

SUBDIVISION CONTROL
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ARTICLE I GENERAL PROVISIONS

4-101 TITLE

These regulations shall hereafter be known and cited as the Subdivision Regulations of the Town of New Whiteland, Indiana.

4-102 POLICY

It is hereby declared to be the policy of New Whiteland that in addition to the requirements established herein, all subdivision plats shall comply with all applicable federal, state and local statutes, ordinances, codes, rules and regulations including but not limited to:

1. the New Whiteland Zoning Ordinance, Building and Housing Codes, and all other applicable laws of the Town of New Whiteland.
2. the Comprehensive Plan and Official Map, including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted.
3. the special requirements of these regulations and any rules of the State or County Health Departments and/or other appropriate state agencies.
4. the rules and regulations of the Indiana Department of Transportation if the subdivision or any lot contained therein abut a state highway or connecting street.
5. the rules and regulations of the Indiana Department of Environmental Management and the Indiana Department of Natural Resources.

Plat approval may be withheld if a subdivision is not in conformity with the above guides and requirements or with the policies and purposes of these regulations established in 4-103 of this ordinance.

4-103 PURPOSES OF THESE REGULATIONS

1. To protect and provide for the public health, safety, and general welfare of the Town.
2. To guide the future development and renewal of the Town according to the Comprehensive Plan and related policies.
3. To provide for the safety, comfort, and soundness of the developed environment and related open spaces.
4. To enhance and preserve the compatibility, character, economic stability and

orderliness of development through reasonable design standards.

5. To guide public and private policy and action to provide adequate and efficient public and private facilities.

6. To promote the most esthetically pleasing and beneficial interrelationship between land uses and to conserve natural resources such as natural habitats, woodlands, open spaces and energy and natural growth sources both during and after development.

4-104 AUTHORITY AND JURISDICTION

1. This ordinance has been enacted pursuant to Indiana Home Rule and relevant enabling legislation (Indiana Code, title ss 36-1-3-4 and the ss 36-7-4-700 series, as amended) and authorizes the New Whiteland Plan Commission to review and approve or disapprove plats for subdivisions throughout the Town. This authority extends to the development or resubdivision of undeveloped portions of already recorded plats.

2. No improvement location permit or certificate of occupancy shall be issued for any parcel or plat of land that was created by subdivision after the effective date of but not in conformity with the provisions of these Subdivision Regulations. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the Town.

4-105 INTERPRETATION, CONFLICT, AND SEPARABILITY

1. These regulations shall be considered, interpreted, and applied as the minimum requirements for the promotion of the public health, safety, and general welfare.

2. Conflict with Public and Private Provisions

a. Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. If any provision of these regulations is in conflict with any other provision of these regulations or any other applicable statute, ordinance, rule, or regulation, the provision, statute, ordinance, rule or regulation which is most restrictive or imposes a higher standard shall control.

b. **Private Provisions**

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction. However, where the provisions of these regulations are more restrictive or impose higher standards than any such easement, covenant, or private agreement or restriction, such provision shall control.

3. **Separability**

If any part or all of any provision of these regulations or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved and shall not affect or impair the validity of the remainder of that provision or these regulations or the application thereof. The Town hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

4-106 SAVING PROVISION

These regulations shall not be construed as abating any action pending under, or by virtue of, prior existing Subdivision Regulations. Nor shall they be considered as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue. They shall not affect the liability of any person, firm, or corporation. They shall not waive any right of the municipality under any section or provision existing at the time of adoption of these regulations. Nor shall they vacate or annul any rights obtained by any person, firm, or corporation, by lawful action of the Town except as shall be expressly provided for in these regulations.

4-107 RESERVATIONS AND APPEALS

Upon the adoption of these regulations according to law, the Subdivision Regulations of New Whiteland previously adopted shall be repealed.

4-108 AMENDMENTS

The Town, to provide for the public health, safety, and general welfare, on recommendation of the Commission, may from time to time amend these Subdivision Regulations. Public hearings on proposed amendments shall be held by the Commission and/or the Town in the manner prescribed by law.

4-109 CONDITIONS

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the Town. A developer has the duty of compliance with reasonable conditions imposed by the Commission. These conditions may include the design, dedication, improvement, and restrictive use of the land to conform to the physical and economical development of the Town as well as to the safety and general welfare of the future lot owners in the subdivision and of the Town at large.

4-110 RESUBDIVISION OF LAND

1. Procedure for Resubdivision

Approval of the Commission, pursuant to the same procedures, rules, and regulations applicable to subdivisions, shall be required for any change of an approved or recorded subdivision plat, if such change affects: (1) any street layout shown on such plat, or (2) area reserved thereon for public use, or (3) any lot line, or (4) if it affects any plat or plan legally reached before the adoption of any regulations controlling subdivisions.

2. Procedure for Subdivision Where Future Resubdivision Is Indicated

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

4-111 VACATION OF PLATS

1. The owner of a recorded plat may vacate the entire plat, or part thereof, at any time before the sale of any lot therein by executing and recording a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
2. Such an instrument shall be approved by the Commission in like manner as plats of minor subdivisions. The Town may reject any such instrument that 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, in like manner as a deed to land. Once being duly recorded or filed it shall operate to terminate the effect of the plat so vacated. Further, it shall terminate all public rights, public ways and public grounds, and all dedications shown or described in the plat or part of the plat.

4-112 VARIANCES

1. General

Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, it may approve variances to these Subdivision Regulations so that substantial justice may be done and the public interest served. Provided, that such variances shall not have the effect of nullifying the intent and purpose of these regulations. The Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other nearby property;
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- 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 the strict letter of these regulations were carried out;
- d. The variance will not in any manner contravene the provisions of the Town's Zoning Ordinance, Comprehensive Plan, or Official map as interpreted by the Commission.

2. Conditions

In approving variances, the Commission may require such conditions as will, in its judgment, serve the purposes of these regulations.

3. Procedures

A petition for any such variance shall be submitted in writing by the Applicant at the time when the primary plat is filed for consideration by the Commission. The petition shall state fully the specific grounds for the variance and all the facts relied upon by the petitioner.

4-113 ENFORCEMENT, VIOLATION, AND PENALTIES

1. General

- a. It shall be the duty of the Administrator to enforce these regulations and to

bring any violations to the attention of the Commission.

b. No parcel of land located in a proposed subdivision shall be transferred or sold before a plat of such subdivision has been approved by the Commission and recorded with the County Recorder.

c. The subdivision of any lot or any parcel of land, as defined in this ordinance, resulting in the creation of one or more new building sites shall not be permitted. All such described subdivisions shall be subject to all the appropriate requirements of this ordinance.

d. No Improvement Location Permit (Building Permit) required under the Uniform Building Code, the Zoning Ordinance or this ordinance, shall be issued on any property subject to this ordinance, until all relevant provisions of this ordinance have been met.

e. Subdivisions and other lands which are subject to this Subdivision Control Ordinance shall be developed in strict compliance with the Construction Standards.

2. Violations and Penalties

Any person who violates a provision of this ordinance or any regulations herein contained, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Twenty-Five Dollars (\$25.00) and not more than Two Thousand Five Hundred Dollars (\$2,500.00) for each day's violation.

3. Restraining Provisions

a. Any land within the Commission's jurisdiction subdivided in violation of the terms of this ordinance, after the effective date hereof, is hereby declared to be a common nuisance which may be restrained, enjoined or abated in any appropriate action or proceeding.

b. The Commission may institute an injunction suit requesting that any person be directed to remove a structure erected in violation of this ordinance, or to make the same comply with its terms. If the Commission is successful in its suit, the respondent shall bear the costs of the action, including reasonable attorney's fees.

c. The Commission may institute a suit for mandatory injunction requesting that any person be directed, where such individual or governmental unit has violated any provisions of this ordinance, to comply with the provisions of this ordinance.

4-114

ENACTMENT

So that land may be subdivided according to these purposes and policies, be it ordained by the Town Council of New Whiteland, Indiana that this ordinance shall be in full force and effect from and after this _____ day of _____, 19_____.

Passed by the Town Council of New Whiteland, Indiana on this _____ day Of _____, 19_____.

New Whiteland Town Council

Attest:

Clerk-Treasurer

ARTICLE II - DEFINITIONS

4-201 APPLICATION AND INTERPRETATION

1. Certain numbers, abbreviations, terms, words, and phrases shall be used, interpreted and defined as set forth in this article for these regulations.
2. Whenever any words and phrases are not defined within this article but are defined in the State laws regulating the creation and function of various planning agencies, the State definition shall be deemed to apply.
3. Certain words and phrases used herein for these regulations, shall be interpreted as follows:
 - a. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
 - b. The masculine includes the feminine.
 - c. The present tense includes the past and future tense, and the singular number includes the plural.
 - d. The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.
 - e. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied."
4. All other words not defined in this article or elsewhere in the ordinance shall be defined according to any recent edition of a dictionary of the English language.

4-202 WORDS AND PHRASES DEFINED

ACCESSORY BUILDING

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

ADMINISTRATOR

The officer appointed and authorized by the Plan Commission to administer and enforce these regulations.

ADVISORY PLAN COMMISSION

A plan commission established by and serving a single local government jurisdiction as defined by Indiana Code.

ALLEY

A permanent public service way providing a secondary means of access to lands otherwise abutting upon a street.

APPLICANT

The owner or owners, legal and equitable, of land within the territorial limits of New Whiteland, Indiana, who submit an application for plat approval under the provisions of this ordinance.

BLOCK

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

BOND

Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form that is satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

BUFFER LANDSCAPING

Any trees, shrubs, walls, fences, berms, or related landscaping features required under this ordinance or the Zoning Ordinance on private lots and privately maintained for buffering lots from adjacent properties or public rights-of-way for increasing sound and/or visual privacy. (See Screening also)

BUILDING

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

BUILDING INSPECTOR

For this ordinance, the Building Inspector shall be synonymous with the term Administrator.

BUILDING SETBACK LINE

The line, established by this ordinance, beyond which a building shall not extend unless varied according to the procedures in this ordinance. Also called a building line. Setback lines may be applicable to the front, side, and/or rear yard.

CENTRAL SEWERAGE SYSTEM

A community sewer system including collection and treatment facilities established by a developer to serve a new subdivision or an existing public sewer system.

CENTRAL WATER SYSTEM

A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines as may be established by the developer to serve a new subdivision.

CERTIFICATE

The signed and attested document that indicates that a subdivision has been granted secondary approval by the Commission.

CHECKPOINT AGENCY

A public agency or organization called upon by the Commission to provide expert council about a specific aspect of community development or required by law to give its assent before subdivision may take place.

COLLECTOR STREET

A street designed, planned and intended to carry vehicular traffic to and from thoroughfares, with partial control of access, in conformance with the Comprehensive Plan.

COMMISSION

The Plan Commission of New Whiteland, Indiana.

COMPREHENSIVE PLAN

The applicable Comprehensive Plan for New Whiteland, Indiana, or segment thereof, adopted by the Commission and indicating general locations recommended for public improvements.

CONSTRUCTION PLAN (S)

The maps and drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed as part of the subdivision as required by this ordinance.

CONSTRUCTION STANDARDS

The Construction Standards for Subdivisions and Development dated May, 1998 and adopted by the Town Council along with and as a part of this Subdivision Control Ordinance.

CONTROL OF ACCESS

The conditions where the right of owners or occupants of abutting land, or of other persons, to access, including its location with streets, are fully or partially controlled by public authority, including the Commission of New Whiteland, Indiana.

COVENANT

A private legal restriction on the use or development of land.

CUL-DE-SAC

A street open to vehicular traffic from a thoroughfare, collector street or local street permanently

terminated by a vehicular turnaround for the safe and convenient reversal of traffic movement including public safety vehicles.

DEAD-END STREET

A street or a portion of a street with only one (1) vehicular traffic outlet.

