

Town of Bargersville, Indiana Subdivision Control Ordinance



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General Provisions

Chapter I

Section 1-1 Short Title

This Ordinance shall be known and may be cited as the Subdivision Control Ordinance of the Town of Bargersville, Indiana.

Section 1-2 Authority

This Ordinance, which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, 36-1-3 and 36-7-4-700 Series, as amended) authorizes the Administrator and the Town of Bargersville Plan Commission to review and approve or disapprove plats for subdivisions throughout incorporated areas of the Town. This authority extends to the development or re-subdivision of undeveloped portions of previously recorded plats.

Section 1-3 Purpose

- A. *Purpose.* This Ordinance is adopted for the following purposes:
1. To assist the orderly and efficient development of the Town of Bargersville.
 2. To provide for the coordination of new thoroughfares with existing and planned thoroughfares.
 3. To promote the health, safety and general welfare of Bargersville residents.
 4. To ensure coordination with the extension of community facilities, water and sewer service, and stormwater management.
 5. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

Section 1-4 Jurisdiction

This Ordinance shall apply to all incorporated land within the Town of Bargersville.

Section 1-5 Compliance

- A. *Sales and Permitting.* No lot in a subdivision shall be sold, no permit to erect, alter or repair any building upon land in a subdivision shall be issued; and no building shall be erected in a subdivision unless and until the plat has been approved and recorded, and until the public improvements required by the Plan Commission have been constructed or guaranteed as provided in this Ordinance.
- B. *Model Homes.* A subdivider may request and receive two (2) building permits for model homes to be constructed prior to secondary approval of the final plat if:
1. The preliminary plat of the subdivision has been approved with model home sites indicated on the plat;
 2. The roadway pavement from the subdivision entrance to the lots upon which the model home will be constructed has been fully installed in accordance with the plans and specifications of the subdivision and this ordinance;
 3. Sanitary sewer is completed and available for connection with the model home sites;

4. The Town Engineer and/or inspector certifies in writing to the Plan Commission that the roadway and any sewer to service the home as above referenced has been satisfactorily constructed; and
5. A public water main is completed with a fire hydrant within 500 feet of the model home sites.

Section 1-6 Saving Provision

This Ordinance shall not be construed as abating any action now pending under, or by virtue of the prior existing Subdivision Control Ordinance, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation or as waiving any right of the municipality under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Town except as expressly provided for in this Ordinance.

Section 1-7 Re-Subdivision of Land

Any change of an approved or recorded subdivision plat, if the change affects any street layout, or area reserved for public use, or any lot line, shall be approved by the Plan Commission using the same procedure, rules and regulations as for a subdivision unless qualified as an Exempt or Administrative Subdivision. The Administrator may refer any case to the Plan Commission for review and approval.

Section 1-8 Vacation of Plats

A. *Prior to Selling Lots.*

1. Any recorded plat or any part of any recorded plat may be vacated by the owner(s) of the premises at any time before the sale of any lot within the plat, by a written instrument, to which a copy of the plat shall be attached, declaring the same to be vacated. The vacation of a plat is subject to the approval of the Plan Commission
2. An instrument to vacate a plat may be approved by the Plan Commission in the same manner as plats of subdivisions. The Town Council shall review any proposed release of public right-of-way and any such instrument that negatively affects any public rights in any of its public uses, improvements, streets, or alleys.
3. An instrument to vacate a plat shall be executed, acknowledged, or approved, and recorded or filed, in the same manner as a deed to land. Once recorded or filed the instrument shall operate to terminate the effect of the vacated plat, public rights in the public ways and public grounds, and dedications laid out or described in the plat or part of the plat.

B. *After Selling Lots.*

1. In a case in which not all the owners of land in a plat are in agreement regarding a proposed vacation, or replat into fewer lots, this section provides an alternate procedure under which one (1) or more owners of land in the plat may file with the Plan Commission a petition to vacate only that part of the plat that pertains to land owned by the petitioner or petitioners. A petition under this section must:
 - a. State the reasons for and the circumstances prompting the request;

- b. Specifically describe the property in the plat proposed to be vacated;
 - c. Give the name and address of every other owner of land in the plat; and
 - d. Include a request to vacate any recorded covenants filed as a part of the plat, if applicable.
2. Vacation of plats, procedures, petition, notice, hearing and appeals shall be consistent with Indiana Code 36-7-4-711.

Section 1-9 Modifications

- A. *General.* Where the Plan Commission or Town Council finds that practical difficulties may result from strict compliance with this Ordinance and/or the purposes of this Ordinance may be served to a greater extent by an alternative proposal, they may approve modifications to this Ordinance so that substantial justice may be done and the public interest secured, provided that such modifications shall not have the effect of nullifying the intent and purpose of this Ordinance.
- B. *Authority.*
 1. Town Council. Construction and utility standards may only be modified or waived by the Town Council.
 2. Plan Commission. Submittal requirements or subdivision standards may be waived at the discretion of the Plan Commission.
 3. Board of Zoning Appeals. Plats shall meet all applicable standards prescribed in the Town of Bargersville Zoning Ordinance, other than standards modified by a variance granted by the Board of Zoning Appeals.
- C. *Procedures.*
 1. A petition for modification shall be submitted in writing by the subdivider at the time the preliminary plat is filed for consideration by the Administrator or Plan Commission. If modifications are required for Exempt or Administrative Subdivisions, the modification must be approved by Plan Commission prior to approval. If modifications require Town Council approval, the modification must be approved by the Town Council prior to Plan Commission approval.
 2. The petition shall state fully the grounds for the application and all facts relied upon by the petitioner.
 3. The petition shall respond to all necessary findings and standards of approval.
- D. *Findings and Standards of Approval.* The Plan Commission and Town Council may approve based on satisfaction of the following findings:
 1. Modifications will not be detrimental to the public safety, health or welfare.
 2. Adjacent property will not be adversely affected.
 3. The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property.
 4. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.
 5. Modification will not contradict any provision of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Plan Commission and the Administrator.
 6. Financial disadvantage shall not be considered.

E. *Conditional Approval.*

1. In approving modifications or variances, the Plan Commission, Town Council and the Board of Zoning Appeals may require such conditions as will, in its judgment, secure substantially the objectives of standards and requirements of this Ordinance.
2. As a condition of granting a waiver under this section, the Plan Commission and Town Council may allow or require a landowner commitment that shall be recorded in the Johnson County Recorder's Office by the owner with a recorded copy provided to the Town Planning Director prior to any future approvals.



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Application and Approval Procedures

Chapter II

Section 2-1 General Provisions

- A. *Classification of Land Divisions.* All land to be divided shall be categorized as one of the following:
1. Exempt Subdivision.
 2. Administrative Subdivision.
 3. Subdivision.
- B. *Discussion of Requirements.* Prior to submitting any of the materials required by this Ordinance, the subdivider or their representative shall discuss the nature of the proposed land division with the Administrator. During this meeting, the Administrator will provide the subdivider with the classification of the subdivision and the regulatory procedures required by this Ordinance to secure approval.
- C. *Predesign Conference.* A predesign conference meeting with the Administrator is not mandatory but encouraged for all subdivisions. This conference shall cover the following topics:
1. Requirements and Standards. General layout of streets and reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services, should be discussed.
 2. Outside Approvals. The Administrator shall also advise the subdivider, 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.
- D. *Building Permits.* Before any permit shall be granted for a structure to be erected on land to be subdivided, the subdivider shall apply for review, secure approval of the proposed subdivision, install the improvements, provide the required financial guarantees, and record the final plat in accordance with this ordinance.
- E. *Modifications.* Modifications shall be considered in accordance with Section 1-9 by the Town Council or Plan Commission or by the Board of Zoning Appeals for variances.

Section 2-2 Approval Authorities

The following officials have certain authorities pertaining to the implementation and administration of this Ordinance:

Subdivision Action	Administrator	Technical Committee	Engineer	Plan Commission	Attorney	Town Council
Interpretation	Approval			Appeal		Review
Exempt and Administrative Subdivisions	Approval			Appeal		
Subdivision Primary Approval	Review	Review	Review	Approval Appeal		
Modifications of Submittal and Subdivision Standards	Review		Review	Approval		
Modifications of Construction and Utility Standards	Review		Review			Approval
Construction Plan Approval	Approval	Review	Review			
Maintenance Guarantee	Review		Review	Review	Review	Approval
Performance Guarantee	Review		Review	Review	Review	Approval
Dedication of Land	Review		Review	Review	Review	Approval
Subdivision Secondary Plat Approval	Review	Review	Review	Approval Appeal	Review	
Acceptance of Infrastructure	Review		Review		Review	Approval

Section 2-3 Exempt and Administrative Subdivisions

- A. *Applicability.* If the proposed land division is classified as an Exempt Division or Administrative Subdivision, the subdivider shall follow the procedures and be subject to the process outlined in this Section.
- B. *Preparation.* The plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one hundred (100) feet to the inch, shall be prepared in pen or AutoCAD, the sheets shall be numbered in sequence if more than one sheet is used, and submitted at the appropriate scale and material per the Johnson County Recorder's Office.
- C. *General.* The plat shall include the following:
 1. Legal description.

