

## CHAPTER 154: SUBDIVISION CONTROL

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### § 154.01 GENERAL PROVISIONS.

(A) *Short title.* This chapter shall be known and may be cited as the Subdivision Control Ordinance of the town.

(B) *Authority -incorporated area.* This chapter which was enacted pursuant to Indiana home rule and planning enabling legislation (IC 36-1-3-4 and 36-7-4-700, as amended) authorizes the Plan Commission to review and approve or deny plats for subdivisions throughout the incorporated areas of the town, which shows lots, blocks or sites with or without new streets or highways. This authority extends to the development or resubdivision of undeveloped portions of previously recorded plats.

(C) *Purpose.* This chapter is adopted for the following purposes:

- (1) To ensure the orderly and efficient development of the town;
- (2) To provide for the coordination of the new thoroughfares with existing and planned thoroughfares;
- (3) To promote the health, safety and general welfare of town residents;
- (4) To ensure coordination of the extension of community facilities and utilities;
- (5) To implement adopted town policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, as set forth in the Comprehensive Plan, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents; and
- (6) To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

(D) *Jurisdiction.* This chapter shall apply to all incorporated land within the town.

(E) *Saving provision.* This chapter shall not be construed as abating any action now pending under, or by virtue of, the prior existing subdivision control ordinance, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the

municipality under section or provision existing at the time of adoption of this chapter, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the town, except as expressly provided for in this chapter.

(Ord. 70-3, passed 5-7-70; Am. Ord. 03-9, passed 1-12-04)

## § 154.02 DEFINITIONS.

### (A) *Usage.*

(1) For the purposes of this chapter, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.

(2) Unless the context indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means in this chapter and the word “ordinance” means this chapter.

(3) A person includes a corporation, a partnership and an incorporated association of persons such as a club; shall is always mandatory; used or occupied as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

### (B) *Definitions.*

**ACCESSORY BUILDING.** A subordinate structure, the use of which is incidental to that of the dominant use of the primary building or land.

**ADMINISTRATOR.** The officer appointed by and/or delegated the responsibility for the administration of this chapter by the Commission. This term shall be construed to mean those planning staff members working under the direction of the Administrator in the exercise of his/her responsibilities in regard to the proceeding of this chapter.

**ADVISORY PLAN COMMISSION.** A plan commission serving a single local jurisdiction, established as defined by IC 36-7-4-202, as amended.

**AGENCY.** See **PUBLIC AGENCY**.

**APPLICANT.** The owner of land proposed to be subdivided, or his agent or legal representative.

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

**BOND.** Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Commission or Council.

**BUILDING.** Any structure designed, built and used for the shelter, protection, or enclosure of persons, animals or property and which is permanently affixed to the land. **BUILDING** is also a structure as defined in this chapter.

**BUILDING CODE.** The Indiana One and Two Family Residential Code and the Universal Building Code, establishing and controlling the standards for construction of buildings, utilities, mechanical equipment and all forms of structures and permanent installations within the town.

**BUILDING PERMIT.** A certificate issued by the Administrator of the Commission permitting a person or corporation to erect, construct, enlarge, alter, move, improve, remove, convert or demolish any building or structure within its jurisdiction, or cause the same to be done.

**CENTRAL SEWAGE SYSTEM.** A public sewer system, including collection and treatment facilities, established by the developer to serve a subdivision.

**CENTRAL WATER SYSTEM.** A community water supply system, including new and existing wells, and/or surface water sources and intakes, treatment facilities and distribution lines established by a developer to serve a new subdivision.

**CHECKPOINT AGENCY.** A public agency or organization called by the Commission to provide expert counsel with regard to a specific aspect of community development or required by law to give assent before subdivision may take place.

**CLERK-TREASURER.** The town official empowered to examine and settle all accounts and demands that are chargeable against the town and not otherwise provided by statute.

**COMMISSION.** The Whiteland Advisory Plan Commission, as referred to herein; not any other commission unless so specified.

**COMMISSION ATTORNEY.** The licensed attorney designated by the Commission to furnish legal assistance for the administration of this chapter, as provided by statute.

**COMPREHENSIVE PLAN.** The inclusive physical, social and economic plans and policies, in graphic and verbal statement forms, for the development of the town, prepared and adopted by the Commission pursuant to state law and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

**CONDOMINIUM.** The division of buildings and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by IC 32-1-6-1 through 32-1-6-31.

**CONSTRUCTION PLANS.** The maps or drawings accompanying a subdivision plat and showing specific locations and design of improvements to be installed for the subdivision in accordance with the requirements of this chapter as a condition of the approval of the plat.

**COUNTY HEALTH OFFICER.** See **HEALTH DEPARTMENT.**

**DEPARTMENT.** See **PUBLIC AGENCY.**

**DESIGNATED OFFICIALS.** Those officials of the Commission designated in this chapter as required signatories for the execution of final plat approval.

**DEVELOPER.** The owner of land proposed to be subdivided, or his agent or legal representative. Consent for making application for development approval shall be required from the legal owner of the premises.

**DRAINAGE BOARD.** The Johnson County Drainage Board.

**DRIVE, PRIVATE.** Vehicular ways, paved or unpaved, which are wholly within private property, except those portions within public rights-of-way.

**EASEMENT.** An authorization grant by a property owner for the use by another of any

designated part of his property for a clearly specified purpose.

**ESCROW.** A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such funds shall be held by the Clerk-Treasurer.

**FEASIBILITY REPORT.** A written report prepared by a professional engineer or land surveyor pertaining to the suitability of the site for various types of water and sewage systems, for drainage retention or detention, and the subsoil conditions for various methods of streets.

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

**FLOOD, REGULATORY.** This flood is equivalent to a flood having a probability of occurrence of 1% in any given year. That flood having a peak discharge which can be equaled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to, and approved by, the Indiana Department of Natural Resources.

**FLOOD, REGULATORY ELEVATION.** The maximum elevation reached by the regulatory flood at the locations in question relevant to approval of a given subdivision under construction.

**FLOOD HAZARD AREAS.** Any flood plain district, floodway district, floodway fringe district or any combination thereof, which is subject to inundation by the regulatory flood, or any flood plain district as delineated by Zone A of the flood boundary maps of the Federal Insurance Administration.

**FLOOD PLAIN.** The area adjoining the river or stream which has been, or may hereafter be covered by flood water from the regulatory flood.

**FLOOD PROTECTION GRADE.** The elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

**FLOODWAY.** The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream shown on the flood boundary maps of the Federal Insurance Administration.

**FLOODWAY FRINGE.** These portions of the flood hazard areas lying outside the floodway shown on the flood boundary maps of the Federal Insurance Administration.

**FOUNDATION.** The supporting member of a wall or structure.

**FRONTAGE.** That side of a lot or tract abutting a street and ordinarily regarded as the front of a lot. Lots shall not be considered to front stub ends of streets and in the case of corner lots shall be considered to front both intersecting streets. (No access for any one lot is permitted to more than one street and that street will generally be the one calculated to have lower traffic volumes and less frequent intersections.)

**FRONTAGE STREET.** A local or auxiliary street parallel to an arterial established for control of access and providing access to abutting property and adjacent areas. Also called

***MARGINAL ACCESS STREET.***

***GOVERNING BODY.*** The Whiteland Town Council, which is the body having power to adopt ordinances.

***GRADE.*** The slope of a street or other public way, and other applicable development features, specified in percentage terms.

***HEALTH DEPARTMENT and COUNTY HEALTH OFFICER.*** The agency and that person designated by the town to administer the health regulations within the town.

***HIGHWAY, LIMITED ACCESS.*** A freeway or expressway providing through- traffic to which owners of occupants of abutting property or lands, and other persons, have no legal right to access to or from the same, except at such point and in such manner as may be determined by the public authority having jurisdiction over such a highway.

***IMPROVEMENTS.*** See ***LOT IMPROVEMENTS*** or ***PUBLIC IMPROVEMENTS***.

***INDIANA CODE.*** The Indiana Statutes Code Edition (abbreviated as IC herein) which codified all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the currently in force and applicable.

***INTERESTED PARTIES.*** Those owners of property to whom notice of a proposed subdivision must be given.

***JOINT OWNERSHIP.*** Collective ownership of a parcel of land; constructive ownership for the purpose of imposing subdivision regulations.

***LAND DIVIDER.*** The owner of a parcel of land to be further divided through action of an exempt division.

***LOT.*** A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or building development.

***LOT, CORNER.*** A lot located at the intersection of two or more streets, the interior angle of such intersection not exceeding 135 degrees. A lot abutting a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot. The required setback on all sides bounded by a street, excluding alleys, shall equal the front building setback of the district in which the lot is located. On a corner lot, the rear lot line shall be opposite the side of the house considered by the Department of Planning and Zoning to be the front.

***LOT, FLAG.*** A lot approved with a lesser lot width adjacent to a public right- of-way than is typical, where a narrow panhandle access corridor leads to the bulk of the lot located behind those lots or parcels with greater lot width adjacent to the right-of-way.

***LOT IMPROVEMENTS.*** Construction of any building, structure or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in town land development regulations.

***LOT LINE, FRONT.*** The lot lines abutting a street right-of-way, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

**LOT LINE, REAR.** A lot line or connected lines between the ends of the side lot lines and which typically is or are parallel to, or approximately parallel to, the front lot line.

**LOT LINE, SIDE.** A lot line or connected lot lines commencing at an end of a front lot line and terminating either at an intersection with an end of the rear lot line or at an intersection with the opposite side lot line, no portion of which is parallel to, or approximately parallel to, the front lot line.

**LOT OF RECORD.** A tract, plot or portion of a subdivision or other parcel of land existing on the date of the adoption of the subdivision control ordinance, as shown or described on a plat or deed in the office of the Recorder.

**LOT WIDTH.** The horizontal distance between side lot lines, measured at the established front setback line and at right angles to the lot depth.

**MAJOR STREET PLAN.** See **OFFICIAL MAP.**

**MAJOR SUBDIVISION.** See **SUBDIVISION, MAJOR.**

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

**MARKER.** A stake, pipe, rod, nail or any other object which is not intended to be a permanent point for record purposes.

