

ORDINANCE NO. 2014-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, AMENDING THE MUNICIPAL CODE BY AMENDING CODES REGARDING SUBDIVISION CONTROL

WHEREAS, pursuant to the requirements of Indiana Code 36-7-4-700 et seq. and Indiana Code 36-7-4-600 et seq., the Town of Whiteland Advisory Plan Commission (the "Plan Commission") has considered a proposal (the "Proposal") to amend the text of the Town of Whiteland Subdivision Control Ordinance; and

WHEREAS, the Plan Commission held a duly noticed public hearing on the Proposal on March 4, 2014 and April 1, 2014; and

WHEREAS, the Plan Commission has certified the Proposal to the Town Council (the "Council") of the Town of Whiteland, Indiana (the "Town") with a favorable recommendation; and

WHEREAS, the amendments herein are consistent with the following purposes, as required under I.C. 36-7-4-601(c):

- a. "Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
- b. Lessening or avoiding congestion in public ways;
- c. Promoting the public health, safety, comfort, morals, convenience, and general welfare; and
- d. Otherwise accomplishing the purposes of I.C. 36-7-4"; and

WHEREAS, as required under I.C. 36-7-4-603, in preparing and considering the Proposal, the Plan Commission and the Council have paid reasonable regard to:

- a. "The comprehensive plan;
- b. Current conditions and the character of current structures and uses in each district;
- c. The most desirable use for which the land in each district is adapted;
- d. The conservation of property values throughout the jurisdiction; and
- e. Responsible development and growth"; and

WHEREAS, the Council desires to encourage appropriate and compatible land development to enhance property values and to promote the health, safety, and general welfare of the Town; and

WHEREAS, the Proposal is consistent with I.C. 36-7-4-700 et seq., which sets forth requirements for subdivision control regulations; and

WHEREAS, the Council has given notice under I.C. 5-14-1.5-5 (the Open Door Law) of its intention to consider the amendments to the Whiteland Subdivision Control Ordinance; and

WHEREAS, the Council desires to adopt and incorporate the amendments recommended by the Plan Commission into the Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana that:

SECTION 1. The Municipal Code, Chapter 154, shall be amended and replaced in its entirety with the following:

**"CHAPTER 154: SUBDIVISION CONTROL
GENERAL PROVISIONS**

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- 154.60 IMPROVEMENTS STANDARDS
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GENERAL PROVISIONS

154.01 RECORDING OF PLATS

No plat or replat of a subdivision of land located within the jurisdiction of the Town of Whiteland Advisory Plan Commission shall be filed with the County Auditor and recorded by the County Recorder unless it has first been granted primary approval and subsequently granted secondary approval by the Plan Commission, and such approval has been signed and certified on the plat by the President of the Plan Commission, Whiteland Town Council, and Director of Planning and Zoning.

154.02 COMPLIANCE

No lot in a subdivision shall be sold; no permit to erect, alter or repair any building upon land in a subdivision shall be issued; and no building shall be erected in a subdivision unless and until the plat has been approved and recorded, and until improvements required by the Plan Commission in connection therewith have been installed and/or guaranteed as herein provided. The subdivision plat shall conform to the requirements of this Chapter, and the principles and standards of the comprehensive plan, the Zoning Ordinance, and the Design Standards and Specifications Manual, as adopted by the Town of Whiteland, and all amendments thereto.

154.03 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. (The word **BUILDING** includes the word **STRUCTURE** and vice-versa.) **ABUTTING.** Real property to a depth of two ownerships or 660 feet from property in question.

ADJOINING. Sharing an edge or a boundary; touching.

ALLEY. A permanent public service way providing only a secondary means of vehicular access to the back or side of property otherwise abutting a street. An alley does not include a “frontage street” or “commercial service drive”.

BLOCK. A unit or property bounded by streets and/or railroad rights-of-way, waterways, or other definite barriers.

BLOCK FRONTAGE. Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or a street with a waterway, or other definite barrier.

BUILDABLE AREA. The portion of the lot remaining after required yards or setback lines have been provided. Buildings may be placed in any part of the buildable area, but if there are limitations on the amount of the lot which may be covered by buildings, some open space may be required within the buildable area.

BUILDING. A structure having a roof supported by posts, poles, columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without any opening through walls, each portion of such a building shall be considered a separate structure.

BUILDING, DETACHED. A building having no structural connection with another building.

BUILDING, FRONT LINE OF. The actual line of any portion of the building, including the overhang, nearest the front lot line, in contrast to the front setback line.

BUILDING LINE or **BUILDING SETBACK LINE.** The line which establishes the minimum depth of yard, beyond which no building or structure is permitted, as measured from the right-of-way line or the lot line. For the purpose of this chapter the proposed right-of-way lines according to the thoroughfare plan of current adoption will be considered as the street lines for lots bordering such streets and thoroughfares

BUILDING PERMIT. A permit signed by the Plan Commission Staff stating that a proposed improvement complies with the provisions of Chapter 150, Chapter 156, and such other parts of this Code of Ordinances, as may be applicable.

CERTIFICATE OF OCCUPANCY. A certificate signed by the Plan Commission Staff stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Code of Ordinances.

COMMERCIAL SERVICE DRIVE. A street other than a frontage street that runs parallel or generally parallel to the frontal street and mainly located in the space to the rear of the building(s).

COMMISSION or **PLAN COMMISSION.** The Town of Whiteland Advisory Plan Commission.

COMMON AREA. Space or parcels within or related to a development, not in individually owned lots or dedicated for public use, but which is designated and intended for the common use or enjoyment of the residents of the development.

COMPREHENSIVE PLAN. The comprehensive plan for Whiteland, Indiana, (Resolution 2011-04) adopted April, 11, 2011, as may be amended from time to time, according to the requirements of I.C. 36-7-4-500 et seq.,

CONSERVATION DISTRICT. Johnson County Soil and Water Conservation District.

COUNCIL. The Whiteland Town Council.

COUNTY. Johnson County, Indiana.

COVENANTS. A series of formal, sealed, binding agreements or laws.

CUL-DE-SAC, COURT, or DEAD-END STREET. A residential street having one end open to traffic and being permanently terminated by a vehicle turn-around.

DESIGN STANDARDS AND SPECIFICATIONS MANUAL. The document, its appendices and any subsequent revisions and additions, that is approved by the Town Council and that sets forth the standards and specifications for public improvements in the Town of Whiteland, which is incorporated herein by reference.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including, but not limited to:

- A. Construction or placement of a building greater than 400 sq. ft, construction of any addition to a building, and reconstruction;

- B. Installing a manufactured home at a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
- C. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- D. Construction of flood control structures such as levees, dikes, channel improvements, etc.;
- E. Mining, dredging, filling, grading, paving, excavation, or drilling operation;
- F. Construction and/or reconstruction of bridges or culverts;
- G. Storage of materials; or
- H. Any other activity that might change the direction, height, or velocity of flood or surface waters.

DEVELOPMENT does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

DRAINAGE BOARD. The Johnson County Drainage Board.

EASEMENT. A right of the owner of one parcel of land, by reason of such ownership, or a right of the public, to use the land of another for a special purpose as designated; a strip of land to be used by the general public, a corporation, a utility company, or a certain person for a specific reason, for purposes of providing services to property. The property owner shall be responsible for maintaining the area within easements on their property.

FRONTAGE. That side of a lot abutting on a street or public way 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 lots will be considered to front on both intersecting streets.

FRONTAGE STREET. A street that runs parallel to the public street or highway and located within the space between the building(s) and the public street or highway.

IMPROVEMENT LOCATION PERMIT. A permit which may be combined with a **BUILDING PERMIT** signed by the Plan Commission Staff stating that a proposed improvement or use complies with the provisions of the Zoning, Building, and Subdivision Control Ordinances. A **TEMPORARY IMPROVEMENT LOCATION PERMIT** is an **IMPROVEMENT LOCATION PERMIT** authorized by the Board of Zoning Appeals or staff with a definite time limit attached thereto.

JURISDICTION OF THE PLAN COMMISSION. The territory within the Town of Whiteland, Indiana, the boundaries of which are shown on the Zone Map, as amended, which includes all of the area over which this chapter is effective.