2. The name and address of the owner or owners of land to be subdivided with reference to the recorded deed instrument number and date recorded, the name and address of the subdivider if other than the owner.
 3. Signature, seal, and certification of a land surveyor registered in the State of Indiana.
 4. The date of the map, approximate north point, scale, and title of the subdivision.
 5. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
 6. The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, jurisdictional wetlands, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.
 7. The location and width of all existing streets, alleys, and other public ways, and their rights-of-ways, and of easements and building set-back lines.
 8. The locations, dimensions, and areas of all existing lots.
 9. The locations, dimensions, and areas of all proposed lots.
 10. All monuments in accordance with 865 IAC 1-12-18 Original and retracement survey monumentation requirements of the State Board of Registration for Professional Surveyors.
 11. List all zoning commitments, referencing the recording information.
 12. All required certifications, statements, Town and County signatures of departments acknowledging approvals.
 13. Individual street addresses for each lot approved by the 911 coordinator.
- D. *Exempt Subdivisions.* Exempt divisions must be one of the following types of division:
1. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional lots are created by the division.
 2. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property.
 3. A division of land for the acquisition of street right-of-way or easement.
 4. A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional lots are created by the division.
 5. A division of land into cemetery plots for the purpose of burial of corpses.
 6. A division within the AG Agriculture District which results in one (1) additional lot for a building site for a dwelling, provided the exempt division is not created or established from any portion of any previously executed exempt division and that the resulting parcels, including the lot of record, shall not average a lot density of greater than one (1) lot per ten (10) acres. Approval of the subdivision is contingent upon rezoning to the RR Rural Residential District.
- E. *Administrative Subdivisions.* This process applies to proposed adjustments to property lines when no new lots are created or when parcels are merged. The following situations qualify:
1. Adjusting lot lines where the resulting lots conform to the standards of the Town of Bargersville Zoning Ordinance. In the case where existing lots currently do not conform, the adjustment should not increase nonconformance.
 2. Combining common ownership lots to lessen the total number of buildable lots.
 3. Adjusting lot lines to address issues of property line encroachment or buildings across property boundaries.
- F. *Review Process and Decisions.* Within fifteen (15) calendar days of receipt of a complete subdivision submittal, the Administrator shall have studied the proposal, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible

modifications and/or changes that may be required by this Ordinance. In considering requirements of this Ordinance, particular attention shall be given to sewage disposal, streets, adequate water supply, drainage, lot size and arrangement, the further development of adjoining unsubdivided lands, and compliance with the Town of Bartersville Zoning Ordinance. The Administrator shall approve, conditionally approve, or deny the Exempt or Administrative Subdivision in writing.

- G. *Appeal.* If the subdivider does not agree with the approval conditions or the denial of the request, the subdivider may file a petition of appeal to the Plan Commission. Such appeals shall be filed no less than ten (10) days prior to the next Plan Commission meeting in writing.

Section 2-4 Subdivision Sketch Plans

- A. *Purpose.* The purpose of the sketch plan review is to help minimize development planning costs, avoid misinterpretation, identify required approvals, discuss checkpoint agency and technical reviews, identify the need for modifications or variances, and ensure compliance with the requirements of the Subdivision Control Ordinance and the Zoning Ordinance.
- B. *Application Requirements.* In order to begin the subdivision process the subdivider shall file an application for review of sketch plan that shall include:
1. Sketch plan.
 2. Application. Applications are available at the office of the Administrator. Applications must be signed by the owner or agent and submitted at least 31 days prior to preliminary plat submittal.
 3. All information listed on required checklist forms.
 4. All applicable fees.
- C. *Checkpoint Review.* A copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so their comments may be considered. The Administrator shall request that all officials and agencies to whom a request for review has been made submit a written report within fifteen days after receipt of the request. No response from an agency shall be interpreted as meaning "no objection". Following is a list of checkpoint agencies:
1. Town Council.
 2. Town Manager.
 3. Town Engineer.
 4. Representatives of Town and non-Town Utilities, as appropriate.
 5. Appropriate Fire Departments.
 6. Appropriate School Corporations.
 7. Bartersville Police Department.
 8. Storm Water Utility Board.
 9. Johnson County Health Department.
 10. Johnson County Highway Department.
- D. *Engineer Review.* The Town Engineer shall review all proposed subdivisions to determine whether the subdivision lies in a flood prone area as defined elsewhere by ordinance. If the Town Engineer or their representative finds the subdivision to be so located, they may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damages; all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; adequate drainage is provided to reduce exposure to flood hazards; and onsite waste

disposal systems, if provided, will be so located as to avoid their impairment or contamination from them during the occurrence of the regulatory flood.

- E. *Sketch Plan Review Process.* Within twenty (20) calendar days of the subdivider's sketch plan application submittal, the Administrator shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be suggested or required by this Ordinance.
- F. *Sketch Plan Review Meeting.* Findings and general review shall be provided to the subdivider from the Administrator, taking into consideration the requirements of this Ordinance. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of undeveloped adjoining lands, and the requirements of the Official Map and Comprehensive Plan. No approvals are provided during sketch plan review.

Section 2-5 Subdivision Sketch Plan Submittal Requirements

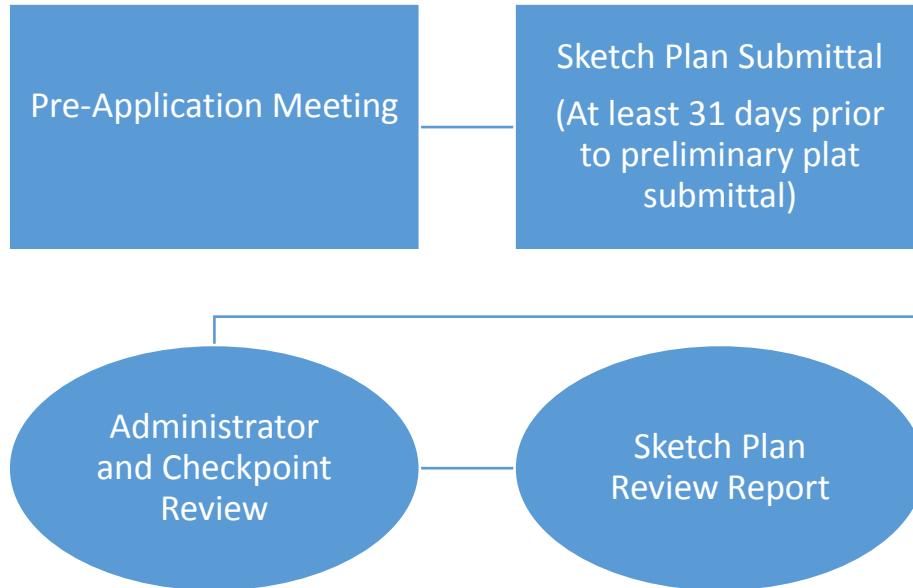
Sketch plans submitted to the Administrator, prepared in pen or pencil shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information.

- A. *Name.*
 - 1. Name of subdivision if property is within an existing subdivision.
 - 2. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded.
 - 3. Name of property if no subdivision name has been chosen, this is commonly the name by which the property is locally known.
- B. *Ownership.*
 - 1. Name and address, including telephone number, of the legal owner or agent of property, and citation of the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference including a copy of the recorded documents.
 - 2. Citation of any existing legal rights-of-way or easements affecting the property.
 - 3. Existing covenants or zoning commitments recorded on the property, if any.
 - 4. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
- C. *Description.* Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.
- D. *Features.*
 - 1. Location of property lines, existing easements, pipelines, transmission lines, burial grounds, railroad rights-of-ways, water courses, flood plains, floodway, wetlands and existing wooded areas, 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 six hundred (600) feet of any perimeter boundary of the subdivision.
 - 2. Trees eight (8) inches or more in diameter, measured four (4) feet above ground level.
 - 3. 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, with a list of all utility contacts including addresses, email, and telephone.

4. Approximate topography at the same scale as the sketch plan. Two- foot contour intervals are required unless the Administrator requires one-foot intervals on very flat land or permit five-foot intervals on very steep slopes.
 5. The approximate location and widths of proposed streets.
 6. 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.
 7. The approximate location, dimensions, and areas of all proposed or existing lots.
 8. 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.
- E. *Connectivity.* Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street, sanitary sewer extension, and drainage system of the remaining portion of the tract.
- F. *Vicinity Map.* 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.
- G. *Soils.* In addition to the Sketch Plan, the subdivider shall submit a report from Johnson County Soil and Water Conservation District indicating any limitations of the soils in the proposed subdivision with respect to building development, road construction, drainage, erosion control, or other information that might assist in the review of the subdivision.
- H. *Drainage Area.* An area map showing the total drainage area.

Sketch Plan Process



Section 2-6 Subdivision Preliminary Plat

A. Preliminary Plat Procedures for Primary Approval.

1. Official Submission Dates. The subdivider shall submit the Preliminary Plat to the Administrator no less than 30 calendar days prior to the meeting of the Plan Commission at which it is intended to be heard. The Administrator will set a hearing date within 30 days after receipt.
2. Submission Requirements. Following the submission and review of the sketch plan application, the subdivider may file for primary approval of a preliminary plat. This submission shall include:
 - a. Application. Applications are available at the office of the Administrator and must be signed.
 - b. All information listed on required checklist forms.
 - c. All applicable fees.
3. Compliance. Preliminary plats shall generally comply with the sketch plan as reviewed.
4. Placement on the Plan Commission Agenda. Subsequent to the submission for primary approval, the Plan Commission shall schedule the public hearing and consideration of the subdivision request on its next regular meeting agenda for formal action.
5. Technical Committee Review. Subsequent to placement on the agenda, and prior to the date of public hearing, members of the Technical Committee shall prepare a written report to the Plan Commission and subdivider indicating regulation compliance with regard to the subdivision being proposed.
6. Preliminary Drainage Approval. Prior to the date of the preliminary hearing, the subdivider shall have received preliminary approval from the Storm Water Utility Board. If preliminary drainage approval has not been secured prior to the public

- hearing, action may be postponed by the Plan Commission.
7. Public Hearing Notification Requirements. Not less than ten (10) days prior to the public hearing, the subdivider shall complete the following steps. If not completed, action shall be postponed and a secondary public hearing will be scheduled, subject to the satisfactory completion of these notification requirements.
 - a. Place a legal notice of the public hearing in a newspaper designated by the Plan Commission and Storm Water Utility Board and in a form that meets the requirements of the Town of Bargersville.
 - b. Notify all utilities, local fire departments, school corporations, and law enforcement agencies serving the area, in writing, and provide the Plan Commission with copies of the notices.
 - c. Provide notice by certified U.S. Postal Service mail or certificate of mailing by the U.S. Postal Service in accordance with the Plan Commission Rules and Procedures.
 - d. Certify in the form of an affidavit that all of the above requirements have been met.
 - e. The cost of these notices shall be paid by the subdivider.
 - f. Storm Water Utility Board notice may run in conjunction with the Plan Commission public hearing notice.
 8. Evidence of Notice. A certificate of mailing issued by the U.S. Postal Service shall be considered evidence that notice has been given. A date stamped photograph of the public notice sign at the subject property shall also constitute evidence of notice.
 9. Field Trip. The Plan Commission, at its discretion, upon hearing the request for primary approval, may elect to continue the matter until its next regularly scheduled public meeting to obtain additional evidence or at the request of an adjoiner (adjoiner continuation shall be limited to one for an individual and a group), and may schedule a field trip to the site of the proposed subdivision, accompanied by the subdivider or their representative.
 10. Conditions of Approval. As a condition of primary approval of a plat, the Plan Commission may specify:
 - a. The manner in which public ways shall be laid out, graded, and improved;
 - b. A provision for water, sewage, and other utility services;
 - c. A provision for lot size, number, and location;
 - d. A provision for drainage design; and
 - e. A provision for other services as specified in the Subdivision Control Ordinance.
 11. Primary Approval of the Preliminary Plat. After the Plan Commission has held a hearing upon the preliminary plat and considered the Administrator's report, checkpoint recommendations, Technical Committee's report, testimony, and exhibits submitted at the public hearing, the subdivider shall be advised of any required changes and/or additions. The Plan Commission shall at a public meeting, grant primary approval, primary approval with conditions or disapprove the preliminary plat. Modifications will be approved, approved conditionally, or denied during the same review. Within five (5) days of the public hearing, one (1) copy of the preliminary plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Commission approves a preliminary plat showing reservation of park land or land for

other local governmental units, the Commission shall obtain approval of the park or land reservation from the Town Council. Primary approval by the Commission is subject to review by judicial review. Secondary approval of a subdivision cannot occur until the expiration of the time provided for appeal from the granting of primary approval, per I.C. 36-7-4- 708(d) and IC 36-7-4-710(b).