**MASTER PLAN.** See **COMPREHENSIVE PLAN.**

**MINOR SUBDIVISION.** See **SUBDIVISION, MINOR.**

**MODEL HOME.** A dwelling unit, used initially for display purposes, which typifies the kind of units that will be constructed in a major subdivision.

**MONUMENT.** A physical structure which marks the location of a corner or other survey point.

**NONRESIDENTIAL SUBDIVISION.** A subdivision which has an intended use other than residential, such as commercial, industrial or institutional. Such subdivision shall comply with applicable provisions of this chapter.

**OFF-SITE.** Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

**OFFICIAL MAP.** The map(s) established by the Town Council, pursuant to law, showing the existing and proposed streets, highways, parks, drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent recording of such approved plats.

**ORIGINAL LOT, TRACT, or PARCEL.** A lot, tract or parcel of record which was created prior to one year after the adoption of this chapter. No lot, tract or parcel of record which was created after one year from the date of adoption of this chapter can be considered original.

**ORDINANCE.** Any legislative action, however denominated, of the Town Council which has the force of law, including any amendment or repeal of any ordinance.

**OWNER.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in, the land sought to be subdivided under this chapter.

**PARCEL.** A part or portion of land having a legal description formally set forth in a conveyance, together with the boundaries thereof, in order to make possible its easy identification.

**PERIMETER STREET.** Any existing street to which the parcel of land to be subdivided abuts on only one side.

**PLAN COMMISSION.** The Advisory Plan Commission, as established in accordance with Indiana law, often referred to herein simply as the **COMMISSION**.

**PLAT.** A map indicating the subdivision or resubdivision of land, filed or intended to be filed for record with the County Recorder.

**PRELIMINARY PLAT.** The preliminary drawing or drawings, described in this chapter, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval, with or without conditions imposed, in a public hearing complying with standards prescribed in this chapter (per I.C. 36-7-4-700 et seq.)

**PRINCIPAL BUILDING.** A building in which the principal use of the lot or parcel is conducted. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

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

**PUBLIC IMPROVEMENTS.** Any drainage, ditch, street, highway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the Town Council may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the Town Council's responsibility is established. All such improvements shall be properly bonded.

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

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

**RESTRICTIVE COVENANTS.** The limitations of various kinds imposed on the usage of lots within a subdivision by the subdivider. Such restrictive covenants are not enforceable by the Town Council or the Commission.

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

**RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main,

sanitary or storm sewer main, special landscaping or other special use. **RIGHT-OF-WAY**, for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping or any other use involving maintenance by the Town Council, shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

**SALE or LEASE.** Any immediate or future transfer of ownership or any possessor interest in land, including contract of sale, lease, devise, interstate succession, or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument

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

**SETBACK.** A line parallel to and equidistant from the relevant lot line (front, back, side) between which no building or structures may be erected, as prescribed in the zoning ordinance.

**SHADE TREE.** A tree in a public place, street, special easement or right-of-way adjoining a street, as provided in this chapter.

**SKETCH PLAN.** An informal, informational drawing, as described in this chapter, preparatory to the drawing of the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching a general agreement with the Commission as to the form of the plat and conformance to the objectives of this chapter.

**SOIL SURVEY.** The National Cooperative Soil Survey prepared by the U.S. Department of Agriculture, Soil Conservation Service, in cooperation with Purdue University.

**SPECIAL LANDSCAPING.** Areas of tree planting, shrubs or other landscape features serving a public purpose and maintained by the town.

**STATE LAW.** Legislative acts of the State of Indiana as they affect this chapter.

**STATE PLANE COORDINATES SYSTEM.** A system of plane coordinates, based on the Transverse Mercator Projection for the Eastern Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

**STREET.** The space or area between lot lines, abutting a right-of-way and designed as a way for vehicular traffic, however designated, and which shall include, but not be limited to, those types illustrated in the Comprehensive Plan. For the purposes of this chapter, streets shall be classified as follows:

(1) **ALLEYS.** Minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

(2) **ARTERIALS, MINOR.** Those federal and state roads of regional importance. These are high-capacity highways moving traffic at a high rate of speed. They



provide good continuity between distant points and are constructed to high standards. Arterial highways provide two to four traffic lanes and should have a median strip when possible. Crossing traffic from other roads and access to abutting properties are often controlled, or partially so.

(3) **ARTERIALS, PRINCIPAL.** Limited access highways which carry large volumes of interstate traffic and have more importance regionally than locally. They often contain four or more moving lanes and permit continuous, high-speed traffic flow. These highways have a high order of design and construction requirements.

(4) **CUL-DE-SAC STREETS.** Local streets with only one outlet, having a paved, circular turnaround at the closed end for the safe and convenient reversal of traffic movement, including public safety vehicles.

**EYEBROW CUL-DE-SACS.** Semi-circular indentations in the right-of-way line of a local street, the radius of which is similar to the radius of a typical cul- de-sac.

(5) **LOCAL STREETS.** Low-capacity and low-speed roads whose function it is to provide direct access to homes and property. Through-traffic and heavy use of these roads is discouraged. To the extent possible, residential driveways and ingress and egress points to other uses or structures should be oriented to local streets rather than to arterials or collectors.

(6) **MAJOR COLLECTORS.** Less regional importance than arterial highways and more town or inter-town significance. They are medium-capacity highways moving traffic at relatively high rates of speed. They include state-designated routes and town roads and provide two traffic lanes.

(7) **MARGINAL ACCESS STREETS.** Local streets which are parallel to adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through-traffic.

(8) **MINOR COLLECTORS.** Moderate-capacity thoroughfares designed to accommodate relatively low-speed traffic. They should, however, provide a smooth flow of traffic. Two moving lanes, unseparated, but wider than local street lanes, are required.

**STREET CLASSIFICATION.** For the purpose of providing for the development of the streets, highways and rights-of-way in the governmental unit, and for their future improvement, reconstruction, re-alignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway and right-of-way, and those located in approved and filed plats, have been designated on the Official Map and classified therein. The classification of each street, highway and right-of-way is based upon its location in the respective zoning districts of the town, its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan. The required improvements shall be measured as set forth in this chapter for each street classification on the Official Map.

**STREET RIGHT-OF-WAY WIDTH.** The distance between property lines measured at right angles to the centerline of the street.

**STRUCTURE.** Anything constructed or erected that requires location on or in the ground or is attached to something having a location on or in the ground.

**SUBDIVIDER.** Any person who, having a proprietary interest in land:

- (1) Causes it, directly or indirectly, to be divided into a subdivision; or
- (2) Directly or indirectly sell, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or
- (3) Engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease or development any interest, lot, parcel, site, unit, or plat in a subdivision; and
- (4) Is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

**SUBDIVISION.** The division of a parcel of land into two or more lots, parcels, sites, units, plats or interests, for the purpose of offer, sale, lease or development, either on the installment plan or on any and all other plans, terms and conditions, including resubdivision. **SUBDIVISION** includes all the division or development of land zoned for residential and non-residential uses, whether by deed, metes and bounds, description, devise, intestacy, lease, map, plat or other recorded instrument.

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

- (1) In the AG (Agricultural) zoning district, two types of exempt divisions are allowed: (a) those divisions defined as exempt in other zoning districts, above; and (b) those divisions defined herein as minor roadside subdivisions; this second type of exempt division to include recorded dedication of street right-of way, meeting Comprehensive Plan requirements, at the same time as recording of deeds for the minor roadside subdivision lots. Proof of recorded dedication shall be submitted to the Street Department when applying for a driveway permit and to the Department of Planning when applying for a building permit.
- (2) 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.
- (3) A division of land for the acquisition of street right-of-way or easement.
- (4) 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.
- (5) 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.
- (6) A division of land into cemetery plots for the purpose of burial of corpses.
- (7) 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.
- (8) 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.
- (9) A division which is proposed to be legally effectuated by eminent domain proceedings.

**SUBDIVISION, MAJOR.** Any subdivision not classified as a minor subdivision, minor

roadside subdivision or exempt subdivision, as defined herein, including but not limited to subdivisions of five or more lots, or any size subdivision requiring any new street (not simply dedication or additional street right-of-way), extension of the local governmental facilities, or creation of any public improvements.

**SUBDIVISION, MINOR.** Available and applicable only to zoning districts other than AG (Agricultural), the division of a single lot, tract or parcel of land, or part thereof, into two to four lots, tracts or parcels of land, including the remainder of the parent tract, any one of which is less than five acres, any one of which has less than 300 feet of frontage on a town or state road, and any one of which does not include recorded dedication of street right-of-way sufficient in width to meet Comprehensive Plan requirements; each of which shall have a minimum street frontage on an existing public right-of-way at least equal to the minimum required frontage for the zoning district in which the parcel is located, and which does not require any new streets or new off-site public water or sewer facilities other than single lot service lines, for the purpose, whether immediate or future, of transfer of ownership, or construction for residential, commercial or industrial purposes; provided, however, that this definition shall not include divisions of land for agricultural purposes only, not involving any new street, drive cut or easement of access.

**SUBDIVISION, MINOR ROADSIDE.** Applicable only to the AG (Agricultural) zoning district, the division of a single original lot, tract or parcel of land (as defined in this chapter), into residential lots of no greater than two acres in size, plus a remainder lot, in a density equivalent to no greater than one lot per ten acres of the original lot, tract or parcel. Each lot other than the remainder shall include a minimum of 200 feet of frontage on an existing public right-of-way; provided, however, that a 50-foot ingress/egress strip to provide access to land behind roadside lots shall be provided for every six adjacent lots or tracts or for every 1,320 feet, whichever is less. Development of land in an AG zoning district beyond 440 feet from an existing public right-of-way shall be considered as a major subdivision, which may be approved on a one lot per ten acre basis, provided a public sanitary collection system is approved by the Johnson County Health Department.

**TECHNICAL REVIEW COMMITTEE.** A committee, appointed by the Commission, comprised of persons with technical knowledge of various town, state and federal regulations and standards regarding development, responsible for working with subdividers in reviewing technical aspects of plans and other development projects and making technical findings for the Commission for their consideration in reviewing said plans. The Committee shall be composed of such Commission members or other persons as the Commission deems appropriate.