LOT. A parcel, plat, tract, or area of land intended as a unit for the purpose, whether immediate or future, of offer, sale, lease, transfer of ownership, or development, either on the installment plan or on any and all other plans, terms, and conditions, including resubdivision. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of or a combination of such parcels when adjacent to one another and used or treated as one, or it may be a parcel of land described by metes and bounds. However, in no case shall any residual lot or parcel be created which does not meet the requirements of this chapter. In determining lot area and boundary lines, no part thereof within a street shall be included.

LOT AREA. The total horizontal area within the lot lines of a lot, computed exclusive of any portion of a street, existing or proposed.

LOT, CORNER. A lot at the junction of and having frontage on two or more intersecting streets. For the purpose of this chapter, corner lots are considered to have two front yards and two side yards.

LOT COVERAGE. The total area of a lot that is covered, roofed, occupied, or enclosed by principal and accessory buildings and structures, expressed as a percentage of the lot area.

LOT, DEPTH OF. The mean horizontal distance between the front lot line and the rear lot line or side lot lines for corner lots.

LOT, FLAG. A lot that gains access to a street by means of a corridor having less than the required lot width. Also known as a panhandle lot.

LOT FRONTAGE. The linear distance of a lot measured at the front lot line where said lot abuts a street, measured between side lot lines.

LOT, INTERIOR. A lot other than a **CORNER LOT** or **THROUGH LOT**.

LOT LINE. The property line between two established parcels of land or one parcel and a public right-of-way or place.

LOT LINE, FRONT. A line separating the lot from the public way.

LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any lot boundary line not a front lot line or a rear lot line.

LOT, THROUGH. A lot having frontage on two parallel, or approximately parallel streets. Also **DOUBLE FRONTAGE LOT.**

LOT, WIDTH. The dimension of a lot, measured between side lot lines on the front building line.

LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder, or a parcel of unplatted land, the deed to which has been recorded in the office of the County Recorder, provided that such lot was of a size that met the minimum dimensions for lots in the district in which it was located when recorded, or was recorded prior to January 12, 2004.

OWNERS ASSOCIATION. A corporation or other entity that is organized and operated exclusively for the benefit of two or more persons who each own a lot in fee simple and acts, in accordance with the articles, bylaws, and other documents governing the entity to:

- A. Acquire, transfer, manage, repair, maintain, or engage in construction on or in the land and improvements on the land related to the use of the lots owned by the members of the corporation;
- B. Purchase insurance to cover a casualty or an activity on or in the land and improvements on the land; or
- C. Engage in an activity incidental to an activity described in (A) or (B).

PERSON. A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.

PETITIONER. Any person, firm, or corporation engaged in developing or improving a tract of land.

PLAN COMMISSION STAFF. The Director of Planning and Zoning, his designees, and/or other persons designated by the Plan Commission to advise them on matters pertaining to planning and zoning.

PLAT. A series of drawings, certificates and covenants indicating the subdivision or re-subdivision of land, either filed or intended to be filed for record.

PRACTICAL DIFFICULTIES. Significant economic injury that arises from the strict application of this chapter to the conditions of a particular, existing parcel of property. Practical difficulties are not as significant as the injury associated with hardship, that is, it does not deprive the parcel owner of all reasonable economic use of the parcel, yet they are clearly more significant than compliance cost.

PRIMARY APPROVAL. An approval that may be granted by the Plan Commission and signed by the President of the Plan Commission on a plat of a subdivision which complies with the procedures, standards of improvements, and conditions have been met by the applicant as required by this code. Primary approval is a final decision of the Plan Commission inasmuch as it may be subject to judicial review.

PUBLIC WAY. A street, frontage street, or road, not an easement or an alley.

REAR ACCESS DRIVE. A drive which accesses the street or right-of-way through the rear of the property.

REPLAT. A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

RULES OF PROCEDURE. The Rules of Procedure adopted by resolution by the Plan Commission.

SECONDARY APPROVAL. An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a plat of the subdivision which the Plan Commission has already given its primary approval before it can be filed with the County Auditor and recorded by the County Recorder, and the improvements and installations have been completed as required by this code or, if the improvements and installations have not been completed as required, the applicant therefore has provided a bond or other proof of financial responsibility in accordance with the requirements of this subdivision code.

SETBACK. The required minimum horizontal distance, measured perpendicularly, between the building line and the related front, side, or rear property line.

STREET. A public right-of-way, other than an alley, or place dedicated or otherwise legally established for public use, usually affording the principal means of vehicular travel or passage. A street may also be identified according to type of use as follows:

STREET, ARTERIAL. A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties. Arterial streets may be divided subcategories, such as primary and secondary, in accordance with this chapter, the Zoning Code, Comprehensive Plan, and/or Thoroughfare Plan.

STREET, COLLECTOR. A street planned to facilitate the collection of traffic from residential streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

STREET, LOCAL. A street designated primarily to provide access to abutting properties, usually residential. Certain residential streets may be marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets.

SUBDIVISION. The division of any parcel of land into two or more lots, parcels, sites, units (excluding condominium units regulated under IC 32-25-1-1 *et. seq.*), plats, or interests for the purpose, whether immediate or future, of offer, sale, lease, transfer of ownership, or development, either on the installment plan or on any and all other plans, terms, and conditions, including resubdivision. Subdivision shall also include the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities.

SUBDIVISION, EXEMPT. Subdivisions of lots of record that meet any of the following conditions:

- A. 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.
- B. A division of land for the acquisition of street right-of-way or easement.
- C. A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building lots are created by the division.
- D. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building lots are created by this division.
- E. A division of land into cemetery plots for the purpose of burial of corpses.
- F. Final survey corrections of property lines for townhouses and other attached dwellings, after construction, when the perimeter boundaries of the original parcel are in conformance with the previously recorded plan.
- G. Consolidation of more than one lot into a single lot or tract, provided that prior easements are vacated when such easements were recorded along property lines to be eliminated and no perimeter lot lines are modified.
- H. A division which is proposed to be legally effectuated by eminent domain proceedings.

TECHNICAL ADVISORY COMMITTEE. The Technical Advisory Committee of the Plan Commission is a committee whose purpose is to make recommendations to the Plan Commission and Board of Zoning Appeals concerning standards, design and impact upon streets, utilities, facilities for planned unit development proposals, subdivision plans, and development plans; the Board of Zoning Appeals may also request the committee to review variance requests and conditional uses. Refer to the Plan Commission Rules of Procedure regarding the membership of the Technical Advisory Committee.

THOROUGHFARE PLAN. The part of the comprehensive plan for the town, now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways, and other thoroughfares for the town within its environs.

TOWN. The Town of Whiteland, Indiana.

YARD. A space on the same lot with a building, which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Code.

YARD, FRONT. A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances, the depth of which is the distance between the front lot line and the building line.

YARD, REAR. Yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

YARD, SIDE. A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard, unoccupied other than by architectural appurtenances projecting not more than 24 inches from the building, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four feet, and certain accessory uses in accordance with the provisions of this chapter. The width of the required side yard is measured horizontally at 90 degrees with the side lot line from the nearest point of the building.

ZONE MAP. The map authorized by §156.041 of the Code of Ordinances that shows the boundaries of and areas covered by the zoning districts of the Town, and any amendments thereto.

DIRECTOR OF PLANNING AND ZONING. The official, or his designee, authorized to enforce this chapter of the Code and other chapters pertaining to planning, zoning and building construction.

ZONING ORDINANCE. The ordinance and zone map that provide regulations and requirements and procedures for land use controls and development standards, and which indicate where subdivision of land may occur; specifically, Chapter 156, the Zoning Code, of the Town of Whiteland Code of Ordinances.

