

CHAPTER 154: SUBDIVISION CONTROL

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GENERAL PROVISIONS

154.01 RECORDING OF PLATS

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

154.02 COMPLIANCE

No lot in a subdivision shall be sold; no permit to erect, alter or repair any building upon land in a subdivision shall be issued; and no building shall be erected in a subdivision unless and until the plat has been approved and recorded, and until improvements required by the Plan Commission in connection therewith have been guaranteed as herein provided.~~Section~~

- ~~—154.01—~~ General provisions
- ~~—154.02—~~ Definitions
- ~~—154.03—~~ Application and approval procedures
- ~~—154.04—~~ Design The subdivision plat shall conform to the principles and standards
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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 comprehensive plan as adopted forby the following purposes:

- ~~—(1)—~~ To ensure the orderly Town of Whiteland and efficient development of the town;
- ~~—(2)—~~ To provide for the coordination of the new thoroughfares with existing and planned thoroughfares;
- ~~—(3)—~~ Th 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 amendments thereto.

~~—(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)

~~154.01~~154.03 § 154.02 DEFINITIONS.

~~—(A)—~~ *Usage.*

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

~~—(2)—~~ apply unless the context clearly indicates to the contrary, words used in the present tense

~~include the future tense; words used in the plural number include the singular; or requires a different meaning. (The word “herein” means in this chapter and the word “ordinance” means this chapter.~~

~~—— (3) — A person **BUILDING** 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. the word **STRUCTURE** and vice-versa.~~

~~**ABUTTING.** Real property to a depth of two ownerships or 660 feet from property in question.~~

~~**ADJOINING.** Sharing an edge or a boundary; touching.~~

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

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

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

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

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

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

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

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

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

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

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

~~**COMMISSION or PLAN COMMISSION.** The Town of Whiteland Advisory Plan Commission, as referred to herein,;~~

~~**COMMON AREA.** Space or parcels within or related to a development, not any other commission unless so specified.~~

~~—— **COMMISSION ATTORNEY.** The licensed attorney in individually owned lots or dedicated for public use, but which is designated by the Commission to furnish legal assistance and intended 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 common use or enjoyment of the residents of 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.~~

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

~~**CONSERVATION DISTRICT.** Johnson County Soil and Water Conservation District.~~

~~**COUNCIL.** The Whiteland Town Council.~~

~~**COUNTY.** Johnson County, Indiana.~~

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

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

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

- ~~A. Construction or placement of a building greater than 400 sq. ft, construction of any addition to a building, and reconstruction;~~
- ~~B. Installing a manufactured home at a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;~~
- ~~C. Installing utilities, erection of walls and fences, construction of roads, or similar projects;~~
- ~~D. Construction of flood control structures such as levees, dikes, channel improvements, etc.;~~
- ~~E. Mining, dredging, filling, grading, paving, excavation, or drilling operation;~~
- ~~F. Construction and/or reconstruction of bridges or culverts;~~
- ~~G. Storage of materials; or~~

H. Any other activity that might change the direction, height, or velocity of flood or surface waters.

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

DRAINAGE BOARD. The Johnson County Drainage Board.

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

FRONTAGE. That side of a lot abutting on a street or public way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets.

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

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

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

LOT. A parcel, plat, tract, or area of land accessible by means of a public way. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of or a combination of such parcels when adjacent to one another and wed as one, or it may be a parcel of land described by metes and bounds. However, in no case shall any residual lot or parcel be created which does not meet the requirements of this chapter. In determining lot area and boundary lines, no part thereof within a street shall be included.

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

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

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

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

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

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

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

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

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

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

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

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

LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder, or a parcel of unplatted land, the deed to which has been recorded in the office of the

County Recorder, provided that such lot was of a size that met the minimum dimensions for lots in the district in which it was located when recorded, or was recorded prior to January 12, 2004.

MODIFICATIONS FROM DEVELOPMENT STANDARDS. A device which grants a petitioner relief from certain provisions of the Subdivision Control Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBDIVISION. ~~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.

~~any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership~~ **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 into two or more parcels, sites, or lots for the purpose, whether immediate or future, of transfer of ownership or building development; provided, however, that the division or partition of land into parcels, not involving any new street or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision; or~~

~~The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities.~~

~~**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~~that 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.~~

- A. ~~—— (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.~~
- B. ~~—— (3) A division of land for the acquisition of street right-of-way or easement.~~
- C. ~~—— (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.~~
- D. ~~—— (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.~~
- E. ~~—— (6) A division of land into cemetery plots for the purpose of burial of corpses.~~
- F. ~~—— (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.~~
- G. ~~—— (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 and no perimeter lot lines are modified.~~

H. ~~(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 ADVISORY 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 Technical Advisory Committee shall be composed of such the Plan Commission members or other persons as the is a committee whose purpose is to make recommendations to the Whiteland Advisory Plan Commission deems appropriate.~~

~~**TEMPORARY IMPROVEMENT.** Improvements built and maintained by a subdivider during construction of the subdivision Zoning Appeals concerning standards, design and intended to be replaced by a permanent improvement prior to release of the performance bond; or turnaround improvements at the ends of stub impact upon 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, utilities, facilities 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 proposals, subdivision according to all requirements, plans, and development plans; the Board 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 Zoning Appeals may also request a complete list of all directors the committee to review variance requests 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 conditional uses. Refer to the sketch plan;~~