DESIGNATED OFFICIALS

Those officials of the Commission designated in the subdivision ordinance as required signatories for the execution of secondary approval.

DEVELOPER

The owner of land proposed to be subdivided or his representative.

DEVELOPMENT DENSITY

Number of dwelling units per gross acre.

DRAIN

Open ditch, tile or pipe or combination thereof for collection and disbursement of surface water.

DRIVES, PRIVATE

Vehicular streets and driveways that are wholly within private property except where they intersect with other streets within public rights-of-way.

EASEMENT

An authorization or grant by a property owner to a private party or to the public to use land for specific limited purposes. The title to the land shall remain in the name of the property owner, subject to the right of use designated in the easement.

EXEMPT DIVISION

A division of land not required to meet all provisions of the Ordinance. Exempt divisions must be one of the following types of divisions:

1. A division of land into two (2) or more tracts all of which are at least ten (10) acres in size;
2. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
3. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
4. A division of land for the acquisition of street right-of-way or easement;

5. A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites other than for accessory buildings are created by the division; and

6. A division of land into cemetery plots.

Exempt divisions are subject only to the provisions of 4-305 and 4-605 of this ordinance, but shall be exempt from other provisions of this ordinance not specified or referred to in those sections.

EXPRESSWAY

A divided arterial street designed, planned and intended for through vehicular traffic, with full and/or partial control of access, in conformance with the Comprehensive Plan.

FINAL PLAT

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

FLOOD HAZARD AREAS

Areas shown on the Floodway-Flood Boundary Maps as not adequately protected from flooding during a Regulatory Flood by means of dikes, levees, or reservoirs. (See also Floodway Boundary Maps).

FLOOD PLAIN

The area adjoining a river or stream that has been or may hereafter be covered by flood water during a 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

See Regulatory Floodway.

FLOODWAY BOUNDARY MAPS

Maps of Flood Hazard Areas as provided by the Federal Insurance Administration or the State Natural Resources Commission.

FLOODWAY FRINGE

Those portions of the Flood Hazard Areas lying outside and adjacent to the Floodway, shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

FOUNDATION

The supporting member of a wall or structure.

FRONTAGE

All the property on one side of a street between two intersecting streets, measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.

GOVERNING BODY

The body of the relevant local government having the power to adopt ordinances.

GRADE

The slope of a street, or other public way, specified in percentage (%) terms.

HIGH DENSITY

Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 7,200 square feet.

IMPROVEMENTS

See Lot Improvements or Public Improvements.

IMPROVEMENT LOCATION PERMIT

A certificate issued by the Building Inspector permitting a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or cause the same to be done.

INDIANA CODE

The certified statutes of the State of Indiana in their current form. (Usually abbreviated as I.C. herein).

INDIVIDUAL SEWAGE DISPOSAL SYSTEM

A septic tank, seepage tile for sewage disposal system, or any other approved sewage treatment device approved by the Johnson County Health Department.

INTERESTED PARTIES

Those parties who are the owners of properties adjoining or adjacent to the proposed subdivision as shown on the sketch plan.

JOINT OWNERSHIP

Joint owners shall be construed as the same owner for imposing Subdivision Regulations.

LAND DIVIDER

The owner of a parcel of land to be divided through as an exempt subdivision.

LANDSCAPING

See Buffer Landscaping, Screening and Shade Trees

LOCAL STREET

A street intended to provide access to other streets from individual properties and the right-of-way beneath and along it.

LOT

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

LOT, CORNER

A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

LOT IMPROVEMENT

Any building, structure, object, or improvement of any kind located on a lot.

LOW DENSITY

Those residential zoning districts in which the density is equal or less than one dwelling unit per 14,000 square feet.

MAJOR SUBDIVISION

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

MARGINAL ACCESS STREET

A minor street, generally parallel and adjacent to a thoroughfare, providing access to land abutting upon said marginal access street.

MARKER

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

MEDIUM DENSITY

Those residential zoning districts in which the density is between 7,200 and 14,000 square feet per dwelling unit.

MINOR SUBDIVISION

Any subdivision containing not more than three (3) lots fronting on an existing street that is an improved right-of-way maintained by New Whiteland which does not involve any new street, the extension of municipal facilities, or the creation of any public improvements and will not adversely

affect the remainder of the parcel or adjoining property nor conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or this ordinance.

MODEL HOME

A dwelling unit used initially for display purposes that typifies the kind of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Commission, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedures for minor subdivisions, as set out in these regulations.

MONUMENT

A physical structure that marks the location of a corner or other survey point.

NON-RESIDENTIAL SUBDIVISION

A subdivision intended for non-residential use, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations and the Zoning Ordinance.

OFF-SITE

Not located within the area of the property to be subdivided.

OFFICIAL MAP

The map or maps established by New Whiteland, pursuant to law, showing the existing and proposed streets, highways, parks, drainage systems and set-back lines identified, adopted and established by law, including any amendments or additions thereto.

ORDINANCE

Any legislative action of a local government that has the force of law, including any amendment or repeal of any ordinance.

OWNER

Any person, firm, corporation, partnership, limited liability company, having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PARCEL

A part or portion of land having a separate legal description formally set forth in a conveyance document.

PERIMETER STREET

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

PERSON

Any individual, corporation, partnership, company, limited liability company or other legal entity.

PLAN COMMISSION

The Town of New Whiteland's planning body as established according to Indiana law, often referred to herein simply as the Commission.

PLANNED UNIT DEVELOPMENT

Planned unit development is a means of land regulation that permits large scale, unified land development in a configuration which may also include a mix of uses not otherwise permitted "as of right" under the New Whiteland Zoning Ordinance, but requiring under that ordinance a special review and approval process.

PLAT

A map indicating the subdivision or resubdivision of land recorded or intended to be recorded with the County Recorder.

PRELIMINARY PLAT

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

PRIMARY APPROVAL

An approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in the Ordinance (per I.C. ss 36-7-4-700 series: Subdivision Control).

PRIMARY THOROUGHFARE

An arterial street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the Town.

PRINCIPAL USE 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 governmental 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 which it is responsible.

PUBLIC IMPROVEMENT

Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (All such improvements shall be properly

bonded.)

REGISTERED LAND SURVEYOR

A land surveyor properly licensed and registered to practice in the State of Indiana.

REGISTERED PROFESSIONAL ENGINEER

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

REGULATORY FLOOD

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

REGULATORY FLOOD ELEVATION

The maximum elevation reached by the Regulatory Flood at the relevant locations of a proposed subdivision under consideration.

REGULATORY FLOODWAY

The channel of a river or stream and those portions of the Flood Plains adjoining the channel that are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Floodway-Flood Boundary Maps.

RESTRICTIVE COVENANTS

Limitations of various kinds on the use of lots within a subdivision which may be proposed by the Applicant or imposed by the Commission to serve the interest of public health, safety and welfare and which shall be recorded with the plat and shall run with the land.

RESUBDIVISION/RESTRICTIVE COVENANTS

A change in a map of an approved or recorded subdivision plat that affects any lot lines, street layout or area reserved for public use.

RIGHT-OF-WAY

A strip of land used or intended to be used as a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, other utility line, landscaping, or "right-of-way" for other public use. Rights-of-way shall not be included within the dimensions or areas of lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the Applicant on whose plat such right-of-way is established.

SALE OR LEASE

Any immediate or future transfer of ownership, possessory interest in land, including contract of

sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof.

SAME OWNERSHIP

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

SCREENING

Where required by the Zoning Ordinance, a screen shall be installed along or within the lines of a plat as a protection for adjoining or nearby properties and shall conform with the requirements set out for the applicable zoning districts.

SECONDARY APPROVAL

The stage of application for formal Commission approval of a final plat of a subdivision the construction of which has been completed or substantially completed, which if approved and signed by the Designated Officials may be submitted to the County Recorder for recording.

SECONDARY THOROUGHFARE

An arterial street intended to collect and distribute traffic in a manner similar to a primary thoroughfare except that these streets serve minor traffic generating areas or are designed to carry traffic from collector streets to the system of primary arterials. Minor traffic generating areas include, but are not limited to community-commercial areas, primary and secondary educational facilities, plants, hospitals, major recreational areas, churches, and offices.

SETBACK

A line parallel to and equidistant from the relevant lot line (front, back, side). No buildings or structures of any kind may be erected between the setback lines and corresponding lot lines except as may be specifically permitted by the New Whiteland Zoning Ordinance.

SKETCH PLAN

An informal informational drawing of a proposed plat, as described in this ordinance.

SOIL SURVEY, GENERAL

A survey done by a combination of visual inspection and utilization of existing information about the area that is sufficiently detailed to delineate soil areas of questionable suitability for on-site sewage treatment and areas subject to flooding. The General Soils Map of the National Cooperative Soil Survey, may be used for preliminary or tentative approval purposes.

SOIL SURVEY, OPERATIONAL

A highly detailed analysis of soil characteristics (e.g., texture, structure, acidity or alkalinity, permeability, moisture capacity) and identification of kinds of soil as describe and named in the

detailed soil maps of the National Cooperative Soil Survey.

STATE ACTS

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

STATE PLANE COORDINATES SYSTEM

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

STREET RIGHT-OF-WAY WIDTH

The distance between property lines measured at right angles to the center line of the street.

STREETS, CLASSIFICATION

To provide for the development of the streets, highways, and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening. This includes provisions for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and recorded plats which have been designated on the Official Map of New Whiteland 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 Town's Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map.

STRUCTURE

Anything constructed or erected and located on or in the ground and fixtures or apparatus attached thereto.

SUBDIVISION

The division of a parcel of land into two (2) or more parcels. (See also Exempt Divisions).

SUBDIVISION AGENT

Any person who represents, or acts for or on behalf of, an Applicant or developer, relating to the subdividing, selling, leasing, or developing, of any interest, lot, parcel, unit, site, or plat in a subdivision. EXCEPTION: An attorney-at-law whose representation of another person consists solely of rendering legal services.

TEMPORARY IMPROVEMENT

Improvements built and maintained by an Applicant during construction of the subdivision and intended to be replaced by permanent improvements before release of the performance bond. This shall also include turn-around improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

THOROUGHFARE PLAN

A segment of the Comprehensive Plan for New Whiteland, Indiana, adopted by the Commission of New Whiteland, Indiana. The Thoroughfare Plan sets forth the location, alignment, dimensions, identification and classification of expressways, primary thoroughfares, secondary thoroughfares and collector streets as a plan for the development, re-development, improvement, and extension and revision thereof.

TOWN COUNCIL

The Town Council of New Whiteland, Indiana.

ZONING ORDINANCE

That Town ordinance setting forth the regulations controlling the use and development of land in the incorporated area of New Whiteland and areas of extended jurisdiction.

ARTICLE III APPLICATION AND APPROVAL PROCEDURES

4-301 GENERAL PROCEDURES

1. Classification of Land Divisions & Permits

All land to be divided shall be categorized into one of the three (3) main classes of land division indicated in this ordinance's definition of subdivision. These classes are:

- a. major subdivision
- b. minor subdivisions, and
- c. exempt divisions

Before any permit shall be granted for a structure to be erected on land to be subdivided into a major or minor subdivision, the subdividing owner or his subdivision agent shall apply for and secure approval of the proposed subdivision in accordance with Section 302 and either Section 303 or Section 304 of this ordinance as appropriate. Before any permit shall be granted for a structure to be erected on a parcel of land to be created or altered by an exempt division, the land divider or his agent shall certify to the satisfaction of the Administrator that all requirements for exemption have been met. If the requirements as detailed in Section 305 of this ordinance are met then the land division may be granted exemption from all other requirements of this ordinance.