PROCEDURE FOR PLAT APPROVALS

154.10 GENERAL APPROVAL PROCEDURE FOR SUBDIVISIONS

- A. A petitioner seeking approval of a subdivision shall submit a primary subdivision plat to be approved, conditionally approved, or denied by the Plan Commission at a public hearing, construction and improvement plans, and a secondary subdivision plat, which must be found in compliance with the primary plat as approved by the Plan Commission, or otherwise approved, in order to be signed and recorded. The general order of procedure for approval of a plat of a subdivision is:
 1. Sketch plan meeting with Plan Commission Staff
 2. Primary plat public hearing at Plan Commission
 3. Construction drawings review and approval by Plan Commission
 4. Installation of improvements and/or posting of surety by petitioner
 5. Acceptance of improvements and/or sureties by Town Council
 6. Secondary plat approval by Plan Commission
 7. Certifications on the plat document
 8. Recordation of plat by petitioner
- B. A petitioner desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Plan Commission shall submit a written application therefor to the Plan Commission Staff. The application shall be accompanied by the information, requirements, and plans required herein, all in accordance with the requirements set forth in this chapter of the code.

154.11 SKETCH PLAN REVIEW

- A. At least one week before the submittal of a petition for subdivision plat approval, the petitioner shall participate in a sketch plan review with the Plan Commission Staff. This meeting serves to notify Staff of a proposed application, and to advise the petitioner of any preliminary requirements.
- B. The application shall show the manner in which the plat of the subdivision is in compliance with the Comprehensive Plan and its provisions, specifically with relation to the requirements of the Thoroughfare Plan, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage, and other developments existing and proposed in the vicinity. However, no land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the petitioner, or if the land is considered by

the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.

154.12 PRIMARY PLAT APPLICATION REQUIREMENTS

- A. Following review of the sketch plan, the petitioner may file for approval of a primary plat. This submission shall include:
 - 1. An application form available from the Department of Planning and Zoning.
 - 2. A filing fee as established in the Official Fee Schedule (§10.97) to cover the cost of administration and reviewing the plat.
 - 3. A context map indicating all land which the applicant proposes to subdivide and all land immediately adjacent extending 100 feet from the street frontage of such opposite land, with the names and addresses of the owners as shown in the Auditor's files. This information may be shown on a separate, current plat map reproduction from the Auditor's office showing the boundaries of the subdivisions superimposed thereon.
 - 4. The primary plat as described in this chapter. The Plan Commission Staff shall determine the minimum number of copies sufficient for review.
- B. The Plan Commission Staff shall preliminarily review the submission for completeness and general compliance with the sketch plan as reviewed and commented upon. Incomplete or inadequate applications may be refused.

154.13 REVIEW BY THE TECHNICAL REVIEW COMMITTEE

- A. Prior to the date of public hearing, the Plan Commission Staff and members of the Technical Review Committee shall review the proposal at their regularly scheduled meeting and prepare comments to the Plan Commission and petitioner indicating regulation compliance with regard to the subdivision being proposed.
- B. The Petitioner shall revise the proposed primary plat based on the comments received and submit copies of the revised primary plat by the revisions deadline on the Plan Commission calendar.

154.14 APPROVAL OF THE PRIMARY PLAT

- A. The Plan Commission shall hold the public hearing at the regularly scheduled meeting after the filing deadline by which a complete primary plat application has been made.
- B. The petitioner shall provide notice of the public hearing on the primary plat in the manner required by the Rules of Procedure of the Plan Commission and the Indiana Code.
- C. The Plan Commission may, at its discretion, continue the hearing to a subsequent meeting. Limitations on the number of continuances may be provided for in the Plan Commission's Rules of Procedure.
- D. After the Plan Commission has held a hearing on the primary plat, taking into consideration the Plan Commission Staff's report and recommendations, Technical Review Committee's comments, testimony and exhibits submitted at the public hearing, and any other applicable code and criteria, the petitioner shall be advised of any required changes and/or additions. The Plan Commission shall then grant primary approval, with or without conditions, or deny the primary plat.
 - 1. A letter relating the decision of the Plan Commission shall be returned to the petitioner with the date of approval, conditional approval, or denial, and the reasons therefor, within ten days of the public hearing.
 - 2. Primary approval by the Plan Commission is subject to review by certiorari.
- E. Whenever a proposed subdivision involves the opening of an access point onto U.S. 31, or any other state-maintained highway, that has not been previously approved by the Indiana Department of Transportation (INDOT), the Plan Commission may give primary approval of the proposed plat of the subdivision, if the Plan Commission agrees with the location of the access point; provided, that secondary approval of the subdivision cannot be granted until written authorization from the INDOT has been received by the Plan Commission allowing such access point at that location and a financial guarantee has been made by the petitioner for the completion of the access point

improvements satisfactory to the Plan Commission. If permission is denied by INDOT, then secondary approval for the plat of the subdivision shall not be granted.

154.15 SUBMISSION OF MAP FOR ADDRESSING AND 911 PURPOSES

Following primary plat approval, and before secondary plat approval, the applicant shall submit the plat and proposed subdivision name and proposed street names for review and approval by the Johnson County E-911, in accordance with Johnson County Ordinance 2012-01. No secondary plat approval shall be granted without E-911 approval.

154.16 SECTIONALIZING PLATS

The petitioner may seek secondary approval of a portion or section of the primary plat. The Plan Commission may impose such conditions upon filing of applications for secondary approval of the sections as it deems necessary to assure the orderly development of the subdivision (e.g., sequential lot numbering.) The Plan Commission may require that the performance bond and financial responsibility be in such amount as will be commensurate with the section or sections of the plat for which secondary approval is sought and may defer the remaining required performance bond (or other assurance) principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least 20 lots or 10% of the total number of lots contained in the approved primary plat, whichever is less.

154.17 APPROVAL OF CONSTRUCTION PLANS

A. Submission procedure and requirements

1. Following review of the primary plat and prior to submission of the secondary plat for approval, the petitioner shall file with the Plan Commission, before starting work on any improvements, detailed construction plans and specifications thereof, for approval. The Plan Commission Staff shall determine the format and minimum number of copies sufficient for review.
2. These plans and specifications are to be submitted by the filing deadline for a regularly scheduled Plan Commission meeting at which approval will be requested by the petitioner.

B. Review process

1. In no event shall approval of the secondary plat be given prior to approval of the construction plans.
2. The Plan Commission will cause the plans to be referred to affected participating agencies and departments and their review comments will be heard at the public meeting at which a decision is rendered on the plans.

154.18 PERFORMANCE BONDS

Copies of performance bonds or other performance surety shall accompany the submission, if required, in a form satisfactory to the Town Attorney and Town Council and in an amount established by §154.21, and shall guarantee the completion of all required subdivision and off-site public improvements.

154.19 INSTALLATION OF IMPROVEMENTS

Inspection of improvements shall be under the direction of the Town Council. As a condition for approval of the secondary plat, the petitioner shall enter into a contractual Agreement for Inspection and Testing Services with the Town, consistent with this chapter and the Design Standards and Specifications Manual, and subject to the terms, conditions, and the form approved by the Town Attorney and Town Council. Inspection and testing services shall be obtained by the Town, but shall be at the petitioner's expense.

154.20 SECONDARY PLAT APPLICATION REQUIREMENTS

- ##### A. Following primary plat and construction plan approval, the applicant shall file with the Plan Commission Staff an application for secondary plat approval. The submission shall include:
1. A completed application on forms available at the Department of Planning and Zoning.
 2. A filing fee as established in §10.97.

3. The proposed secondary plat as described in this chapter. The Plan Commission Staff shall determine the minimum number of copies sufficient for review. Such plat shall comply with this chapter and the terms and conditions, if any, of primary approval.
 4. Any restrictive covenants in a form approved by the Plan Commission, where they have been proposed by the subdivider, required by this chapter, or required by the Plan Commission.
- B. The secondary plat shall be found by the Plan Commission Staff to be in conformance with the primary approval. The Plan Commission Staff shall, within ten working days, review the submission in order to ascertain conformance with the primary approval.
1. If the secondary plat deviates from the primary plat approval, the subdivision shall be resubmitted to the Plan Commission for a new primary approval.
 2. If the submission is found to be in conformance and complete, the Administrator shall recommend the signing of the plat granting secondary approval.