~~_____ (e) Be accompanied by a fee established by Plan Commission Rules of Procedure regarding 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 membership 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 Advisory 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.~~

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

~~TOWN. The Town of Whiteland, Indiana.~~

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

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

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

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

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

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

~~**ZONING ORDINANCE.** An ordinance and zone map which divides the jurisdiction of the Plan Commission into districts, with regulations and requirements and procedures for the establishment of land use controls, and which indicates where subdivision of land may occur; specifically, Chapter 156, the Zoning Code.~~

PROCEDURE FOR PLAT APPROVALS

154.10 GENERAL APPROVAL PROCEDURE FOR SUBDIVISIONS

~~A. A petitioner seeking approval of a major subdivision shall submit a preliminaryprimary subdivision plat, and a final subdivision plat, to be approved, conditionally approved, or denied by the Commission at a public hearing which, construction and improvement plans, and a secondary subdivision plat, which must be found in compliance with the preliminary plat as approved by the primary plat as approved by the Commission, or otherwise approved, in order to be signed and recorded. The general order of procedure for approval of a plat of a subdivision is:~~

~~1. Sketch plan meeting with Plan Commission Staff~~

~~1-2. Primary plat public hearing at Plan Commission, or otherwise approved, in order to be signed and recorded.~~

~~3. (2) Preliminary plat application requirements. Following submission, review and report on the sketch plan application, the subdivider may file for Construction drawings review and approval by Plan Commission~~

~~4. Installation of improvements and/or posting of surety by petitioner~~

~~5. Acceptance of improvements and/or sureties by Town Council~~

~~6. Secondary plat approval of a preliminary plan by Plan Commission~~

~~7. Certifications on the plat document~~

~~8. Recordation of plat by petitioner~~

~~B. A petitioner desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Plan Commission shall submit a written application therefor to the Plan Commission Staff. The application shall be accompanied by the information, requirements, and plans required herein, all in accordance with the requirements set forth in this chapter of the code.~~

154.11 SKETCH PLAN REVIEW

~~A. At least one week before the submittal of a petition for subdivision plat approval, the petitioner shall participate in a sketch plan review with the Plan Commission Staff. This meeting serves to notify Staff of a proposed application, and to advise the petitioner of any preliminary requirements.~~

~~B. The application shall show the manner in which the plat of the subdivision is in compliance with the Comprehensive Plan and its provisions, specifically with relation to the requirements of the Thoroughfare Plan, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage, and other developments existing and proposed in the vicinity. However, no land shall be subdivided for residential use unless adequate access to the land over improved~~

streets or thoroughfares exists or will be provided by the petitioner, or if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.

154.12 PRIMARY PLAT APPLICATION REQUIREMENTS

~~B.A.~~ Following review of the sketch plan, the petitioner may file for approval of a primary plat.

This submission shall include:

~~1.~~ (a) Be made on forms~~An application form~~ available ~~at~~from the Department of Planning and Zoning ~~and be submitted with a~~

~~1.2.~~ A filing fee as established by~~in~~ the ~~Town Council~~Official Fee Schedule (§10.97) to cover the cost of administration and reviewing the plat.

~~2.3.~~ (b) Include indication of~~A context map indicating~~ all land which the applicant proposes to subdivide and all land immediately adjacent extending 100 feet from the street frontage of such opposite land, with the names and addresses of the owners as shown in the Auditor's files. This information may be shown on a separate, current plat map reproduction from the Auditor's office showing the boundaries of the subdivisions superimposed thereon.

~~(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.~~

~~3.4.~~ (d) Be accompanied by eight copies of the preliminary~~The primary~~ plat as described in this chapter. The Plan Commission Staff shall determine the minimum number of copies sufficient for review.

~~C.B.~~ (e) Generally comply~~The Plan Commission Staff shall preliminarily review the submission for completeness and general compliance~~ with the sketch plan as reviewed and commented upon. Incomplete or inadequate applications may be refused.

~~(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.~~

154.13 (4) Administrative review. Subsequent to placement on the agenda, and REVIEW BY THE TECHNICAL REVIEW COMMITTEE

A. Prior to the date of public hearing, the ~~Administrator~~Plan Commission Staff and members of the Technical Review Committee shall review the proposal at their regularly scheduled meeting and prepare ~~a written report~~comments to the Commission and ~~applicant~~petitioner 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.~~

~~B.~~ (6) Public hearing notification requirements. The subdivider~~The Petitioner shall revise the proposed primary plat based on the comments received and submit copies of the revised primary plat by the revisions deadline on the Plan Commission calendar.~~

154.14 APPROVAL OF THE PRIMARY PLAT

A. ~~The Plan Commission shall have completed the following ten days prior to~~hold the public hearing ~~at the public hearing~~regularly scheduled meeting after the ~~subdivider~~filing deadline by which a complete primary plat application has been made.

~~D.B.~~ The petitioner shall present proof that all of the requirements below have been met;provide notice of the public hearing on the primary plat in the manner required by the Rules of Procedure of the Plan Commission and the Indiana Code.

~~(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.~~

C. ——— (7) — Approval of the preliminary plat. — The Commission may, at its discretion, continue the hearing to a subsequent meeting. Limitations on the number of continuances may be provided for in the Commission's Rules of Procedure.