12. Effective Period of Primary Approval. Unless extended, the primary approval of a preliminary plat shall be effective for a period of two (2) years (five years for a sectionalized subdivision) at the end of which time primary approval shall be null and void, and the subdivider shall be required to resubmit a new application commencing with sketch plan review and be subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon written request of the subdivider, submitted prior to expiration of the original time limit or subsequent extension, the Plan Commission may extend primary approval of a preliminary plat in increments of up to twelve (12) months beyond an expiration date without further notice and public hearing.

Section 2-7 Preliminary Plat Submittal Requirements

- A. *Preparation.* The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one hundred (100) feet to the inch and the sheets shall be numbered in sequence if more than one sheet is used.
- B. *General.* The preliminary plat shall include the following:
 1. Area vicinity map showing the location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; and the names of adjoining streets.
 2. Legal description.
 3. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner.
 4. Signature, seal, and certification of a land surveyor registered in the State of Indiana.
 5. The date of the map, approximate true north point, scale, and title of the subdivision.
 6. Existing covenants or zoning commitments recorded on the property, if any.
 7. Recorded deed, instrument number and date recorded.
- C. *Existing Conditions.*
 1. Topography (one foot).
 2. The location and dimensions of all boundary lines of the property to be expressed in feet and tenths of a foot.
 3. The location of existing streets, easements, pipelines, transmission lines, water bodies, streams, and other pertinent features such as swamps, jurisdictional wetlands, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.
 4. Flood prone areas shall have the elevation of the 100-year flood plain.
 5. Location and size of all surface and subsurface drains.
 6. Location and size of existing storm and sanitary sewers.
 7. Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.
 8. The location and width of all existing streets, alleys, and other public ways, and their rights-of-ways, and of easements and building set- back lines.

9. The locations, dimensions, and areas of all existing lots.
10. Designated wetland areas.

D. *Site Improvements.*

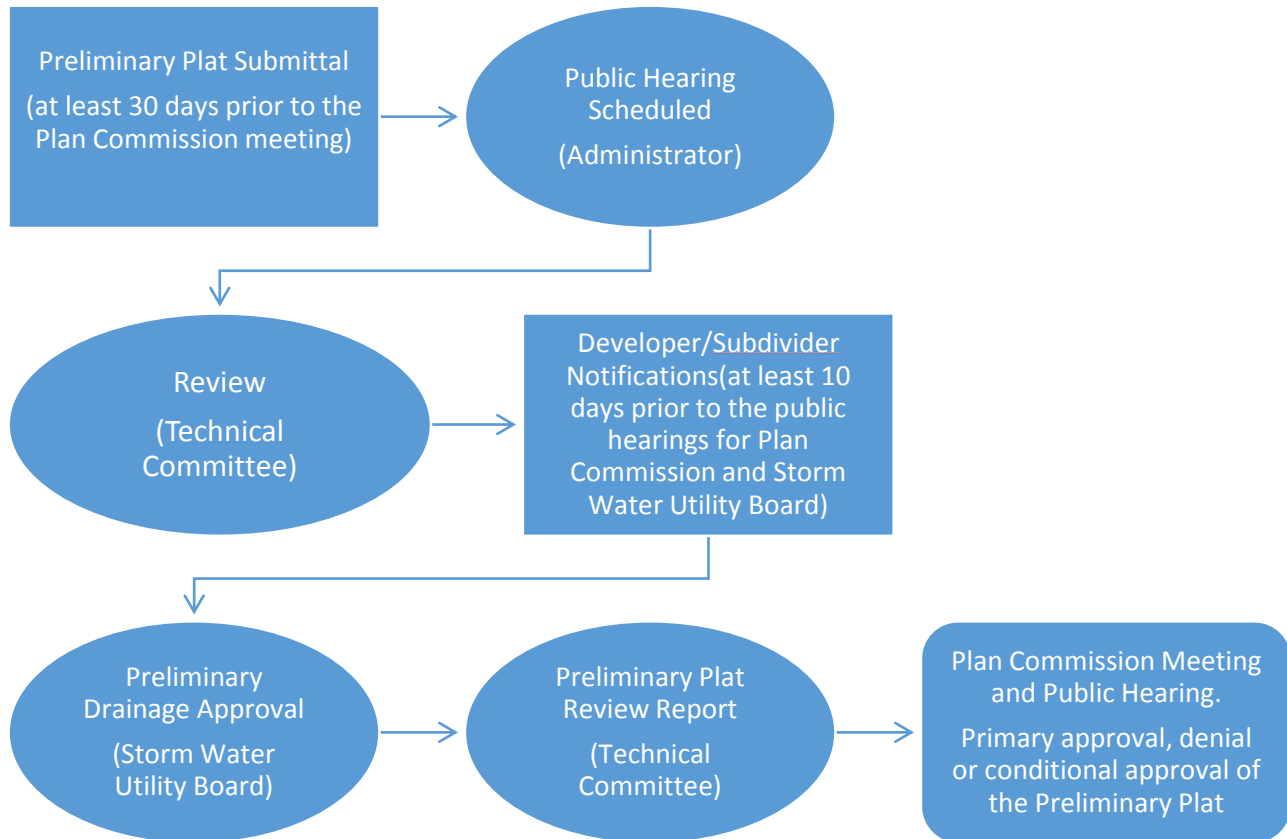
1. Names of the subdivision and all new streets.
2. The location and width of proposed streets, alleys, and other public ways, and their rights-of-ways, and of easements and building set-back lines.
3. Proposed changes in streams, lakes, floodplains, etc.
4. Proposed location of surface and subsurface drains.
5. Proposed location of storm sewers, storm water management facilities, and sanitary sewers.
6. Building/structures to be removed or relocated.
7. The locations, dimensions, and areas of all proposed lots.
8. Building setback line with dimensions.
9. 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.
10. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. The location and dimensions of all property proposed to be set aside for common areas, 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.
11. Sufficient data acceptable to the Town Engineer or their representative 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.
12. All information required on the sketch plan should also be shown on the preliminary plat, and the following notation shall also be shown:
 - a. Explanation of drainage easements, if any.
 - b. Explanation of site easements, if any.
 - c. Explanation of site reservations, if any.
 - d. Endorsement of owner, as follows:

Owner _____ Date _____

E. *Supplemental Information.* The Plan Commission, Town Engineer or Administrator may require the following supplemental plan information:

1. Landscape Plan.
2. Traffic Impact Analysis.
3. Sanitary Sewer Analysis.
4. Additional information necessary to evaluate the proposal.

Preliminary Plat Review Process



Section 2-8 Construction Plans

A. *Approval of Construction Plans.*

1. Submission Procedure and Requirements. Following primary plat approval, and prior to submission of the final plat for secondary approval, the subdivider shall file three (3) sets of the detailed plans and specifications, an application packet with fees, the agreement for outside plan review with fees and an application packet with fees for Storm Water Utility Board review with the Plan Commission for approval prior to starting work on any improvement. After review by the Technical Review Committee, the Town Engineer or their representatives, Town Utility Departments and Administrator including Federal and State agency permits, the plans and specifications shall be approved by the Administrator. Plans shall also be submitted in an electronic format acceptable to the Town.
2. Review Process. The Plan Commission will cause the plans to be referred to affected participating agencies and their review comments will be heard at the public meeting where the plans are acted upon. In no event shall secondary approval of the final plat be given prior to approval of the construction plans.
3. Installation of Improvements. Prior to the installation of improvements after Town Council approval of construction plans, a preconstruction meeting shall be scheduled