154.21 SECONDARY APPROVAL

- A. The Plan Commission may grant secondary approval for all or any part of a plat of a subdivision which has heretofore been given primary approval by the Plan Commission, or the Plan Commission may delegate, by resolution, to the Plan Commission Staff the authority to grant such secondary approvals; provided, that secondary approvals may be granted after expiration of the time for appeal, and the submission of the subdivision improvement agreement.
1. Secondary approval may be granted to a plat of a subdivision in which all public improvements and installations have been completed and accepted as required by this chapter.
 2. Secondary approval may be granted to a plat of a subdivision in which the public improvements and installations have not been completed as required by this chapter, if the applicant provides a bond, or other proof of financial responsibility as prescribed herein, that meets the following requirements:
 - a. 125% of an amount determined by the Plan Commission staff to be sufficient to complete the improvements and installations in compliance with this code
 - b. Provides surety satisfactory to the Plan Commission attorney
 3. Proof of financial responsibility may take the following form:
 - a. An irrevocable letter of credit
 - b. A performance bond
 - c. An escrow agreement
- B. No notice or hearing is required for secondary approvals.
- C. A plat of a subdivision shall not be filed with the Auditor of Johnson County, and the Recorder of Johnson County shall not record it, unless it has been granted secondary approval and signed by all required signatories. If submitted and recorded, the plat shall not be considered a legal subdivision and building permits for lots within the illegally recorded subdivision will not be issued.
- D. The proof of financial responsibility referred to above may be released only upon receipt of a certificate by a registered professional civil engineer or a registered land surveyor that all improvements and installations for the plat of the subdivision required for its approval have been made or installed in accordance with specification and approved by the Plan Commission Staff.
1. Reductions or partial releases. The amount of a performance bond or other proof of financial responsibility may be reduced in proportion to the amount of an improvement satisfactorily completed. Such partial release shall only be permitted for unusually large, extensive, or phased improvements, and only upon the approval of the Plan Commission Staff and acceptance of a new performance surety for the remaining uncompleted portion of the improvement. The Plan Commission Staff shall have discretion in permitting partial releases.

154.22 TIME LIMITS FOR PLAT APPROVAL

- A. Unless extended, primary plat approval shall be effective for a period of two years (primary plat approval period) after the date of primary plat approval or conditional approval, at the end of which time secondary approval of the subdivision, or the first section of a sectionalized subdivision, must have been obtained by the Applicant and certified by the proper officials. Any plats not

receiving secondary approval within the period of time set forth herein shall be null and void, and the Applicant shall be required to resubmit a new application for subdivision approval subject to the zoning restrictions and subdivision regulations in effect at the time of resubmission.

1. Upon the request of an Applicant and upon a finding that the Applicant has been unable to prepare the proposed development for secondary approval despite due diligence, the Plan Commission may extend the primary approval period for one two-year period beyond the expiration date of the original primary approval period, without further notice and public hearing, or for a longer period of time upon notice to interested parties and hearing.
- B. Until the secondary plat is recorded, secondary approval shall be effective for a period of one year (secondary approval period) after the date of secondary approval, at the end of which time the secondary plat shall have been recorded. Any plats not recorded within the period of time set forth herein shall be required to resubmit a new application for subdivision approval subject to the zoning restrictions and subdivision regulations in effect at the time of resubmission.
 1. Upon the request of an Applicant and upon a finding that the applicant has been unable to satisfy the requirements to execute the certificate of secondary approval despite due diligence, the Plan Commission may extend the secondary approval period for one year beyond the expiration date of the original secondary approval period, without further notice and public hearing, or for a longer period of time upon notice to interested parties and hearing.
- C. For sectionalized subdivisions, the approval of all remaining sections not filed with the Plan Commission Staff shall automatically expire two years from the date of recordation of the secondary plat for the latest section of the subdivision, unless the primary approval has been extended by the Plan Commission.

154.23 SIGNING AND RECORDING OF PLAT

- A. Signing of secondary plat
 1. When a bond is required, the Town Council President shall endorse approval on a plat after construction plans have been approved, the bond has been approved, and all conditions of the secondary approval have been satisfied.
 2. When installation of improvements is required, the Town Council President shall endorse approval on the plat after construction plans have been approved and all conditions of the secondary approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction, as shown by a certificate signed by the Town Council that the necessary improvements have been accomplished.
- B. Recording of secondary plat
 1. Two reproducible Mylar copies of the subdivision plat shall be submitted for signatures by the officials designated herein, plus two paper prints of the subdivision plat. The copies shall be returned to the applicant and his engineer or surveyor.
 2. In addition to the plat prepared for recording, the applicant shall submit an electronic version of the plat in a form specified by the Design Standards and Specifications Manual. The file shall be submitted at the same time the Mylar is submitted for signature by the Town Council.
- C. It shall be the responsibility of the applicant to file the plat with the County Recorder within one year from the date of approval by the Plan Commission. Failure to record the plat within this time frame will result in expiration of the plat approval.

154.24 RESUBDIVISION OF LAND

- A. Procedure for resubdivision or replat
 1. 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 any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Plan Commission as for a new subdivision, unless such change is defined as an exempt subdivision by this chapter.
- B. Procedure for subdivisions where future resubdivision is indicated

1. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller lots, the Plan Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets.
 2. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.
- C. Vacation of plats
1. Any recorded plat or any part of a recorded plat may be vacated by the owner(s) of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. Such an instrument shall be approved by the Plan Commission in like manner as any subdivision plat.
 2. The town may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
 3. Such an instrument shall be executed, acknowledged, or approved, and recorded or filed, in like manner as a deed to land and, being duly recorded or filed, shall operate to terminate the effect of the plat so vacated, and to terminate all public rights in the public ways and public grounds, and all dedications laid out or described in the plat or part of the plat.

154.25 WAIVERS FROM SUBDIVISION STANDARDS

- A. Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with this chapter and/or the purposes of this chapter may be served to a greater extent by an alternative proposal, the Plan Commission may approve a request for waiver of provisions or requirements of this chapter so that substantial justice may be done and the public interest may be secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of this chapter. The Plan Commission shall not approve a waiver unless it shall make findings, based upon the evidence presented to it in each specific case, that:
1. The granting of the waiver will not be detrimental to the public safety, health, or welfare, or injurious to nearby property;
 2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties;
 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 this chapter is strictly adhered to; and
 4. The waiver will not, in any manner, contravene provisions of the zoning ordinance, comprehensive plan, or zone map, as interpreted by the Plan Commission.
- B. In approving waivers, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of standards and requirements herein.
- C. The Plan Commission's decision to grant or deny a modification or to impose a condition is discretionary.
- D. Procedure
1. A petition for any such waiver shall be submitted in writing by the petitioner to the Plan Commission Staff at the time the primary plat is filed for consideration by the Plan Commission.
 2. The petition shall state fully the grounds for the application and all facts relied upon by the petitioner.

154.26 HORIZONTAL PROPERTY REGIME

To the extent prohibited under IC 36-7-4-702(e), this chapter shall not regulate condominiums regulated under IC 32-25-1-1 *et. seq.* However, any subdivision of the associated land shall be platted and otherwise subject to the requirements of this chapter. The development of the land and improvements may also be subject to Development Plan review or other processes mandated by the Zoning Ordinance.

SPECIFICATIONS FOR PLAT DOCUMENTS

154.40 SPECIFICATIONS FOR SKETCH PLANS

Sketch plans submitted to the Plan Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than 100 feet to an inch and should show the following information:

- A. Name. The proposed name of the subdivision shall not duplicate the name of any subdivision plat previously recorded.
- B. Ownership
 1. Name and address, including telephone and fax number, of legal owner and agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 2. Citation of any existing legal rights-of-way or easements affecting the property.
 3. Existing covenants on the property, if any.
 4. Name and address, including telephone and fax number, of the professional(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
- C. Description. Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.
- D. Features
 1. Location of property lines, existing features such as easements, burial grounds, buildings (with ties to property lines), railroad rights-of-way, watercourses, wooded areas, and trees fifteen inches or more in diameter.
 2. Location, width (pavement and right-of-way), and names of all existing or platted streets or other public ways within or immediately adjacent to the tract.
 3. Location of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto, existing buildings and utility poles on or immediately adjacent to the site, and utility rights-of-way.
 4. Approximate topography of the site and within 600 feet of the property boundaries of the site, normally showing two-foot contour intervals.
 5. The approximate location and widths of proposed streets.
 6. Preliminary proposals for connection with existing water supply and sanitary sewage systems.
 7. Preliminary provisions for collecting and discharging surface water drainage.
 8. The approximate location and size of all proposed or existing lots.
 9. The approximate location and size of all parcels of land proposed to be set aside for park, playground, common area, or other public use, or for the use of property owners in the proposed subdivision.
 10. When the sketch plan covers only a part of the applicant's contiguous holdings, a sketch of the overall proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
 11. A vicinity map showing streets, including at least one major road, and other general development of the surrounding area.
 12. An area map showing the total drainage area.
 13. A summary statement indicating total number of lots, total acreage, dwelling units per acre, and length of new streets to be dedicated.
 14. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as 100-year flood plains.