E.D. ——— After the Commission has held a hearing on the preliminaryprimary plat, taking into consideration the Administrator's Plan Commission Staff's report, checkpoint and recommendations, Technical Review Committee's reportcomments, testimony, and exhibits submitted at the public hearing, the applicantand any other applicable code and criteria, the petitioner shall be advised of any required changes and/or additions. The Commission shall, at a public hearing, then grant preliminaryprimary approval, with or without conditions, or deny the preliminaryprimary plat.

1. A letter relating the decision of the Commission shall be returned to the applicantpetitioner 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. Preliminaryten days of the public hearing.

1.2. Primary 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.~~

E. ——— (a) — Whenever a proposed subdivision involves the opening of an access point onto U.S. 31, or any other state-maintained highway, that has not been previously approved by the Indiana Department of Transportation (INDOT), the Plan Commission may give primary approval of the proposed plat of the subdivision, if the Plan Commission agrees with the location of the access point; provided, that secondary approval of the subdivision cannot be granted until written authorization from the INDOT has been received by the Plan Commission allowing such access point at that location and a financial guarantee has been made by the petitioner for the completion of the access point improvements satisfactory to the Plan Commission. If permission is denied by INDOT, then secondary approval for the plat of the subdivision shall not be granted.

154.15 SUBMISSION OF MAP FOR ADDRESSING AND 911 PURPOSES

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

154.16 SECTIONALIZING PLATS

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

154.17 APPROVAL OF CONSTRUCTION PLANS

~~F.A.~~ Submission procedure and requirements

1. --Following review of the preliminary plat and prior to submission of the final secondary plat for approval, the applicant, if he wishes to proceed with the subdivision, petitioner shall file with the Plan Commission, before starting work on any improvements, three sets of detailed construction plans; and specifications thereof, for approval. The Plan Commission Staff shall determine the format and minimum number of copies sufficient for review.

1.2. These plans and specifications are to be submitted a minimum of two weeks prior to by the filing deadline for a regularly scheduled Plan Commission meeting at which approval will be requested by the applicant/petitioner.

~~G.B.~~ (b) Review process

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

~~154.18 (c) Performance bonds. PERFORMANCE BONDS~~

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

~~154.19 (d) Installation of improvements. INSTALLATION OF IMPROVEMENTS~~

Inspection of improvements shall be under the direction of the Town Council. The subdivider/petitioner 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 the Design Standards and Specifications Manual.

~~154.20 (10) Final plat application requirements. SECONDARY PLAT APPLICATION REQUIREMENTS~~

A. Following preliminary primary plat and construction plan approval, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator a request Plan Commission Staff an application for final secondary plat approval. The submission shall include:

A completed application shall:

- ~~1. (a) Be submitted~~ on forms available at the Department of Planning and Zoning;
- ~~2. (b) Be accompanied by a~~ filing fee as established ~~by the Town Council; in §10.97.~~
- ~~3. (c) The proposed secondary plat as described in this chapter. The Plan Commission Staff shall determine the minimum number of copies sufficient for review. Such plat shall comply with this chapter and the terms and conditions, if any, of preliminary/primary 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;~~
4. (f) Be accompanied by Any restrictive covenants in a form approved by the Commission, where they have been proposed by the subdivider, required by this chapter, or required by the Commission.

B. (11) Determination of conformance. In order to be recorded, a final The secondary plat shall be found by the ~~Administrator~~ Plan Commission Staff to be in conformance with the ~~preliminary/primary~~ approval. The Plan Commission Staff shall, within ten working days, review the submission in order to ascertain conformance with the primary approval.

~~5.1.~~ If the ~~final~~ secondary plat deviates from the ~~preliminary/primary~~ 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/primary approval.~~

~~6.2.~~ If the submission is found to be in conformance and complete, the Administrator shall recommend the signing of the plat granting ~~final~~ secondary 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.~~

154.21 (13) Sectionalizing plats. Prior to granting final approval of a major subdivision plat, the Commission may permit **SECONDARY APPROVAL**

A. The Plan Commission may grant secondary approval for all or any part of a plat of a subdivision which has heretofore been given primary approval by the Plan Commission, or the Plan Commission may delegate, by resolution, to the Plan Commission Staff the authority to grant such secondary approvals; provided, that secondary approvals may be granted after expiration of the time for appeal, and the submission of the subdivision improvement agreement.

1. Secondary approval may be granted to a plat of a subdivision in which all public improvements and installations have been completed and accepted as required by this chapter.

2. Secondary approval may be granted to a plat of a subdivision in which the public improvements and installations have not been completed as required by this chapter, if the applicant provides a bond, or other proof of financial responsibility as prescribed herein, that meets the following requirements:

a. 125% of an amount determined by the Plan Commission staff to be sufficient to complete the improvements and installations in compliance with this code