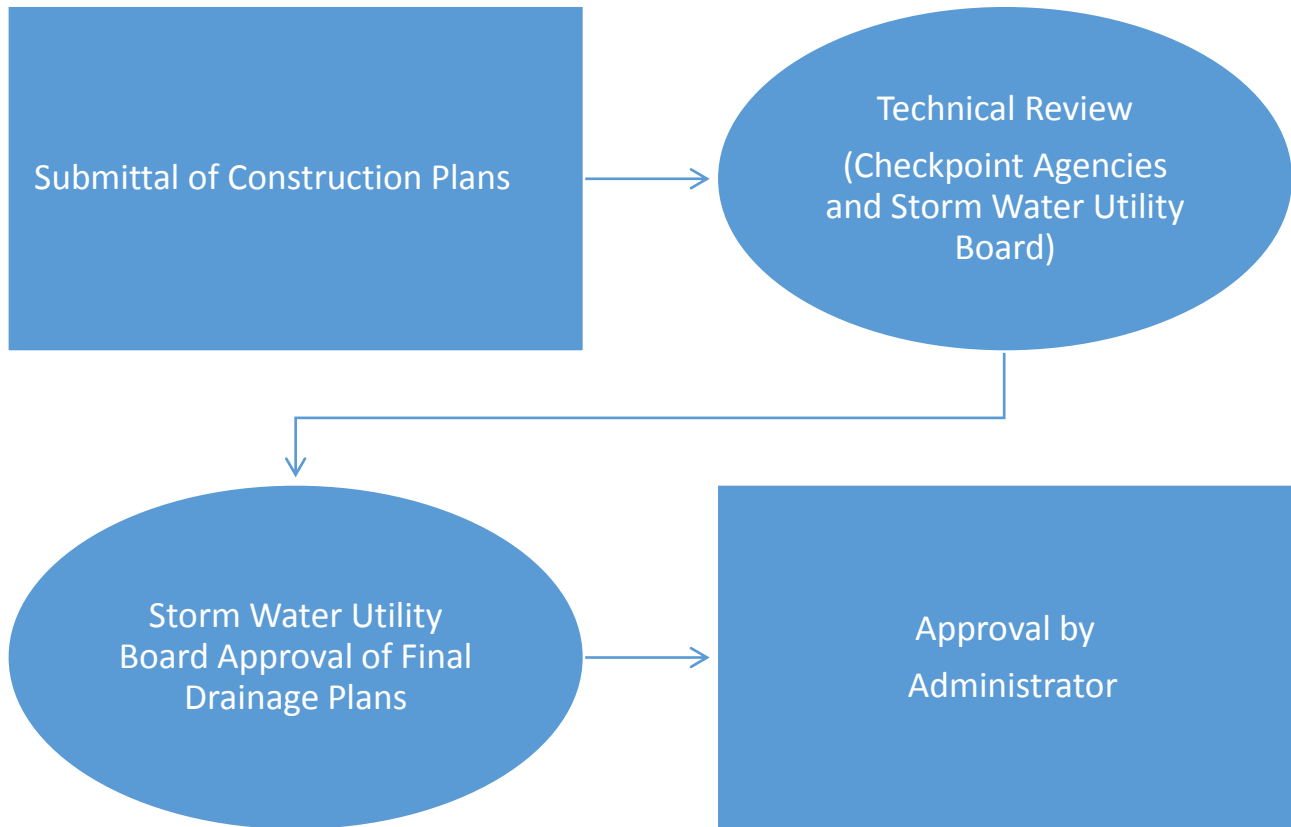
with the Administrator at which time three (3) sets of approved "FINAL Construction Plans" shall be provided they will be stamped "APPROVED Town of Bargersville." The stamped plans will be the only official plans approved for construction. Inspection of improvements shall be under the direction of the Plan Commission. The subdivider shall sign an "Agreement for Inspection Services" with the Town, available at the office of the Administrator, and all testing by a professional testing agency certified to the Town shall be observed by a Town representative and performed at the subdivider's expense.

Section 2-9 Construction Plan Submittal Requirements

- A. *Construction Plans.* 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 50 feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:
1. Profiles showing existing and proposed elevations along centerlines of all streets at fifty (50) foot intervals including low points. Exact radii of all curves, lengths of tangents, and central angles of all streets.
 2. The Plan Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred foot stations shall be shown.
 3. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage facilities and easements, rights-of-ways, manholes, and catch basins; the locations of street trees, street lighting standards, and street and traffic signage; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
 4. Location, size elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, wetlands, flood plains, and other pertinent features such as railroads, buildings, or 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 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 and low water elevations of such lakes or streams. All elevations shall be referred to the United States Coast and Geodetic Survey datum plane. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than twenty feet back from the ordinary high-water mark of such waterways.
 5. Topography with a contour interval of one (1) foot, referred to sea-level datum. All data provided shall be latest applicable United States Coast and Geodetic Survey data and should be so noted on the plan.
 6. All specifications and references required by the Town's construction standards and specifications, including a site-grading plan for the entire subdivision.

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

Construction Plans Approval Process



Section 2-10 Final Plat for Secondary Approval

A. Final Plat Procedure for Secondary Approval.

1. Submission Requirements. Following primary approval of the preliminary plat and in conjunction with the final construction plans, the subdivider shall file with the Administrator a request for secondary approval of a final plat. The application shall include:
 - a. Submitted forms available at the Office of the Plan Commission.
 - b. Application. Applications are available at the office of the Administrator and must be signed.
 - c. All information listed on required checklist forms.
 - d. Three (3) copies of the final plat as described in this Ordinance.
 - e. Performance guarantees as required by Chapter V:
 - i. Construction Deferred. Be accompanied by the performance bonds or irrevocable letter of credit, if required, in a form satisfactory to the Town Attorney and approved by the Town Council and in an amount which is equal to 120% of the construction cost based on cost of contracts with site

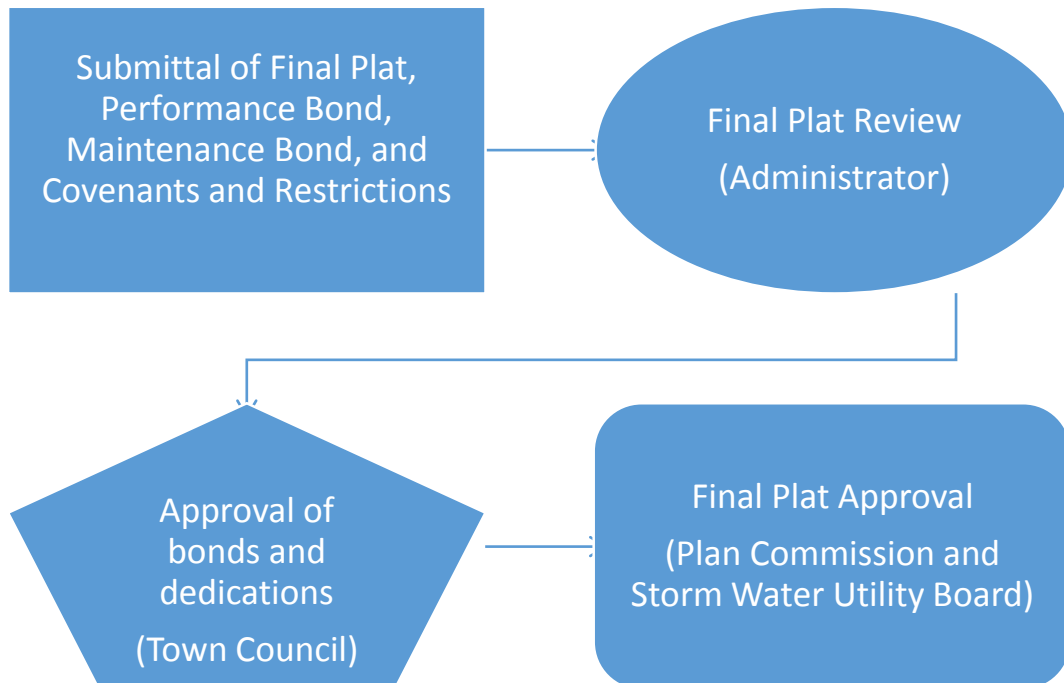
- contractors of the construction of subdivision applicable improvements. The amount shall be based upon cost estimates approved by recommendation of the participating agency or jurisdiction and shall be sufficient to guarantee the completion of all required subdivision and off-site public improvements.
- ii. **Construction Complete.** Be accompanied by the maintenance bond and maintenance agreement, in a form satisfactory to the Town Attorney and Administrator in the amount of 25% of the performance bond cost being 120% of the construction of subdivision improvements upon recommendation of the participating jurisdiction and shall guarantee the maintenance of all required subdivision and off-site public improvements. The maintenance bond must be active for three (3) years after completion of construction.
 - f. Be accompanied by any restrictive covenants and homeowner association documents for review by the Administrator, where they have been proposed by the subdivider or required by the Plan Commission.
 - g. Be accompanied by a fee as established by the Plan Commission or by Town ordinance.
2. **Determination of Conformance (Secondary Approval).** In order to be recorded, a final plat shall be found to be in conformance with the primary approval made previously by the Plan Commission. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Plan Commission at a public meeting for a new primary approval. If the submission is found to be in conformance and complete, the Plan Commission shall recommend the signing of the certificate granting secondary approval.
 3. **Sectionalizing Plats.** Prior to granting secondary approval of a subdivision plat, the Plan Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections, as it may deem necessary to assure the orderly development of the plat. The Plan Commission may require that the financial guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required principal amount until the remaining sections of the plat are offered for filing. The approval of all remaining sections not filed for secondary approval with the Plan Commission shall automatically expire after five (5) years from the date of primary approval of the preliminary plat, unless the expiration date has been extended in writing by the Plan Commission.