154.41 SPECIFICATIONS FOR PRIMARY PLATS

- A. Plat. The preliminary plat shall be prepared by a licensed land surveyor at a scale of not more than 100 feet to the inch, and the sheets shall be numbered in sequence if more than one sheet is used. The preliminary plat shall show the following:

1. The location of the property with respect to surrounding property and streets; the names of all adjoining property owners of record, or the names of adjoining developments; and the names of adjoining streets.
2. The location and dimensions of all boundary lines of the property, to be expressed in feet and decimals of a foot.
3. The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings (with ties to property lines), parks, cemeteries, drainage ditches, and bridges.
4. The location, pavement width, and right-of-way width of all existing and proposed streets, alleys, and other public ways; location and width of existing and proposed easements; and indication of building setback lines.
5. The locations, dimensions, and areas of all proposed or existing lots.
6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
7. The name and address of owner(s) of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
8. The date of the map, approximate true north point, scale, and title of the subdivision.
9. Sufficient data acceptable to the Plan Commission Staff to enable determination of the location, bearing, and length of all lines, and reproduction of such lines upon the ground.
10. The location of all proposed monuments.
11. Names of all new streets.
12. Indication of the use of any lot (single-family, two-family, multi-family, townhouse, etc., and all uses other than residential proposed by the subdivider).
13. Blocks consecutively numbered or lettered in alphabetical order. The blocks in numbered sections of subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several sections.
14. Lots in each block consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block;
15. All information required on the sketch plan.
16. The following notations shall also be shown:
 - a. Explanation of drainage easements, if any.
 - b. Explanation of site easements, if any.
 - c. Explanations of site reservations, if any.
 - d. Endorsement of owner, as follows:
 - (a) Owner_____ Date_____
 - e. The elevation of the 100-year flood plain for lands identified elsewhere by ordinance as flood-prone areas.
 - f. A summary statement indicating total number of lots, total acreage, dwelling units per acre, and miles of new streets to be dedicated.
 - g. Revision dates and description of changes made.
 - h. Location of proposed swales, drainage easements, and stormwater and other management facilities.
 - i. Where public sewer service is proposed, the layout of proposed sewage systems, including, but not limited to, the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.
 - j. Where central water service is proposed, the layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks, and, where appropriate, wells or other water sources.
 - k. Location of existing vegetation proposed to be retained.

- B. Site context map. A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under 100 acres, the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site shall be shown. For sites of 100 acres or more, the above relationships shall be shown within 2,000 feet of the site.

154.42 SPECIFICATIONS FOR CONSTRUCTION PLANS

General construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of not greater than 50 feet to an inch, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

- A. Profiles showing existing and proposed elevations along centerlines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the centerline of the existing street or streets, within 100 feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- B. Where steep slopes exist, and when required by the Plan Commission, cross-sections of all proposed streets at 100-foot stations shall be shown.
- C. Plans and profiles showing the locations and typical cross-sections of street pavements, including curbs and gutters, sidewalks, drainage easements, servitude, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and 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, gas, or other underground utilities or structures.
- D. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, swamps, railroads, buildings, features noted on the Official Map or Comprehensive Plan, features at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight inches or more, measured four feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referenced to the U.S. Coast and Geodetic Survey datum plane. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of such waterways shall be shown.
- E. Topography with a contour interval of two feet, referenced to sea-level datum. All datums provided shall be latest applicable U.S. Coast and Geodetic Survey datum and shall be so noted on the plan;
- F. All specifications and references required by the Design Standards and Specifications Manual, including a site-grading plan for the entire subdivision.
- G. Title, name, address, and signature of the professional engineer and/or surveyor, and date, including revision dates.
- H. The elevation of the 100-year flood plain for lands identified elsewhere by ordinance as including flood prone areas.
- I. Drainage improvements with calculations supporting the design of the drainage system.
- J. Notation of approval, as follows:
 - Owner_____
 - Date_____
 - Plan Commission Date_____
 - President_____

154.43 SPECIFICATIONS FOR SECONDARY PLATS

The secondary plat shall be prepared by a land surveyor licensed by the State of Indiana at a convenient scale of not more than 100 feet to the inch, and the sheets shall be numbered in sequence if more than one sheet is used. The plat shall be presented in ink on reproducible Mylar at an appropriate scale and contain the same information as the primary plat, along with any changes required by the conditions of primary approval, along with the following information:

- A. The plat certificates listed herein.

- B. The Deed of Dedication listed herein, with the notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Plan Commission, in accordance with these regulations.
- C. All monuments erected, and corner and other points, shall be noted at the representation thereof, or by legend. Metal monuments shall indicate type of metal, diameter, length, and weight per lineal foot of the monuments.
- D. A statement to the effect that the Town Council does not enforce subdivision covenants.

154.44 PLAT DESIGN PRINCIPLES AND STANDARDS

A. General

1. In determining whether an application for approval shall be granted, the Plan Commission shall determine if the plat conforms to the principles and standards required by this chapter, which are deemed minimal; and whenever applicable requirements of other town ordinances are higher or more restrictive, those requirements shall control any application for plat approval.
2. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic features, or similar amenities which, if preserved, will add attractiveness and value to the proposed development.
3. Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics.
4. The subdivision layout shall be of such character that it protects the health, safety, and general welfare of the town and its residents and visitors.
5. In designing a street system, the petitioner shall be guided by the following principles:
 - a. Adequate vehicular and pedestrian access shall be provided to all parcels.
 - b. Local residential street systems shall be designed to mitigate through-traffic movement. Street connections into and from adjacent areas may be required in order to promote connectivity with the overall thoroughfare system.
 - c. Local street patterns shall provide reasonable direct access to the primary circulation system of collector and arterial roadways.
 - d. Local circulation systems and land development patterns shall not significantly conflict with the effectiveness of bordering arterial routes.
 - e. The street network shall pay consideration to the location of traffic generators within residential areas.
 - f. Planning and construction of residential streets shall relate to their local function.
 - g. Local streets shall be designed to discourage excessive speeds.
 - h. Pedestrian-vehicular conflict points shall be minimized.
 - i. Local streets shall be related to the topography.

B. General street rights-of-way standards and requirements.

1. Current AASHTO standards shall be followed as design standards unless otherwise specified in this chapter. These standards are minimum requirements.
2. A minimum of two points of vehicular access onto a collector street or an arterial street shall be required. One or no points of access may be permitted or required by the Plan Commission if it is infeasible or impossible to provide at least two access points, provided that the reduction does not greatly adversely affect the safety and traffic circulation of the area.
3. Half streets shall not be permitted.
4. Rights-of-way and paving for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the Plan Commission's opinion, such extension is not necessary or desirable for coordination with existing streets or the most advantageous development of adjacent tracts. If an adjoining development contains an existing stub street extending to the property line, the developer of a proposed new subdivision adjacent to that land must incorporate the stub street into the

proposed subdivision. In any event, no subdivision shall be designed so as to create or perpetuate the land-locking of adjacent undeveloped land.

5. A temporary dead-end street shall be permitted in any case where a street is proposed to be, and should logically be, extended, but is not yet constructed. An adequate easement for a turnaround shall be provided for any temporary dead-end street that extends 200 feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-end street is legally extended. The temporary easement shall have a 65-foot radius, and the traveled surface used for vehicular turnaround shall be at least 50 feet in radius. If the temporary turnaround is to be in place for longer than two years, the surface material shall be that specified in the Design Standards and Specifications Manual.
6. In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by this chapter or the Thoroughfare Plan, the petitioner shall dedicate additional width along either one or both sides of such streets so as to bring them up to standards. If adjoining or included existing streets do not conform to the minimum standards of the Design Standards and Specifications Manual, the petitioner shall improve said streets to meet the standards.