b. Provides surety satisfactory to the Plan Commission attorney

3. Proof of financial responsibility may take the following form:

a. An irrevocable letter of credit

b. A performance bond

c. An escrow agreement

B. No notice or hearing is required for secondary approvals.

- C. ~~A plat of a subdivision shall not be filed with the Auditor of Johnson County, and the Recorder of Johnson County shall not record it, unless it has been granted secondary approval and signed by all required signatories. If submitted and recorded, the plat to be divided into two or more sections and may impose such conditions shall not be considered a legal subdivision and building permits for lots within the illegally recorded subdivision will not be issued.~~
- D. ~~The proof of financial responsibility referred to above may be released only upon the filing of the sections as it may deem necessary to assure the orderly development of receipt of a certificate by a registered professional civil engineer or a registered land surveyor that all improvements and installations for the plat. The of the subdivision required for its approval have been made or installed in accordance with specification and approved by the Plan Commission may require that Staff.~~
1. ~~Reductions or partial releases. The amount of a performance bond or other proof of financial responsibility may be in such amount as is commensurate with the section or sections of the plat reduced in proportion to the amount of an improvement satisfactorily completed. Such partial release shall only be filed and may defer permitted for unusually large, extensive, or phased improvements, and only upon the approval of the Plan Commission Staff and acceptance of a new performance surety for the remaining required performance bond principal amount until the remaining sections uncompleted portion of the improvement. The Plan Commission Staff shall have discretion in permitting partial releases.~~

154.22 TIME LIMITS FOR PLAT APPROVAL

- A. ~~Unless extended, primary plat are offered approval shall be effective for filing. Such sections a period of two years (primary plat approval period) after the date of primary plat approval or conditional approval, at the end of which time secondary approval of the subdivision, or the first section of a sectionalized subdivision, must contain at least 20 lots or 10% of the total number of lots contained in have been obtained by the Applicant and certified by the proper officials. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the Applicant shall be required to resubmit a new application for subdivision approval subject to the zoning restrictions and subdivision regulations in effect at the time of resubmission.~~
1. ~~Upon the request of an Applicant and upon a finding that the Applicant has been unable to prepare the proposed subdivision, whichever development for secondary approval despite due diligence, the Commission may extend the primary approval period for one two-year period beyond the expiration date of the original primary approval period, without further notice and public hearing, or for a longer period of time upon notice to interested parties and hearing.~~
- B. ~~Until the secondary plat is less. The final recorded, secondary approval shall be effective for a period of one year (secondary approval period) after the date of secondary approval, at the end of which time the secondary plat shall have been recorded. Any plats not recorded within the period of time set forth herein shall be required to resubmit a new application for subdivision approval subject to the zoning restrictions and subdivision regulations in effect at the time of resubmission.~~
1. ~~Upon the request of an Applicant and upon a finding that the applicant has been unable to satisfy the requirements to execute the certificate of secondary approval despite due diligence, the Commission may extend the secondary approval period for one year beyond the expiration date of the original secondary approval period, without further notice and public hearing, or for a longer period of time upon notice to interested parties and hearing.~~
- H.C. ~~For sectionalized subdivisions, the approval of all remaining sections not filed with the Administrator Plan Commission Staff shall automatically expire after five two years from the date of approval recordation of the final secondary plat for the latest section of the subdivision, unless the expiration date primary approval has been extended by the Commission.~~

154.23 ———(14)———SIGNING AND RECORDING OF PLAT

- ~~I.A. Signing and recording of secondary plat.~~

~~(a) Signing of plat.~~

- ~~1. 1.—~~When a bond is required, the ~~designated official~~Town Council President shall endorse approval on a plat after construction plans have been approved, the bond has been approved, and all conditions of the ~~final~~secondary approval have been satisfied.
- ~~2. 2.—~~When installation of improvements is required, the ~~designated official~~Town Council President shall endorse approval on the plat after construction plans have been approved and all conditions of the ~~final~~secondary approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction, as shown by a certificate signed by the Town Council that the necessary improvements have been accomplished.

~~J.B. (b) Recording of final secondary plat-~~

- ~~1. 1.—~~ ~~The designated official shall sign the~~Two reproducible Mylar copies of the subdivision plat ~~shall be submitted for signatures by the officials designated herein~~, plus two paper prints of the subdivision plat. The ~~prints~~copies shall be returned to the applicant and his engineer or surveyor.
- ~~2. 2.—~~ In addition to the plat prepared for recording, the applicant shall submit ~~a computer readable file, an electronic version of the plat~~ in a form specified by the ~~town, which shall provide a true~~Design Standards and complete display of the recorded final plat, excepting the surveyor's seal or signature. The computer readableSpecifications Manual. The file shall be submitted at the same time the Mylar is submitted for signature by the Town Council.

- ~~K.C. 3.—~~ It shall be the responsibility of the ~~subdivider~~applicant to file the plat with the County Recorder within ~~180 calendar days~~one year from the date of approval by the Plan Commission. Failure to record the plat within this time frame will result in expiration of the plat approval. ~~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.*~~

154.24 ———— (1) ———— RESUBDIVISION OF LAND

A. Procedure for resubdivision. — or replat

1. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Commission **by the same procedures, rules, and regulations** as for a **new** subdivision, unless such change is **considered defined as** an exempt subdivision by this chapter.

L.B. ———— (2) ———— Procedure for subdivisions where future resubdivision is indicated

1. — Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller lots, the Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets.
2. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

M.C. ———— (G) ———— Vacation of plats

1. ~~Any recorded plat or any part of a recorded plat may be vacated by the owner(s) of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. Such an instrument shall be approved by the Commission in like manner as plats of minor subdivisions. any subdivision plat.~~
- ~~2.~~ The town may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- ~~3.~~ Such an instrument shall be executed, acknowledged, or approved, and recorded or filed, in like manner as a deed to land and, being duly recorded or filed, shall operate to terminate the effect of the plat so vacated, and to terminate all public rights in the public ways and public grounds, and all dedications laid out or described in the plat or part of the plat.