2. Discussion of Requirements: Pre-design Conference

Before submitting any of the materials required by this ordinance, the Applicant or Applicant's representative should discuss with the Administrator the nature of the land division being proposed and request instruction concerning the classification of the proposed subdivision and what regulatory procedures apply to it and must be followed under this ordinance for primary and secondary approval. Where applicable, requirements concerning the general layout of streets and for reservations of land, street improvements, drainage,

sewerage, fire protection, and similar matters, as well as the availability of existing services should be discussed. The Administrator shall also encourage the Applicant, where appropriate, to discuss the proposed land division with those other officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction. The designation of major and minor subdivisions, as defined in this ordinance, shall be made by the Administrator when the Applicant submits an application for sketch plan approval. The Applicant shall, in the case of exempt divisions, provide the Administrator at a pre-design conference with adequate information to enable him to determine whether the proposed division is an exempt division.

4-302 APPLICATION PROCEDURE FOR MAJOR AND MINOR SUBDIVISIONS

1. Application Requirements

To begin the subdivision process, the Applicant shall file with the Administrator a sketch plan in the form as prescribed by §4-601 of this Ordinance, an application for review of sketch plan, and all applicable fees. The application shall:

- a. Be submitted on forms approved and prepared by the Commission and signed by the owner.
- b. Identify all contiguous property of the owner with an indication of the portion that is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates each separate parcel of land was 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 identify 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, officers, and a listing of stockholders if less than ten (10) in number.)
- c. Be presented to the Administrator in duplicate.
- d. Be accompanied by a minimum of three (3) copies of the sketch plan.
- e. Be accompanied by a fee as set by the Commission from time to time, pursuant to I.C. 36-7-4-704 as amended.
- f. Include an address and telephone number of an agent located within the territory of the Commission who shall be authorized to receive all notices required by this ordinance.
- g. Include a listing signed by each Checkpoint Agency indicating that each has received a copy of the proposed sketch plan or a certification that it has been sent as

required by § 4-302(2).

2. Checkpoint Submission

A copy of the sketch plan shall be submitted to each of the Checkpoint Agencies which have jurisdiction or authority over any area covered by the proposed subdivision, as listed below. The sketch plan and application will not be deemed to be submitted until all of the Checkpoint Agencies are in receipt of the sketch plan (the "Submission Date").

FIGURE 302 - CHECKPOINT AGENCIES

<u>New Whiteland</u>	<u>Johnson County</u>	<u>State of Indiana</u>
Town Council	Co. Health Department	Indiana Department of Natural Resources
Town Marshal	Co. Drainage Board Soil & Water Conservation District	Indiana Department of Transportation
Public Works	Clark-Pleasant Schools	Indiana Board of Health
Fire Department		Indiana Department of Environmental Mgmt.
Park Department		
Zoning Administrator		
Planning Consultant		

3. Checkpoint Agency Review

The Administrator shall request that all Checkpoint Agencies and officials to whom a request for review is made submit to the Administrator a written report within fifteen (15) days of their receipt of the sketch plan. No response from an official or Checkpoint Agency shall be interpreted as meaning "no objection" to the sketch plan.

4. Administrator's Review

Within thirty (30) calendar days of the Submission Date, the Administrator shall (i) study the proposal, (ii) review any Checkpoint Agency reports received, (iii) meet with the Applicant and representatives of each Checkpoint Agency wishing to attend the meeting to discuss pertinent aspects of the proposed Subdivision and possible modifications and/or changes that may be appropriately required under this Ordinance, and (iv) classify the proposed Subdivision as either a Major or Minor Subdivision as defined in this Ordinance.

4-303 MAJOR SUBDIVISIONS

1. General Procedures.

If the Administrator, during sketch plan review, classifies the proposed land division as a Major Subdivision, the Applicant shall follow the procedures and be subject to the processes outlined and detailed in this section.

2. Official Submission Dates

The application and sketch plan shall be submitted at least sixty-one (61) calendar days before the date of the public meeting at which the Applicant intends to present the preliminary plat and at least thirty-one (31) calendar days before submission of the

preliminary plat. Thus, at a minimum, sketch plan submission shall precede preliminary plat submission by no less than thirty-one (31) calendar days, which in turn shall precede the public meeting at which it is intended to be heard by no less than thirty (30) calendar days.

3. **Preliminary Plat Procedures for Primary Approval**

a. **Submission Requirements**

Following the submission, review and report on the sketch plan application, the Applicant may file a preliminary plat in the form prescribed by §4-602 of this Ordinance for primary approval. The submission shall:

(i) Be made on forms approved and provided by the Commission and be submitted with a fee of five dollars (\$5.00) per lot for each lot.

(ii) Show all land that the Applicant proposes to subdivide and adjacent land within one hundred (100) feet. The application shall include the names and addresses of the owners of adjoining land as shown in the Johnson County Auditor's files. This information may be shown on a separate Plat Map reproduction from the Auditor's Office.

(iii) Be presented in duplicate to the Administrator no later than thirty (30) calendar days before the regular meeting of the commission at which it is requested to be heard.

(iv) Be accompanied by ten (10) copies of the preliminary plat as described in this ordinance.

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

b. **Placement on the Commission Agenda**

Subsequent to the submission of the primary plat for primary approval and subject to the filing deadlines required by this ordinance, the public hearing for primary approval shall be on the agenda of the next regular meeting of the Commission which is at least thirty (30) days after the date of submission of the preliminary plat.

c. **Administrative Review**

Subsequent to placement on the agenda, and before the date of public hearing, the Administrator and other individuals serving the Commission in an advisory capacity shall review the proposal. They will then prepare a written report to the Commission and Applicant indicating a recommendation concerning the subdivision being proposed.

d. **Public Hearing Notification**

The Commission shall hold a public hearing on the preliminary plat. Notice of such

hearing shall be published by the Applicant and at Applicant's expense in one (1) local newspaper of general circulation at least ten (10) days prior to the hearing (per I.C. ss 5-3-1). Prior to the public hearing, the Applicant shall submit proof of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. All Interested Parties, as defined in §4-202 of this Ordinance, shall be notified by the Applicant of the date, time, place and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing, by certified mail. The Applicant shall file with the Commission prior to the public hearing an affidavit in a form acceptable to the Commission certifying that all Interested Parties were properly notified.

e. Primary Approval of the Preliminary Plat

At the public hearing, the Commission will receive and consider the Administrator's report, the Checkpoint Agencies' recommendations, and testimony and exhibits submitted at the public hearing. After the hearing on the preliminary plat, the Applicant shall be advised of any required changes and/or additions. The Commission shall approve, conditionally approve, or disapprove the preliminary plat. One (1) copy of the preliminary plat shall be returned to the Applicant with the date of approval, conditional approval, or disapproval and the reasons therefore within five (5) days of the public hearing. Primary approval by the Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days after the granting of primary approval.

f. Field Trip

The Commission, at its discretion, upon hearing the request for primary approval, may elect to continue the matter until it's next regularly scheduled public meeting, and may schedule a field trip to the site of the proposed subdivision, accompanied by the Applicant or his representative.

g. Effective Period of Primary Approval

Unless extended, the primary approval of a preliminary plat shall be effective for two (2) years at the end of which time secondary approval of the subdivision must have been obtained and certified by the Designated Officials. Any plats not receiving secondary approval within two (2) years shall be null and void. The Applicant shall be required to resubmit a new application for sketch plan review and certificate subject to all the zoning restrictions and Subdivision Regulations in effect at the time of re-submission. Upon request of the Applicant the Commission may extend the term primary approval of a preliminary plat in increments beyond two (2) years without further notice and public hearing.

4. Approval of Construction Plans

a. Submission Procedure and Requirements

Following primary approval and before submission of the final plat for secondary approval, the Applicant, shall file with the Administrator three (3) sets of the detailed construction

plans in the form prescribed in §4-603 of this Ordinance. This must be done before starting work on any improvements.

b. Review Process

The Administrator shall immediately refer construction plans to the appropriate agencies for review. Upon these agencies notifying the Administrator of their approval of the construction plans or failing to notify the Administrator within fourteen (14) working days of their receipt of the plans, the Administrator shall mark the plans approved and return one (1) set to the Applicant. In no event shall secondary approval (of the final plat) be given before approval of the construction plans.

c. Installation of Improvements

The installation of improvements shall be inspected by the Town's appropriate representatives. Such inspections are required in all instances regardless of whether the work is performed before or after secondary approval. Failure to request inspection of work performed before secondary approval may be cause for denial of secondary approval. See Article V of this Ordinance.

5. Final Plat Procedure (Secondary Approval)

a. Submission Requirements

Following primary approval of the preliminary plat and construction plans, the Applicant shall file with the Administrator a request for secondary approval of a final plat in the form prescribed by §4-604 of this Ordinance. The application shall:

- (i) Be submitted on forms approved and provided by the Commission.
- (ii) Include the entire subdivision, or section thereof which derives access from an existing state, county, or municipal roadway.
- (iii) Be accompanied by five (5) copies of the final plat as described in this ordinance.
- (iv) Totally comply with the ordinance and the terms and conditions of primary approval.
- (v) Be accompanied by a performance bond, if required, in a form satisfactory to the Commission's attorney and in an amount equal to one hundred ten percent (110%) of the estimated cost of the public improvements. The bond amount shall be certified by a qualified professional engineer and shall guarantee the completion of all required subdivision and off-site public improvements. See Article V of this Ordinance.

(vi) Be accompanied by any restrictive covenants in a form approved by the Commission, that have been proposed by the Applicant or required by the Commission.

b. Determination of Conformance (Secondary Approval)

To secure secondary approval, a final plat must conform with the preliminary plat approved by the Commission. If the final plat deviates from the approved preliminary plat, then the plat shall be submitted to the Commission at a public hearing for a new primary approval. The Commission may delegate authority to grant secondary approval to the Administrator.

(i) If the Administrator is delegated authority to grant secondary approval, then he shall review the items submitted according to 4-303 (5)(a) within ten (10) working days and shall determine conformance with all conditions and requirements imposed as part of the primary approval. If the plat is found to be in conformance and complete, then the Administrator shall recommend the signing of the certificate granting secondary approval.

(ii) If the Commission reviews a plat for secondary approval, the Applicant shall request Commission review in writing no less than thirty (30) calendar days prior to the date of the public meeting at which the final plat is to be reviewed. The matter shall be placed on the agenda of the next regular meeting of the Commission at least thirty (30) days after final plat submission. The Administrator shall review the proposal and submit a written report and recommendations to the Commission and the Applicant. The Commission shall approve or disapprove the final plat. If granted secondary approval, the plat shall be signed by the Designated Officials. If the plat is not granted secondary approval, then the Applicant shall be informed as to the insufficiency of his submittal.

c. Sectionalizing Plats

Before granting secondary approval of a major subdivision plat, the Commission may permit the plat to be divided into two (2) or more sections. However, it may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the Subdivision. The Commission may require that a performance bond be provided in an amount commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least twenty (20) lots or ten percent (10%) of the total number of lots contained in the approved plat, whichever is less. The approval of all remaining sections not filed with the Administrator shall automatically expire after five (5) years from the date of primary approval of the preliminary plat, unless the expiration date is extended.

6. **Signing and Recording a Plat**

a. **Signing of Plat**

(i) When a performance bond is required, the Designated Officials of the Commission shall endorse secondary approval of the plat by signing the certificate of approval after the bond has been approved, and all the conditions of the primary approval have been satisfied. The certificate of approval shall be part of the tracing cloth or reproducible mylar of the subdivision plat. The Applicant shall provide the Administrator a mylar print of the approved and fully executed and recorded plat.