C. Geometric street standards.

1. All dedicated rights-of-way shall conform to the following minimum dimensions:

Arterial streets	130 feet (or per design)
Major collector streets	100 feet
Minor collector streets	70 feet
Local streets	50 feet
Alley	
One-way	26 feet
Two-way	30 feet

Cul-de-sac bulb

Commercial or industrial	65-foot radius
Residential	65-foot radius

Crosswalks 10 feet

2. Street jogs, and entrances with traffic counts greater than 100 vehicles per day, with centerline offsets of less than 200 feet shall not be permitted.
3. All streets shall intersect at 90 degrees whenever possible for a minimum distance of 100 feet; however, in no instance shall they intersect at less than 80 degrees onto arterial or collector streets or less than 50 degrees onto local streets.
4. To ensure adequate sight distances, when the street centerlines deflect more than 10 degrees, connections shall be made by horizontal curves. The minimum centerline radius for local and cul-de-sac residential streets shall be 100 feet, and 200 feet for all other residential streets.
5. A tangent of at least 100 feet shall be introduced between reversed curves on local and collector streets.
6. Cul-de-sac streets are discouraged in favor of loop streets or through streets. However, when used, the maximum length of a cul-de-sac street shall be 600 feet, measured along the centerline from the intersection at origin through the center of the circle to the end of the right-of-way. The origin is defined as the nearest street intersection, where the cross street does not lead to another cul-de-sac or dead-end street. Each cul-de-sac shall have a terminus of nearly circular shape or a suitable alternate design that provides an effective vehicular turnaround. For non-residential subdivisions only, an administrative waiver may be granted by the Technical Review Committee and Plan Commission for a cul-de-sac length exceeding 600 feet.

D. Block standards.

1. Block length and width, or acreage between bounding streets, shall be such as to accommodate the size of lot required in the area by in the zoning ordinance and to provide for convenient access, circulation control, and safety of street users. Blocks that are unreasonably large or small shall not be approved.

2. The maximum block length shall be 1,200 feet. In the design of blocks longer than 800 feet, or where deemed necessary for the safety of non-vehicular street users, the Plan Commission may specify the provision of pedestrian crosswalks near the center of the block, or wherever most useful to facilitate pedestrian circulation, such as to a school, park, recreation area, shopping center, or other significant location.
 3. Residential blocks shall be of sufficient depth to accommodate two tiers of lots of minimum depth, except where a single tier of lots are platted adjacent to a freeway, arterial street, floodplain, property line, preservation area, non-residential outlot, or other such similar feature.
 4. No specific rule concerning the shape of blocks is set forth, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow, and public areas.
- E. Lot standards.
1. Subdivision lots shall be adequate for the type of development and land use proposed, and shall conform to the zoning ordinance requirements. No subdivision of land shall be permitted that creates a non-conforming lot as defined in the zoning ordinance.
 2. The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
 3. Every lot or parcel shall have sufficient frontage and access to a public street designated, designed, and improved in accordance with the terms of this chapter and the zoning ordinance.
 4. The minimum lot width, measured at the building setback line, and the minimum lot size, shall conform to the zoning ordinance, and shall apply to all buildable parcels included in subdivision plats. No buildings shall be permitted to be constructed on any parcels not meeting the minimum standards of the zoning ordinance.
 5. The minimum setbacks required for each lot shall be in conformance with the zoning ordinance.
 6. Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines along both streets.
 7. For purposes of calculating minimum lot area, street rights-of-way shall not be included.
 8. Side lines of lots shall be approximately at right angles or radial to street lines. Corner lots of sufficient size and lots where all side lot lines are parallel may be exceptions.
 9. Flag lots shall not be permitted.
 10. Double-frontage lots shall not be permitted except where the purpose is to buffer residential development from adverse influences or to minimize the number of intersections with arterial streets and highways. A no-access, planted buffer strip of no less than ten feet in width may be required by the Plan Commission along lot lines adjoining such adverse influence or arterial street.
 11. Lots abutting a watercourse, drainageway, channel, or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required for front, rear, and side yards. An easement shall be provided parallel to all legal drainageways at a width of 75 feet from the top of bank, unless modified by the Drainage Board.
 12. A lowest exterior building grade shall be provided for each lot. The elevation shall be a minimum of two feet above the emergency flood outlet stage for each lot (this includes localized flooding outside of the federally-regulated 100 year flood zones).
- F. Commercial and industrial subdivisions.
1. It is recognized that a petitioner creating a commercial or industrial subdivision faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Plan Commission shall be upon street layout and block arrangement.
 2. Generally, the procedural requirements shall be for the owner to follow the regular procedure outlined herein; however, the petitioner need show only two lots along with the street and block layout. Then, from time to time, as prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved, recorded subdivision plat for consideration. Regular procedural requirements of the Plan

Commission following the receipt of a secondary subdivision plat shall then apply, except those streets that have been built by following an approved set of plans on the previously approved secondary plat shall not have to be rebuilt because of adoption of new specifications. This shall also apply to storm drainage facilities within said subdivision, unless runoff characteristics have been changed by newly proposed improvements or unauthorized existing improvements.

3. Commercial projects shall be subject to minimum lot areas, setbacks, and other applicable regulations set forth in the zoning ordinance. Each distinct business use shall occupy a separate lot, exempting strip centers, malls, or buildings containing more than one business.

G. Easements.

1. Adequate areas of suitable size and location shall be allocated for drainage and/or utility easements. Such easements shall provide reasonable continuity from block to block and shall be of adequate width to provide for proper drainage and utility function, and to provide adequate access for maintenance. Generally, such easements shall be at least 20 feet in width along all rear lot lines, and, where necessary, at least 15 feet in width along side lot lines. All exterior boundaries of the subdivision shall be provided with an easement of at least 20 feet in width. The Plan Commission may require larger or smaller easements when necessary.
2. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, adequate areas for storm water or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving, or protecting said watercourses.
3. Whenever practicable, the petitioner shall design for the placement of utility lines underground, following the required standards and specifications established by each utility company. The location of each underground utility system shall be shown by appropriate easement lines on the proposed plat.
4. Erection of structures with foundations shall be prohibited within all easements. Placement of temporary, portable structures shall be prohibited within drainage easements, as shall pavement above the contour elevation of approved drainage swales. Projection of portions of structures over easements shall be permitted as long as the entity controlling the easement provides written approval.

H. Common areas.

1. Common areas shall be provided in the amount required by the zoning ordinance in order to ensure the health, safety, and general welfare of the subdivision residents, adjacent property owners, and the town.
 - a. In the absence of a standard in the zoning ordinance, the Plan Commission may require up to 25% of a residential subdivision's gross area to be common area, open space, preservation area, etc.
 - b. In the absence of a standard in the zoning ordinance, the Plan Commission may require up to 20% of a non-residential subdivision's gross area to be common area, open space, preservation area, buffering, etc.
2. Common areas shall be laid out so as to facilitate access to and maintenance of the area by the property owners of the subdivision.

I. Subdivision names, street names, and addressing.

1. Subdivision names and street names shall be approved by the process in §154.15.
2. No street names may be used which will duplicate or be confused with names of existing streets in the Town of Whiteland or in Johnson County. Streets which are logical extensions or continuations of, or alignments with, any existing streets, either constructed or appearing on any validly recorded plat, shall bear the names of such existing streets. The Plan Commission Staff may implement more specific policy guidelines for naming streets.
3. The Plan Commission Staff shall assign address numbers for each lot in a subdivision after approval of the secondary plat.

154.50 PLAT CERTIFICATES

The following certificates shall be used on plats:

A. Surveyor's certificate.

I, (name), hereby certify that I am a registered land surveyor, licensed in compliance with the laws of the State of Indiana.

That this plat correctly represents a survey completed by me on (date); that all the monuments shown thereon actually exist; and that all other requirements specified herein, done by me, have been met.