**TEMPORARY IMPROVEMENT.** Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond; or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through-street connection made.

**THOROUGHFARE PLAN.** See **OFFICIAL MAP.**

**YARD.** A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory structures are expressly permitted.

**YARD, FRONT.** A yard, as defined herein, extending the full width of the lot between any building and the front lot line and measured from the building foundation at its closest point to the front lot line. Corner lots shall be considered to front on both intersecting streets with matching front setbacks; however, the front yard of a corner lot shall be that yard abutting the street to which the front of the structure faces.

**YARD, REAR.** A yard, as defined herein, extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

**YARD, SIDE.** A yard, as defined herein, extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point to the principal building.

**ZONING ORDINANCE.** That town ordinance setting forth the regulations controlling the use of land in the unincorporated areas of the town and in those municipal corporations within the town not controlling land use through their own zoning ordinances.

(Ord. 70-3, passed 5-7-70 Am. Ord. 03-9, passed 1-12-04)

### **§ 154.03 APPLICATION AND APPROVAL PROCEDURES.**

(A) *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 guaranteed as herein provided.

(B) *General procedure.*

(1) *Classification of land divisions.* All land to be divided shall be categorized into one of the classes of land division indicated in this chapter's definitions of types of subdivisions. These classes are:

- (a) Major subdivision;
- (b) Minor subdivision;
- (c) Exempt subdivision.

The distinction between major subdivisions, minor subdivisions and exempt divisions, as defined in this chapter, shall be made by the Administrator prior to application for technical review of the sketch plan. The applicant is encouraged to discuss the proposed subdivision with the Department of Planning prior to filing.

(2) *Planned unit development (PUD) process required.* For all proposed major subdivisions with a gross acreage of 100 acres or more, the applicant must follow the procedures for a planned unit development and develop the subdivision according to all requirements of the PUD section of the zoning ordinance.

(C) *Sketch plan application for major subdivisions.*

(1) *Application requirements.* In order to begin the subdivision process, the applicant shall file with the Administrator for technical review of the sketch plan, as defined in this

chapter, which shall include those features detailed in § 154.07(A). This application shall:

(a) Be made on the Application for Technical Review form available at the office of the Commission and signed by the owner or agent;

(b) Include indication of all contiguous holdings of the owner, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner, as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which the contract of sale was executed. If any corporations are involved, the Administrator may request a complete list of all directors and officers, and a listing of stockholders if less than ten in number;

(c) Be presented to the Administrator in triplicate;

(d) Be accompanied by a minimum of three copies of the sketch plan;

(e) Be accompanied by a fee established by the Town Council;

(f) Include an address and telephone number of an agent who shall be authorized to receive all notices required by this chapter; and

(g) Include a listing of the checkpoint agencies and when they received a copy of the proposed sketch plan.

(2) *Official submission dates.* The deadline for submittal of a sketch plan and application for approval shall be 61 calendar days prior to the date of the public hearing at which the subdivider intends to have the preliminary plat submission heard, and 31 calendar days prior to the deadline for the submission of the preliminary plat. Thus, as a minimum sketch plan submission shall precede preliminary plat submission by no less than 31 calendar days, which in turn precede the public hearing at which it is intended to be heard by no less than 30 calendar days.

(3) *Checkpoint agency submission.* A copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so that their comment may be made to the Administrator. The Administrator shall request that all officials and agencies to whom a request for review has been made submit a written report to the Administrator within 15 days of the receipt of the request. No response from an agency shall be interpreted as meaning "no objection." Following is a list of checkpoint agencies:

(a) Whiteland Street Department;

(b) Whiteland Water Department;

(c) Whiteland Sanitary Sewer Department;

(d) Whiteland Fire Department;

(e) Whiteland Town Marshal's Department;

(f) Clark-Pleasant School Corporation.

(4) *Sketch plan review process.* Within 20 days of the subdivider's sketch plan application, the Administrator shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the proposed subdivision

and possible modifications and/or changes that may be suggested or required by this chapter. The Administrator shall request that a representative of each checkpoint agency wishing to be involved in the sketch plan review be present to participate in a Technical Review Committee meeting. In taking into consideration the requirements of this chapter, particular attention shall be given to the arrangement, location, and width of streets and their relation to the topography of the land; sewage disposal, drainage, lot size and arrangement, the further development of adjoining land as yet unsubdivided and the requirements of the Official Map and Comprehensive Plan. Subsequent to the meeting, the Administrator shall provide the participants with a written record of the proceedings of that meeting.

(D) *Major subdivisions.*

(1) *General procedures for preliminary and final approval.* Should the Administrator, during sketch plan review, classify the proposed land division as a major subdivision, the subdivider shall follow the procedures and be subject to the processes outlined in this chapter. In addition to a sketch plan which is reviewed by the Administrator and checkpoint agencies, the applicant seeking approval of a major subdivision shall submit a preliminary subdivision plat, and a final subdivision plat, to be approved, conditionally approved, or denied by the Commission at a public hearing which must be found in compliance with the preliminary plat as approved by the Commission, or otherwise approved, in order to be signed and recorded.

(2) *Preliminary plat application requirements.* Following submission, review and report on the sketch plan application, the subdivider may file for approval of a preliminary plan. This submission shall:

(a) Be made on forms available at the Department of Planning and Zoning and be submitted with a fee as established by the Town Council.

(b) Include indication of 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.

(c) Be presented in duplicate to the Administrator no later than 30 calendar days prior to the regular meeting of the Commission at which it is intended to be heard.

(d) Be accompanied by eight copies of the preliminary plat as described in this chapter.

(e) Generally comply with the sketch plan as reviewed.

(3) *Placement on Commission agenda.* Subsequent to the submission for preliminary approval, the Commission shall place the matter on its next regular meeting agenda for formal action.

(4) *Administrative review.* Subsequent to placement on the agenda, and prior to the date of public hearing, the Administrator and members of the Technical Review Committee shall review the proposal at their regularly scheduled meeting and prepare a written report to the Commission and applicant indicating regulation compliance with regard to the subdivision being proposed.

(5) *Preliminary Drainage Board approval.* Prior to the date of the preliminary plat hearing, the applicant shall have received preliminary approval from the Drainage Board.

(6) *Public hearing notification requirements.* The subdivider shall have completed the following ten days prior to the public hearing. At the public hearing the subdivider shall present proof that all of the requirements below have been met:

(a) Place a legal notice of the public hearing in a newspaper designated by the Commission and in a form which meets Commission requirements. The legal ad shall specifically include reference to a commonly known street address, if available, for the subject property. The cost of the legal notice shall be paid by the subdivider.

(b) Notify all utilities, local fire department, school districts and law enforcement agencies serving the area, in writing, and provide the Commission with copies of the same.

(c) Notify, at least ten days prior to the date of the public hearing, all property owners within 600 feet, or two property owners, whichever is greater, of the proposed subdivision boundaries, by certified mail, return receipt requested, and in a form prescribed by the Commission, or have a notarized consent of all such owners. The subdivider shall certify, by notary public, that notification of all such surrounding property owners has been accomplished as required.

(d) Post, in conspicuous place on the subject property, a notice provided by the Department of Planning explaining the action being sought.

(7) *Approval of the preliminary plat.* After the Commission has held a hearing on the preliminary plat, taking into consideration the Administrator's report, checkpoint recommendations, Technical Review Committee's report, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall, at a public hearing, grant preliminary approval, with or without conditions, or deny the preliminary plat. A letter relating the decision of the Commission shall be returned to the applicant with the date of approval, conditional approval, or denial, and the reasons therefor, within five days of the public hearing. Before the Commission approves a preliminary plat showing park or land reservation for another local governmental unit, the Commission shall obtain approval of the park or land reservation from the participating jurisdiction. Preliminary approval by the Commission is subject to review by certiorari. Final plat approval of a subdivision shall not occur until a minimum of 30 days has elapsed since the granting of preliminary approval, per IC 36-7-4-708(d).

(8) *Effective period of preliminary approval.* Approval of a preliminary plat shall be effective for a period of two years (five years for a sectionalized subdivision), at the end of which time preliminary approval shall be null and void for those sections for which the developer has not gained final plat approval, and the developer shall be required to submit a new application for sketch plan review for any remaining sections, subject to all zoning restrictions and subdivision regulations in effect at the time of the resubmission. Upon request of the applicant, the Commission may extend approval of a preliminary plat in increments of one year beyond an expiration date without further notice and public hearing.

(9) *Approval of construction plans.*

(a) *Submission procedure and requirements.* Following review of the preliminary plan and prior to submission of the final plat for approval, the applicant, if he wishes

to proceed with the subdivision, shall file with the Plan Commission, before starting work on any improvements, three sets of detailed construction plans, and specifications thereof, for approval. These plans and specifications are to be submitted a minimum of two weeks prior to a regularly scheduled Plan Commission meeting at which approval will be requested by the applicant.

(b) *Review process.* In no event shall approval of the final plat be given prior to approval of the construction plans. The Plan Commission will cause the plans to be referred to affected participating agencies and their review comments will be heard at the public meeting at which a decision is rendered on the plans.

(c) *Performance bonds.* Copies of performance bonds shall accompany the submission, if required, in a form satisfactory to the Town Attorney and in an amount established by the Commission upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements.

(d) *Installation of improvements.* Inspection of improvements shall be under the direction of the Town Council. The subdivider shall sign an Agreement for Inspection and Testing Services with the town, as prescribed in Appendix Forms 12 and 13 attached to Ordinance No. 03-9.

(10) *Final plat application requirements.* Following preliminary plat and construction plan approval, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator a request for final plat approval. The application shall:

- (a) Be submitted on forms available at the Department of Planning and Zoning;
- (b) Be accompanied by a fee as established by the Town Council;
- (c) Comply with this chapter and the terms and conditions, if any, of preliminary approval;
- (d) Include the entire subdivision, or section thereof, which derives access from an existing state, county, or municipal roadway;
- (e) Be accompanied by 12 copies of the final plat as described in this chapter;
- (f) Be accompanied by any restrictive covenants in a form approved by the Commission, where they have been proposed by the subdivider or required by the Commission.

