of the street.

Subdivider

Any person who, having a proprietary interest in land, causes it, directly or indirectly, to be divided into a Subdivision; or who, directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a Subdivision; or who engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a Subdivision of any interest, lot, parcel site, unit, or plat in a Subdivision; and who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivider's Contract

An agreement by the subdivider with the County that clearly establishes the subdivider's responsibility regarding the performance and completion of certain work in connection with improvements necessitated by the division of land in the Subdivision as identified within the approved Improvement Plan and the regulations within the Dearborn County Subdivision Control Ordinance.

Subdivision

The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Administrative Subdivisions are exempt from most provisions of this ordinance, may not result in or require the creation of an easement or the installation of public improvements, and must be one of the following types of division:

1. A division of land into two (2) or less tracts divided from the parent parcel.
2. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
3. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
4. A division of land for federal, state or local government to acquire street right-of-way;
5. Divisions of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division.
6. A division of land into cemetery plots for the purpose of burial of corpses.
7. A retracement of an existing parcel of record in which a survey plat does not exist, a survey error is being corrected or a new deed and/or legal description being created.

Subdivision Agent

Any person who represents or acts for or on behalf of a Subdivider or Developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a Subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and who is not involved in developing, marketing or selling real property in the Subdivision.

Subdivision, Administrative

See Subdivision.

Subdivision Improvement Agreement

A document which establishes the contractual relationship between the Developer of a Subdivision and the County for the completion and maintenance of the required improvements in accordance with these regulations.

Subdivision Review Committee

A Committee established by the Plan Commission to provide technical services to the Commission in the administration of these regulations.

Subsurface Drainage

A system of pipes, tiles, conduits or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.

Surface Drainage

A system by which stormwater runoff is collected to an outlet. The term encompasses the proper grading of parking lots, streets, driveways, yards, etc., so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or storm sewer.

Technical Review Committee

A Committee created by this Ordinance to review plans submitted for action by the Plan Commission for a technical evaluation of the plan's compliance with the regulations governing its approval. This Committee will provide a report to the Plan Commission indicating its compliance with the regulations. The members of the Committee will include at a minimum the County Engineer, County Surveyor, Plan Commission Staff and other members as needed for the given request or as determined by the Planning Director.

Temporary Improvement

Improvements built and maintained by a Subdivider during construction of the Subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond, or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

Topographic Plat

A plat drawing with contour lines (delineating elevation) superimposed over the Subdivision lot and street layout that indicates existing and proposed contours and other site features, such as structures, drainage ways, proposed changes in drainage features, etc.

Thoroughfare Plan

See Official Map.

Variance

A variance is an exception granted from the literal enforcement of the Subdivision Control Ordinance where, by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site that would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted to other landowners in the same zone district. It is a departure from dimensional terms of the Subdivision Control Ordinance.