(Signature)

(SEAL)

B. Plan Commission certificate for primary approval.

Under authority provided by the Indiana Advisory Planning Law, I.C. 36-7-4, enacted by the General Assembly of the state, and all acts amendatory thereto, and an ordinance adopted by the Town Council, this plat was given primary approval by the Advisory Plan Commission as follows:

Approved by the Whiteland Advisory Plan Commission at a meeting held on _____,
20____.

Whiteland Advisory Plan Commission

(SEAL)

President

C. Town Council certificate.

(The following certificate shall be used for subdivisions that require improvements or installations to be accepted.)

This plat was given primary approval by the Whiteland Town Council at a meeting held on _____, 20____.

President

Clerk-Treasurer

(SEAL)

D. Plan Commission certificate for secondary approval.

Under authority provided by the Indiana Advisory Planning Law, I.C. 36-7-4, enacted by the General Assembly of the state, and all acts amendatory thereto, and an ordinance adopted by the Town Council, this plat was given secondary approval by the Advisory Plan Commission as follows:

Approved by the Whiteland Advisory Plan Commission at a meeting held on _____,
20____.

Whiteland Advisory Plan Commission

(SEAL)

President

E. Director of Planning and Zoning certificate.

The Whiteland Plan Commission staff has reviewed the application for this plat for technical conformity with the standards fixed in the subdivision control code, in accordance with the provisions of the Indiana Advisory Planning Law, I.C. 36-7-4, and hereby certifies that this plat meets all of the minimum requirements in the code of ordinances of Whiteland, Indiana.

Whiteland Plan Commission Staff

Director of Planning and Zoning, Whiteland, Indiana

Date: _____, 20____

154.51 COVENANTS AND DEDICATION

Each record plat submitted to the Plan Commission for approval shall carry a certification and dedication in substantially the following form:

We the undersigned (Names), owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with the within plat. We do further certify that this plat is made and submitted with our free consent and desires.

This subdivision shall be known and designated as (Name), (Section, if applicable), an addition to the Town of Whiteland, Indiana. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public. Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

A perpetual easement is hereby granted to any private or public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "Utility Easement," to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision and other property with telecommunication, electric, gas, sanitary sewer, storm sewer, and water service as a part of the respective utility systems; also is granted (subject to the prior rights of the public therein or other governing codes and ordinances) the right to use the streets and lots with aerial service wires to serve adjacent lots and street lights, the right to cut down and remove or trim and keep trimmed any trees or shrubs that interfere or threaten to interfere with any of the said private or public utility equipment, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid. No permanent structures, fences or trees shall be placed on said area as shown on the plat and marked "Utility Easement," but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid user or the rights herein granted.

No fence, wall, structure, hedge, tree, shrub planting, or other object that obstructs sight lines and elevations between two and one-half and eight feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 35 feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same sight line limitations shall apply to any area within ten feet of the intersection of a street right-of-way line with the edge of any driveway pavement or alley line.

No portion of a private driveway for a corner lot shall be permitted on dedicated rights-of-way within 65 feet of the centerline intersections of streets adjacent to the corner lot.

No fence, hedge, tree, or shrub planting which obstructs sight lines and elevations between two and one-half and eight feet above the street shall be placed within any median area within 100 feet of an intersection.

No trees shall be planted in any portion of a public street right-of-way within 150 feet of a stop sign.

No walls, rocks or boulders larger than two feet in any dimension shall be placed in any public right-of-way or median.

[Additional dedications and protective covenants, or private restrictions would be inserted here upon the petitioner's initiative or the requirement of the Plan Commission.]

The foregoing covenants and restrictions shall run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20___, (a 25-year period is suggested), at which time said covenants, or restrictions, shall be automatically extended for successive periods of ten years unless changed by vote of a majority of the then owners of the lots covered by these covenants and restrictions, in whole or in part. Invalidation of any one of the foregoing covenants and restrictions by judgment or court order shall in no way affect any of the other covenants and 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 in this subdivision and to their heirs and assigns.

Witness our Hands and Seals this ____ day of _____, 20___.

(Petitioner Signature)

(Petitioner Signature)

(Petitioner Signature)

State of Indiana)

) SS:

County of Johnson)

Before me the undersigned Notary Public, in and for the County and State, personally appeared (Name), (Name), (Name), and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this ____ day of _____, 20___.

My commission expires: _____

(Signature)

County of residence: _____

(Printed)

IMPROVEMENTS STANDARDS AND SPECIFICATIONS; OWNER ASSOCIATIONS

154.60 IMPROVEMENTS STANDARDS

A. General.

1. Subdivision improvements shall be designed, furnished, and installed in accordance with the requirements set forth in the Town of Whiteland Design Standards and Specifications Manual, as amended, those requirements set forth herein, and other applicable criteria. Whenever requirements of any other governmental unit are higher or more restrictive than this chapter, those requirements shall control any application for plat approval.
2. Prior to final approval of a plat and any construction in a subdivision, the petitioner shall submit copies of the construction plans for all improvements to all required governmental

- agencies, including, but not limited to, the Johnson County Board of Health, Indiana State Board of Health, Indiana Department of Environmental Management, and such other local, state, and federal agencies as may be appropriate, at least 60 days before construction begins.
3. All culverts and bridges to be incorporated into the town road system shall conform to the current requirements of the Bridge and Culvert Acceptance Policy of Johnson County, Indiana, and the Town of Whiteland.
 4. Higher standards than indicated in this Chapter and the Design Specifications and Standards Manual may be required by the Plan Commission to accommodate extraordinary traffic volumes or other abnormal or unusual characteristics.
- B. Streets. Improvements for streets shall be designed and installed in accordance with the requirements set forth in the Town of Whiteland Design Standards and Specifications Manual, as amended, those requirements set forth herein, and other applicable criteria.
1. Curbs and gutters. The petitioner shall provide curbs and gutters in accordance with the Design Standards and Specifications Manual.
 2. Sidewalks. The petitioner shall provide sidewalks on both sides of the street, and along the frontage of any perimeter streets, and in any other location determined necessary for effective and efficient pedestrian movement. Handicap access ramps in compliance with the Americans with Disabilities Act specifications shall be provided where sidewalks join streets, at street intersections, and at the necks of cul-de-sacs.
 3. Regulatory signs and street identification signs. It shall be the responsibility of the petitioner to provide and install stop signs, speed limit signs, other regulatory street signs, and street identification signs in accordance with the Design Standards and Specifications Manual prior to issuance of any building permits, including those for model homes. Permits for model homes may be issued if temporary signs are installed. The posted speed limit for local streets shall be that stated in §70.02(B), currently 30 mph, unless otherwise approved by the Plan Commission and Council.
- C. Drainage. A drainage system shall be designed and constructed by the petitioner to provide for the proper drainage of surface water from the entire subdivision and the drainage area of which it is a part. The system shall be designed, and constructed in accordance with the Design Standards and Specifications Manual.
1. Downspouts outlets shall discharge onto grass surface no closer than the building setback lines. Sump pump outlets shall discharge onto grass surface no closer than the building setback lines or into stub out as specified in the Design Standards and Specifications Manual.
 2. When vegetation has been removed from a slope and the possibility of soil erosion occurs, the petitioner or lot owner shall be required to seed or otherwise prevent damage to adjacent property or accumulation on street surfaces. These erosion control measures shall be in accordance with standards and specifications of the Stormwater Utility.
 3. The altering, changing, or damaging of swales, ditches, or drainage structures, as shown on approved construction plans, will be considered a violation of this chapter and subject to the enforcement procedures contained herein.
- D. Sanitary sewage disposal. A sanitary sewer system shall be designed and constructed by the petitioner in accordance with the Design Standards and Specifications Manual to provide adequate sewage service for all lots in a proposed subdivision.
- E. Water system. A water distribution system shall be provided by the petitioner in accordance with the Design Standards and Specifications Manual to provide adequate water service for all lots in the proposed subdivision. A subdivision plat shall not be considered for secondary approval until:
1. The permanent water distribution system, including pipes, fire hydrants, valves, and other appurtenances are installed, and said distribution system is connected with an approved public or private water system in accordance with plans and specifications therefor.
 2. Exceptions may be made for model homes according to the zoning ordinance allowance for such uses, as long as fire protection capability is present.
- F. Utilities.

