

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2023-07**

AN ORDINANCE AMENDING THE ZONING CODE AND SUBDIVISION CONTROL CODE TO AUTHORIZE DEVELOPMENT REQUIREMENTS FOR RIGHT OF WAY DEDICATION, IMPROVEMENTS TO THE PUBLIC THOROUGHFARE SYSTEM, AND BARRIERS AROUND BODIES OF WATER AND OTHER HAZARDS

WHEREAS, the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the proposed Zoning Code Text Amendment contained herein;

WHEREAS, the Commission, after paying reasonable regard to 1) the Whiteland Comprehensive Plan, 2) the current conditions and the character of the current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the jurisdiction, and 5) responsible development and growth, has made an unfavorable recommendation by a vote of 6 for and 0 against, regarding the proposed change to the Zoning Code Text contained herein, and has certified the same to the Whiteland Town Council (“Council”);

WHEREAS, the Council has considered the recommendation of the Commission and paid reasonable regard to items 1 thru 5 referred to above;

WHEREAS, the Council has determined that the Town’s subdivision control and development requirements should include requirements for a traffic impact study, dedication of right-of-way, and construction of thoroughfare and trails improvements and safety barriers;

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

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

WHEREAS, the Council finds it is in the best interest of Town to revise the provisions of the Zoning Code Text concerning subdivision and development requirements for a traffic impact study, dedication of right-of-way, and construction of safety barriers and thoroughfare and trails improvements as provided in this ordinance; and

WHEREAS, the Council has given notice under I.C. 5-14-1.5-5 (the Open Door Law) of its intention to consider this zoning ordinance.

[The new provisions are shown in bold and underline, deleted provisions in ~~strikethrough~~.]

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, AS FOLLOWS:

Section 1. The text of the Whiteland Town Code is hereby amended to revise Section 154.60 of the Subdivision Control Code to read as follows:

§ 154.60 IMPROVEMENTS STANDARDS.

(A) *General.*

(1) Subdivision improvements shall be designed, furnished, and installed in accordance with the requirements set forth in the Town of Whiteland Design Standards and Specifications Manual, as amended, those requirements set forth herein, and other applicable criteria. Whenever requirements of any other governmental unit are higher or more restrictive than this chapter, those requirements shall control any application for plat approval.

(2) Prior to final approval of a plat and any construction in a subdivision, the petitioner shall submit copies of the construction plans for all improvements to all required governmental agencies, including, but not limited to, the Johnson County Board of Health, Indiana State Board of Health, Indiana Department of Environmental Management, and such other local, state, and federal agencies as may be appropriate, at least 60 days before construction begins.

(3) All culverts and bridges to be incorporated into the town road system shall conform to the current requirements of the Bridge and Culvert Acceptance Policy of Johnson County, Indiana, and the Town of Whiteland.

(4) Higher standards than indicated in this chapter and the Design Specifications and Standards Manual may be required by the Plan Commission to accommodate ~~extraordinary~~ **increased** traffic volumes or other abnormal or unusual characteristics.

(B) *Streets.* Improvements for streets shall be designed and installed in accordance with the requirements set forth in the Town of Whiteland Design Standards and Specifications Manual, as amended, those requirements set forth herein, and other applicable criteria.

(1) *Curbs and gutters.* The petitioner shall provide curbs and gutters in accordance with the Design Standards and Specifications Manual.

(2) *Sidewalks and Trails.* The petitioner shall provide sidewalks on both sides of the street, and along the frontage of any perimeter streets, and in any other location determined necessary for effective and efficient pedestrian movement. Handicap access ramps in compliance with the Americans with Disabilities Act specifications shall be provided where sidewalks join streets, at street intersections, and at the necks of cul-de-sacs. **In addition, all proposed subdivisions and developments shall provide for trail systems at two levels:**

- (a) **Internal trail system within the subdivision to link common areas with the public sidewalk system and to link to perimeter or abutting regional trails;**
and
- (b) **Regional trail systems that abut or traverse the subdivision in conformance with the Comprehensive Plan. Although easements across private property may be necessary in some instances, the preferred locations for trails are**

[The new provisions are shown in bold and underline, deleted provisions in ~~strikethrough.~~]

common areas, public rights-of-way, or easements abutting/paralleling such areas.