(11) *Determination of conformance.* In order to be recorded, a final plat shall be found by the Administrator to be in conformance with the preliminary approval. If the final plat deviates from the preliminary plat approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new preliminary approval. The Administrator shall, within ten working days, review the items submitted as per division (D)(10) above, in order to ascertain conformance with the preliminary approval. If the submission is found to be in conformance and complete, the Administrator shall recommend the signing of the plat granting final approval.

(12) *Submission of map for addressing and 911 purposes.* Following final plat approval, the applicant shall submit one reduced paper copy of the plat, including street names, measuring no more than 11 inches x 17 inches, to the E-911 Coordinator to facilitate addressing of the lots included in the plat.

(13) *Sectionalizing plats.* Prior to granting final approval of a major subdivision plat, the Commission may permit the plat to be divided into two or more sections and may impose



such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that a performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond 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 proposed subdivision, whichever is less. The final approval of all remaining sections not filed with the Administrator shall automatically expire after five years from the date of approval of the final plat, unless the expiration date has been extended by the Commission.

(14) *Signing and recording of plat.*

(a) *Signing of plat.*

1. When a bond is required, the designated official shall endorse approval on a plat after construction plans have been approved, the bond has been approved, and all conditions of the final approval have been satisfied.

2. When installation of improvements is required, the designated official shall endorse approval on the plat after construction plans have been approved and all conditions of the final 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 final plat.*

1. The designated official shall sign the reproducible mylar of the subdivision plat, plus two prints of the subdivision plat. The prints shall be returned to the applicant and his engineer or surveyor.

2. In addition to the plat prepared for recording, the applicant shall submit a computer-readable file, in a form specified by the town, which shall provide a true and complete display of the recorded final plat, excepting the surveyor's seal or signature. The computer-readable file shall be submitted at the same time the mylar is submitted for signature by the Town Council.

3. It shall be the responsibility of the subdivider to file the plat with the County Recorder within 180 calendar days 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. Any extension of time must be granted by the Commission.

(E) *Minor subdivisions.*

(1) *General procedures for preliminary approval.* Should the Administrator, prior to the sketch plan meeting, classify the proposed land division as a minor subdivision, the subdivider shall follow the procedures and be subject to the process outlined herein. In addition to a sketch plan which is reviewed by the Administrator and checkpoint agencies for preliminary approval by the Commission, the applicant seeking approval of a minor subdivision shall submit a final plat which must be in compliance with the preliminary plan or otherwise approved in order to be signed and recorded.

(2) *Application requirements.* In order to begin the subdivision process, the applicant shall file with the Administrator an Application for Technical Review of the sketch plan, as

defined in this chapter. This application shall:

- (a) Be made on the Application for Technical Review form available at the Department of Planning and Zoning and signed by the owner or agent;
- (b) Include indication of all contiguous holdings of the owner, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner, as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which the contract of sale was executed. If any corporations are involved, the Administrator may request a complete list of all directors and officers, and a listing of stockholders if less than ten in number;
- (c) Be presented to the Administrator in duplicate;
- (d) Be accompanied by a minimum of two copies of the sketch plan;
- (e) Be accompanied by a fee established by the Town Council;
- (f) Include an address and telephone number of an agent who shall be authorized to receive all notices required by this chapter; and
- (g) Include a listing of the checkpoint agencies and when they received a copy of the proposed sketch plan (see division (E)(3) below).

(3) *Official submission date and placement on the agenda.* An application for sketch plan approval shall be submitted no less than 40 calendar days prior to a regularly scheduled public meeting of the Commission at which the preliminary plat is to be reviewed. The Administrator shall place such application on the agenda of the first regularly scheduled meeting of the Commission to occur 40 days after the date of submission.

(4) *Checkpoint agency submission.* A copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so that their comment may be made to the Administrator. The Administrator shall request that all officials and agencies to whom a request for review has been made submit a written report to the Administrator within 15 days of receipt of the request. No response from an agency shall be interpreted as meaning "no objection." Following is a list of checkpoint agencies:

- (a) Whiteland Street Department;
- (b) Whiteland Water Department;
- (c) Whiteland Sanitary Sewer Department;
- (d) Whiteland Fire Department;
- (e) Whiteland Town Marshal's Department;
- (f) Clark-Pleasant School Corporation.

(5) *Sketch plan review process.* Within 20 calendar days of the subdivider's submittal, the Administrator shall have studied the proposal, reviewed checkpoint reports, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be required by this chapter. The Administrator shall request that a representative of each checkpoint agency that wishes to be involved in a sketch

plan review be present to participate in a Technical Review Committee meeting. In considering requirements of this chapter, particular attention shall be given to sewage disposal, adequate water supply, drainage, lot size and arrangement, the further development of adjoining unsubdivided lands, and Official Map and Comprehensive Plan requirements. Subsequent to the meeting, the Administrator shall provide participants with a written record of the meeting's proceedings.

(6) *Minor plat and supporting data submission.* Subsequent to placement on the agenda and a minimum of 20 days prior to the public hearing, the subdivider shall submit 12 copies of the minor plat and supporting data. The Administrator shall refer the plat and data to affected participating agencies for their review prior to the public hearing.

(7) *Public hearing notification requirements.* The notification requirement for the public hearing shall be the same as required for a major subdivision.

(8) *Drainage Board approval.* Prior to the date of the preliminary plat public hearing, the subdivider shall have received approval from the Drainage Board, if water from the site discharges directly or indirectly into a county legal drain. In the case of commercial or industrial minor subdivisions, preliminary and final Drainage Board approval will be required through the Plan Commission, unless such site directly or indirectly discharges in a county legal drain, then the Drainage Board approval is required.

(9) *Minor plat approval.* After the Commission has, at a regularly scheduled meeting, examined the minor plat, supporting data, Administrator's report, checkpoint recommendations, testimony, and exhibits submitted, the Commission shall approve, conditionally approve, or deny the preliminary plat. A letter relating the decision of the Commission shall be returned to the applicant within five days after the public hearing, indicating the date of approval, conditional approval or denial, and the reasons therefor.

(10) *Submission of map for addressing and 911 purposes.* Following final plat approval, the applicant shall submit one reduced paper copy of the plat, including street names, measuring no more than 11 inches x 17 inches, to the County E-911 Coordinator to facilitate addressing of the lots included in the plat.

(11) *Administrator's final check.* The applicant shall submit two copies of the final plat for review by the Administrator. The submission shall have incorporated any conditions or changes made a part of the approval by the Commission at the public hearing. If the submission is found to be complete, the Administrator shall recommend the signing of the plat.

(12) *Signing and recording of plat.*

(a) *Signing of plat.*

1. When a bond is required, the designated official shall endorse approval on a plat after the bond has been approved, and all conditions of the Commission approval have been satisfied.

2. When installation of improvements is required, the designated official shall endorse approval on the plat after all conditions of the primary 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 appropriate Board of Works, Town Council, Town Board, or

Drainage Board that the necessary improvements have been accomplished.

(b) *Recording of final plat.*

1. The designated official shall sign the reproducible mylar of the subdivision plat, plus two prints of the subdivision plat. The prints shall be returned to the applicant and his engineer or surveyor.

2. In addition to the plat prepared for recording, the applicant shall, when required by the town, submit a computer-readable file, in a form specified by the town, which shall provide a true and complete display of the recorded final plat, excepting the surveyor's seal or signature. The computer-readable file shall be submitted at the same time the mylar is submitted for signature by the Plan Commission.

3. It shall be the responsibility of the subdivider to file the plat with the County Recorder within 180 calendar days 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. Any extension of time must be granted by the Commission.

(F) *Resubdivision of land.*

(1) *Procedure for resubdivision.* 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 Commission by the same procedures, rules, and regulations as for a subdivision, unless such change is considered an exempt subdivision by this chapter.

(2) *Procedure for subdivisions where future resubdivision is indicated.* 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 Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

(G) *Vacation of plats.* 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 Commission in like manner as plats of minor subdivisions. The town may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys. 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.

(H) *Waivers.*

(1) *General.* Where the 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, it may approve a waiver to this chapter so that substantial justice may be done and the public interest secured, provided that

such waiver shall not have the effect of nullifying the intent and purpose of this chapter. The Commission shall not approve a waiver unless it shall make findings, based upon the evidence presented to it in each specific case, that:

(a) The granting of the waiver will not be detrimental to the public safety, health, or welfare, or injurious to nearby property;

(b) 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;

(c) 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

(d) The waiver will not, in any manner, contravene provisions of the zoning ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

(2) *Conditions.* In approving waivers, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of standards and requirements herein.

(3) *Procedures.* A petition for any such waiver shall be submitted in writing by the subdivider to the Department of Planning at the time the preliminary plat is filed for consideration by the Commission. The petition shall state fully the grounds for the application and all facts relied upon by the petitioner.

(I) *Horizontal property regime.* Per IC 32-1-6-12, the owner of the land on which a horizontal property regime is being declared shall record with the County Recorder in which the land is situated a declaration containing the particular requirements of that section. While no Plan Commission hearing is required for the horizontal property regime, the development of the land shall be subject to review by the Drainage Board and Technical Review Committee.

(Ord. 70-3, passed 5-7-70; Am. Ord. 03-9, passed 1-12-04)

#### **§ 154.04 DESIGN PRINCIPLES AND STANDARDS.**

(A) *General.*

(1) In determining whether an application for approval shall be granted, the Commission shall determine if the plat conforms to the principles and standards required herein, 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 spots, 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. Major subdivisions filed under the terms of this chapter shall be required to install sanitary sewers.

(4) The subdivision layout shall be of such character that it protects the health, safety, and general welfare of the town and its residents.

(5) In designing a street system, the subdivider 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 minimize through-traffic movement, but 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 conflict with the efficiency of bordering arterial routes.
- (e) Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.
- (f) Traffic generators within residential areas shall be considered in the design of the circulation pattern.
- (g) Planning and construction of residential streets shall clearly relate to their local function.
- (h) Local streets shall be designed to discourage excessive speeds.
- (i) Pedestrian-vehicular conflict points shall be minimized.
- (j) The space devoted to street uses shall be minimized.
- (k) The number of intersections shall be minimized.
- (l) Local streets shall be related to the topography.