(ii) When, at the discretion of the Commission, installation of improvements is permitted in place of performance bonds, the Designated Officials of the Commission shall endorse secondary approval of the plat by signing the certificate. Such signing shall only occur after all conditions of the primary approval have been satisfied and all improvements satisfactorily completed. The developer shall provide certified as-built drawings of the completed public improvements and other such written evidence as necessary to verify that the required public facilities have been installed in a manner satisfactory to the Town.

b. **Assurance to Applicant**

If the Applicant is permitted to install improvements before the secondary approval and it is shown that all such improvements have been installed in strict conformance with the final plat, then the Commission shall have no other recourse than to grant secondary approval.

c. **Recording A Plat**

It shall be the responsibility of the Applicant in the presence of the Administrator or his designee to file the plat with the Johnson County Recorder within thirty (30) days of the date of signature.

4-304 MINOR SUBDIVISIONS

1. **General Procedures**

If the Administrator, during sketch plan review, classifies the proposed subdivision as a Minor Subdivision, the Applicant shall follow the procedures and be subject to the process as outlined and detailed in this section.

2. **Official Submission Date and Placement on the Agenda**

An application for sketch plan approval for a Minor Subdivision shall be placed on the agenda of the first regularly scheduled meeting of the Commission to occur thirty (30) days after the date the application is submitted.

3. **Administrative Review**

Subsequent to placement on the Commission's agenda and before the date of the public hearing, the Administrator and other representatives of the Commission shall submit a written report to the Commission and Applicant including a recommendation about the subdivision being proposed.

4. **Public Hearing Notification**

The Commission shall hold a public hearing on the sketch plan and notice of such hearing shall be in one (1) local newspaper of general circulation ten (10) days prior to the hearing (per I.C. ss 5-3-1) at the Applicant's expense. At the time of the public hearing, the Applicant shall submit proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested Parties, as defined in §4-202 of this Ordinance, shall be notified by the Applicant of the date, time, place, and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing, by certified mail. The Applicant shall file with the Commission at the time of the public hearing an affidavit so testifying.

5. **Approval of the Sketch Plan**

After the Commission has, at a regularly scheduled meeting, examined the sketch plan, Administrator's report, the Checkpoint Agencies' recommendations, testimony, and exhibits submitted, the Commission shall, at a regularly scheduled meeting, approve, conditionally approve or disapprove the sketch plan. One (1) copy of the sketch plan shall be returned to the Applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the sketch plan within five (5) days after the public meeting. Primary approval by the Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until the minimum of thirty (30) days has elapsed since the granting of sketch plan.

6. **Final subdivision Plat Procedure for Secondary Approval**

a. **Application Requirements**

Following approval of the sketch plan, the Applicant, if he wishes to proceed with the subdivision, shall file with the Administrator an application for secondary approval of a final plat in the form prescribed in §4-604 of this Ordinance. The application shall:

- (i) Be submitted on forms approved and provided by the Commission.
- (ii) Show all land that the Applicant proposes to subdivide and adjacent land within one hundred (100) feet. The application shall include the names and addresses of owners of adjoining land as shown in the Johnson County Auditor's files. This information may be shown on a separate Plat Map reproduction from the Auditor's Office.

(iii) Include the entire subdivision, or section thereof, which derives access from all existing state, county, or municipal roadways.

(iv) Be accompanied by five (5) copies of the subdivision plat as described in this ordinance.

(v) Totally comply with this ordinance and the terms and conditions of primary approval.

(vi) Be accompanied by restrictive covenants in a form approved by the Commission, where proposed by the Applicant or required by the Commission.

b. Determination of Conformance (Secondary Approval)

In order to be recorded, a final subdivision plat shall either be found to be in conformance with the approved sketch plan by the Administrator, or by the Commission at a public meeting. If the final subdivision plat deviates from the sketch plan that received primary approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new primary approval. The Applicant submitting a final plat conforming to the primary approval shall choose as to whether this review is performed by the Administrator or by the Commission at a public meeting.

(i) Should the Applicant not choose Commission review, the Administrator shall within ten (10) working days review the items submitted as per Section 4-304(6)(a) in order to ascertain conformance with the primary approval. If the submission is found to be in conformance and complete, the Administrator shall recommend the signing of the certificate granting secondary approval.

(ii) Should the Applicant choose Commission review, the Commission shall perform the same function but at a public meeting. The Applicant shall request in writing Commission review no less than thirty (30) calendar days prior to the date of the public meeting at which the Applicant intends to have his final plat reviewed. The Commission shall place the matter on its next regular meeting agenda. The Administrator shall review the proposed final plat and submit a written report and recommendations to the Commission and the Applicant. The Commission shall approve, conditionally approve, or disapprove the final plat. If approved it shall be signed by the Designated Officers of the Commission. If not approved then the Applicant shall be informed as to the insufficiency of his submittal.

c. Sectionalizing Plats

Before granting secondary approval of a minor subdivision plat, the Commission may permit the plat to be divided into two or more sections. Further, it may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond be in

such amount as is commensurate with the section or sections of the plat to be filed. It may also defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing.

8. Signing and Recording a Plat

a. Signing of Plat

(i) When a bond is required, the Designated Officials of the Commission shall endorse secondary approval on the plat after the bond has been approved by the Town's appropriate representatives and all the conditions of the primary approval have been satisfied. See Article V of this Ordinance.

(ii) When installation of improvements is required, the Designated Officials of the Commission shall endorse secondary approval on the plat by signing the certificate after all conditions of the primary approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required improvements have been installed in a manner satisfactory to the Town's appropriate representatives in the form of a certificate signed by the Town Council.

b. Assurance to Applicant

If the Applicant elects to install all improvements before he applies for secondary approval and it is shown that the conditions of the ordinance have been met, and if the final plat completely conforms to the primary approval, the Commission shall have no other recourse than to grant secondary approval.

c. Recording of Plat

(i) The Designated Officials shall sign the certificates granting secondary approval which shall be a part of the tracing cloth or reproducible mylar of the subdivision plat, plus two (2) mylar prints of the subdivision plat. The mylar prints shall be returned to the Applicant and his engineer or surveyor.

(ii) It shall be the responsibility of the Applicant in the presence of the Administrator or his designee to record the plat with the County Recorder within thirty (30) days of the date of signature.

4-305 EXEMPT DIVISIONS

1. General Procedure for Exempt Divisions

An Applicant may apply for an Exempt Division of the type or types defined in Article II §4-202 by submitting to the Administrator the information prescribed under Article VI §4-605.

2. Exempt Division Review Process

The Administrator shall review an application for classification as an exempt division within fifteen (15) working days of receiving the information required in 4-605 of this Ordinance. If the division is not classified as exempt, then the Applicant shall be notified to file an application for a major or minor subdivision. If the division is classified as exempt, then the Administrator shall issue a Statement of Compliance.

Both the Applicant and the Administrator shall hold copies of the Statement of Compliance. When the parcel so exempted by this statement is conveyed to another party, a copy of the Statement of Compliance may also be conveyed as proof of the exemption.

ARTICLE IV STANDARDS AND REQUIREMENTS FOR IMPROVEMENTS

4-401 GENERAL IMPROVEMENTS

1. Conformance to applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- a. all applicable state and local statutory provisions.
- b. The New Whiteland Zoning Ordinance, Comprehensive Plan, Office Map, Building and Housing Codes, and all other applicable laws of the Town of New Whiteland.
- c. The special requirements of these regulations and any rules of the State or County Health Departments and all other appropriate state agencies.
- d. The rules and regulations of the Indiana Department of Highways if the subdivision or any lot contained therein abuts a state highway or connecting street. Plat approval shall be withheld if a subdivision is not in conformity with the above requirements and with the policies and purposes of these regulations as established in 4-102 and 4-103 of this ordinance.

2. Self-imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Commission may require that restrictive covenants be recorded with the County Recorder in the form to be approved by the Commission's Attorney. This section, however, shall impose no obligation upon the Commissioner or the Town to enforce any such restrictive covenants.

3. **Boundary Improvements**

a. The Applicant shall place, under the supervision of a Registered Land Surveyor, concrete monuments four (4) inches square or four (4) inches in diameter and forty (40) inches long with an iron pipe cast in the center, at each corner or angle of the ultimate outside boundary of the subdivision. Those monuments shall be set following grading of each phase of the subdivision.

b. The Applicant shall place, under the supervision of a Registered Land Surveyor, pipes or steel rods, five-eighths (5/8) of an inch in diameter by thirty (30) inches in length at the corners of each lot. Such pipes or rods shall be set prior to and as a condition of the issuance of an Improvement Water Permit for each lot.

4. **Character of the Land**

Land which the Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, environmental conditions, artifacts or other features which might reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Commission to address the unsuitable land conditions. Such land shall be set aside for such suitable uses permitted by the Zoning Ordinance.

5. **Subdivision Name**

The proposed name of the subdivision shall not duplicate or too closely phonetically approximate the name of any other subdivision in the area covered by these regulations. The Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of primary approval.

4-402 **LOT IMPROVEMENTS**

1. **Lot Arrangement**

The lot arrangement shall be such that there will be no foreseeable difficulties in securing building permits to develop each lot in compliance with the Zoning Ordinance and all other applicable laws, codes, rules and regulations in providing safe and efficient driveway access to buildings on such lots from the appropriate approved street.

2. **Lot Dimensions**

Lot dimensions shall comply with the minimum standards in the Zoning Ordinance. The Commission may require that lots be arranged to allow further subdivision and the opening of future streets where they may be necessary to serve all such potential lots in compliance with the Zoning Ordinance and these regulations. Generally, side lot lines shall be at right

angles to the street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for all the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

3. **Double Frontage Lots and Access to Lots**

a. **Double Frontage Lots**

Double frontage and reversed frontage lots shall be avoided except where necessary to provide for the separation of residential development from the traffic on bordering arterials or to overcome specific disadvantages of topography and orientation affecting the subdivision lots.

b. **Access from Primary and Secondary Thoroughfares**

If the area proposed to be platted abuts upon or contains an existing or proposed primary or secondary thoroughfare, the street plan shall provide vehicular access to each lot abutting upon said thoroughfare by one of the following means:

(i) A parallel street providing frontage for lots backing onto, but separated from said thoroughfare right-of-way by a screen planting or buffer strip.

(ii) A cul-de-sac, or series of cul-de-sacs, entered from a street paralleling said thoroughfare, with the terminal lots of the cul-de-sac backing onto the thoroughfare right-of-way and separated from said thoroughfare right-of-way by a screen planting or buffer strip.

(iii) A marginal access street separated from said thoroughfare by a screen planting or buffer strip, access to the thoroughfare being provided at points suitably spaced.

(iv) Any other reasonable means necessary to control the number and location of intersections with such thoroughfare and provide adequate separation of through and local vehicular traffic.

4-403 **BLOCKS**

1. The width of blocks shall be sufficient to allow two (2) tiers of lots, except where reverse frontage on a primary thoroughfare is required.

2. As a general principle, intersections with thoroughfares shall not exist at less than quarter mile intervals. Intersecting streets that determine block lengths shall be provided at such intervals as to conform to the Comprehensive Plan and Thoroughfare Plan and serve cross traffic adequately. They also must relate logically to existing and proposed topographical and other conditions, produce reasonable grades and suitable sites for the uses proposed, and create a desirable local subdivision plan consistent therewith.

3. Where blocks are not arranged in the direction of natural pedestrian and traffic flow, a crosswalk or pedestrian way may be required near the center and entirely across the block to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities. Pedestrian ways required by the Commission shall be dedicated and paved to a width of at least five (5) feet.

4-404 EASEMENTS

1. All proposed plats submitted for Commission approval under the provisions of this ordinance shall allocate areas of suitable size and location, wherever necessary, for utility easements. As a general principle, such easements shall be centered on rear or side lot lines and shall be at least eight (8) feet wide on both sides of the property lines. Easements shall be continuous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.

2. If any stream or necessary surface drainage course is located in said area proposed to be platted then adequate areas shall be allocated along the sides of such stream or surface drainage course for widening, deepening, sloping, improving or protecting said stream or surface drainage course. (See Section 417).