~~(H) Waivers.~~

~~154.25 (1) General. WAIVERS~~

~~N.A.~~ 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:

1. ~~(a)~~ The granting of the waiver will not be detrimental to the public safety, health, or welfare, or injurious to nearby property;
2. ~~(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;
3. ~~(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
4. ~~(d)~~ The waiver will not, in any manner, contravene provisions of the zoning ordinance, comprehensive plan, or Official zone map, as interpreted by the Commission.

~~Ø.B.~~ ~~(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.

~~C.~~ ~~(3) Procedures.~~ ~~The Commission's decision to grant or deny a modification or to impose a condition is discretionary.~~

~~D. Procedure~~

1. A petition for any such waiver shall be submitted in writing by the subdividerpetitioner to the Department of PlanningPlan Commission Staff at the time the preliminaryprimary plat is filed for consideration by the Commission.
2. The petition shall state fully the grounds for the application and all facts relied upon by the petitioner.

~~154.26 (I) Horizontal property regime. 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 subdivision under the horizontal property regime, the development of the land ~~shall~~may be subject to review ~~by the Drainage Board and Technical Review Committeethrough Development Plan review or other mandated processes.~~

SPECIFICATIONS FOR PLAT DOCUMENTS

154.40 SPECIFICATIONS FOR SKETCH PLANS

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 should show the following information:

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

154.41 SPECIFICATIONS FOR PRIMARY PLATS

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

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

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

154.42 SPECIFICATIONS FOR CONSTRUCTION PLANS

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

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

154.43 SPECIFICATIONS FOR SECONDARY PLATS

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

- A. The plat certificates listed herein.

- B. The Deed of Dedication listed herein, with the notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Commission, in accordance with these regulations.

All monuments erected, and corner and other points, shall be noted at the representation thereof, or by legend. (Ord. 70-3, passed 5-7-70; Am. Ord. 03-9, passed 1-12-04)

- C. § 154.04 Metal monuments shall indicate type of metal, diameter, length, and weight per lineal foot of the monuments.
- D. A statement to the effect that the Town Council does not enforce subdivision covenants.

154.44 **PLAT DESIGN PRINCIPLES AND STANDARDS.**

A. ~~(A)~~ General:

1. ~~(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. ~~(2)~~ In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic ~~spots~~ features, or similar amenities which, if preserved, will add attractiveness and value to the proposed development.
3. ~~(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. ~~(4)~~ The subdivision layout shall be of such character that it protects the health, safety, and general welfare of the town and its residents and visitors.
5. ~~(5)~~ In designing a street system, the subdivider ~~petitioner~~ shall be guided by the following principles:
 - a. ~~(a)~~ Adequate vehicular and pedestrian access shall be provided to all parcels.
 - b. ~~(b)~~ Local residential street systems shall be designed to ~~minimize~~ mitigate 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. ~~(c)~~ Local street patterns shall provide reasonable direct access to the primary circulation system of collector and arterial roadways.
 - d. ~~(d)~~ Local circulation systems and land development patterns shall not significantly conflict with the ~~efficiency~~ effectiveness of bordering arterial routes.
 - ~~(e)~~ Elements in The street network shall pay consideration to the local circulation system should be designed with the least amount ~~location~~ of interruptions possible in order to function effectively and safely.
 - e. ~~(f)~~ traffic generators within residential areas ~~shall be considered in the design of the circulation pattern.~~
 - f. ~~(g)~~ Planning and construction of residential streets shall ~~clearly~~ relate to their local function.
 - g. ~~(h)~~ Local streets shall be designed to discourage excessive speeds.
 - h. ~~(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.~~

- i. ~~(l)~~ Local streets shall be related to the topography.

B. ~~(B)~~ General street rights-of-way standards and requirements.

1. ~~——(1)——~~ Current AASHTO standards shall be followed as design standards unless otherwise specified in this chapter. These standards are minimum requirements.
2. ~~——(2)——~~ ~~Only one street, driveway, or point~~ A minimum of ~~vehiele~~two points of vehicular access ~~shall be permitted from a major subdivision~~ onto a collector street or ~~road or~~ an arterial street ~~shall be required. One~~ or ~~road. Two or more streets, driveways, or~~ no points of ~~vehicle~~ access may be permitted or required by the Commission if ~~they are needed~~ it is infeasible or impossible to improve provide at least two access points, provided that the reduction does not greatly adversely affect the safety and traffic circulation ~~in~~ of the area.
3. ~~——(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.~~

4. ~~——(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.
5. ~~——(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~~ 65-foot radius, and the traveled surface used for vehicular turnaround shall be at least 50 feet in radius. If the temporary turnaround is to be in place for longer than two years, the surface material ~~of the 50-foot diameter~~ shall be ~~composed of nine inches of stone~~ that specified in the Design Standards and ~~two inches of binder~~ Specifications Manual.
6. ~~——(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; ~~or the subdivider~~ Thoroughfare Plan, the petitioner shall dedicate additional width along either one or both sides of such streets so as to bring them up to standards; ~~provided that the area. If adjoining or included existing streets do not conform to be used for widening is owned by the subdivider or under his control~~ minimum standards of the Design Standards and Specifications Manual, the petitioner shall improve said streets to meet the standards.