(3) *Regulatory signs and street identification signs.* It shall be the responsibility of the petitioner to provide and install stop signs, speed limit signs, other regulatory street signs, and street identification signs in accordance with the Design Standards and Specifications Manual prior to issuance of any building permits, including those for model homes. Permits for model homes may be issued if temporary signs are installed. The posted speed limit for local streets shall be that stated in § 70.02(B), currently 30 mph, unless otherwise approved by the Plan Commission and Council.

(4) Traffic Impact Analysis. A traffic impact analysis shall be performed and provided, to the satisfaction of the Plan Commission, that includes, without limitation, average daily and peak hour estimates and recommended public right-of-way improvements, which analysis may be required to include core sampling of existing streets, to be conducted and issued by a traffic engineer or other similarly qualified professional, and to be obtained by and at the expense of the petitioner. The public right-of-way improvements recommended in the traffic impact analysis shall be constructed as part of the construction of the development. Additionally, whenever a proposed subdivision or development borders an existing street, reconstruction or widening, or both, of such street may be required as a condition of approval.

(5) Dedication of Right-of-Way. Petitioner shall dedicate the necessary right-of-way for future expansion of perimeter roads as indicated in the Thoroughfare Plan and for any other improvements recommended in the Traffic Impact Analysis for the development, including, without limitation, for reconstruction or widening of existing streets, and/or construction of deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public thoroughfare system.

(C) *Drainage.* A drainage system shall be designed and constructed by the petitioner to provide for the proper drainage of surface water from the entire subdivision and the drainage area of which it is a part. The system shall be designed, and constructed in accordance with the Design Standards and Specifications Manual.

(1) Downspouts outlets shall discharge onto grass surface no closer than the building setback lines. Sump pump outlets shall discharge onto grass surface no closer than the building setback lines or into stub out as specified in the Design Standards and Specifications Manual.

(2) When vegetation has been removed from a slope and the possibility of soil erosion occurs, the petitioner or lot owner shall be required to seed or otherwise prevent damage to adjacent property or accumulation on street surfaces. These erosion control measures shall be in accordance with standards and specifications of the Stormwater Utility.

(3) The altering, changing, or damaging of swales, ditches, or drainage structures, as shown on approved construction plans, will be considered a violation of this chapter and subject to the enforcement procedures contained herein.

(D) *Sanitary sewage disposal.* A sanitary sewer system shall be designed and constructed by the petitioner in accordance with the Design Standards and Specifications Manual to provide adequate sewage service for all lots in a proposed subdivision.

(E) *Water system.* A water distribution system shall be provided by the petitioner in accordance with the Design Standards and Specifications Manual to provide adequate

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water service for all lots in the proposed subdivision. A subdivision plat shall not be considered for secondary approval until:

(1) The permanent water distribution system, including pipes, fire hydrants, valves, and other appurtenances are installed, and said distribution system is connected with an approved public or private water system in accordance with plans and specifications therefor.

(2) Exceptions may be made for model homes according to the Zoning Ordinance allowance for such uses, as long as fire protection capability is present.

(F) *Utilities.*

(1) Private utilities, such as telecommunication services and natural gas providers, shall be accommodated within utility easements indicated on the subdivision plat.

(2) All existing utilities in road rights-of-way, including poles, shall be relocated prior to any construction work taking place in the vicinity of the utilities. No base rock or pavement shall be placed around unmoved facilities.

(G) *Monuments and markers.* Survey monuments and markers shall be provided by the petitioner in accordance with these standards.

(1) All section corners and quarter section corners shall be monumented and perpetuated.

(2) The plat and legal description of subdivisions shall be referenced to two known section corners. The section corners shall be referenced to the Indiana Coordinate System of 1983.