(B) *General street 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) Only one street, driveway, or point of vehicle access shall be permitted from a major subdivision onto a collector street or road or an arterial street or road. Two or more streets, driveways, or points of vehicle access may be permitted or required by the Commission if they are needed to improve the safety and traffic circulation in the area.
- (3) Half streets shall not be permitted.
- (4) No street names may be used which will duplicate or be confused with names of existing streets. 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.
- (5) 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 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.

(6) 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 50-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 of the 50-foot diameter shall be composed of nine inches of stone and two inches of binder.

(7) In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by this chapter, the subdivider shall dedicate additional width along either one or both sides of such streets so as to bring them up to standards, provided that the area to be used for widening is owned by the subdivider or under his control.

(8) The following paragraphs shall be required as provisions of the restrictive covenants of all final plats to which they apply:

(a) No fence, wall, structure, hedge, tree, shrub planting, or other object which 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.

(b) 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 70 feet of the centerline intersections of streets adjacent to the corner lot.

(c) 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.

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

(e) No walls, rocks or boulders larger than two feet in any dimension shall be placed in the median.

(C) *Geometric street standards.*

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

Arterial streets	130 feet
Major collector streets	100 feet
Minor collector streets	70 feet
Local streets	50 feet
Cul-de-sacs	

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 in any proposed residential, commercial, or industrial development.

(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) New subdivision entrances shall have clear visibility for line of sight on existing roadways as follows:

<u>Posted Speed Limit</u>	<u>Minimum Line of Sight</u>
30 mph	400 feet
35 mph	470 feet
40 mph	580 feet
45 mph	710 feet
50 mph	840 feet
55 mph	990 feet

Sight distance shall be measured from a point three and one-half feet above the roadway at the subdivision entrance, at a distance of ten feet back from the traveled lane, along a line of sight to a point one-half foot above the roadway for stopping sight distance, and 51 inches for all other sight distance measurements.

(7) Clear visibility for stopping sight distance, measured along the centerline of the street, shall be provided for at least 600 feet on all arterial streets, 400 feet on collector streets, and at least 200 feet on all local streets.

(8) The maximum vertical grade for arterial streets shall not exceed 7- ½%; for collector streets, 10%; and for local streets, 10%; provided, however, that within 200 feet of a street or railway intersection, the maximum grade permitted shall be 50% of the maximum grade specification. The minimum vertical grade for all types of streets shall be 0.5%.

(9) Vertical curves conforming to AASHTO standards shall be provided at all changes in grade. The minimum size for any vertical curve shall be 50 feet.

(10) The maximum length of a cul-de-sac street shall be 800 feet, measured along the



centerline from the intersection at origin through the center of the circle to the end of the right-of-way. Each cul-de-sac shall have a terminus of nearly circular shape. 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. An administrative waiver may be granted by the Technical Review Committee if checkpoint agencies supply letters of "no opposition" for cul-de-sac length exceeding 800 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 this chapter and to provide for convenient access, circulation control, and safety of street traffic. 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, the Commission may specify the provision of pedestrian crosswalks near the center of the block, or wherever most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant site.

(3) Residential blocks shall be of sufficient depth to accommodate two tiers of lots of minimum depth, except where reverse frontage lots bordering on a freeway, arterial street, or flood plain are used.

(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) For minor subdivisions, the depth-to-width ratio of any single-family residential lot shall not be greater than two to one for any lot smaller than five acres. The lot depth shall be measured by the shortest straight-line distance from the plane of the right-of-way line to the plane of the lot line furthest from the right-of-way line. For purposes of calculating depth-to-width ratio only, the width shall be measured perpendicular to the lot depth measurement line, and shall be the shortest straight-line distance between lot lines with the furthest separation. (The required minimum lot width for other purposes shall continue to be measured at the front setback line.)

(5) 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 parcels included in subdivision plats, including remainders.

(6) The minimum setbacks required for each lot shall be in conformance with the zoning ordinance.

(7) Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines along both streets.

(8) For purposes of calculating minimum lot area, street rights-of-way shall not be included.

(9) Side lines of lots shall be approximately at right angles or radial to street lines.

(10) The minimum distance between flag lot access easements or drives shall be at least equal to the minimum lot width in the zone district in which such lot is situated; however, one access easement or drive may serve more than one flag lot.

(11) 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 shall be provided along lot lines adjoining such adverse influence or arterial street.

(12) 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. The minimum building setback from all legal drainageways shall be a distance of 75 feet from the top of bank plus the required minimum yard setback distance, unless modified by the Drainage Board.

(13) 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) *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 at least 20 feet in width located along all rear lot lines, and at least 15 feet in width located at least along every side lot line. All exterior boundaries of the subdivision shall be provided with an easement of at least 20 feet in width. The Commission may require larger 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 subdivider 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.

(G) *Commercial and industrial subdivisions.*

(1) It is recognized that the subdivider 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 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 subdivider 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 Commission following the receipt of a final subdivision plat shall then apply, except those streets that have been built by following an approved set of plans on the previously approved final 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 set forth in the zoning ordinance, including a two-acre minimum for structures served by septic as opposed to sanitary sewer. Each distinct business use shall occupy a separate lot, exempting strip centers, malls, or buildings containing more than one business.

(H) *Soil limitations and natural features.*

(1) Except in major subdivisions, land with soils that exhibit slight or moderate limitations (as determined by the Soil Survey Data furnished by the U.S. Department of Agriculture Soil Conservation Service) to urban development may be subdivided into building sites to be served by septic tank sewage disposal systems if in accordance with all other applicable provisions herein.

(2) Except in major subdivisions, land with soils that exhibit severe limitations (as determined by the Soil Survey Data furnished by the U.S. Department of Agriculture Soil Conservation Service) to urban development due to slopes of over 12%, seasonal high water table, ponding water, percolation rate of over 60 minutes per inch, lack of adequate water flow in a well, or other features harmful to the safety, welfare, or general health of future residents, shall not be subdivided unless adequate remedies to overcome said limitations are formulated by the subdivider and approved by the Commission and other appropriate public agencies.

(Ord. 70-3, passed 5-7-70; Am. Ord. 03-9, passed 1-12-04)

**§ 154.05 IMPROVEMENTS AND INSTALLATIONS.**

(A) *General.*

(1) Subdivision improvements shall be designed, furnished, and installed in accordance with requirements 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 subdivider shall submit copies of the erosion control plan and construction drawings for street

drainage facilities and all other required improvements to the Town Council at least 30 days before construction begins. Construction drawings for the sanitary sewer system shall also be submitted to the Johnson County Board of Health, Indiana State Board of Health, Indiana Department of Environmental Management, and such other state agencies as may be appropriate, at least 60 days before construction begins.

(3) All construction within the county road/street right-of-way shall require a permit and a bond through the Street Department.

(4) 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.

(5) Inspection of construction of all required improvements shall be under the direction of the Town Council. The subdivider shall sign an agreement for Inspection and Testing Services with the town, as prescribed in the Appendix, Forms 12 and 13, attached to Ordinance 03-9.

(B) *Streets.* Improvements for streets shall be performed to meet the following minimum standards and requirements:

(1) *Pavement construction.*

(a) The Town Planning Engineer shall be notified at least 24 hours in advance of subgrade work, placement of stone base, concrete paving, or asphalt paving, but work may proceed if the Town Engineer fails to inspect within 72 hours of notification.

(b) The Director shall, when necessary and prudent, and at the developer's expense, have core samples taken from the finished work to verify thickness and quality.

(c) *Subgrade.*

1. Subgrade and proposed building areas, as shown on the approved plans, shall be graded to a smooth, true surface and to the required depth, and all soft and spongy places not affording a firm foundation will be dug out and refilled with compacted earth or stone. The entire area shall be so compacted as to meet a Proctor dry density of 95% or better. Stone backfill gradation shall have the approval of the Town Planning Engineer. The subgrade shall be rolled with a roller weighing no less than ten tons.

2. If dry, the subgrade shall be sprinkled or otherwise wetted prior to the time of laying the pavement. However, no pavement shall be laid on a muddy subgrade. The subgrade shall be maintained in a well-drained condition at all times during construction.

3. The subgrade condition must be approved by the Town Planning Engineer or his representative before any concrete is placed. The final subgrade and stone base shall pass a proof roll test as directed by the town.

4. No stone base shall be placed until all utility road crossings are completed.

5. All utility road crossings shall be backfilled with No. 53 compacted aggregate stone, which shall be compacted so as to meet a Proctor dry density of 95% or better. Alternative backfill materials may be used upon approval by the Town Planning Engineer.

6. If lime stabilization is required, the results of the soil tests used to

determine the type and percent of lime used shall be submitted to the Town Planning Engineer for review and approval prior to placement.

(d) *Concrete street pavement standards.*

1. Construction shall consist of reinforced or plain cement concrete laid as a pavement, in one course, on a four inch stone base and conforming with lines, grade, thicknesses, and cross-sections shown on plans or otherwise specified. The concrete shall reach a minimum 4,000 P.S.I. compressive strength at 28 days.

2. Unless otherwise specified, concrete for pavement shall entrain 5% to 7% air and shall conform to the Indiana Department of Transportation's most recent specifications, Section 500.

3. The test for slump of concrete for reinforced concrete pavement shall be in accordance with ASTM C143-52, and for paving, the maximum slump shall be two inches. In no case shall the water used, including any free water in the aggregate, exceed 5.8 gallons per bag (94 pounds) of cement used.

4. The two aggregates shall be proportioned to use the maximum amount of course aggregate to produce a workable mix. Fine aggregates shall not be less than 30% or more than 50% of the total weight of the aggregate used in each cubic yard.

5. Ready-mixed concrete shall be used in street construction except in extreme emergencies. Each ready-mix supplier shall provide certified mix analyses for all concrete provided.

6. Construction shall proceed in an orderly fashion with the contractor assuring that adequate equipment and sufficient labor to expedite the work is on the job site at all times.