4-405 BUILDING SETBACK LINES

Building setback lines shall be regulated by the setback provisions of the Zoning Ordinance applicable to said area proposed to be platted, with the exception that front building setback lines shall be as follows:

1. **Expressway, Arterial Highway or Primary Thoroughfare**

No part of any structure (except an eave or cornice overhang 4 feet or less) shall be built closer than fifty (50) feet from any right-of-way line of an expressway or arterial highway or closer than forty-five (45) feet from any right-of-way line of a primary thoroughfare.

2. **Secondary Thoroughfare**

No part of any structure (except an eave or cornice overhang 4 feet or less) shall be built closer than forty (40) feet from any right-of-way line of any secondary thoroughfare.

3. **Collector Street**

No part of any structure (except an eave or cornice overhang 4 feet or less) shall be built closer than thirty-five (35) feet from any right-of-way line of any collector street.

4. **Local Street, Marginal Access Street or Cul-De-Sac**

No part of any structure (except an eave or cornice overhang 4 feet or less) shall be built closer than twenty-five (25) feet from any right-of-way line of any local street, marginal access street or cul-de-sac.

4-406 NON-RESIDENTIAL SUBDIVISION

1. **General**

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, then the layout of the subdivision with respect to such land shall meet such special provisions as the Commission finds appropriate. A non-residential subdivision shall also be subject to all the requirements set forth in the Zoning Ordinance, all the requirements of these regulations, as well as such additional standards required by the Commission. It shall also conform to the proposed land use and standards established in the Comprehensive Plan and Official Map. EXCEPTION: Where lot lines are to be established incrementally they need not be shown on the sketch plan or the preliminary plat for primary approval. All shopping centers and other non-residential subdivisions of buildings for lease shall be subject to the relevant provisions of this ordinance.

2. **Standards**

The Applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed are appropriate for the uses anticipated and adequately take into account other uses nearby. The following principles and standards shall be observed:

a. Proposed commercial or industrial parcels shall be of sufficient area and dimensions to the types of industrial development anticipated. Proposals for incremental lot by lot subdivision must be made clear in a statement on the plat that is satisfactory to the Commission.

b. Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated.

c. Special requirements may be imposed by the Commission regarding street, curb, gutter, and sidewalk design and construction.

d. Special requirements may be imposed by the Commission with respect to the installation of public utilities, including water, sewer, and storm water drainage and preprocessing of sewage. Special requirements may also be imposed regarding the storage and disposal of toxic materials.

e. Every effort shall be made to protect adjacent residential areas from adverse affects from a proposed commercial or industrial subdivision, including extra depth of parcels adjacent to existing or potential residential development and permanently landscaped buffer strips where necessary.

f. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

4-407 STREET DESIGN GENERAL

1. The plan, arrangement, character, extent, width, grade and location of streets within and on the perimeter of a plat shall be logically related to the public convenience and safety and shall conform with the Comprehensive Plan and Thoroughfare Plan, and existing and proposed topographical and other conditions, to:

a. Produce reasonable grades and suitable sites for the uses proposed.

b. Serve vehicular and pedestrian traffic adequately and provide ease of circulation within, ingress to and egress from said proposed platted area.

c. Create a desirable local subdivision plan consistent with said proposed uses.

2. Such street plan shall provide for logical extension, continuation, or completion of all properly located existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Commission.

4-408 STREET RIGHT-OF-WAY

All proposed plats submitted for Commission approval under the provisions of this ordinance shall allocate adequate areas for streets. They shall be in conformity with the Comprehensive Plan and Thoroughfare Plan. They shall designate and label all such streets thereon according to the following definitions, specifications and requirements regarding platted width, right-of-way and control of access thereto.

1. Expressway

Any street designated and labeled as an "expressway" shall be a divided arterial street designed, planned and intended for through vehicular traffic in conformance with the Comprehensive Plan and Thoroughfare Plan, with full and/or partial control of access thereto. Minimum width of right-of-way for an expressway shall be one hundred twenty (120) feet where full control of access is contemplated or exercised. Minimum width shall be one hundred sixty-five (165) feet where partial control of access is contemplated or

exercised to permit access connections only at street intersections.

2. Primary Thoroughfare

Any street designated and labeled as a "primary thoroughfare" shall be an arterial street designed, planned and intended for through vehicular traffic in conformance with the Comprehensive Plan and Thoroughfare Plan with partial control of access thereto. As a general principle, primary thoroughfares shall be located at approximately one (1) mile intervals in a north-south, east-west grid pattern, except in congested areas where they may be located at more frequent intervals. Minimum width of right-of-way for primary thoroughfare shall be ninety (90) feet. Partial control of access to a primary thoroughfare shall be exercised to permit access to each lot abutting thereon.

3. Secondary Thoroughfare

Any street designated and labeled as a "secondary thoroughfare" shall be designed, planned and intended to serve as a collector and distributor of through vehicular traffic. This shall be done in conformance with the Comprehensive Plan and Thoroughfare Plan from sections of land within New Whiteland to expressways, parkways, and primary thoroughfares and vice versa, with partial control of access thereto. Minimum width of right-of-way for a secondary thoroughfare shall be ninety (90) feet. Partial control of access to a primary thoroughfare shall be exercised to permit access to each lot abutting thereon. (Refer to Construction Standards).

4. Collector Street

Any street designated and labeled as a "collector street" shall be designed, planned and intended to serve as a collector and distributor of vehicular traffic in conformance with the Comprehensive Plan. Collector streets shall carry vehicular traffic to and from expressways, parkways, primary thoroughfares and secondary thoroughfares, with partial control of access thereto. Such streets shall include but not be limited to entrance streets of residential subdivisions. Minimum width of right-of-way for a collector street shall be seventy (70) feet. Partial control of access to collector streets shall be exercised to permit access to each lot abutting thereon. (Refer to Construction Standards).

5. Local Street

Any street designated and labeled as a "local street" shall be designed, planned and intended to provide access to other streets from individual properties, in conformance with the Comprehensive Plan, primarily to provide access to lots abutting thereon, with partial control of access thereto. Minimum width of right-of-way for a local street shall be fifty (50) feet in subdivisions designed for five (5) dwelling units or less per acre of ground within the boundaries of the plat. Minimum width of right-of-way for a local street shall be sixty (60) feet in subdivisions designed for more than five (5) dwelling units per acre of ground within the boundaries of the plat or for commercial, industrial or other non residential land uses. Partial control of access to local street shall be exercised to permit access to each lot abutting thereon. (Refer to Construction Standards).

6. **Cul-De-Sac**

Any street designated and labeled as a "cul-de-sac" shall be designed, planned and constructed with one end open to vehicular traffic from an expressway, parkway, primary thoroughfare, secondary thoroughfare, collector street, or local street. The closed end thereof shall be permanently terminated by a vehicular turnaround, in conformance with the Comprehensive Plan, with partial control of access thereto. Minimum width of right-of-way for a cul-de-sac shall be ninety (90) feet in subdivisions designed for five (5) dwelling units or less per acre of ground within the boundaries of the plat. Minimum width of right-of-way for a cul-de-sac shall be one hundred ten (110) feet in subdivisions designed for more than five (5) dwelling units per acre of ground within the boundaries of the plat. Minimum width of right-of-way for a cul-de-sac in a commercial, industrial or other non-residential subdivision shall be ninety (90) feet. Partial control of access to a cul-de-sac shall be exercised to permit access to each lot abutting thereon.

4-409 MINIMUM STANDARDS FOR STREET DESIGN

All streets, as designated and labeled upon said proposed plat, shall be graded, constructed and surfaced in accordance with construction plans and specifications submitted by the Applicant and approved as required by relevant sections of this ordinance. (Refer to Construction Standards).

1. **Minimum Pavement Width**

a. The minimum width of local street pavement, including gutters and curbs, shall be twenty-eight (28) feet measured from back to back of curbs. Gutters and curbs shall be constructed according to the requirements of this ordinance.

b. The minimum width of marginal access street pavement, including gutters and curbs shall be twenty-four (24) feet.

2. **Maximum Grades**

a. The maximum grade of expressways and primary thoroughfares shall not exceed three percent (3%).

b. The maximum grade of secondary thoroughfares, parkways, and collector streets shall not exceed four percent (4%).

c. The maximum grade for local streets, marginal access streets and cul-de-sacs shall not exceed seven percent (7%).

3. **Minimum Grades**

- a. The minimum grade of concrete streets and gutters shall be five tenths (0.5%) percent.
- b. The minimum grade for all other types of streets and gutters and for ditches shall be eight tenths percent (0.8%).

4. **Street Alignment**

a. Profile grades for thoroughfares shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference between the rates of grade, expressed in feet per hundred. Profile grades for collector, local streets and cul-de-sacs, shall be fifteen (15) times the algebraic difference.

b. The minimum radii of center curvature for streets shall be:

- (i) Expressways and primary thoroughfares - 475 feet or 12 degrees.
- (ii) Secondary thoroughfares - 300 feet or 19 degrees.
- (iii) Collector streets, local streets, marginal access streets and cul-de-sacs - 125 feet or 46 degrees.
- (iv) Streets shorter than five-hundred feet - 100 feet or 58 degrees.

c. The minimum tangent between reversed curves shall be:

- (i) Expressways, primary and secondary thoroughfare - 200 feet.
- (ii) Collector streets, and as required by the Commission on all other streets - 100 feet.

5. **Visibility Requirements**

a. Minimum vertical visibility measured from four and one half (4 1/2) feet (eye level) to eighteen (18) inches (tail light) height, within traveled lanes shall be:

- (i) Expressways, primary and secondary thoroughfares - 500 feet.
- (ii) Collector streets - 300 feet.
- (iii) Local streets, marginal access streets and cul-de-sacs - 200 feet.

- (iv) Streets shorter than five-hundred feet - 100 feet.
- b. Minimum horizontal visibility measured on center line shall be:
 - (i) Expressways, primary and secondary thoroughfares - 300 feet.
 - (ii) Collector streets - 200 feet.
 - (iii) All other streets - 100 feet.

6. Intersections

- a. Street curbs shall be rounded by radii of sufficient length to permit smooth flow of traffic. Minimum allowable radius for street curbs will be twenty (20) feet.
- b. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty degrees (60°).
- c. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be permitted.

7. Site Distances at Intersections

The following paragraph shall be required as a provision of the covenants of all Final Plats.

No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the street, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting points twenty-five (25) feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street lines extended. The same sight line limitations shall apply to any lot within ten (10) feet from the intersection of a street line with the edge of a driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

8. Special requirements for non-residential subdivisions shall be as follows:

a. Where streets are designed to serve industrial or commercial subdivisions or sites, or other developments requiring service by many heavy commercial vehicles, the minimum thicknesses will be appropriate for the anticipated traffic.

b. Light industrial streets with heavy commercial vehicles in excess of one hundred (100) per day in any lane will be designed as Collectors or Secondary

Thoroughfares.

c. Heavy industrial streets with heavy commercial vehicles in excess of two hundred (200) per day in any lane will be designed as Secondary Thoroughfares.

d. Special pavement requirements in excess of minimum Secondary Thoroughfare design standards for heavy commercial vehicles in excess of four hundred (400) per day will be submitted by the Applicant for approval of the commission.

e. Heavy commercial vehicles (HCV) are defined as two-axle, six-tired and heavier trucks.

4-410 MINIMUM STANDARDS FOR STREET CONSTRUCTION

1. General Requirements

a. Minimum requirements for street construction shall be according to Indiana Department of Transportation Standard Specifications, current edition, hereafter referred to as the "Standard Specifications," unless otherwise required by this Ordinance. Copies of said "Standard Specifications" are on file in the office of the New Whiteland Zoning Administrator.