Section 2-11 Final Subdivision Plat Submittal Requirements

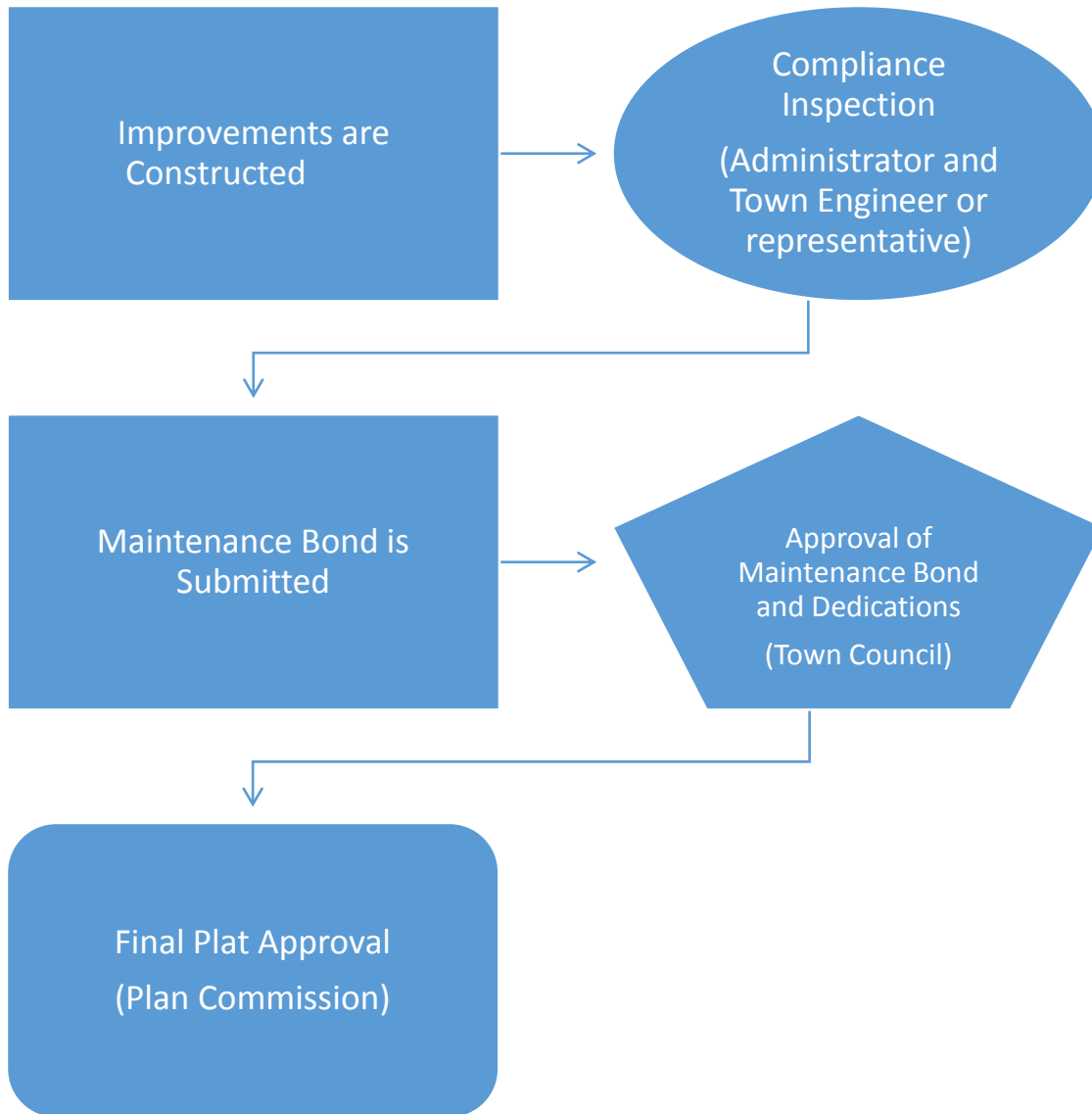
- A. **General.** The final major subdivision plat shall be presented at an appropriate scale and contain the same information, except for any changes or additions required by the conditions of primary approval.
 1. Notation of any self-imposed restrictions and locations of any building lines proposed to be established in this manner if required by the Plan Commission, in accordance with these regulations.
 2. All monuments erected or to be erected, corner, and other points shall be noted at the representation thereof or by legend; metal monuments shall indicate type of metal,

- and diameter, length, and weight per lineal foot of the monuments.
3. Contain a statement to the effect that the Town Council, Plan Commission, or Board of Zoning Appeals may enforce subdivision covenants unless otherwise noted.
- B. *Preparation.* The final subdivision plat shall be prepared by a land surveyor licensed by the State of Indiana.

Secondary Review of Final Plat with Bonding



Secondary Review of Final Plat with Completed Construction



Section 2-12 Signing and Recording a Plat

A. *Signing a Plat.*

1. When a performance guarantee is required, the Designated Officials shall endorse approval on the plat by signing the certificate after the guarantee has been accepted, and all the conditions of the primary approval have been satisfied.
2. When installation of improvements is required, the Designated Officials shall endorse secondary approval of the plat by signing the certificate after all conditions of the primary approval have been satisfied and all improvements are accepted and maintenance guarantees submitted and approved.
3. There shall be written evidence that the required public facilities have been designed and/or installed in a manner satisfactory to the Town Council as shown by a certificate signed by the Town Council, Storm Water Utility Board and the Town Administrator

that the necessary improvements have been accomplished.

4. The development shall provide a set of as-built plans to be approved by the Town Engineer, Utility Departments and the Administrator.

B. *Recording of Final Plat.*

1. The Designated Officials shall sign the certificate.
 - a. Owner/developer.
 - b. President of the Plan Commission with attest by the Secretary of the Plan Commission.
 - c. President of the Storm Water Utility Board.
 - d. President of Town Council with attest by the Secretary of the Town Council/Clerk Treasurer, if there is dedication of right-of-way and/or public improvements.
2. One (1) copy shall be retained by the Town, and copies shall be provided to the Johnson County Assessor, Auditor and Recorder.
3. It shall be the responsibility of the subdivider to file the plat, homeowner association documents and covenants, if applicable, with the County Recorder within thirty days of the date of signatures of the Town and to provide a hard copy along with an electronic version in a format specified by the Administrator with the required submittal information after recordation. No building permit certificate of occupancy will be issued prior to receipt of the recorded documents.

Section 2-13 As-Built Drawings

- A. *General.* All as-built drawings shall be certified by a surveyor or engineer licensed by the State of Indiana and provided as a hard copy and in electronic format specified by the Town Administrator.

B. *Grading or Development Plan(s).*

1. Grades.

- a. Major drainage swales and percent of slope.
 - i. At lot corner and grade brakes.
 - ii. Pad grades.
 - iii. Street grades.
 - a) Centerline and curb if street is bituminous pavement with concrete curb. Centerline only if streets are concrete and placed with electronic control (Maximum 50 ft. spacing).
 - b) All sag and crest points.
- iv. Paved swales if any, at 50 ft. intervals.
- v. Lake or pond if applicable.
 - a) Top of bank, normal pool, safety ledge, bottom and spillway.
- vi. Locations of sidewalk ramps.

C. *Plan and Profiles.*

1. Sanitary Sewers.

- a. Invert elevations and percent of slope.
- b. Top of casting elevations.
- c. Lateral locations based on distances along main from manholes.
- d. Locations of each manhole or structure (to make sure they are sufficiently within designated easements to permit future excavation to system if needed).

- e. Designate any material change from design plans. Where plan show any alternates, indicate alternate actually used.
- 2. Storm Sewers.
 - a. Invert elevations and percent of slope.
 - b. Top of casting elevations.
 - c. Location of pipe and structure (to make sure they are within designated easements).
 - d. Designate any material change from design plans. Where plans show alternates, indicate alternate actually used.
- 3. Streets.
 - a. Grades.
 - b. All low and high points.
 - c. All percent of slope.
 - d. Any deviation of alignment.
 - e. Grades and dimensions on accel and decel lanes if applicable.



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Design Principles and Standards

Chapter III



Section 3-1 General Standards

- A. *Conformance.* In determining whether an application shall be granted, the Plan Commission shall determine if the plat conforms to the principles and standards required in this chapter, which are considered the minimum requirements. If applicable requirements of other Town Ordinances are higher or more restrictive, those requirements shall control.
- B. *Natural Design.* In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and value to the proposed development.
- C. *Environmental Protection.* Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics.
- D. *Sanitary Sewers and Public Water Supply.* Subdivisions filed under the terms of this ordinance are required to have public sanitary sewers and public water supply. Only the Town Council is authorized to waive this requirement.
- E. *Layout.* The subdivision layout shall not be found to be injurious in any way to the health, safety or welfare of the community.

Section 3-2 Streets

- A. *Principles.* In designing a street system, the subdivider shall be guided by the following principles:
 - 1. Adequate vehicular and pedestrian access shall be provided to all parcels.
 - 2. Street connections into and from adjacent areas may be required.
 - 3. Local street patterns shall provide reasonable direct access to the primary circulation system.
 - 4. Interior circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.
 - 5. Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.
 - 6. Planning and construction of streets shall clearly relate to their local function.
 - 7. Local streets shall be designed to discourage excessive speeds.
 - 8. Pedestrian-vehicular conflict points shall be minimized.
 - 9. The number of intersections shall be minimized.
 - 10. Local streets shall be designed to minimize impacts to significant topographic features.
- B. *Standards.*
 - 1. Current INDOT Standards, Guides, and Manuals shall be followed as design standards unless otherwise specified in this Ordinance.
 - 2. Only one (1) street, driveway or point of vehicle access shall be permitted from a subdivision onto a collector street or road or an arterial street or road for a subdivision of fifty (50) or fewer lots. Two (2) or more streets, driveways, or points of vehicle access shall be required by the Plan Commission for subdivisions with over fifty (50) lots to improve the safety and traffic circulation in the area.
 - 3. Subdivisions with over fifty (50) lots shall include streets with a boulevard design if a

- second entrance is not feasible due to the character of the land, provided the internal street geometrics provides two access points at its termination inside the development. Stub streets shall be provided for any future undeveloped land.
4. Subdivisions with over 100 lots shall provide internal circulation routes which provide redundant or alternative access to multiple entrances.
 5. Half streets shall not be permitted.
 6. All street names and lot addresses shall be coordinated through the 911 Coordinator for the County and local Postal Service. No street names may be used which will duplicate or be confused with names of existing streets, unless considered special exceptions by the Plan Commission. The streets, which are logical extensions, continuations of, or alignment with any existing streets, either constructed or appearing on any validly recorded plat, shall bear the names of such existing streets. Street addresses shall be provided for every lot conforming to the town and 911 coordinator's addressing standards.
 7. Rights-of-way and paving for proposed streets shall be extended to the boundary lines of the proposed subdivision so a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the Plan Commission's opinion, such extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts.
 8. Subdivisions shall not be designed to create or perpetuate the land-locking of adjacent undeveloped land. Connectivity shall be considered and planned.
 9. A temporarily dead-end street shall be permitted in any case where a street is proposed to be and should logically be extended but is not yet constructed. A stub street with a dead end sign shall be provided in this case terminate in a temporary cul-de-sac with a minimum street radius of 50 feet or hammerhead turnaround unless otherwise waived by the Plan Commission.
 10. In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by this Ordinance, the subdivider shall dedicate additional width along either one or both sides to ensure conformance, provided the area to be used for widening is owned by the subdivider or under the subdivider's control.
 11. Refer to the zoning ordinance for line-of-sight design requirements on corner lots.
 12. No trees may be planted in the right-of-way where sidewalks and/or public utilities are existing or are planned.

Section 3-3 Block Standards

- A. *Dimensions.* Block length and width or acreage within bounding streets shall be sufficient to accommodate the size lot required for the zoning district in which the block is located and to provide for convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved.
- B. *Length.*
 1. The maximum block length shall be 800'. In the design of blocks longer than 800', the Plan Commission may specify the provision of pedestrian crosswalks in conjunction with traffic calming measures near the center, or wherever most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center



- or other significant site.
- 2. Maximum cul-de-sac length shall be 800'.
- C. *Depth.* Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots of sufficient depth, except where reverse frontage lots bordering on a freeway, arterial street or floodplain are used.
- D. *Shape.* No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot layout and configuration, traffic flow and public areas.