7. Expressways, arterial highways, and primary thoroughfares shall be constructed with a minimum eight-inch thickness concrete and be reinforced with a minimum of one layer of 6 x 6 6/6 W.W.F. Secondary thoroughfares, collector streets, and minor residential streets shall be a minimum six-inch thickness concrete, with no reinforcing steel.

8. During construction activity, concrete trucks and other construction traffic shall not be allowed on a poured lane until a minimum of 14 days curing time has elapsed, or until concrete has reached design strength.

9. At the close of each day's work, a construction joint shall be made not less than ten feet, zero inches from the preceding transverse contraction joint. Sections less than ten feet, zero inches shall not be permitted.

10. The upper edges of all preformed expansion material in joints shall be parallel to the surface of the pavement and level therewith.

11. Transverse expansion joints shall be constructed only as specified on plans.

12. In the construction of an expansion joint with load transfer, the joint shall comply with plan details.

13. A joint holder will be required to hold the dowel bars accurately in place

perpendicular to the cross section of the pavement and to the line of the joint.

14. A dummy joint shall be constructed at four feet, zero inches off back of curb and parallel with the curb line.

15. Contraction joints shall be installed at eighteen feet, zero inch intervals, at least one quarter of slab thickness, early enough to control cracking, but late enough to prevent damage by blade action if sawed, to slab surface and to the concrete immediately adjacent to the joint.

16. At junctions with an unpaved street, new pavement shall be thickened for at least twelve feet, zero inches, gradually increasing thickness to not less than one and one-third times as thick as the designed slab. Three-quarter inch by 15-inch dowel bars at 18-inch centers shall be properly placed in this end section and carefully bent down after concrete is thoroughly set. The adjoining last 50 feet, zero inches of unpaved street shall be carefully graded and compacted to blend with new pavement.

17. Wire mesh, if shown on plans or requested by the Town Engineer, shall be placed as directed and comply with provisions of AASHTO M 55" welded steel wire fabric for concrete reinforcement.

18. Unless otherwise specified, mesh shall be placed in the middle third of concrete and parallel to finished subgrade. The ends shall be more than two inches back from joints, and the edges not more than three inches from forms. Sheets shall be lapped the width of one mesh.

19. Asphalt filler shall meet the detailed requirements of the Indiana Department of Transportation.

20. Immediately upon completion of finishing process, the concrete shall be properly cured by use of curing blankets, plastic sheets, or liquid membrane forming compounds conforming to ASTM C309-53T. Failure to comply with requirements herein will result in rejection of the work.

(e) *Asphaltic concrete street pavement standards.*

1. Construction shall consist of a full-depth hot asphaltic concrete pavement on a compacted subgrade or hot asphaltic concrete on a compacted crushed stone base, with pavement thickness coordinated with the Highway Engineer.

2. All materials, mixtures, and workmanship shall conform to current Indiana Department of Transportation specifications and all other applicable portions of this section.

3. Stub ends of streets shall have each layer of asphalt material extend at least two feet beyond the end of the subsequent layer.

(2) *Minimum paved surface dimensions.*

(a) Local and cul-de-sac streets:

Width, with curb and gutter	28 feet*
Width, without curb and gutter	24 feet
Terminus diameter on cul-de-sac	

Residential use only	90 feet
School bus turn-arounds	110 feet

Radius at intersections

Residential developments	25 feet
Commercial and industrial developments	50 feet

(b) Collector streets:

Width, with curb and gutter	32 feet*
Width, without curb and gutter	28 feet

Radius at intersections

Residential developments	25 feet
Commercial and industrial developments	50 feet

\*Measured back-to-back of curb

(c) Landscape islands are encouraged for cul-de-sacs only in residential subdivisions. The maximum radius of such islands shall be ten feet. Geometrics of cul-de-sacs with landscaping will be reviewed individually and may require a larger overall diameter than listed above.

(d) At an intersection of a subdivision street, or commercial or industrial drive, with an existing street or road, the subdivider shall install deceleration, acceleration and passing lanes along an existing street in accordance with Figure 1, "Acceleration, Deceleration, and Passing Blister," located in the Appendix of Ordinance No. 03-9.

1. All road work involving construction of passing blisters and/or accel/decel lanes shall require a one-inch overlay of bituminous surface, which shall extend across the full width of the existing roadway as well as the new features. Limits of this work shall be the extreme ends of the tapers and/or blister. Butt joints shall be milled at the ends of the work to ensure a smooth transition.

2. The overlaid area shall be striped as shown on approved construction plans. Striping material shall be thermoplastic in accordance with Indiana Department of Transportation specifications. Pavement curing shall take place for 30 days prior to placement of the striping. Temporary tape striping may be required until the thermoplastic markings are placed.

3. Additional off site rights-of-way may be required for construction of the passing blisters or the tapers. The right-of-way shall be obtained and dedicated prior to the approval of permits.

4. Stone or asphalt shoulders shall be required adjacent to all passing blisters, tapers, and turn lanes. Stone shoulders shall be compacted #53 stone with a minimum thickness of six inches. Both stone and asphalt compositions shall be placed flush with the new finished pavement, shall have a cross slope of 6% or three-quarters of an inch per foot, and have a minimum width of two feet.

5. At an intersection of two streets with different functional classifications

(arterial, collector, local), any new pavement section within the right-of-way shall be composed of the structural material required for the street with the highest functional classification.

6. A graphical specification showing the proposed roadside ditch location and road widening for any adjacent street to a project is shown in Figure 2, "Roadside Ditch Location and Road Widening Detail," in the Appendix of Ordinance No. 03-9.

(3) *Pavement sections.* The minimum thickness of sub-base, base course and pavement shall be as follows, unless otherwise allowed, in writing, by the Planning Engineer:

(a) *Local and cul-de-sac streets.* A six-inch plain concrete pavement on four inches of compacted crushed stone on compacted subgrade, or four inches of hot asphaltic concrete pavement (one inch of surface and three inches of binder) on nine inches of compacted crushed stone base on a compacted subgrade.

(b) *Collector streets.* A seven-inch plain concrete pavement on four inches of compacted crushed stone on compacted subgrade, or a seven-inch hot asphaltic concrete pavement (one inch of surface, two inches of binder and four inches of base) on eight inches of compacted crushed stone base on compacted subgrade.

(c) *Arterial streets.* An eight-inch reinforced concrete pavement on four inches of compacted crushed stone on compacted subgrade, or a nine-inch hot asphaltic concrete pavement (one inch of surface, two inches of binder and six inches of base) on eight inches of compacted crushed stone base on a compacted subgrade.

(d) Higher standards than indicated in this section may be required by the Commission to accommodate extraordinary traffic volumes or other abnormal characteristics. All materials, mixtures, and workmanship shall conform to the Indiana Department of Transportation's current specifications, except as modified by town specifications.

(4) *Curbs and gutters.* For all proposed major residential, commercial, and industrial subdivisions, the subdivider shall provide curbs and gutters. Curbs and gutters in residential areas may be an approved roll type with four inch curb and twenty-four inch minimum width made of six bag concrete, and shall be six inch vertical face in other areas and on arterial streets. Curbs shall have one and one-half inch minimum depth control joints every ten feet, zero inches, and one-half inch expansion material at all sides of structures.

(5) *Sidewalks.* For all proposed major residential, commercial, and industrial subdivisions, the subdivider shall provide sidewalks on both sides of the street, and a common area sidewalk shall be provided along the frontage of town roads. The sidewalks shall be at least four feet, zero inches wide and four inches thick, underlaid with adequate granular material, sloped one-quarter inch per foot toward the street and be located no closer than one foot, zero inches from property lines, and no closer than one foot, zero inches from the back of the curb. Handicap access ramps shall be provided where sidewalks join streets, at street intersections, and at the necks of cul-de-sacs.

(6) *Roadside swales.* New and existing streets not having curbs and gutters shall provide the following:

(a) Side ditch swales measuring a minimum of one foot, zero inches deep at their centerline at a point four feet, zero inches inside the right-of-way line.

(b) A shoulder width based on the road classification and dictated by the Town



Engineer. In no case shall the shoulder be less than two feet in width.

(c) A swale or culvert at all driveways sized according to amount of storm water flow, as required to keep a ten-year rainfall event. All culverts shall extend at least five feet, zero inches beyond either edge of the paved driveway edge.

(d) Culverts shall be installed under the roadway where necessary and be sized to carry, flowing full, a minimum of a ten-year rainfall event. All culverts shall extend at least five feet, zero inches beyond either edge of the paved roadway.

(e) Relief of side ditches and swales along the roadway shall be accomplished through the use of off street retention basins or existing drainage channels.

(7) *Street identification signs.* It shall be the responsibility of the subdivider to provide and install street identification signs at all street intersections within the subdivision prior to the construction of any permanent improvements other than those specifically set forth by this chapter. Said signs and posts shall conform to the following standards or be of a design approved by the Town Council:

(a) Each signpost shall comply with the Street Department, twelve feet, zero inches long with a minimum three feet below grade, weighing two pounds per foot.

(b) Each sign shall be of a metal, double-blade design, green reflectorized with four-inch or larger white gothic letters, mounted at the top of the post, with the street name on both sides.

(c) Street signs shall be located within the street right-of-way, but no closer than six feet, zero inches from the edge of the traveled portion of the street, as shown on construction drawings.

(8) *Stop and speed limit signs.* It shall be the responsibility of the subdivider to provide and install stop signs and speed limit signs 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 maximum posted speed limit shall be 30 mph unless otherwise approved by the Town Council. Said signs and posts shall conform to the following standards or be of a design approved by the Town Council:

(a) Each signpost shall comply with the Street Department, 12 feet, zero inches long with a minimum three feet below grade, weighing two pounds per foot.

(b) Each stop sign shall be a minimum of 30 inches in width, and be of high intensity finish (no baked enamel finish).

(c) Each speed limit sign shall be a vertical rectangle with dimensions of 24 inches by 30 inches and be of high-intensity finish (no baked enamel finish).

(d) Stop signs shall be installed so that the edge of the sign is a minimum of two feet, zero inches from the edge of the traveled portion of the street. The sign height shall be a minimum of seven feet, zero inches from the top of the curb to the bottom of the sign.