2. Preparation of Sub-Grade for Street Pavements

a. After all earth work is substantially complete and all drains installed, the sub-grade shall be brought to the lines and grades shown on the plans or as may be otherwise approved according to these standards. Such portions shall be known as "Sub-grades."

b. Unless otherwise provided, the upper six (6) inches of all sub-grade shall be uniformly compacted to at least ninety-five (95%) percent standard density as determined by the provisions of AASHO, T99, Compaction and Density of Soils. During sub-grade preparation and after its completion, adequate drainage shall be provided at all times to prevent water from standing on the sub-grade. Sub-grades shall be so constructed that it will have nearly uniform density throughout. After compaction and final grading, the sub-grade shall be finished with a three-wheel roller weighing not less than ten (10) tons. At areas not accessible to the roller, the required compaction shall be obtained with mechanical tamps or vibrators.

All soft yielding or otherwise unsuitable material that will not compact properly shall be removed. All rock encountered shall either be removed or broken off to conform with the required cross section. Any holes or depressions resulting from the removal of such

unsuitable material shall be filled with satisfactory material and compacted to conform with the surrounding sub-grade surface. No placement of pavement shall be permitted on uninspected or unapproved sub-grade and at no time when the sub-grade is frozen or muddy. No hauling shall be done nor equipment moved over the sub-grade when its condition is such that undue distortion results. If these conditions are present the sub-grade shall be protected with adequate plank runways, mats or other satisfactory means if hauling is done thereon. The sub-grade shall be prepared sufficiently in advance to permit proper inspection so that the final elevation may be checked with a scratch inspection so that the final elevation may be checked with a scratch template and compaction checked. All utility excavations under the pavement shall be backfilled with Grade "B" borrow and construction shall conform to Section 211 of the Standard Specifications or compacted thoroughly by other means. These locations shall be shown on the construction drawings as submitted to the Commission.

3. **Rigid (Plain Concrete) Pavement Construction**

a. At the time of placement of the concrete, the subgrade shall be properly dampened just before the placement where it has become dry, where the surface has been removed by final grading or for any other reason it has not been properly dampened. Plain cement pavement shall be according to Section 501 of the Standard Specifications or any subsequent amendments thereto.

b. Materials shall comply with requirements of the Standard Specifications. Minimum cement content shall be 6.0 bags per cubic yard of concrete mixture. No cement reduction below the minimum shall be allowed for admixtures to increase workability or control setting time. Concrete shall be finished by machine or vibratory screed except on widened portions, intersections or other places where hand finishing will be permitted.

c. Weakened plane or dummy, transverse, contraction joints shall be placed not to exceed twenty (20) foot spacing. Closer spacing to average fifteen (15) feet will be encouraged. Transverse contraction joints may either be formed or sawed dummy groove, ribbon or premolded strip type, and shall be one-fourth (1/4) the pavement depth.

d. When transverse joints are to be formed by sawing, care must be taken to saw the grooves soon after placing the concrete to prevent the formation of cracks due to contraction of the slab. All transverse joints shall be sawed within eight (8) hours after the placing of the concrete unless authorization is given for sawing later. One of the above named joints shall be placed at every catch basin and manhole in line of pavement. The location of manholes, etc., in the pavement shall determine the exact location of the joints. All joints shall extend throughout curbs to full width of pavement.

e. Transverse expansion joints shall be placed at Tee intersections and wherever else shown on the plans.

f. Transverse joints will be formed by sawing or by constructing a slot or groove as herein described for dummy construction joints, or by a deformed key plate installed before the depositing of the concrete.

g. Curing with white membrane curing compound AASHO Number type 2 - M - 14B shall be properly applied to give complete coverage.

4. Flexible Pavement Construction

a. Pavement shall be constructed according to the requirements of Section 401 of the Standard Specifications. Pavement shall be full depth hot asphaltic concrete unless otherwise approved by the Commission on the recommendation of the Town Engineer.

b. Where the Commission allows collector streets or local streets to be constructed with compacted aggregate base, the base shall be placed on the prepared subgrade, compacted, primed, and covered with binder before being contaminated by construction traffic.

c. Materials and construction procedures shall comply with the requirements of Sections 303 and 403 of the Standard Specifications.

4-411 CURBS AND GUTTERS

1. Curbs and gutters shall be constructed and installed along both sides of all streets within the boundaries of the plat (unless a waiver is granted by the Commission). They shall be labeled upon said proposed plat according to the satisfactory construction plans and specifications therefore submitted by the Applicant and according to the following specifications and requirements:

a. Materials shall comply with the requirements for Class A Concrete of the Standard Specifications, Section 702. Construction methods shall be according to Section 605 of the Standard Specifications.

b. Slipforming will be permissible.
Refer to Construction Standards.

4-412 SHOULDERS, SIDE SLOPES AND DITCHES

1. All shoulders, side slopes and ditches shall be prepared according to Section 208 of the Standard Specifications or any subsequent amendments thereto, and construction plans required to be submitted by the Applicant.

2. All shoulders, side slopes and ditches shall be protected from erosion by either sodding or seeding. This shall be done as set forth in Section 621 of said standards, as shown on the erosion control plan. Said plan shall be a part of the required construction plans to be submitted by the Applicant.

3. Side slopes having a grade more than 2 to 1 shall be protected by hand-laid riprap according to Section 616.02 (c) of the Standard Specifications, or any subsequent amendments thereto, as required by construction plans to be submitted by the Applicant.

4. Ditches having a grade of three, four or five percent shall have a gutter consisting of sod, or if more than five percent shall have a gutter consisting of concrete or stone as shown on the construction plans to be submitted by the Applicant.

4-413 MONUMENTS AND MARKERS

1. Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of either four (4) inches square or four (4) inches in diameter at the top by three (3) feet in length. They shall be marked on top with a brass or copper dowel set flush with the top of the monument and deeply scored on top with a cross. Markers shall consist of galvanized iron pipes or steel bars at least thirty (30) inches long and not less than five-eighths (5/8) inch in diameter.

2. Monuments and markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked. Further, it shall be set so that the top of the monument or marker is level with the finished grade.

3. Monuments shall be installed at all quarter section points on the boundaries of or within the area proposed to be platted. They shall be placed as follows:

- a. at the intersections of all boundary lines of the proposed plat;
- b. at the beginning and end of all curves and points of tangency of the perimeter of said plat;
- c. at the intersections of all street center lines upon said plat;
- d. at such other points as are necessary to definitely established all major plat lines, except those describing individual lots.

4. Markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; and at all other lot corners not established by a monument.

4-414 STREET SIGNS

The Applicant shall provide street signs to meet the following standards:

1. At least one street sign shall be installed at each street intersection within or on the perimeter of the plat. The sign shall be located on the N.E. corner thereof, whenever possible, and on the park strip, as hereinafter referred to in this ordinance, between the street and sidewalk at a point approximately six (6) inches from said sidewalk.
2. Street signs shall be of aluminum, six inches (6") by twenty-four inches (24"). They shall be double faced with letters, four inches (4"), of scotchlite or the equivalent. They shall be mounted upon a galvanized pipe post, ten feet (10') in length and two inches (2") inside diameter and approximately two and one half inches (2 1/2") outside diameter and shall be set in concrete to a depth of two and one half feet (2 1/2'). All street signs shall have a minimum height above finished grade of seven and one half feet (7 1/2').

4-415 CULVERTS

1. Culverts shall be constructed and installed wherever necessary, to provide adequate drainage, according to the satisfactory construction plans and specifications therefore submitted by the Applicant.
2. The location and size of driveway culverts shall be determined at the time of the improvement location permit application. However, the minimum size of such culverts shall be no less than twelve (12) inches and in no case less than that specified by the approved construction plans and specifications submitted by the Applicant.

4-416 SIDEWALKS

1. Sidewalks shall be constructed and installed along both sides of all streets within the boundaries of the plat (unless a waiver is granted by the Commission). They shall be labeled upon said proposed plat according to the approved construction plans and specifications therefore submitted by the Applicant and according to the following specifications and requirements:
 - a. Sidewalks shall be composed of Portland Cement Concrete, shall have a minimum width of four (4) feet, a minimum depth of four (4) inches and shall otherwise conform to Section 604 and 702 of the "Standard Specifications," or any subsequent amendments thereto.
 - b. The outside edge of sidewalks shall normally be placed one (1) foot from the

right-of-way line, and the area between the sidewalk and curb or street pavement shall constitute a park strip.

4-417 DRAINAGE AND STORM SEWERS

1. **General Requirements**

The Commission shall not recommend for approval any subdivision plat that does not make adequate provision for storm or flood water run-off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each lot and block.

2. **Nature of Storm Water Facilities**

a. **Location**

The Applicant may be required by the commission to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width.

b. **Accessibility to Public Storm Sewers**

(i) Where a public storm sewer is accessible, the Applicant shall install storm sewer facilities. If there are no outlets within a reasonable distance, adequate provision shall be made for the disposal of storm water subject to the specifications of the Commission. However, in subdivisions containing lots of less than 14,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be connected to an approved outfall. Inspection of facilities shall be conducted by the Town's appropriate officials.

(ii) If a connection to a public storm sewer will be provided eventually, as determined by the Commission, the developer shall arrange for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision (s) for such connection (s) shall be incorporated by inclusion in the amount of the performance bond or equivalent required for the subdivision plat.

c. **Accommodation of Upstream Drainage Areas**

A culvert or other drainage facility shall in each case be large enough to accommodate

potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Applicant with subsequent approval of the Commission shall determine the necessary size of the facility based on the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

d. **Effect on Downstream Drainage Areas**

The Commission shall require the Applicant to determine adequately the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission may withhold secondary approval of the subdivision until adequate provisions (such as a storage facility) have been made. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate drainage water course or facility.

e. **Areas of Poor Drainage**

Areas that are not in the Flood Plain but contain soils which are subject to flooding may be approved for subdivision by the Commission. Such approval shall be given only if the Applicant fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two (2) feet above ponding levels.

f. **Areas of High Seasonal Water Tables**

In areas characterized by soils having a high seasonal water table as determined by the Johnson County Soil and Water Conservation District, lots shall be limited to slab type construction unless the Commission determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.

g. **Floodway Areas**

If a subdivision of land is proposed within the Flood Plain, Floodways shall be preserved and not diminished in capacity by filling or obstruction, except as approved by the Natural Resources Commission in writing. No residential building site may be located within the Floodway.

h. **Floodway Fringe Areas**

Where a subdivision is proposed in an area of the Flood Plain designated as a Floodway Fringe, the Commission may approve such subdivision if the following conditions are met:

- (i) all lots for residential usage have a Flood Protection Grade two (2) feet above the Regulatory Flood elevation;
- (ii) where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by, flood water;

(iii) approval to fill the area from the Natural Resources Commission has been obtained in writing.

Lands below the regulatory flood elevation shall not be used for computing the area requirement for any lot.

i. **Flood Plain Areas**

Where a subdivision is proposed within an area of the Flood Plain for which Floodway and Floodway Fringe designations have not been made, the Commission shall not approve such a subdivision unless the following conditions are met:

(i) all streets are raised sufficiently to be above the Regulatory Flood Elevation;

(ii) all lots for residential usage have a Flood Protection Grade of two (2) feet above the Regulatory Flood Elevation;

(iii) where provided, public water and sanitary sewer facilities are constructed to eliminate contamination of or by flood water;

(iv) filling to achieve the above will not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream.

All filling in the Flood Plain must be approved in writing by the State Natural Resources Commission. Lands below the regulatory flood elevation shall not be used for computing the area requirement for any lot.

j. **Recording of Plats in the Flood Plain and Floodway Fringe**

All final plats, having within their boundary areas, any # elevation of which is below that of the Regulatory flood Elevation shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn. The final plat shall also include all areas of the floodway within a public utility and drainage easement.