Section 3-4 Lot Standards

- A. *Zoning Standards.* Subdivision lots shall be adequate for the type of development and land use proposed, and shall conform to the Town of Bartersville Zoning Ordinance requirements.
- B. *Design.* The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- C. *Street Frontage.* Every lot or parcel shall have sufficient frontage and access to a public street or private street.
- D. *Through Lots.* Through lots shall not be permitted except where the purpose, is to buffer residential development from adverse influences or to minimize the number of intersections with arterial streets and highways by orienting homes internally to the subdivision. Through lot access shall be limited to one (1) driveway to the subdivision road or roadway with a lower classification. A no-access screen planting buffer strip of at least ten (10) feet shall be provided along lot lines adjoining such adverse influence or arterial street.

Section 3-5 Easements

- A. *Utilities.* Adequate areas of suitable size and location shall be allocated for utility easements.
 - 1. Utility easements shall provide reasonable continuity from block to block and shall be at least fifteen (15) feet in total width and seven and a half (7.5) feet on each side located at all rear lot lines or at least fifteen (15) feet in width located along side lot lines where facilities are located and deemed necessary.
 - 2. The subdivider shall be required to design for the placement of utility lines underground, following the required standards and specifications established by each utility company, unless proven unfeasible due to site conditions or environmental constraints. The location of each underground utility system shall be shown by appropriate easement lines on the proposed plat.

Section 3-6 Drainage

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water from the entire subdivision and the drainage area of which it is a part. The system shall be constructed and installed in accord with plans and specifications required by the Town of Bartersville Drainage Manual as approved by the Stormwater Utility Board and Town Council.

Section 3-7 Commercial and Industrial Subdivisions

- A. *Review.* It is recognized that the subdivider, creating commercial and industrial subdivisions, faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Plan Commission shall be upon street layout and block arrangement.
- B. *Process.* Generally, the procedural requirements shall be for the owner to follow the regular procedure outlined herein, however, the subdivider need show only two (2) lots along with the street and block layout. Then, from time to time, as prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded subdivision plat for consideration. Regular procedural requirements of the Plan Commission following the receipt of a final subdivision plat shall then apply, except those streets that have been built by following an approved set of plans on the previously approved final plat shall not have to be rebuilt because of adoption of new criteria.
- C. *Zoning.* Commercial and Industrial projects shall be subject to all standards required by the Town of Bartersville Zoning Ordinance.



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Improvements and Installations

Chapter IV

Section 4-1 General

- A. *Improvements.* Subdivision improvements shall be designed, furnished and installed in accordance with requirements of this chapter and other applicable standards included in the Town of Bargersville, Indiana Construction Standards. Whenever requirements of any other governmental unit or other ordinance of the Town of Bargersville is higher or more restrictive than this Ordinance, those requirements shall control.
- B. *Requirements.* Prior to secondary approval of a plat and any construction in a subdivision, the subdivider shall submit copies of the construction drawings for street, public water, public sanitary sewer, and drainage facilities and all other required improvements to the Town Council, in accordance with Section 2-8, before construction begins. Construction drawings for the erosion control, water system and sanitary sewer system shall also be submitted to the Indiana Department of Environmental Management, Town Engineer or their representative, and other state or county agencies as may be appropriate, copies of required permits shall be provided to the Town.
- C. *Inspections.* Inspection of construction of all required improvements shall be under the direction of the Town Council. The subdivider shall sign an Agreement for Inspection Services with the Town, as prescribed in the inspection and testing forms provided by the Town Council. The agreement shall allow the subdivider to select a testing company at the subdivider's expense, subject to acceptance by the Town Council. Inspection Services shall be observed by Town representatives.

Section 4-2 Utilities

- A. *Approval.* A subdivision Plat shall not be considered for final approval until plans for the utilities have been submitted to all Utility Supervisors for review and their approval.
- B. *Sanitary Sewage Disposal.*
 - 1. A public sanitary sewer system shall be designed and constructed by the subdivider to provide adequate sewage service for all lots in a proposed subdivision. A private sanitary sewer system is only permitted in exempt subdivisions with approval by the Johnson County Health Department.
 - 2. In all subdivisions, a public sanitary sewer collection system, including all pipes and manholes, shall be provided and the system shall be connected to new or existing public sewage systems in accordance with plans and required specifications.
- C. *Water System.*
 - 1. A connection to an existing water distribution system shall be provided by the subdivider to provide adequate water service for all lots in the proposed subdivision.
 - 2. A permanent water distribution system including pipes, fire hydrants, valves and other appurtenances shall be provided, and the distribution system shall be connected with an approved public water system in accordance with plans and required specifications.

Section 4-3 Monuments and Markers

- A. *Legal Description.* The legal description on the Plat of Record or the Plat of Record for the subdivision shall be referenced to two (2) known section corners.
- B. *Monuments.* Survey monumentation shall be in accordance with the requirements of section 865 IAC 1-12-18, Original and Retracement Survey Monumentation.
- C. *Centerline Breaks.* All street centerline breaks in the horizontal alignment including intersecting street centerlines shall have a permanent monuments (5/8" rebar by 36" long set below the final pavement surface 1/4" in epoxy.

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Assurance for Completion of Improvements

Chapter V

Section 5-1 Completion and Maintenance of Improvements

For all subdivisions involving the dedication and extension of any easement or public improvement, all improvements, installations, and lot improvements required by this ordinance shall either be complete or guaranteed by an assurance of completion, and maintenance guaranteed as required by this Chapter.

Section 5-2 Completion of Improvements

- A. *Completion and Dedication.* Before a secondary plat is executed by the President and Secretary of the Plan Commission, the subdivider shall be required to:
1. Complete all streets, sanitary sewer systems, storm water drainage systems, water distribution systems, and other public improvements including lot improvements on the individual lots of the subdivision, specified in the approved construction plans and on the final subdivision plat approved by the Commission within two years from the date of secondary approval.
 2. Dedicate public improvements to the Town, free and clear of all liens and encumbrances on the property and public improvements thus dedicated within two years from the date of secondary approval.

Section 5-3 Performance Guarantee

- A. *Security.* Before the plat is executed by the President and Secretary of the Plan Commission for a subdivision in which the improvements and installments have not been completed, the subdivider shall:
1. Provide proof of security for installation of sanitary sewer systems and any other needed improvements not directly controlled by the Town.
 2. The subdivider has provided proof of financial responsibility with the Town Council of the Town of Bargsville as the name insured, hereinafter referred to as "Security". Such Security shall comply with statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution required by the Town.
 3. The Security shall be in an amount not less than one hundred and twenty percent (120%) of the construction cost of completion of required public improvements and shall be provided in the form of a Performance Bond or Irrevocable Letter of Credit in a form acceptable to the Town.
 4. The period within which required public improvements must be completed shall be:
 - a. For single family or two family subdivisions, prior to the time that dwellings are completed upon 30 percent of the lots shown on the secondary plat or within two (2) years after the date of plat execution.
 - b. For multi-family, commercial or industrial subdivisions, within two (2) years after the date of plat execution.
- B. *Completion and Proof of Compliance.*
1. Documentation. Upon completion of all improvements and installations as required by this ordinance, the subdivider shall furnish appropriate documentation indicating

that required improvements and installations have been constructed, installed and completed in compliance with the provisions of this ordinance, the requirement of the Plan Commission and the provisions of other applicable ordinances of the Town of Bargersville. The Plan Commissions shall, prescribe the procedures for determining whether all improvements, installations and lot improvements have been constructed and completed as required by this ordinance.

2. Completion Letter. Upon acceptance of required improvements or installation, the accepting agency or department of the Town of Bargersville shall provide a Completion Letter to the subdivider that officially accepts maintenance responsibility, subject to the terms of the required maintenance guarantees.

C. *Intent to Secure Funds or Consideration of Extension.*

1. Determination. Two months prior to the expiration of the performance or maintenance guarantee, the Council shall determine if the public improvements have been installed consistent with applicable standards and special conditions or requirements, if any, established by the Town Council in approving the plat. If the improvements have not been installed to the satisfaction of the Council, the Council shall notify the subdivider of their intent to secure the funds pledged by the performance or maintenance guarantee, or at their discretion, to grant one (1) extension for a period up to twelve (12) months, and the subdivider shall file with the Town Council a new performance or maintenance guarantee within the extension period. The Council may upon proof of difficulty, grant one (1) additional extension of the completion date for a maximum period of up to twelve (12) additional months, provided that the performance or maintenance guarantee submitted for this extension period meets all other requirements herein and the extension has been requested in writing prior to the expiration of the first extension.
2. Failure to Complete Public Improvements. In cases where a performance guarantee has been posted and the required public improvements have not been installed within its terms, or if the Council finds upon inspection that any of the improvements have not been constructed in accordance with the approved construction plans, then the Council may thereupon declare the performance guarantee to be in default and cause all public improvements to be installed according to secondary approval regardless of the extent to which development has occurred at that point in time.
3. Release or Reduction of Performance Guarantee. A performance guarantee shall be reduced upon actual acceptance of public improvements and any conditions imposed on the plat and then only by the amount originally estimated for the completion of said public improvements. The Town Council shall not accept required public improvements, nor reduce a performance guarantee, until the subdivider has submitted a certificate attesting to satisfactory completion and the subdivider's engineer or surveyor has provided the Council with certified "as built" construction plans of the public improvements including the utilities, indicating location, dimensions, materials, and other information required by the Council and reviewed by the Town Engineer or representative. Upon certification and evidence of satisfactory completion, the Administrator shall recommend acceptance to the Town Council and the Town Council shall accept the applicable public improvements for maintenance in accordance with established procedures.

Section 5-4 Temporary Public Improvements

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

Section 5-5 Cost of Public Improvements

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

Section 5-6 Governmental Units

Governmental units to which these performance guarantee provisions apply may, in lieu of the guarantee, file a certified resolution or Ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Section.

Section 5-7 Maintenance of Public Improvements

- A. The subdivider shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the public improvements by the Council.
- B. The subdivider shall be required to file proof of financial responsibility with the Council prior to acceptance, in an amount of twenty-five (25) percent of the Performance Guarantee cost being 120% of the construction cost of all public improvements, and in a form satisfactory to the Town Attorney, in order to assure the satisfactory condition of the required public improvements, for a period of three years after the date of their acceptance by the Council. Such guarantee shall have the Town Council of the Town of Bargersville as the named insured.