(e) Speed limit signs shall be installed so that the edge of the sign is a minimum of two feet, zero inches from the back edge of the curb, or a minimum of two feet, zero inches from the back edge of a shoulder, if present or proposed, as shown on construction drawings.

(C) *Drainage.*

(1) A drainage system shall be designed and constructed by the subdivider 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 constructed and installed in accordance with plans and specifications approved by the Town Council.

(2) In designing a drainage system, the subdivider shall be guided by the following minimum standards:

(a) Storm street inlets placed in a low point shall be sized to accept a ten-year storm volume with 50% of the inlet clogged and no more than one-half foot of water pooling above the inlet.

(b) Storm swale inlets shall be sized to accept a ten-year storm volume with 50% of the inlet clogged and no more than eight-tenths of a foot of water pooling above the inlet.

(c) The storm detention design shall outlet storm water at a two-year pre-developed rainfall event rate for a ten-year post-developed storm. Also, the 100-year post developed storm shall be limited to the ten-year pre-developed outlet rate.

(d) Storm pipes shall be reinforced concrete, Class III, with type B wall thickness, with gasket fitting. Alternate materials may be used upon approval by the Planning Engineer. The minimum pipe size shall be 15 inches in diameter. The minimum pipe flow velocity shall be two and one-half feet per second.

(e) Drainage swales with longitudinal slopes flatter than 1% shall consist of six-inch thick reinforced concrete. Such swales shall have a minimum width of three feet, and have a shape and jointing pattern approved by the Town Engineer. Alternative type swale treatments shall be subject to approval of the Planning Engineer.

(f) All overland flow time-of-concentration values shall be based on Figure 6, "Overland Flow and Runoff Coefficient," located in the Appendix of Ordinance No. 03-9.

(g) Exposed ends of storm pipes shall have six-inch thick reinforced concrete slope walls placed as directed by the Town Engineer.

(h) All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters, and storm sewers, or side ditches and culverts, as determined by the Town Council. A six-inch perforated tile shall be placed on each side of all streets and:

1. Be two feet, zero inches below the soil subgrade and parallel with the longitudinal pavement grade;

2. Flow to the low point and into the storm drainage system;

3. Be placed below pavement at the inside face of the curbing; and

4. Be backfilled with #8 washed gravel.

(i) Inlets in streets shall be spaced a maximum of 500 feet apart, or 500 feet from the high point in the street.

(j) Downspouts outlets shall discharge onto grass surface no closer than the building setback lines. Sump pump outlets shall discharge into stub out from division (C)(2)(h) above.

(k) The on-site drainage system shall be designed and sized to handle, flowing full, a minimum of a ten-year rainfall event. The developer is responsible for analyzing the ponding and results of a 100-year rainfall event and establishing flood protection grade for all structures and verifying an adequate outlet for the 100-year storm with the storm pipe system completely plugged.

(l) Detention design shall conform to current Soil Conservation Service methods for drainage, or an approved equal. The design shall include an analysis of all storm durations (1, 2, 3, 6, 12, and 24 hours) to determine the critical peak to be used. The Rational Method is acceptable for pipe design only.

(m) Wet detention ponds shall have a minimum eight-foot wide safety ledge placed below water level at a maximum water depth of 30 inches. Also, wet detention ponds shall have at least 25% of the pond surface with a minimum water depth of eight feet.

(n) For commercial or industrial sites; major residential, commercial, and industrial subdivisions; and minor commercial and industrial subdivisions, the pre-developed runoff rates shall be based on either pasture, meadow, brush or woods ground cover type in good hydrologic condition. Any existing farm ground will be based on the pasture cover type, in good hydrologic condition.

(o) For minor subdivisions, the pre-developed runoff rates shall be based on actual ground cover type.

(p) Any dry detention facilities must be designed with sub-surface drainage.

(q) Whenever evidence available to the Town Council indicates natural surface drainage to be inadequate, the subdivider shall provide an adequate storm water sewer system. When the surface drainage is adequate, easements for such surface drainage shall be provided.

(r) The developer shall provide a water quality detention system that is designed to detain, for over 24 hours after peak runoff, at least 20% of the runoff from either a one and one-quarter inch storm or one-half inch of direct runoff, whichever is greater. All paved areas shall be routed through a water quality detention area. The minimum water quality outlet shall be two inches in diameter.

(s) The developer shall provide a plan for the continuation of underground drainage tiles.

(t) Outlet pipes from retention ponds must be discharged into a natural ditch, a defined swale, or into a discharge control structure that will eliminate erosion down grade. Outlet pipes shall not be discharged onto an existing tillable field, or underground legal drainage piping.

(u) The developer shall provide a topographic map indicating the contour lines at two foot intervals within 600 feet of the proposed development.

(v) Concrete riser rings shall be permitted in order to allow structures to be adjusted up to a maximum of one foot.

(w) All structures should be sized to allow inspection and maintenance.

(x) All stormwater outlets discharging into a detention facility shall be located in the upper two-thirds of the basin.

(3) When vegetation has been removed from a slope and the possibility of soil erosion occurs, the subdivider 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 on file with the Soil and Water Conservation District.

(4) *Drainage swales.*

(a) Drainage swales or ditches along dedicated roadways and within rights-of-way, or on dedicated easements, are not to be altered in any way without written permission from the Street Department and/or the Department of Planning, as applicable.

(b) The developer shall provide an Elevation Certificate, stamped by a licensed land surveyor or physical engineer, for approved drainage swales prior to final plat approval, referred as "Drainage Swale As-Built Drawing".

(c) Property owners must maintain these swales as sodded grassways or other non-eroding surfaces at the elevations and grades shown on the approved plans.

(d) Water from roofs or parking areas must be contained on the property long enough so that drainage swales or ditches will not be damaged by such water.

(e) Driveways may be constructed over these swales or ditches only when appropriately sized culverts or other approved structures have been permitted by the Town Council and/or Street Department. Swales on private property shall be regulated by the covenants or legal drain system.

(5) Prior to obtaining final drainage approval, the developer shall submit a copy of a petition for establishing the drainage facilities within a subdivision as a legal drain or private homeowners' association maintenance of the drainage system. Said petition shall comply with the requirements of IC 36-9-27-54.1 et seq., and include any storm sewers, ditches, rear yard swales, or portions thereof, as the town indicates.

(6) 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 system shall be designed and constructed by the subdivider to provide adequate sewage service for all lots in a proposed subdivision. A subdivision plat shall not be considered for final approval until improvement plans for a sewage system by one of the following methods have been submitted to the Town Council for approval:

(1) In all major subdivisions, a permanent sanitary sewer collection system, including all pipes and manholes, shall be provided and said system shall be connected to new or existing public or private sewage systems in accordance with plans and specifications therefore.

(2) Except in major subdivisions, a private sewage disposal system for each lot shall be designed in accordance with Indiana State Department of Health and Johnson County Health Department requirements. In no event shall any part of a private system, including seepage or leaching field, be located closer than ten feet, zero inches to a property line; within 50 feet, zero inches of a private well; 25 feet, zero inches of a drainage tile; or 75 feet, zero inches from a legal drain. All private sewage disposal systems shall be installed in compliance with Indiana State Department of Health requirements.

(E) *Water system.* A water distribution system shall be provided by the subdivider to provide adequate water service for all lots in the proposed subdivision. A subdivision plat shall not be considered for final approval until improvement plans for a water system by one of the following methods have been submitted to the Town Council for approval:

(1) A permanent water distribution system, including pipes, fire hydrants, valves, and other appurtenances shall be provided, and said distribution system shall be connected with an approved public or private water system in accordance with plans and specifications therefor.

(2) If the land to be subdivided is not so located with regard to adequate public or group water supply systems before platting, an adequate individual water supply system for each lot shall be constructed and installed in accordance with plans and specifications therefor. Exceptions may be made for model homes according to the zoning ordinance allowance for such uses, as long as fire protection capability is present. Lakes, ponds, and cisterns are not considered adequate private water systems. All private water systems shall be installed in compliance with Indiana State Board of Health requirements.

(F) *Utilities.*

(1) A subdivision plat shall not be considered for final approval until plans for the utilities have been submitted to the Town Council for approval.

(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.*

(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; and
- (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-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.

(Ord. 70-3, passed 5-7-70; Am. Ord. 03-9, passed 1-12-04)

#### **§ 154.06 ASSURANCE FOR COMPLETION OF IMPROVEMENTS.**

(A) *Completion and dedication.* Before the plat is executed by the designated official, the applicant, at the discretion of the Council, may:

(1) Complete all streets, sanitary, and other public improvements, including lot improvements on the individual lots of the subdivision, as required in this chapter, specified in the approved construction plans, and on the final subdivision plat approved.

(2) Dedicate public improvements to the Town Council, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

(B) *Security.* The plat may be executed by the designated official for a subdivision in which the improvements and installments have not been completed, provided that:

(1) The applicant has provided proof of security for installation of sanitary sewer systems and any other needed improvements not directly controlled by the town;

(2) The applicant has provided proof of financial responsibility with the Town Council as the named insured, hereinafter referred to as security. Such security shall comply with statutory requirements and shall be satisfactory to the Board attorney as to form, sufficiency, and manner of execution as set forth in this chapter;

(3) The security shall be in an amount not less than 125% of the estimated cost of completion of required public improvements;

(4) The period within which required public improvements must be completed shall not exceed two years from the date of final plat approval.

(5) *Determination of improvement installation compliance.* Two months prior to the

expiration of the security, the Town Council shall determine if the public improvements have been installed consistent with county standards and special conditions and requirements, if any, established by the Council in approving the plat. If improvements have not been installed to the satisfaction of the Board, the Board shall notify the subdivider of their intent to secure the funds pledged by such security, or, at their discretion, to grant an extension for a period not to exceed one year, and the subdivider shall file with the Board a new security within the period so fixed. The Board may, upon proof of difficulty, grant an extension of the completion date set forth in such security for a maximum period of one additional year, provided that the Security submitted for this extension period meets all other requirements herein.