C. Geometric street standards.

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

<u>Arterial streets</u>	<u>130 feet (or per design)</u>
<u>Major collector streets</u>	<u>100 feet</u>
<u>Minor collector streets</u>	<u>70 feet</u>
<u>Local streets</u>	<u>50 feet</u>
<u>Alley</u>	
<u> One-way</u>	<u>26 feet</u>
<u> Two-way</u>	<u>30 feet</u>
<u>Cul-de-sac bulb</u>	
<u> Commercial or industrial</u>	<u>65-foot radius</u>

Residential 65-foot radius
Crosswalks 10 feet

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

D. Block standards.

1. Block length and width, or acreage between bounding streets, shall be such as to accommodate the size of lot required in the area by in the zoning ordinance and to provide for convenient access, circulation control, and safety of street users. Blocks that are unreasonably large or small shall not be approved.
2. The maximum block length shall be 1,200 feet. In the design of blocks longer than 800 feet, or where deemed necessary for the safety of non-vehicular street users, the Commission may specify the provision of pedestrian crosswalks near the center of the block, or wherever most useful to facilitate pedestrian circulation, such as to a school, park, recreation area, shopping center, or other significant location.
3. Residential blocks shall be of sufficient depth to accommodate two tiers of lots of minimum depth, except where a single tier of lots are platted adjacent to a freeway, arterial street, floodplain, property line, preservation area, non-residential outlot, or other such similar feature.
4. No specific rule concerning the shape of blocks is set forth, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow, and public areas.

E. Lot standards.

1. Subdivision lots shall be adequate for the type of development and land use proposed, and shall conform to the zoning ordinance requirements. No subdivision of land shall be permitted that creates a non-conforming lot as defined in the zoning ordinance.
2. The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
3. Every lot or parcel shall have sufficient frontage and access to a public street designated, designed, and improved in accordance with the terms of this chapter and the zoning ordinance.
4. The minimum lot width, measured at the building setback line, and the minimum lot size, shall conform to the zoning ordinance, and shall apply to all buildable parcels included in subdivision plats. No buildings shall be permitted to be constructed on any parcels not meeting the minimum standards of the zoning ordinance.
5. The minimum setbacks required for each lot shall be in conformance with the zoning ordinance.
6. Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines along both streets.

7. For purposes of calculating minimum lot area, street rights-of-way shall not be included.
8. Side lines of lots shall be approximately at right angles or radial to street lines. Corner lots of sufficient size and lots where all side lot lines are parallel may be exceptions.
9. Flag lots shall not be permitted.
10. Double-frontage lots shall not be permitted except where the purpose is to buffer residential development from adverse influences or to minimize the number of intersections with arterial streets and highways. A no-access, planted buffer strip of no less than ten feet in width may be required by the Commission along lot lines adjoining such adverse influence or arterial street.
11. Lots abutting a watercourse, drainageway, channel, or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required for front, rear, and side yards. An easement shall be provided parallel to all legal drainageways at a width of 75 feet from the top of bank, unless modified by the Drainage Board.
12. A lowest exterior building grade shall be provided for each lot. The elevation shall be a minimum of two feet above the emergency flood outlet stage for each lot (this includes localized flooding outside of the federally-regulated 100 year flood zones).

F. Commercial and industrial subdivisions.

1. It is recognized that a petitioner creating a commercial or industrial subdivision faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Commission shall be upon street layout and block arrangement.
2. Generally, the procedural requirements shall be for the owner to follow the regular procedure outlined herein; however, the petitioner need show only two lots along with the street and block layout. Then, from time to time, as prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved, recorded subdivision plat for consideration. Regular procedural requirements of the Commission following the receipt of a secondary subdivision plat shall then apply, except those streets that have been built by following an approved set of plans on the previously approved secondary plat shall not have to be rebuilt because of adoption of new specifications. This shall also apply to storm drainage facilities within said subdivision, unless runoff characteristics have been changed by newly proposed improvements or unauthorized existing improvements.
3. Commercial projects shall be subject to minimum lot areas, setbacks, and other applicable regulations set forth in the zoning ordinance. Each distinct business use shall occupy a separate lot, exempting strip centers, malls, or buildings containing more than one business.

G. Easements.

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

H. Common areas.

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

I. Subdivision names, street names, and addressing.

Subdivision names and street names shall be approved by the process in §154.15——(8)——The following paragraphs shall be required as provisions of the restrictive covenants of all final plats to which they apply:

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

154.50 PLAT CERTIFICATES

The following certificates shall be used on plats:

A. Surveyor's certificate.

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

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

(Signature)

(SEAL)

B. Plan Commission certificate for primary approval.

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

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

Whiteland Advisory Plan Commission

(SEAL)

President

C. Town Council certificate.

(The following certificate shall be used for subdivisions that require improvements or installations

to be accepted.)

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

President

Clerk-Treasurer

(SEAL)

D. Plan Commission certificate for secondary approval.

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

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

Whiteland Advisory Plan Commission

(SEAL)

President

E. Director of Planning and Zoning certificate.

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

Director of Planning and Zoning, Whiteland, Indiana

Date: _____, 20_____

154.51 COVENANTS AND DEED OF DEDICATION

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

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

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

A perpetual easement is hereby granted to any private or public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "Utility Easement," to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and

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

No fence, wall, structure, hedge, tree, shrub planting, or other object 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 portion of a private driveway for a corner lot shall be permitted on dedicated rights-of-way within 65 feet of the centerline intersections of streets adjacent to the corner lot.