Section 5-8 Waiver of Required Public Improvements

The Town Council may defer or waive at the time of primary approval, subject to the appropriate conditions, the provision of any or all such public improvements as in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities.

Section 5-9 Use of Funds

Any funds received from the performance and maintenance guarantees shall be used only for making improvements, installations or repairs that were guaranteed by a bond or irrevocable letter of credit.

Section 5-10 Issuance of Building Permits

No building permit shall be issued for the last fifty (50) percent of lots in a final subdivision plat or section thereof, or if fifty (50) percent is less than two, for the last two lots of a subdivision or section thereof, until all required public and private improvements, with the exception of sidewalks, have been fully completed and accepted for maintenance by the Council. No building permit shall be issued until the plat, homeowners association covenants and restrictions, if applicable, have been recorded and proof is provided in the form of duplicate copies with receipts showing the instrument number from the office of the County Recorder.

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Administration

Chapter VI

Section 6-1 Amendment

In accordance with state law, amendments to this Ordinance may be considered, as proposed by the Town Council and/or the Plan Commission. Any proposed amendment shall be referred to the Plan Commission for public hearing, consideration and report before final action is taken by the Town Council.

Section 6-2 Enforcement

No plat of any subdivision and covenants, if applicable, shall be entitled to be recorded in the County Recorder's Office or have any validity until approved in the manner prescribed herein.

Section 6-3 Record of Plats

All plats of subdivisions and covenants, if applicable, which have been submitted and approved shall be copied in the Johnson County Plat Book and be and kept among County records by the County Recorder.

Section 6-4 Validity

If any article, section, subsection, sentence, clause or phrase of this Ordinance is adjudged invalid, such decision shall not affect the validity of remaining portions of this Ordinance.

Section 6-5 Violation Penalty

Any person whether owner or possessor, who violates, permits or allows the violation of any of the provisions of this Ordinance or duly made commitment, or who fails to comply therewith or with any requirements thereunder, or who shall build, reconstruct or structurally alter any building in violation of any detailed statement or plan submitted upon which an approval or grant is given under this Ordinance, shall upon complaint filed in any court of Johnson County and upon judgment finding such violation, be fined not less than 25 dollars and not more than 500 dollars, and each day that such violation or noncompliance exists shall constitute a separate violation. The rights and remedies provided by this section are cumulative and in addition to any other remedies provided by law including but not limited to those powers set forth in IC 36-7-4-1000 et seq.

Section 6-6 Appeal

Any person aggrieved by action of the Plan Commission may appeal to the Plan Commission, in writing, within ten days of receiving notice of said action, for modification of the action. Such appeal shall be considered at a public hearing, after compliance by said person with requirements of this Ordinance. The final decisions of the Plan Commission listed in I.C. 36-7-4-1016 may be reviewed by judicial review procedure after administrative remedies are exhausted.

Section 6-7 Repealing Provision

All Ordinances or parts of Ordinances in conflict with provisions hereof shall be repealed by the passage of this Ordinance, except where such repeal is specifically not designated by this Ordinance.

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Definitions

Chapter VII

Section 7-1 Usage

- A. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law. Passed and adopted by the Town Council of the Town of Bargersville, Indiana _____. For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Section.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in this Ordinance"; the word "Ordinance" means, "the Town of Bargersville Subdivision Control Ordinance. A "person" includes a corporation, a partnership, a limited liability company, any other legal entity, and an incorporated association of persons such as a club; "shall" is always mandatory; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Section 7-2 Definitions

ACCESSORY BUILDING shall mean a detached, subordinate structure, the use of which is incidental to, customarily associated with, and related to the principal structure or use of the land, and which is located on the same lot as the principal structure or use.

ADMINISTRATOR shall mean the officer appointed by and/or delegated the responsibility for the administration of this Ordinance by the Plan Commission and the Town Council.

ADVISORY PLAN COMMISSION see PLAN COMMISSION.

AGENCY See Public Agency

APPLICANT shall mean any person, firm, partnership, joint venture, association, corporation, group or organization who may apply a subdivision of land.

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

BOND shall mean any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town Council.

BUFFER LANDSCAPING shall mean portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate a potentially incompatible zoning district from an abutting zoning district.

BUILDING shall mean any structure attached to the ground which has a roof and walls or roof supports and which is designed for the shelter, housing or enclosure of persons, animals or

property of any kind.

BUILDING CODE shall mean the Indiana State Building Code, as amended.

BUILDING OFFICIAL shall mean the person, officer, or official whom the Bargersville Town Council has designated as its agent for enforcing, in conjunction with the zoning administrator, the regulations of this ordinance relating to building construction and permitting.

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

CERTIFICATE shall mean the signed and attested document which indicates that a subdivision has been granted secondary approval by the Commission subsequent to proper public notice of its hearing.

CERTIFICATE OF OCCUPANCY shall mean a permit authorized and issued by the zoning administrator indicating that the use or the building or land in question is in conformity with this ordinance, or that a legal variance has been approved.

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

COMMISSION see **PLAN COMMISSION**.

COMMISSION ATTORNEY see **TOWN ATTORNEY**

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

CONDOMINIUM shall mean the division of building(s) and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by the Indiana Code 32-1-6-1 through 32-1-6-31.

CONSTRUCTION PLAN(s) shall mean the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance as a condition of the approval of the plat.

COUNTY HEALTH OFFICER See Health Department and County Health Officer.

COUNTY RECORDER shall mean that County Official empowered to record and file land description plats.

COUNTY SURVEYOR shall mean the County Official so designated by the laws of the State of Indiana to maintain information such as bench marks, USGS Topo Maps, Flood Zone Maps, Survey Records, historical aerial photography, legal drain information such as legal descriptions and watershed maps, and annexation descriptions for each city and town. The Surveyor maintains a Legal Survey Record Book for all legal surveys within the county.

CUL-DE-SAC shall mean a short, dead-end street terminating in a vehicular turnaround area.

DEPARTMENT See Public Agency.

DEPARTMENT OF STORMWATER MANAGEMENT (see Storm Water Utility Board)

DESIGNATED OFFICIALS shall mean those officials of the Commission designated in this Ordinance as required signatories for the execution of secondary plat approval.

DRAINAGE BOARD shall mean the Johnson County Drainage Board for legal drains and the Storm Water Utility Board for land within Town limits.

DRIVES, PRIVATE shall mean vehicular streets, and driveways paved or unpaved which are wholly within private property except where they intersect with other streets within public rights-of-way.

EASEMENT shall mean a grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

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

FEASIBILITY REPORT shall mean a written report prepared by a professional engineer or land surveyor pertaining to the suitability of the site for various types of water and sewage systems; for drainage retention or detention; and the subsoil conditions for various methods of street construction.

FINAL PLAT shall mean the map, drawing, or plan described in this Ordinance of a subdivision and any accompanying material submitted to the Commission for secondary approval, and which if approved and signed by the designated officials, may be submitted to the County Recorder for filing.

FOUNDATION shall mean the supporting member of a wall or structure.

FRONTAGE shall mean the linear distance where a property line is coterminous with a street right-of-way line.

FRONTAGE STREET shall mean any street to be constructed by the developer or any existing street in which development shall take place on both sides.

GRADE shall mean the slope of a street, ditch, swale, pipe, other public way, and other applicable development features specified in percentage (%) terms.

GRADE, NATURAL shall mean the elevation of the ground level in its natural state, before construction, filling, or excavation.

GRADE, FINISHED shall mean the average elevation at ground level along the perimeter wall of the building after construction, finish pavement surface, and grading is complete.

HEALTH DEPARTMENT and JOHNSON COUNTY HEALTH OFFICER shall mean the agency and that person designated by Johnson County to administer the health regulations within the County's jurisdiction.

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

IMPROVEMENTS shall mean any change in use, major exterior remodeling of a structure or grounds, addition to a structure or parking area, or interior remodeling of over 30 percent of the gross floor area of a structure.

INDIANA CODE shall mean the latest edition with any amending supplements of the Indiana Statutes Code Edition (abbreviated as IC herein) which codifies all Indiana statutes for reference purposes.

INTERESTED PARTIES shall mean those parties who are the owners of property, to whom notice must be given for a particular proceeding

LAND DIVIDER shall mean the owner of a parcel of land to be further divided through making an exempt division.

LANDSCAPING See Buffer Landscaping, Screening and Shade Trees.

LOCAL STREET shall mean a street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

LOT shall mean a legally described and recorded parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for a principal use and its accessory uses, together with such yards and open spaces as are required by this ordinance.

LOT AREA shall mean the total horizontal area within the lot lines of the lot, excluding any road right-of-way or easement dedicated for street purposes.

LOT COVERAGE shall mean the percentage of the lot occupied by buildings, including accessory buildings.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines.

LOT, CORNER shall mean a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting a curved street shall be considered a corner lot if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees..

LOT, INTERIOR shall mean any lot other than a corner lot.

LOT IMPROVEMENT shall mean any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

LOT, THROUGH shall mean an interior lot having frontage on two streets that are approximately parallel.

LOT LINE, FRONT shall mean the line separating a lot from the street or street right-of-way. On a corner lot, the front lot line shall be the line abutting each street.

LOT LINE, REAR shall mean the line opposite the front lot line. In the case of a lot that is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

LOT LINE, SIDE shall mean any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot is an interior side lot line.

LOT OF RECORD shall mean a parcel of land separately described on a plat or metes and bounds description recorded in the office of the Johnson County Recorder.

LOT WIDTH shall mean the horizontal distance between the side lot lines, measured at the two points where the front setback line intersects the side lot lines.

MAJOR STREET PLAN See Official Map.

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

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

MASTER PLAN See Comprehensive Plan

MODEL HOME shall mean a dwelling unit used initially for display purposes which typifies the kind of units that will be constructed in the subdivision.

MONUMENT shall mean a physical structure, which marks the location of a corner or other survey point.

NONCONFORMING LOT shall mean a lot that was legally established and in existence at the time this ordinance or any amendment was adopted but which does not conform to the current area and width requirements of the district in which it is located.

NONRESIDENTIAL SUBDIVISION shall mean a subdivision whose intended use is other than residential, such as commercial or industrial.

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

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

ORDINANCE shall mean any legislative action, however denominated, of the Town Council which has the force of law, including any amendment or repeal of any Ordinance.