(3) One permanent monument in each section of a subdivision shall be installed by the subdivider to establish elevation control and shall have the following characteristics:

(a) Be four inch by four inch by 48-inch concrete, with the top flush with grade.

(b) Contain the elevation based upon U.S. Geodetic Survey datum to the nearest one-hundredth of a foot.

(c) Be installed prior to acceptance of the maintenance bond on that section.

(d) Have its location and elevation filed with the surveyor prior to acceptance of the maintenance bond on that subdivision section.

(4) Permanent markers shall be installed at:

(a) All new and existing street centerline intersections. Monuments at these locations shall be ten-inch extendible markers (Harrison or an approved equal), epoxy grouted into a six-inch diameter by 12-inch deep core in the pavement. The markers must have a precise point marked in the cap. The top of the monument shall be one-quarter inch below the finished pavement surface.

(b) Any change in direction of a street centerline, including the beginning and ending of all curves in street centerlines. Also, a monument shall be placed at the center point of all cul-de-sacs. Monuments at these locations shall be a five-eighths inch minimum diameter by 12-inch long steel rod, epoxy grouted in place with the top of the rod one-quarter inch below the finished pavement surface. Any cul-de-sacs with a center landscape island shall have the monument encased in four-inch by four-inch by 48-eight inch concrete with the top of the monument flush with existing grade.

(c) All outside boundary corners and angle points of a preliminary plat. These monuments shall be a five-eighths inch diameter rod set in four-inch by four-inch by 48-inch concrete with the top of the monument flush with existing grade.

[The new provisions are shown in bold and underline, deleted provisions in ~~strikethrough~~.]

(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 or her engineer acknowledging that the markers were, in fact, installed, which shall be submitted with the maintenance bond.

(5) All U.S., state, county, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

(H) **Safety Barriers. Vehicular traffic shall be protected from bodies of water on both public and private property and from topographic or geologic hazards, including, but not necessarily limited to, streams, lakes, detention ponds, ditches, ravines, rock outcrops, hillsides, or walls, by one of the following:**

(1) **"W" Beam guardrail to be installed per Indiana Department of Transportation specifications.**

(2) **Steel Backed Timber Guardrail per U.S. Department of Transportation Federal Highway Administration Federal Lands Highway Office Standards listed in Section 617 of the Federal Highway Administration Website or approved equal.**

(3) **Mounding of dirt at least eight (8) feet in height with maximum slopes of 3:1.**

(I) Supplemental information. Any other required improvements shall meet the requirements of the Town of Whiteland Design Standards and Specifications Manual or other applicable codes and regulations.

Section 2. The text of the Whiteland Town Code is hereby amended to revise Section 156.206(C)(2) of the Zoning Code to read as follow:

(2) *Development plan filing requirements.* Applications for review of Major Development Plans shall include at least the following materials:

(a) List of interested parties names and addresses;

(b) Two full-scale copies and ten smaller scale (no larger than 11" x 17") copies of the Development plan, containing at least the following information:

1. Scale drawing of the parcel with dimensions and acreage;

2. Locations and uses of proposed and existing structures;

3. Locations of existing structures within 25 feet of the subject parcel;

4. Proposed and existing rights-of-way, streets, and alleys, and street names;

5. Existing adjacent rights-of-way, streets, and alleys, and street names;

6. Easements on the parcel or adjacent to the parcel, including the easement holder and a description of the easement type;

7. Location of any existing or proposed drainage tile;

8. Elevation of existing and proposed structures;

9. Proposed and existing elevations, shown by two-foot contour lines;

10. Location of existing and proposed ponds, lakes, storm water detention basins, etc. with normal pool elevations;

[The new provisions are shown in bold and underline, deleted provisions in ~~strikethrough~~.]