3. **Minimum Design Standards**

In designing a drainage system, the Applicant shall be guided by the following minimum standards and requirements:

a. Storm street inlets placed in a low point shall be sized to accept a ten (10) year storm volume with fifty percent (50%) of the inlet clogged and no more than 0.5 foot of water pooling above the inlet.

b. Storm swale inlets shall be sized to accept a ten (10) year storm volume with fifty percent (50%) of the inlet clogged and no more than one (1.0) 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 (10) year post developed storm. Also, the one hundred (100) year post developed storm shall be limited to the ten (10) year pre-developed outlet rate.

d. Storm pipes shall be reinforced concrete, Class III, with type B wall thickness. The minimum pipe size shall be twelve inches (12) in diameter. The minimum pipe flow velocity shall be 2.5 feet per second.

e. Drainage swales with longitudinal slopes flatter than 1 % (one percent) shall have a 6" thick reinforced concrete swale, a width (minimum 3 feet) and shape as approved by the Town's Consultant. Alternative type swale treatments shall be subject to approval of the Town's Consultant.

f. All over-land flow time of concentration values shall be based on the attached figure 417 F - 1.

g. Exposed ends of Storm pipes shall have 6" thick reinforced concrete slope walls placed as shown on attached figure 417 F - 2. Pre-cast reinforced concrete end sections are a permitted alternative.

h. All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters, and storm sewers, or ditches and culverts, as determined by the Commission. A 6" perforated tile shall be placed on each side of all streets and:

(i) be two feet (2') below the soil subgrade and parallel with the longitudinal pavement grade;

(ii) flow to the low point and into the storm drainage system;

(iii) be placed below pavement at the inside face of the curbing;

(iv) be backfilled with #8 washed gravel.

i. Inlets in streets shall be placed a maximum of 600 feet apart, or 600 feet from the high point in the street.

j. Downspouts and sump pump outlets shall discharge onto grass surface no closer to the street than the building setback line.

k. The on-site drainage system shall be designed and sized to handle 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 and adequate outlet for the 100 year storm.

l. Detention design shall adhere to current Soil Conservation Service methods for drainage. The rational method is acceptable for pipe design only.

m. Wet detention ponds shall have a minimum 6 feet wide safety ledge placed below water level at a maximum water depth of 30". Also, wet detention ponds shall have at least 25% of the pond surface with a minimum water depth of 8 feet.

n. Pre-developed run-off rates shall be based on Pasture, Meadow, Brush, or Woods ground cover type. Any existing farm ground will be based on the pasture condition.

o. Any dry detention facilities must be designed with sub-surface drainage.

p. Whenever evidence available to the Commission indicates natural surface drainage to be inadequate, the Applicant shall provide an adequate storm water sewer system. When the surface drainage is adequate, easements for such surface drainage shall be provided.

4. **Erosion Control**

When vegetation has been removed from a slope and the possibility of soil erosion occurs, the Applicant and subsequent building contractors shall be required to seed or otherwise prevent damage to adjacent property or accumulation on street surfaces. These erosion control measures shall be according to standards and specifications on file with Johnson County Soil and Water Conservation District.

5. **Alteration of Swales and Ditches**

Drainage swales or ditches along dedicated roadways and within rights-of way, or on easements dedicated to the Town are not to be altered in any way without written permission from the Town. Driveways may be constructed over these swales or ditches only when appropriate sized culverts or other approved structures have been permitted by the Commission. Swales on private property shall be regulated by Covenants.

6. **Dedication of Drainage Easements**

a. **General Requirements**

If a subdivision is traversed by a drainage course, drainage way, channel, or stream, then a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse, and be of such width and construction or both as will be adequate for the purpose. Wherever possible, it

is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

b. Drainage Easements

(i) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.

(ii) The Applicant shall dedicate either in fee or by drainage or conservation easement, the land on both sides of existing watercourses of a width to be determined by the Commission and the County Drainage Board in the case of legal drains.

(iii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(iv) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures nor for computing the area requirement for any individual lot.

4-418 WATER FACILITIES

1. General Requirements

a. The Applicant shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and the Town. All water mains shall be at least eight (8) inches in diameter.

b. Water main extensions shall be approved by the Commission or its officially designated representative.

c. To facilitate the above, the location of all fire hydrants, water supply improvements, and the boundary lines of proposed subdivision, indicating all

improvements proposed to be served, shall be shown on the preliminary plat. The cost of installing the aforementioned shall be included in the performance bond to be furnished by the Applicant.

d. The design of all water facilities shall conform to or exceed the standards described in the latest edition of Recommended Standards for Water Works as published by Health Education Service, Inc., Albany, New York.

2. Fire Hydrants

a. General Requirements

(i) Fire Hydrants shall be installed according to the specifications of the water utility having jurisdiction. The quantity and location of fire hydrants shall satisfy the standards of this Ordinance and shall be approved by the Fire Chief or his designee.

(ii) Fire hydrant(s) shall be placed on an eight inch or larger water main and on outlets 18 inches above finished grade.

(iii) Fire hydrants shall be located not more than twelve feet from the edge of pavement.

(iv) If a temporary water system for fire protection is to be used, prior approval from the Fire Chief or his designee shall be required.

(v) Fire hydrants out of service shall be covered with a bag indicating "Out of Service".

(vi) Fire hydrants shall only be used for Fire Protection, or as so directed by the water utility having jurisdiction.

(vii) Fire hydrants shall be kept clear and accessible at all times. There shall be no obstructions of any kind within an eight-foot radius of any fire hydrant.

(iiiv) An Improvement Location Permit for a lot within a subdivision shall not be issued until the lot is served by a fire hydrant that is in service and in compliance with the requirements of this Ordinance.

b. Multiple Family, Commercial, and Industrial Development

For Multiple Family, Commercial, and Industrial Development, fire hydrants shall be installed no more than 300 feet apart and adjacent to a public or private road. When any portion of a building being protected is in excess of 150 feet from a water supply on a public or private road, there shall be provided on site, mains and fire hydrants capable of supplying fire flow in accordance with National Fire Protection Association Standard 1231, as it may be amended, which shall be approved by the Fire Chief or his designee.

c. Single Family Residential Development

For Single Family Residential Development, fire hydrants shall be installed no more than 500 feet apart and adjacent to a public or private road. No residential property shall be less than 250 feet from a fire hydrant.

d. Sprinkler Systems or Standpipes

Fire hydrants shall be installed to service sprinkler systems or standpipes and shall be installed within 50 feet of the fire department connection or as required by the Fire Chief or his designee.

e. Dry Hydrants

If feasible as determined by the Fire Chief or his designee, dry hydrants are required to be installed when an available static water supply (for example, a retention pond) is available in the development to be used as an additional water supply for fire protection. Dry hydrants are to be placed within 12 feet of the roadway and the centerline of the fitting shall be 18 inches above grade. The connection is to be a six inch male connection National Standard Thread with cap. Specifications for required installations are available through the New Whiteland Fire Department, Fire Prevention Division.

f. Public and Private Fire Hydrants

Public fire hydrants shall be painted "safety yellow" and in accordance with the regulations of the water utility having jurisdiction.

Private fire hydrants shall be painted per National Fire Protection Association Standard 291 (Fire Flow Testing and Marking of Hydrants). The barrel is to be painted "safety yellow". The top portion (bonnet) and nozzle caps to be painted with the following color scheme to indicate flow capacity.

Class	Capacity	Color
Class A	1000 gpm to 1400 gpm	Green
Class B	500 gpm to 999 gpm	Orange
Class C	499 gpm or less	Red

The type and model of fire hydrants to be installed shall be in accordance with the requirements of the water utility having jurisdiction.

(Editor's Note: Amended by Ord. 1067 adopted on 8/19/03.)

4-419 SEWERAGE FACILITIES

1. General Requirements

The Applicant shall install sanitary sewer facilities in a manner prescribed by the Town's Construction Standards. All plans shall be designed according to the rules, regulations, and standards of New Whiteland's applicable ordinances and other appropriate state and federal agencies. In any case the design shall meet or exceed the minimum standards described in the latest edition of Recommended Standards for Sewage Works as published by the Health Education Service, Albany, New York. Plans shall be approved by the above agencies where

required by those agencies.

2. **Sanitary Sewerage System Requirements**

Where provided, sanitary sewerage facilities shall connect with public sanitary sewerage systems, and shall be installed to serve each lot and to grades and sizes required by New Whiteland approving officials. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the New Whiteland Sewer Use Ordinance and the Indiana Department of Environmental Management.

3. **Selected Design Criteria**

a. **Alignment**

All sewers shall be laid with a straight alignment between manholes, unless otherwise directed or approved by the Commission or its designated representative.

b. **Manhole Location**

Manholes shall be installed at the end of each line; and at distances not greater than four hundred (400) feet for sewers eight inches (8") in diameter and larger.

c. **Manholes**

The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve (12) inches where required to match crowns. The use of drop manholes will require approval by the Commission. The minimum inside diameter of the manholes shall be forty-eight (48) inches; larger diameters are preferable for large diameter sewers. A minimum access diameter of twenty-two (22) inches shall be provided. Inside drop manholes will require special consideration; however, in no case shall the minimum clear distance be less than that indicated above. The relationships between intersecting sewer lines shall meet the standards required by the "Recommended Standards for Sewage Works."

d. **Sewerage Locations**

Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access to all manholes shall be provided. Where sewer lines in private easements cross public rights-of-way, a manhole shall be provided in such rights-of-way where possible. Imposed loading shall be considered at all manhole locations. Not less than six (6) feet of cover shall be provided over top of pipe in street and alley rights-of-way and three (3) feet in all other areas.

e. **Cleanouts**

Cleanouts will be permitted only for special conditions and shall not be substituted for manholes nor installed at the end of laterals greater than one hundred-fifty (150) feet.

f. **Water Supply Interconnections**

There shall be no physical connection between a potable water supply system (public or private) and a sewer that will permit the passage of any sewage or polluted water into the potable water system. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

g. **Relation of Sewers to Water Mains**

A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water line is at least two (2) feet above the sewer line.

4-420 UTILITIES

1. **Location**

All utility lines, including but not limited to gas, electric power, telephone and CATV cables shall be located underground throughout the subdivision. Wherever existing lines are located above ground, except on public roads and rights-of-way, they shall be removed and placed underground. All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or sketch plan in the case of a minor subdivision. Underground service connections to the street property line of each platted lot shall be installed at the Applicant's expense. At the discretion of the commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership intended to be developed for the same primary use.

4-421 PRESERVATION OF NATURAL FEATURES AND AMENITIES

1. **General**

Existing features that would add value to the type of intended development or to the Town as a whole, such as trees, as herein defined, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until primary approval of the preliminary plat has been granted. All trees on the plat that are required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. The sketch plan shall show the number and location of existing trees, as required by these regulations. It shall further indicate all those marked for retention, and the location of all proposed shade trees required along the street side (s) of each lot as required by these regulations.

2. **Shade Trees Planted by Developer**

- a. As a requirement for subdivision secondary approval the Applicant shall plant

trees on the property of the subdivision. Such trees are to be planted within five (5) feet of the right-of-way of the street or streets within and abutting the subdivision, or at the discretion of the Commission and the County Engineer within the right-of-way of such streets. One (1) tree shall be planted for every forty (40) feet of frontage along each street unless the Commission shall grant a waiver. Such waiver shall be granted only if there are existing trees growing along such a right-of-way or on the abutting property which in the opinion of the Commission comply with these regulations.

b. New trees to be provided pursuant to these regulations shall be approved by the Commission and shall be planted according to regulations set out by the Commission. Such trees shall have a minimum trunk diameter (measured twelve (12) inches above ground level) of not less than two (2) inches. Only Oak, Little Leaf Linden, Sweet Gum, Hard Maple, and Mountain Ash, or other long-lived shade trees acceptable to the Commission, shall be planted.