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

~~—————(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 any public right-of-way or median.~~

~~C.A. (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.~~

~~1. —————(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.~~

~~2.1. (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.~~

~~3.1. (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 1/2%; 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.A. (D) Block standards.~~

~~1. (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.~~

~~2.1. (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.A. (E) Lot standards.~~

- ~~1. (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.~~
- ~~2.1. (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.~~
- ~~3.1. (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.~~

- ~~4.1. (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.~~

- ~~5.1. (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.A. (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.~~

~~1. (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.~~

~~2.1. (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.~~

~~3.1. (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.A. (G) Commercial and industrial subdivisions.~~

~~1. (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.~~

~~2.1. (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~~

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

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

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

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

(Petitioner Signature)

(Petitioner Signature)

(Petitioner Signature)

State of Indiana _____)

_____) SS:

County of Johnson _____)

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

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

My commission expires: _____

(Signature)

County of residence: _____

(Printed)

IMPROVEMENTS STANDARDS AND INSTALLATIONS-SPECIFICATIONS; OWNER ASSOCIATIONS

154.60 — ~~(A)~~ — IMPROVEMENTS STANDARDS

A. General.

1. ~~——(1)——~~ Subdivision improvements shall be designed, furnished, and installed in accordance with ~~requirements herein~~ 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. ~~——(2)——~~ Prior to final approval of a plat and any construction in a subdivision, the ~~subdivider~~ petitioner shall submit copies of the ~~erosion control plan and~~ construction drawings ~~plans 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~~ 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 construction within the county road/street right-of-way shall require a permit and a bond through the Street Department.~~

3. ~~(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.~~

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

4.5. Inspection of construction of all required improvements shall be under the direction of the Town Council. The subdivider/petitioner 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.~~

a. ~~(B) Inspection and testing services shall be obtained by the Town. Such services shall be at the petitioner's expense.~~

~~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 designed and installed 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 coarse 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 forth in the Town of Whiteland Design Standards

~~and Specifications Manual, as amended, those 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 set forth 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.~~

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

~~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. Geometries 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.~~

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

1.2. Sidewalks. For all proposed major residential, commercial, and industrial subdivisions, the subdivider The petitioner 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 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.

~~(6) *Roadside swales.* New Regulatory signs 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/petitioner to provide and install stop signs, speed limit signs, other regulatory street signs, and 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 in accordance 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.~~

~~2.3. ——— (8) — *Stop and speed limit signs.* It shall be the responsibility of the subdivider to provide and install stop signs and speed limit signs 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 ~~maximum~~ posted speed limit for local streets shall be that stated in §70.02(B), currently 30 mph, unless otherwise approved by the Town Plan Commission and 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.~~

C. ——— (1) — A drainage system shall be designed and constructed by the subdivider/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 ~~and installed~~ in accordance with plan the Design Standards and Specifications ~~approved by the Town Council~~ Manual.

~~———— (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.~~

1. ~~———— (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 onto grass surface no closer than the building setback lines or into stub out as specified in the Design Standards and Specifications Manual.~~

~~———— (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.~~

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

~~———— (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.~~

3. ~~(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. ~~(D)~~—Sanitary sewage disposal. A sanitary sewer system shall be designed and constructed by the subdividerpetitioner in accordance with the Design Standards and Specifications Manual 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. ~~(E)~~—Water system. A water distribution system shall be provided by the subdividerpetitioner in accordance with the Design Standards and Specifications Manual to provide adequate water service for all lots in the proposed subdivision. A subdivision plat shall not be considered for finalsecondary approval until ~~improvement plans for a water system by one of the following methods have been submitted to the Town Council for approval:~~

1. ~~(1) A~~The 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. ~~(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. ~~(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.~~

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

~~1.2.~~ 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. ~~(G)~~—Monuments and markers.

Survey monuments and markers shall be provided by the petitioner in accordance with these standards.

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

2. ~~(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. ~~(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. ~~(a)~~ Be four inch by four inch by 48-inch concrete, with the top flush with grade;
 - b. ~~(b)~~ Contain the elevation based upon U.S. Geodetic Survey datum to the nearest one-hundredth of a foot;
 - c. ~~(c)~~ Be installed prior to acceptance of the maintenance bond on that section; ~~and~~
 - d. ~~(d)~~ Have its location and elevation filed with the surveyor prior to acceptance of the maintenance bond on that subdivision section.
4. ~~(4)~~ Permanent markers shall be installed at:
 - a. ~~(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. ~~(b)~~ Any change in direction of a street centerline, including the beginning and ending of all curves in street centerlines. Also, a monument shall be placed at the center point of all cul-de-sacs. Monuments at these locations shall be a five-eighths inch minimum diameter by 12-inch long steel rod, epoxy grouted in place with the top of the rod one-quarter inch below the finished pavement surface. Any cul-de-sacs with a center landscape island shall have the monument encased in 4-inch by 4-inch by 48-eight inch concrete with the top of the monument flush with existing grade.
 - c. ~~(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. ~~(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. ~~(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 Supplemental information. Any other required 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 meet the 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, of the Town of Whiteland Design Standards and Specifications Manual 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.~~
- H. ~~——(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 other 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 codes and regulations.~~
- ~~——(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.*~~