1. Private utilities, such as telecommunication services and natural gas providers, shall be accommodated within utility easements indicated on the subdivision plat.
 2. All existing utilities in road rights-of-way, including poles, shall be relocated prior to any construction work taking place in the vicinity of the utilities. No base rock or pavement shall be placed around unmoved facilities.
- G. Monuments and markers. Survey monuments and markers shall be provided by the petitioner in accordance with these standards.
1. All section corners and quarter section corners shall be monumented and perpetuated.
 2. The plat and legal description of subdivisions shall be referenced to two known section corners. The section corners shall be referenced to the Indiana Coordinate System of 1983.
 3. One permanent monument in each section of a subdivision shall be installed by the subdivider to establish elevation control and shall have the following characteristics:
 - a. Be four inch by four inch by 48-inch concrete, with the top flush with grade.
 - b. Contain the elevation based upon U.S. Geodetic Survey datum to the nearest one-hundredth of a foot.
 - c. Be installed prior to acceptance of the maintenance bond on that section.
 - d. Have its location and elevation filed with the surveyor prior to acceptance of the maintenance bond on that subdivision section.
 4. Permanent markers shall be installed at:
 - a. All new and existing street centerline intersections. Monuments at these locations shall be ten-inch extendible markers (Harrison or an approved equal), epoxy grouted into a six-inch diameter by 12-inch deep core in the pavement. The markers must have a precise point marked in the cap. The top of the monument shall be one-quarter inch below the finished pavement surface.
 - b. Any change in direction of a street centerline, including the beginning and ending of all curves in street centerlines. Also, a monument shall be placed at the center point of all cul-de-sacs. Monuments at these locations shall be a five-eighths inch minimum diameter by 12-inch long steel rod, epoxy grouted in place with the top of the rod one-quarter inch below the finished pavement surface. Any cul-de-sacs with a center landscape island shall have the monument encased in 4-inch by 4-inch by 48-eight inch concrete with the top of the monument flush with existing grade.
 - c. All outside boundary corners and angle points of a preliminary plat. These monuments shall be a five-eighths inch diameter rod set in 4-inch by 4-inch by 48-inch concrete with the top of the monument flush with existing grade.
 - d. All lot corners shall be marked with capped steel rods at least five-eighths inch in diameter and 30 inches in length; however, this is not required upon initial development, but rather said marker shall be in place in order to receive a final inspection for the structure erected on the lot. All other markers shall be installed prior to the release of a performance bond or surety, and an affidavit signed by the developer and/or his engineer acknowledging that the markers were, in fact, installed, which shall be submitted with the maintenance bond.
 5. All U.S., state, county, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
- H. Supplemental information. Any other required improvements shall meet the requirements of the Town of Whiteland Design Standards and Specifications Manual or other applicable codes and regulations.

154.61 MAINTENANCE OF PUBLIC IMPROVEMENTS

- A. The petitioner shall be required to maintain all public improvements serving the subdivision development and provide for snow removal on all streets until acceptance of said public improvements by the Town.
- B. The petitioner shall be required to file a maintenance bond with the Town Council, covering all public improvements serving the subdivision development, one week prior to acceptance of public

improvements, in an amount not to exceed 10% of the cost of the public improvements to be bonded, and in a form satisfactory to the Town Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three years after the date of acceptance by the Town Council. Notwithstanding the above, the Town Council may, upon the recommendation of the Plan Commission Staff, increase the maintenance bond amount to 25% and/or the period to five years for improvements that have repeated failed inspections during installation, atypical site and soil characteristics, or other unusual circumstances.

- C. The petitioner shall submit as-built drawings and plans for all public improvements in the form required by the Design Specifications and Standards Manual.
- D. The petitioner shall be required to file a maintenance agreement along with the above described maintenance bond. The maintenance agreement and maintenance bond shall be in a form acceptable to the Town Attorney, and approved by the Town Council.

154.62 OWNERS ASSOCIATIONS

- A. Any subdivision with any common area, private streets, shared parking, amenity centers, retention and/or detention pond, or the like, shall have an owners' association.
- B. Establishment

Where an owners' association is required, it shall meet the following minimum requirements:

1. An owners' association shall be created in perpetuity to maintain all common property and/or common facilities. The term "maintain" shall include, but not be limited to, timely payment of property taxes; compliance of the property and/or facilities with zoning, nuisance, and building codes; and keeping the property and facilities in good repair.
 2. An owners' association shall be a legally incorporated entity or shall be created by other legal process and shall provide shared ownership of or shared responsibility for common property and/or common facilities. A board of directors or other means for representation in decision-making shall be established.
 3. The governing documents establishing the owners' association shall be recorded with the Johnson County Recorder, and shall be cross-referenced to the recorded subdivision plat.
 4. The owners' association shall be responsible for the administration and enforcement of any covenants and restrictions applicable to the development. The "Declaration of Covenants and Restrictions" (the "Declaration") shall be recorded with the Johnson County Recorder prior to the sale of any lot or unit of the subdivision plat. Amendments to the covenants and restrictions shall not be permitted for 25 years from the day the Declaration was recorded, without the consent of the Plan Commission.
 5. Any covenant that is a result of a zoning commitment or a condition of the Plan Commission's approval shall be clearly noted as a zoning commitment or condition of approval that is not amendable by the owners' association in perpetuity, without the consent of the Plan Commission.
 6. An association fee, dues, or other funding mechanism must be included within the governing documents of the owners' association, and must be sufficient to fulfill the financial needs of the owners' association to maintain the common property and/or common facilities, and to accumulate a reserve account for long-term large or capital expenditures, emergencies, and contingencies.
- C. Failure of the owners' association to maintain its legal existence or failure of the owners' association to fulfill its responsibilities shall be deemed a violation of this Chapter.
 - D. The Plan Commission may waive the requirement for the establishment of an owners' association only upon finding that:
 1. There are no areas of common ownership within the subdivision; and
 2. There are no privately-maintained facilities, or where there are privately-maintained facilities, adequate funding sources other than an owners' association have been established to provide maintenance in perpetuity.

ADMINISTRATION

154.90 ADMINISTRATION

- A. Amendment. In accordance with State statutes, the Town Council may consider amendments to this chapter, as proposed by the Town Council, the Plan Commission, or by citizen petition. Any proposed amendment shall be referred to the Plan Commission for public hearing, consideration, and report before final action is taken by the Town Council.
- B. Enforcement. No plat of any subdivision shall be entitled to be recorded in the Recorder's Office or have any validity until approved in the manner prescribed herein.
- C. Recording of plats. All plats of subdivisions that have been submitted and approved shall be recorded in the Plat Book and be kept among the records of the County Recorder. Any revision to an approved and recorded plat, no matter how minor, must be reviewed by the Department of Planning and, at its discretion, forwarded to the Plan Commission, if necessary.
- D. Validity. If any article, section, subsection, sentence, clause, or phrase of this chapter is adjudged invalid, such decision shall not affect the validity of remaining portions of this chapter.
- E. Appeals. The primary approval or denial of a plat by the Plan Commission, or the imposition of a condition on primary approval, is a final decision of the Plan Commission that may be appealed or reviewed as provided in IC 36-7-4-1016.
- F. Repealing provision. All ordinances or parts of ordinances in conflict with provisions herein shall be repealed by passage of this chapter, except where such repeal is specifically not designated by this chapter.
- G. Where any provision of this chapter imposes restrictions different from those imposed by any other provision of these regulations or any ordinance, rule, other regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

154.99 PENALTY

Any person in violation of this Chapter may be punished with a fine of not more than \$2,500 per violation, cost of prosecution, and attorney fees. Each day a violation exists constitutes a separate violation.”

Section 2. This ordinance shall be in full force and effect upon its final adoption.

(Remainder of page intentionally left blank.)

ADOPTED this ____ day of _____, 2014.

TOWN COUNCIL OF THE TOWN OF
WHITELAND, INDIANA

Robert Zehr, President

Kent Beeson, Vice-President

Roger Ford, Member

Ed Tichenor, Member

Chris Hadley, Member

ATTEST:

Michelle Richards, Clerk-Treasurer