ARTICLE V ASSURANCE FOR COMPLETION OF IMPROVEMENTS

4-501 IMPROVEMENTS AND PERFORMANCE BOND

1. Completion of Improvements

Before the plat is signed by the Designated Officials all Applicants shall be required to complete, in accordance with the Commission's decision and to the satisfaction of the Administrator, all the streets, sanitary, and other public improvements including lot improvements on the individual lots of the subdivision as required in this ordinance, specified in the approved construction plans and on the final subdivision plat, and as approved by the Commission and to dedicate the public improvements to the Town, free and clear of all liens and encumbrances.

2. Performance Bond

a. The Commission at its discretion may waive the requirement that the Applicant complete all public improvements prior to the approval of the final subdivision plat. In lieu thereof, the Applicant shall post a bond in favor of the Town of New Whiteland, (hereinafter referred to as a Performance Bond), in an amount equivalent to one hundred ten percent (110%) of the estimated cost of completion of the required public improvements to secure to the Town the satisfactory construction and installation of the uncompleted portion of required public improvements, as provided for in Sections 303 and 304 of this Ordinance.

b. Such performance bond shall comply with all statutory requirements and shall

be satisfactory to the Commission's Attorney as to form, sufficiency, and manner of execution. The period within which required public improvements must be completed shall be specified by the Commission in the primary approval of the preliminary plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of secondary approval. Such bond shall be approved by the Commission as to amount. The Commission may upon proof of difficulty, grant an extension of the completion date set forth in such bond for a maximum period of one (1) additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Commission may accept, at any time during the period of such bond, a substitution of principal or sureties on the bond.

c. In place of such a bond, the Applicant may submit a certified check payable to the Town of New Whiteland in an amount equivalent to one hundred ten percent (110%) of the estimated cost of completion of the uncompleted portion of required public improvements. Any such check shall be held by the Clerk-Treasurer.

d. In place of such a bond the Applicant may submit irrevocable letters of credit on behalf of the Applicant and in favor of the Town in an amount equivalent to one hundred ten percent (110%) of the estimated cost of completion of the uncompleted portion of required public improvements. In the event an irrevocable letter of credit is used it shall be written for a maximum length of two (2) years. Two (2) months prior to the expiration of the letter of credit the Commission shall determine if the public improvements have been accepted for maintenance by the Town. If they have not been accepted, the Commission shall:

(i) notify the Applicant of intent to secure the funds pledged by such letter of credit; or

(ii). at the discretion of the Commission, grant an extension for such period fixed by the Commission not to exceed (1) year, in which event the Applicant shall file with the Commission a new letter of credit for the period so fixed.

e. In place of such a bond the Applicant may submit a certificate of deposit in an amount equivalent to one hundred ten percent (110%) of the cost of completion of required public improvements. Such certificate shall be made out to either the Town of New Whiteland and/or the Applicant and shall be held by the Clerk-Treasurer. If the Applicant is named singly or jointly on such certificate, then the Applicant must endorse it before submitting it to the Commission so that the Town may secure the funds.

3. Temporary Public Improvements

The Applicant shall build and pay for all costs of temporary public improvements required by the Commission and shall maintain the aforementioned for the period specified by the Commission. Before construction of any temporary public facility or improvement, the

Applicant shall file with the Commission a separate suitable bond for temporary facilities. Such bond shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

4. Cost of Public Improvements

All required public improvements shall be made by the Applicant at his expense without reimbursement, unless sharing of expenses is agreed upon by the Town.

5. Governmental Units

Governmental units to which these bond provisions apply may file in place of said bond a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Section.

6. Failure to Complete Public Improvements

For subdivisions for which no performance bond has been posted, if the public improvements are not completed within the period specified by the Commission, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and the required public improvements have not been installed within the terms of such performance bond, the Town may declare the bond to be in default and cause all public improvements to be installed according to the secondary approval regardless of the progress of development at the time the bond is declared to be in default.

7. Acceptance of Dedication Offers

The approval by the Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of any street, easement, or other improvement shown on said plat. The Commission may require said plat to be endorsed with appropriate notes to this effect. The acceptance is that of only the real property itself.

4-502 INSPECTION OF PUBLIC IMPROVEMENTS

1. General Procedure

If the Administrator finds upon inspection 4-303 and 4-304 that any of the improvements have not been constructed according to the approved construction plans, the Applicant shall be responsible for completing the public improvements according to such plans. Where the cost of the public improvements is covered by a performance bond, the Applicant and the bonding company shall be severally and jointly liable for completing the public improvements according to the approved plans.

2. Release or Reduction of Performance Bond

a. Certificate of Satisfactory Completion

The Town shall not accept required public improvements, nor the Commission release nor

reduce a performance bond, until the Town has submitted a certificate stating that all required public improvements or a pro rata part in the case of a reduction have been satisfactorily completed. The Applicant's engineer or surveyor shall provide the Town with detailed "as built" construction plans of the public improvements, indicating location, dimensions, materials, and other information required by the Commission. Upon such certification, the Town shall thereafter accept the public improvements for maintenance according to the established procedures.

4-503 MAINTENANCE OF PUBLIC IMPROVEMENTS

1. The Applicant shall be required to maintain all public improvements on the individual sub-divided lots and provide for snow removal on streets and sidewalks (where required) until acceptance of said public improvements by New Whiteland.

2. Before public improvements can be accepted the Applicant shall be required to file a maintenance bond with the Commission. The amount of such bond shall be twenty-five percent (25%) of the cost of all public improvements. The bond shall be in a form satisfactory to the Commission's attorney, to assure the satisfactory condition of the required public improvements, for three (3) years after the date of their acceptance by New Whiteland.

4-504 WAIVER OF REQUIRED PUBLIC IMPROVEMENTS

The Commission may defer or waive at the time of primary approval, subject to appropriate conditions, the provision of any or all such public improvements. Such deferral or waiver may occur if, in the Commission's judgment, such improvements are not required in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities.

4-505 ISSUANCE OF BUILDING PERMITS

No building permit shall be issued for the last ten percent (10%) of lots in a final subdivision plat or section thereof, or if ten percent (10%) be less than two (2), for the last two (2) lots of a subdivision or section thereof, until all public improvements required by the Commission for the plat with the exception of sidewalks have been fully completed and accepted for maintenance by the Town.

ARTICLE VI - SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

4-601 SKETCH PLAN

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

1. Name

- a. Name of subdivision if property is within an existing subdivision.
- b. Proposed name (if not within a previously platted subdivision). The proposed name shall not duplicate the name of any subdivision plat previously recorded.
- c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

2. Ownership

- a. Name and address, including telephone number, of legal owner or 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.
- d. Name and address, including telephone number, of the professional person (s) responsible for subdivision design, for the design of the public improvements, and surveys.

3. Description

Location of property, name of local jurisdiction, lot, section, township, range, county, graphic scale, north arrow, and date.

4. Features

- a. Location of property lines, existing easements, burial grounds, rail road rights-of-way, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all.

existing or platted streets or other public ways within or immediately adjacent to the tract, names of adjoining property owners (from the latest assessment rolls) within three hundred (300) feet of any perimeter boundary of the 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 permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.

c. Approximate topography, at the same scale as the sketch plan. (Normally showing two (2) foot contour intervals but the Administrator may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes.)

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; preliminary provisions for collecting and discharging surface water drainage.

f. The approximate location, dimensions, and areas of all proposed or existing lots.

g. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

h. The location of temporary stakes to enable the commission to find and appraise features of the sketch plan in the field.

i. Whenever the sketch plan covers only a part of an Applicant's contiguous holdings, the Applicant shall submit a sketch in pen or pencil of the proposed subdivision area. The sketch shall show the proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract. Such sketch shall be at the scale of no more than two hundred (200) feet to the inch.

j. A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.

4-602 PRELIMINARY PLAT

1. General

The preliminary plat shall be prepared by a licensed land surveyor. It shall be done at a convenient scale of not more than one hundred (100) feet to the inch. It may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one (1) sheet is used. It shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty-four by thirty-six (24 x 36) inches. **It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar; preparation in pencil will make required changes and additions easier.**

2. Features

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, parks, cemeteries, drainage ditches, and bridges.
- d. The location and width of all existing and proposed streets, alleys, and other public ways, and their rights-of-way, and of easements and building set-back 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 the owner or owners of land to be subdivided, the name and address of the Applicant 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 Administrator to determine readily the

location, bearing, and length of all lines, and to reproduce such lines upon the ground; also the location of all proposed monuments.

j. Names of the subdivision and all new streets to be approved by the Commission.

k. Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the Applicant.

l. Blocks shall be 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.

m. All lots in each block shall be consecutively numbered. Outlets shall be lettered in alphabetical order. If blocks are numbered or lettered, outlets shall be lettered in alphabetical order within each block.

n. All information required on the sketch plan should also be shown on the preliminary plat, and the following notation shall also be shown:

- (i) Explanation of drainage easements, if any.
- (ii) Explanation of site easements, if any.
- (iii) Explanation of site reservations, if any.
- (iv) Endorsement of owner, as follows:

(1) Owner _____ Date _____

4-603 CONSTRUCTION PLANS

1. General construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, 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 center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (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, the Commission may require that cross-sections of all proposed streets at one-hundred foot stations shall be shown at a minimum of five (5) points as follows: On a line at right angles to the center line of the street, and said elevation

points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.

c. Plans and profiles placed on separate sheets according to number below showing:

(i) (Sheet #1) - the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights-of-way, manholes, and catch basins;

(ii) (Sheet #2) - the locations of street trees, street lighting standards, and street signs;

(iii) (Sheet #3) - the location, size, and invert elevations of existing and proposed sanitary sewers, and storm water drains, showing connection to any existing or proposed utility system; and

(iv) (Sheet #4) - the exact location and size of all water, gas, or other underground utilities or structures and fire hydrants.

d. Location, size elevation, and other appropriate description of any existing facilities or utilities. Such facilities shall include, without limitation, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Comprehensive Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured four (4) feet above ground level. the water elevations of adjoining lakes or streams at the date of the survey, and the approximate high-low water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.

e. Topography at the same scale as the sketch plan with a contour interval of two (2) feet, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

f. All specifications and references required by the Town's Construction Standards, including a site-grading plan for the entire subdivision.

g. Notation of approval as follows:

Owner _____ Date _____

Plan Commission Chairman _____ Date _____

h. Title, name, address, and signature of the professional engineer and/or surveyor, and date, including revision dates.

4-604 FINAL SUBDIVISION PLAT

1. General

The final subdivision plat shall be presented in India ink on tracing cloth or reproducible mylar at an appropriate scale and contain the same information, except for any changes or additions required by the conditions of primary approval. The preliminary plat may be used as the final plat if it meets these requirements and is revised according to the Commission's approval. All revision dates must be shown as well as the following:

a. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Commission according to these regulations.

b. All monuments erected, corners, and other points to be made shall be noted at the representation thereof or by legend. Metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

2. Preparation

The final subdivision plat shall be prepared by a land surveyor licensed by the state.

4-605 EXEMPT DIVISIONS

The information that must be provided in order for the decision to be made that a division is an Exempt division varies as follows according to the definition for each type of Exempt division listed under Exempt Division in Section 202 of this ordinance. Thus:

1. For type "1" divisions a metes and bounds legal description of the exempt division and the land from which it is being divided must be provided;
2. For type "2" divisions the old legal and new legal descriptions must be provided;
3. For type "3" divisions a copy of the court decree showing by legal description how the land is to be divided must be provided;
4. For type "4" divisions a legal description and plot plan showing the parcel and the

location of the street right-of-way or easement must be provided.

5. For type "5" divisions a legal description and plot plan showing the tract to be divided and the tract (s) to be added must be provided.

6. For type "6" divisions a plat of the cemetery showing the layout of the private drives, parking areas, and size of burial lots must be provided.

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