11. Location of any wetlands and floodplains/floodways;
 12. Location of areas of mature trees, greater than 9 inches in DBH;
 13. Proposed landscaping plan;
 14. Proposed lighting plan;
 15. Proposed locations of dumpsters, recycling bins, free-standing signs, and/or other accessory items;
 16. Location of existing and proposed utility lines, septic systems, wells, etc.; and
 17. Vicinity map showing the site within context of the surrounding area, including at least the zoning classification and existing use of surrounding parcels, nearby thoroughfares, and nearby water courses.
- (c) Storm water management plan, including water quality control and soil erosion control measures;
- (d) Calculations of existing and proposed lot coverage of structures and impervious areas (e.g. parking lots, driveways, sidewalks, etc.);
- (e) Traffic impact analysis, **to the satisfaction of the Plan Commission Staff**, that includes, **without limitation**, average daily and peak hour estimates and ~~proposed~~ **recommended** public right-of-way improvements, **which analysis may be required to include core sampling of existing streets, to be conducted and issued by a traffic engineer or other similarly qualified professional, and to be obtained by and at the expense of the applicant or developer of the property. The public right-of-way improvements recommended in the traffic impact analysis shall be constructed as part of the construction of the development. Additionally, whenever a proposed development borders an existing street, reconstruction or widening, or both, of such street may be required as a condition of approval;**
- (f) Drawings and elevations of proposed structures;
 - (g) Drawings and elevations of any proposed signage;
 - (h) For sectionalized developments, a proposed schedule of development phases;
 - (i) Application form;
 - (j) One digital copy of the above submitted materials in PDF format; and
 - (k) Filing fee.

Section 3. The text of the Whiteland Town Code is hereby amended to revise Section 156.206(E)(1)(d) of the Zoning Code to read as follow:

- (d) Each development plan must satisfy the following criteria:
1. The development plan is consistent with the Town of Whiteland Comprehensive Plan.
 2. The development plan does not cause a hazard or unsafe conditions on existing or proposed streets, or at points of access.
 3. The development plan does not cause existing or proposed streets to exceed their capacity or cause excessive traffic congestion.
 4. The development plan dedicates the necessary right-of-way for future expansion of perimeter roads as indicated in the Thoroughfare Plan **and for any other improvements recommended in the Traffic Impact Analysis for the development, including, without limitation, for reconstruction or widening of existing streets,**

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and/or construction of deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public thoroughfare system.

5. The development plan creates a safe environment for pedestrians and non-motorized vehicles to safely move about the development and to connect to perimeter pedestrian facilities.

6. The development plan arranges buildings and structures appropriately for function and aesthetic appeal.

7. The development plan is compatible with surrounding uses, buildings, and zoning districts; or is designed to effectively and appropriately buffer or transition to surrounding uses, buildings, or zoning districts.

8. The development plan satisfies the applicable design and development standards of this zoning code.

9. The development plan satisfies the applicable design and development standards of Chapter 154, Subdivision Control.

10. The development plan satisfies the applicable design and development standards of Section 156.400, Sign Code. And,

11. The development plan satisfies the applicable design and development standards of Chapter 150, Building Code.

Section 4. The provisions of all other ordinances or resolutions in conflict with the provisions of this ordinance are of no further force or effect.

Section 5. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance.

Section 6. The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance) on the date of adoption of this ordinance as evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10.


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[The new provisions are shown in bold and underline, deleted provisions in ~~strikethrough.~~]

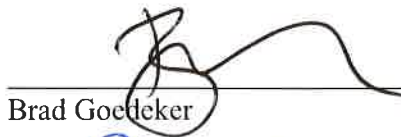
DULY PASSED AND FINALLY ADOPTED on the 11 day of July, 2023, by a vote of 5 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL


Joseph Sayler, President

Voting In Favor

Joseph Sayler, President


Richard Hill, Vice President


Brad Goedecker


Laura Fleury


David Hawkins

Voting Opposed

Joseph Sayler, President

Richard Hill, Vice President

Brad Goedecker

Laura Fleury

David Hawkins

Attest:

Debra L. Hendrickson, Clerk-Treasurer

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