(6) *Failure to complete public improvements.* In cases where security has been posted and the required public improvements have not been installed within the terms of such security, or if the Board finds upon inspection that any of the improvements have not been constructed in accordance with the approved construction plans, the Board may thereupon declare the security to be in default and cause all public improvements to be installed according to final plat approval regardless of the extent of the building development at the time the security is declared to be in default.

(7) *Release or reduction of security.* A security shall be reduced upon actual acceptance of public improvements and any conditions imposed upon the plat, and then only by the amount originally estimated for the completion of said public improvements. The Town Council shall not accept required public improvements, nor reduce a security, until the subdivider has submitted a certificate attesting to satisfactory completion and the subdivider's engineer or surveyor has provided the Board with certified "as-built" construction plans of the public improvements, including the utilities, indicating location, dimensions, materials, and other information required by the Board or participating jurisdiction. Upon such certification, the Board shall thereafter accept the applicable public improvements for maintenance in accordance with established procedures. Performance security related solely to stormwater management systems and features for earlier sections of a phased subdivision shall remain in effect, and shall not be released or reduced, until release or reduction of performance security for the last section of that subdivision.

(C) *Temporary public improvements.* The applicant shall build and pay for all costs of temporary public improvements required by the Commission and shall maintain the same for the period specified by the Commission. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the Commission a separate suitable security for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed (except for turnaround at ends of peripheral stub streets intended for connection into adjacent future subdivisions).

(D) *Cost of public improvements.* All required public improvements shall be installed by the applicant at his expense, without reimbursement, unless sharing of expenses is agreed upon by the Board.

(E) *Governmental units.* Governmental units to which these security provisions apply may file, in lieu of said security, a certified resolution or ordinance from officers or agencies authorized to act on their behalf, agreeing to comply with provisions of this section.

(F) *Maintenance of public improvements.*

(1) The subdivider shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said public improvements by the Town Council.

(2) The subdivider shall be required to file proof of financial responsibility with the Town Council prior to acceptance, in an amount of 25% of the cost of all public improvements, and in a form satisfactory to the Board attorney, in order to assure the satisfactory condition of the required public improvements, for a period of three years after the date of their acceptance by the Board.

(G) *Waiver of required public improvements.* The Commission may defer or waive at the time of preliminary approval, subject to the appropriate conditions, the provision of any or all such public improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities.

(H) *Issuance of building permits.* No building permit shall be issued for the last 25% of lots in a final subdivision plat or section thereof, or if 25% be less than two, for the last two lots of a subdivision or section thereof, until all required public improvements with the exception of sidewalks have been fully completed and accepted for maintenance by the Town Council.

(Ord. 70-3, passed 5-7-70; Am. Ord. 03-9, passed 1-12-04)

#### **§ 154.07 SPECIFICATIONS FOR SUBMITTALS.**

(A) *Sketch plans for all subdivisions.* Sketch plans submitted to the Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than 100 feet to an inch and shall show the following information:

(1) *Name.* The proposed name of the subdivision shall not duplicate the name of any subdivision plat previously recorded.

(2) *Ownership.*

(a) 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;

(b) Citation of any existing legal rights-of-way or easements affecting the property;

(c) Existing covenants on the property, if any; and

(d) 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.

(3) *Description.* Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.

(4) *Features.*

(a) 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 eight inches or more in diameter, measured four feet above ground level; 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; a list of names of adjoining property owners (from the latest assessment rolls) within 600 feet (or two property owners, whichever is greater) of any perimeter boundary of the subdivision; and immediately adjacent property owners shown around the perimeter of the proposed subdivision;

(b) Location, sizes, elevations, and slopes 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;

(c) Approximate topography of the site and within 600 feet of the property boundaries of the site, at the same scale as the sketch plan, normally showing two-foot contour intervals, but allowing for one-foot intervals on very flat land or five-foot intervals on very steep slopes if permitted by the Administrator;

(d) The approximate location and widths of proposed streets;

(e) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal;

(f) Preliminary provisions for collecting and discharging surface water drainage;

(g) The approximate location, dimensions, and areas of all proposed or existing lots;

(h) The approximate location, dimensions, and areas 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;

(i) When the sketch plan covers only a part of the applicant's contiguous holdings, a sketch in pen or pencil of the proposed subdivision area, at the scale of no more than 200 feet to the inch, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract;

(j) A vicinity map showing streets, including at least one major road, and other general development of the surrounding area;

(k) A report from the Johnson County Soil and Water Conservation District indicating any limitations in the soils of the proposed subdivision with respect to building development, road construction, drainage, sewage disposal, erosion control, or other information that might assist in the review of the subdivision;

(l) An area map showing the total drainage area;

(m) A summary statement indicating total number of lots, total acreage, dwelling units per acre, and miles of new streets to be dedicated; and

(n) For major subdivisions only, the location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as 100-year flood plains, along with vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, hedgerow, woodland, trees with a caliper in excess of 15 inches, and the canopy line of existing trees and woodlands.

(B) *Preliminary plat for major subdivisions.*

(1) *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:

- (a) 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;
- (b) The location and dimensions of all boundary lines of the property, to be expressed in feet and decimals of a foot;
- (c) 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;
- (d) 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;
- (e) The locations, dimensions, and areas of all proposed or existing lots;
- (f) 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;
- (g) 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;
- (h) The date of the map, approximate true north point, scale, and title of the subdivision;
- (i) Sufficient data acceptable to the Planning Engineer to enable determination of the location, bearing, and length of all lines, and reproduction of such lines upon the ground;
- (j) The location of all proposed monuments;
- (k) Names of all new streets to be approved by the Commission;
- (l) 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);
- (m) Blocks consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions;
- (n) 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;
- (o) All information required on the sketch plan, and the following notations shall also be shown:
  - 1. Explanation of drainage easements, if any;
  - 2. Explanation of site easements, if any;

3. Explanations of site reservations, if any;
4. Endorsement of owner, as follows:

Owner \_\_\_\_\_ Date \_\_\_\_\_

(p) The elevation of the 100-year flood plain for lands identified elsewhere by ordinance as flood-prone areas;

(q) A summary statement indicating total number of lots, total acreage, dwelling units per acre, and miles of new streets to be dedicated;

(r) Revision dates and description of changes made;

(s) Location of proposed swales, drainage easements, and stormwater and other management facilities;

(t) 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;

(u) 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; and

(v) Location of existing vegetation proposed to be retained.

(2) *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.

(C) *Construction plans for major subdivisions.* 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:

(1) 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;

(2) Where steep slopes exist, and when required by the Commission, cross-sections of all proposed streets at 100-foot stations shall be shown;

(3) 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;

(4) 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;

(5) Topography at the same scale as the sketch plan 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;

(6) All specifications and references required by the town's construction standards and specifications, including a site-grading plan for the entire subdivision;

(7) Title, name, address, and signature of the professional engineer and/or surveyor, and date, including revision dates;

(8) The elevation of the 100-year flood plain for lands identified elsewhere by ordinance as including flood prone areas; and

(9) Notation of approval, as follows:

Owner \_\_\_\_\_

Date \_\_\_\_\_

Commission Date \_\_\_\_\_

President \_\_\_\_\_

(D) *Final plat for major subdivisions.* The final 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 preliminary plan, along with any changes required by the conditions of preliminary approval, along with the following information:

(1) Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Commission, in accordance with these regulations;

(2) Endorsement of the County Health Department;

(3) 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; and

(4) A statement to the effect that the Town Council does not enforce subdivision covenants.

(E) *Plat and supporting data for minor subdivisions.*

(1) *Plat.* The subdivider shall submit to the Commission a plat of the lot(s) drawn on reproducible material, at least 16 inches x 24 inches, but no larger than 24 inches x 36 inches, and at an acceptable scale, along with six prints of the plat showing the following:

- (a) Legal description of the minor subdivision, identified by owner's name;
- (b) Name of plat;
- (c) Lot numbers and lines with accurate dimensions in feet and hundredths of a foot;
- (d) Easements and rights-of-way lines;
- (e) Land surveyor's certification and seal;
- (f) Deed of dedication;
- (g) Owner's certification;
- (h) Notary seal;
- (i) Scale, graphic scale, north point, and date; and
- (j) The elevation of the 100-year flood plain for lands identified elsewhere by ordinance as including flood prone areas.

(2) *Supporting data.* In addition to the minor plat, the subdivider shall submit six copies of supporting data, drawn at an acceptable scale, showing the following:

- (a) Legal description and drawing of the entire property which is being subdivided;
- (b) Significant physical and topographical features of the tract and its surroundings sufficient to indicate the effect the tract may have on systems, wells, and other physical characteristics. The on-site soil investigation is to be identified;
- (c) The names of owners of adjoining unsubdivided property;
- (d) If property is adjacent to land presently being developed, a proposed street and lot arrangement of the entire tract, with the minor subdivision lots clearly identified;
- (e) Adjoining roads and nearest major intersections;
- (f) Name and address of subdivider;
- (g) Type and feasibility of proposed sewage disposal system; and
- (h) An area map showing the tract, any or all previous minor subdivisions of the land, plus the existing zoning of the subdivision and all land within 600 feet of the subdivision.

(Ord. 70-3, passed 5-7-70; Am. Ord. 03-9, passed 1-12-04)

#### **§ 154.08 ADMINISTRATION.**

(A) *Amendment.* In accordance with State law, the Town Council may consider amendments to this chapter, as proposed by the Town Council, the Commission, or by citizen petition. Any proposed amendment shall be referred to the 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 record in the Recorder's Office or have any validity until approved in the manner prescribed herein.

(C) *Recording of plats.* All plats of subdivisions which have been submitted and approved shall be copied in the Plat Book and be kept among records by the 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) *Appeal.* 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 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.

(Ord. 03-9, passed 1-12-04)

**§ 154.99 PENALTY.**

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, be fined not less than \$10 nor more than \$300, and for violations continued or renewed after one conviction, each day's violation shall constitute a separate offense. In addition, action may be taken pursuant to IC 36-7-4-1013 through IC 36-7-4-1015 to enforce provisions of this chapter.

(Ord. 03-9, passed 1-12-04)