154.61 — (1) — The subdivider MAINTENANCE OF PUBLIC IMPROVEMENTS

A. The petitioner 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~~petitioner shall be required to file proof of financial responsibility~~a maintenance bond~~ with the Town Council one week prior to acceptance, ~~in an amount of 25% of the cost of all of~~ public improvements in an amount not to exceed 10% of the cost of the public improvements to be bonded, and in a form satisfactory to the ~~Board attorney, in order~~Town Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements; for a period of three years after the date of ~~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:~~

~~A. — (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~~

~~1. — (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.~~

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

~~—(4) *Notwithstanding the 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:*

~~A. — (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, the Council may, 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;~~

~~1. _____ (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;~~

~~2.1. _____ (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;~~

~~a. _____ 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~~

~~b.a. _____ (v) Location of existing vegetation proposed to be retained.~~

~~B. _____ (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 recommendation of the 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;~~

~~A. (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 feetStaff, increase the maintenance bond amount 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 proposed25%~~

~~and/or the period 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 five years for improvements 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. ~~—— (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 repeated failed inspections during installation, atypical site and soil characteristics. The on-site soil investigation is to be identified;, or other unusual circumstances.~~

~~—— (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~~

C. ~~—— (h) An area map showing the tract, any or all previous minor subdivisions of the land, plus the existing zoning of the The petitioner shall submit as-built drawings and plans for all public improvements in the form required by the Design Specifications and Standards Manual.~~

D. ~~The petitioner shall be required to file a maintenance agreement along with the above described maintenance bond. This agreement shall be in a form acceptable to the Town Attorney, and approved by the Council.~~

154.62 OWNERS ASSOCIATIONS

A. ~~Any subdivision and with common area, private streets, shared parking, amenity centers, retention and/or detention pond, etc. shall have an owners' association.~~

B. ~~Establishment~~

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

1. An owners' association shall be created in perpetuity to maintain all land within 600 feet common property and/or common facilities. The term "maintain" shall include, but not be limited to, timely payment of property taxes; compliance of the property and/or facilities with zoning, nuisance, and building codes; and keeping the property and facilities in good repair.
2. An owners' association shall be a legally incorporated entity or shall be created by other legal mechanism which provides shared ownership or shared responsibility of common property and/or common facilities. A board of directors or other means for representation in decision-making shall be established.
- 1.3. The legal mechanism shall be recorded with the Johnson County Recorder, and shall be cross-referenced to each lot or property in the subdivision.

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

4. ~~§ 154.08~~ The owners' association shall be responsible for the administration of any covenants used to restrict improvements and uses in the development. The "Declaration of Covenants" shall be recorded with the Johnson County Recorder prior to selling a lot or unit. Amendments to the covenants shall not be permitted for 25 years from the day the Declaration was recorded.
5. Any covenant that is a result of a zoning commitment or a condition of approval shall be clearly noted as a zoning commitment or condition of approval that is not amendable by the owners' association in perpetuity.
6. An association fee, dues, or other financial mechanism shall be included within the legal mechanism and be sufficient to fulfill the financial needs of the owners' association to maintain common property and/or common facilities, and to accumulate a reserve account for long-term large or capital expenditures, emergencies, and contingencies.
- C. Failure of the owners' association to maintain an effective legal mechanism or failure of the owners' association to fulfill its responsibilities within that legal mechanism shall be deemed a violation of this Chapter.
- D. The Plan Commission may waive the requirement for the establishment of an owners' association only upon finding that:
 1. There are no areas of common ownership within the subdivision.
 2. There are no privately-maintained facilities or where there are privately-maintained facilities, financial commitments other than an owners association have been established to provide maintenance in perpetuity.

ADMINISTRATION-

154.90 — (A) — ADMINISTRATION

- A. Amendment. In accordance with State ~~law~~ statutes, the Town Council may consider amendments to this chapter, as proposed by the Town Council, the Plan Commission, or by citizen petition. Any proposed amendment shall be referred to the Plan Commission for public hearing, consideration, and report before final action is taken by the Town Council.
- B. ~~(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. ~~(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. ~~(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. ~~(E)~~ Appeal. Appeals. The primary approval or denial of a plat by the Plan Commission, or the imposition of a condition on primary approval, is a final decision of the Commission that may be appealed or reviewed as provided in IC 36-7-4-1016.

F. ~~(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 ~~§ 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)~~

~~Any person in violation of this Chapter may be punished in accordance with the provisions of I.C. 36-1-3-8, specifically, a fine of not more than \$2,500 per violation, cost of prosecution, and attorney fees. Each day a violation exists constitutes a separate violation.~~

ADDITIONAL CODE AMENDMENT

§156.007 shall be amended to state the following:

156.007 YARDS; LOT AREA; SIZE OF BUILDINGS; EASEMENTS.

(A) No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon or reduce in any manner the yards, lot areas per family or size of building regulations established and specified for the district in which such building is located.

(B) Erection of structures with foundations shall not be permitted within drainage and utility easements without written approval of the entity controlling the easement. Placement of temporary, portable structures shall not be permitted within drainage easements, nor shall pavement extending above the contour elevation of approved drainage swales.