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

PARCEL shall mean a separate division of land legally described, surveyed and of record to show the actual boundaries of the property.

PERIMETER STREET shall mean any existing street to which the parcel of land to be subdivided abuts on only one side.

PLAN COMMISSION shall mean the Town's Plan Commission as established in accordance with Indiana law, also known as the Advisory Plan Commission or the Commission.

PLANNED UNIT DEVELOPMENT shall mean a tract or parcel of land developed as a unit under single ownership or unified control that is unique and incorporates one or more of the following: a variety of uses, varied density of development, dedicated open space, preservation of significant natural features, reduced lot sizes or similar attributes that typically would not be easily achieved under conventional zoning districts.

PLAT shall mean a map indicating the subdivision or re-subdivision of land filed or intended to be filed for record with the County Recorder.

PRELIMINARY PLAT shall mean the preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for

approval.

PRIMARY APPROVAL shall mean 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 this Ordinance (per I.C. 36-7-4-700 series: Subdivision Control).

PRINCIPAL USE BUILDING shall mean 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 shall mean an agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

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

PUBLIC SANITARY SEWER shall mean a municipal sewer system, including collection and treatment facilities, established by a developer or the municipality to serve new or existing development.

PUBLIC UTILITY shall mean a person, firm, corporation, municipal department, or board authorized to furnish and furnishing to the public under municipal or state regulations water, sewage, gas, electricity, communications and power, including but not limited to sewage treatment plants, water pumping facilities, water treatment plants, water storage tanks, electrical substations and bulk gas metering facilities. This definition does not include wireless communications providers.

PUBLIC WATER SUPPLY shall mean a municipal water supply system including new and existing wells, and/or surface water sources and intakes, treatment facilities, and distribution lines established by a developer or the municipality to serve new or existing development.

RECREATION shall mean a use designed for active human participation that usually involves exertion or competition as part of leisure, amusement, play, exercise, sports or similar endeavors, including, but not limited to, health clubs, sports fields, courts and arenas, swimming pools, racquet clubs, billiard parlors, amusement parks, bowling alleys, miniature golf, golf driving ranges and similar uses. For the purposes of this ordinance, recreation uses are classified as indoor or outdoor recreation and may be further distinguished as commercial or noncommercial recreation. This definition does not include parks and recreation facilities owned by the public or golf courses and country clubs.

REGISTERED LAND SURVEYOR shall mean a land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

REGISTERED PROFESSIONAL ENGINEER shall mean an engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

RESTRICTIVE COVENANTS shall mean the limitations of various kinds on the usage of lots within a subdivision which are proposed by the developer or subdivider.

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

RIGHT-OF-WAY shall mean a strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening, or special landscaping, or any other use involving maintenance by the Town Council shall be dedicated to public or utility use by the developer or subdivider on whose plat such right-of-way is established.

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

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

SCREEN or SCREENING shall mean a visual barrier that surrounds a potentially offensive activity.

SECONDARY APPROVAL shall mean the stage of application for formal approval of a final plat of a subdivision which, if approved and signed by the designated officials, may be submitted to the County Recorder for filing.

SETBACK shall mean the minimum required horizontal distances measured from front, side, and rear lot lines which describe an area beyond which the main walls of a principal building may not extend. A "setback line" shall be the line established by the minimum horizontal distance for each yard. See "Yard" definitions.

SHADE TREE shall mean a tree in a public place, street, special easement, or right-of-way adjoining a street as provided in this Ordinance.

SKETCH PLAN shall mean an informal, informational drawing, as described in this Ordinance, preparatory to the drawing of the preliminary plat to enable the developer or subdivider to save time and expense in reaching a general agreement with the Commission as to the form of the plat and conformance to the objectives of this Ordinance.

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

SPECIAL LANDSCAPING shall mean areas of tree planting, shrubs, or other landscape features serving a public purpose and maintained by the Town. (See also Buffer Landscaping and Screening.)

STATE LAW shall mean such legislative acts of the State of Indiana as they affect this Ordinance.

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

STORM WATER UTILITY (see Storm Water Utility Board)

STORM WATER UTILITY BOARD shall mean the board responsible for the review and approval of all drainage related aspects of development within the limits of the Town.

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

- A. Principal arterials are roads and streets that serve activity centers and contain the highest volume of traffic. Their importance is primarily from their service to motorists passing through the area. The guidelines for Principal Arterials indicate that they are fully or partially controlled access facilities. Service to an abutting land use should be subordinate to service to major traffic movements. These arterials generally vary from less than one mile in dense, urban areas to more than five miles in low-density suburban areas.
- B. Minor arterials connect and help support Principal Arterials, and are generally used for trips of moderate length and a somewhat lower traffic density. Minor Arterials generally distribute the travel to geographic areas that are smaller than those served by the Principal Arterials. A Minor Arterial system would include all arterials that are not classified as principal. These facilities are needed to serve through travel, but also help to access the abutting land use. Generally, these Minor Arterials do not go through and establish neighborhoods. Minor Arterials service as connections to rural collector roads. The spacing of Minor Arterials varies from 1/8 to 1/2 mile in urban areas and central business districts and up to 3 miles in suburban areas. Generally speaking, Minor Arterials should be no more than one mile apart in fully developed areas.
- C. Major collector Street System provides land access of traffic circulation within urbanized areas. Collector Streets are found in all areas, including residential. Their primary function is to link minor collectors and local streets with the arterial street system. Although major

collectors generally serve adjacent land use, they also service areas that extend beyond the property areas. They essentially perform a function of providing local access and cross-town travel within an urban area.

- D. Minor collector are those that link local streets and highway to the higher order of classifications. They generally provide access to adjacent properties and serve to channel traffic to the major collectors and arterials. Generally, traffic volumes are low and they are often designated minor collectors due to their location within the street system, rather than being a high-level use. They differ from local streets and they have a service area that extends beyond their immediate area.
- E. Local streets are those that include all streets that are not identified as Arterial Collector. Their existence is primary to provide direct access to adjacent land and generally offer the lowest level of mobility, and are typically used as through service streets, such that through traffic is ordinarily discouraged.
- F. Marginal access streets are local roads which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through-traffic.
- G. Cul-de-sac streets are local roads with only one outlet, having a paved, circular turnaround area at the closed end for the safe and convenient reversal of traffic movements, including public safety vehicles.
- H. Alleys are minor ways, which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

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

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

STREET, PRIVATE shall mean any vehicular access not dedicated to the public that has been platted and recorded as a private street.

STREET, PUBLIC shall mean a right-of-way dedicated to the town or other governmental entity and owned by the city or other governmental entity for public purposes.

STRUCTURE shall mean anything constructed, erected, or placed which requires location on or in the ground or is attached to something having a location on the ground, including without limitation, buildings, manufactured homes, gazebos, play structures, decks, towers, fences, and swimming pools.

SUBDIVIDER shall mean any person who (a) having a proprietary interest in land, causes it,

directly or indirectly, to be divided in to a subdivision; or who directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or who to) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot, parcel site, unit, or plat in a subdivision; and who (d) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

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

SUBDIVISION, ADMINISTRATIVE shall mean the adjustment of lot lines and combination and merging of lots subject to the provisions of this Ordinance.

SUBDIVISION, EXEMPT, shall mean a division of an existing parcel of land which is not subject to most provisions of this Ordinance. Exempt divisions must be one of the following type of divisions: (a) 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 area created by the division; (b) 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; (c) A division of land for the acquisition of street right-of-way, or easement; (d) 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; (e) A division of land into cemetery plots for the purpose of burial of corpses; and (f) a division of agriculturally zoned land which results in one (1) additional lot for a building site, subject to Subdivision Control Ordinance.

TECHNICAL REVIEW COMMITTEE shall mean a committee comprised of persons with technical knowledge of various municipal, county, state and federal regulations and standards regarding development responsible for working with developers or subdividers in reviewing technical aspects of plans and other development projects and making technical findings for the Commission for their consideration in reviewing said plans. The committee shall consist of the Administrator and appropriate checkpoint agencies.

TEMPORARY IMPROVEMENT shall mean improvements built and maintained by a developer or subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond, or 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. See Official Map

TOWN ATTORNEY shall mean the licensed attorney designated by the Town Council to furnish legal assistance for the administration of this Ordinance.

TOWN CLERK TREASURER shall mean that Town Official empowered to examine and settle all accounts and demands that are chargeable against the Town and not otherwise provided for by statute.

TOWN COUNCIL OR COUNCIL shall mean the Town Council of the Town of Bargersville, Indiana.

TOWN ENGINEER shall mean the licensed engineer designated by the Town to furnish engineering assistance in the administration of this Ordinance.

TOWN REPRESENTATIVE shall mean the individual appointed by the Town Council to oversee and inspect infrastructure from time to time.

YARD shall mean an open space on the same lot with a building or structure, unoccupied and unobstructed between the building and the nearest lot line, except as otherwise provided (see also "building line").

YARD, FRONT shall mean the space extending the full width of the lot, the depth of which is the shortest horizontal distance between the front lot line and the nearest wall of the principal building.

YARD, REAR shall mean the space extending the full width of the lot, the depth of which is the shortest horizontal distance between the rear lot line and the nearest wall of the principal building.

YARD, SIDE shall mean the space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the shortest horizontal distance from the side lot line to the nearest wall of the principal building.

ZONING ORDINANCE shall mean the zoning ordinance of the Town of Bargersville, Indiana

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Effective Date

Chapter VIII

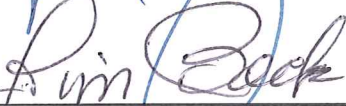
Town of Bartersville Subdivision Control Ordinance

Section 8-1 Effective Date

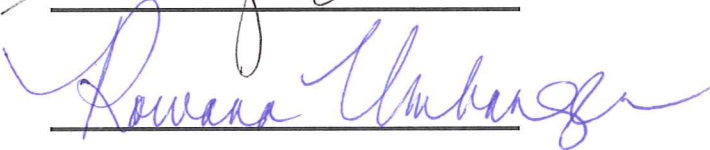
This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law. Passed and adopted by the Town Council of the Town of Bargersville, Indiana on DECEMBER 1, 2015.

TOWN COUNCIL OF THE
TOWN OF BARGERSVILLE, INDIANA









Attest: _____

Clerk-Treasurer