



Town of Bartersville
Subdivision Control Ordinance
Ordinance No. **1998-3**
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TOWN OF BARGERSVILLE

Subdivision Control Ordinance

1.0 GENERAL PROVISIONS.

A. SHORT TITLE:

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

B. 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 Town of Bargersville Plan Commission to review and approve or disapprove plats for subdivisions throughout incorporated areas of the Town, which show lots, blocks or sites with or without new streets or highways. This authority extends to the development or re-subdivision of undeveloped portions of previously recorded plats.

C. 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 and utilities.
5. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

D. JURISDICTION:

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

E. COMPLIANCE:

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

F. 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.

G. RE-SUBDIVISION OF LAND:

Procedure for Re-subdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Plan Commission by the same procedure, rules and regulations as for a subdivision.

H. VACATION OF PLATS:

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 therein, by a written instrument, to which a copy of such 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. Such an instrument may be approved by the Commission in like manner as plats of subdivisions. The Town may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
3. Such an instrument shall be executed, acknowledged, or approved, and recorded or filed, in like manner as a deed to land and being duly recorded or filed shall operate to terminate the effect of the plat so vacated, and to terminate all public rights in the public ways and public

grounds, and all dedications laid out or described in the plat or part of the plat.

I. MODIFICATIONS:

1. General. Where the Plan Commission finds that extraordinary hardships or 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, it 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; and further provided, the Plan Commission shall not approve modifications unless it shall make findings based upon the evidence presented to it in each specific case that:

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

b. The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property;

c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;

d. The modification will not in any manner contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Plan Commission and the Town Engineer;

e. Conditions. In approving modifications, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of standards and requirements herein;

f. Procedures. A petition for any such modification shall be submitted in writing by the sub-divider at the time the primary plat is filed for consideration by the Plan Commission. The petition shall state fully the grounds for the application and all facts relied upon by the petitioner.

1.1 DEFINITIONS.

A. USAGE:

1. 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.
2. 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 "this Ordinance."
3. 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".

B. DEFINITIONS:

ACCESSORY BUILDING shall mean a subordinate structure, the use of which is incidental to that of the dominant use of the primary building or land.

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 shall mean a plan commission serving a single local government jurisdiction established as defined under the Indiana Code 36-7-1-2, as amended.

AGENCY. See Public Agency

APPLICANT shall mean the owner of land proposed to be subdivided or his agent or his legal representative.

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 Commission.

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

BUILDING shall mean any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of that kind.

BUILDING CODE shall mean the Bargersville Building Code as per Ordinance 1989 – 5 as amended.

BUILDING COMMISSIONER shall mean the person who is authorized and directed to administer and enforce the provisions of the Bargersville Building Code.

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.

CENTRAL SEWAGE SYSTEM shall mean a sewer system owned and operated by the Town of Bargersville.

CENTRAL WATER SYSTEM shall mean a water supply system owned and operated by the Town of Bargersville.

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 a certificate of occupancy shall be issued when the structure is deemed complete and meet all the requirements of inspection for all utilities and has been approved by the Building Commissioner. In no case shall a certificate of occupancy be issued unless and until the developer has posted all necessary performance and maintenance bonds, has obtained final plat approval, the approved portion of the subdivision has all utilities installed and all other construction is a minimum of 80% complete.

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 or PLAN COMMISSION shall mean the Bargersville Plan Commission as referred to herein; not the Town Council, or any other commission unless so specified.

COMMISSION ATTORNEY shall mean the licensed attorney who furnishes legal assistance to the Commission for the administration of this Ordinance or as provided by statute. Unless otherwise provided by the Council, the Town Attorney is the 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.

DEPARTMENT. See Public Agency.

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

DEVELOPER shall mean the owner of land proposed to be subdivided or his representative. Consent for making applications for development approval shall be required from the legal owner of the premises.

DRAINAGE BOARD shall mean the Johnson County Drainage Board for land outside the town limits or Town Engineer for land within the 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 an authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose.

ESCROW 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.

FLOOD HAZARD AREAS shall mean those flood plains which have not been adequately protected from flooding by the Regulatory Flood by means of dikes, levees, or reservoirs, and are shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the State Natural Resources Commission.

FLOOD PLAIN shall mean the area adjoining the river or stream which has been or may hereafter be covered by flood water from the Regulatory Flood.

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

FLOODWAY. See Regulatory Floodway

FLOODWAY FRINGE shall mean those portions of the Flood Hazard Areas lying outside the Floodway, shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

FOUNDATION shall mean the supporting member of a wall or structure

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

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.

FRONT YARD shall mean a yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage.

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

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. See Lot Improvements or Public Improvements.

INDIANA CODE shall mean the Burns Indiana Statutes Code Edition, which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws "now" in force and applicable. (Usually abbreviated as I.C. herein.)

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

LOT, CORNER shall mean a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

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. Certain lot improvements shall be properly bonded as provided in these regulations.

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. Such dwelling units may be erected, only at the discretion of the Commission and only after all streets, sewer, water, and electric utilities have been installed. A model home cannot be sold without a certificate of occupancy.

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

NONRESIDENTIAL SUBDIVISION shall mean a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.

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

PERIMETER STREET 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, often referred to herein simply as the Commission.

PLANNED UNIT DEVELOPMENT shall connote a means of land regulation which permits large scale, unified land development in a configuration and possibly a mix of uses not otherwise permitted "as of right" under the Town Zoning Ordinance but requiring under that Ordinance a special review and approval process.

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, pedestrianway, 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.

REAR YARD shall mean a yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

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.

REGULATORY FLOOD shall mean that flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources; this flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

REGULATORY FLOOD ELEVATION shall mean the maximum elevation reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision under construction.

REGULATORY FLOODWAY shall mean the channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

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. Such restrictive covenants are not enforceable by the Town Council or the Commission unless otherwise specified.

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.

SCREENING shall mean either (a) a strip of at least ten feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet high at the time of planting, of a type that will form a year-round dense screen at least six feet high; or (b) an opaque wall or barrier or uniformly maintained fence at least six feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except as permitted or required under the Zoning Ordinance. Where required by Zoning Ordinance, a screen shall be

installed along or within the lines of a plot as a protection for adjoining or nearby properties. Earth berms may be incorporated as part of such screening measures where appropriate.

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 a line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures may be erected as prescribed in the Zoning Ordinance.

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.

SIDE LOT LINES shall mean any lines separating two lots other than front or rear lot lines.

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 Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

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. The Indiana

Department of Transportation guidelines indicate that these routes be very limited in small areas such as Bargersville, that 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 are the facilities that 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.

STRUCTURE shall mean anything constructed or erected that requires location on or in the ground or is attached to something having a location on or in the ground.

SUBDIVIDER 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 to), 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 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. The following kinds of divisions of existing parcels of land are herein called "Exempt Divisions." These divisions are exempt from 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; and (e) A division of land into cemetery plots for the purpose of burial of corpses.

SUBDIVISION, EXEMPT. See Subdivision, above.

TECHNICAL COMMITTEE shall mean a committee comprised of persons with technical knowledge of various 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 of the Town of Bargersville 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.

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

ZONING ORDINANCE shall mean that Town Ordinance setting forth the regulations controlling the use of land in the incorporated area of the town and in unincorporated area of Johnson County surrounding the Town which is subject to the planning and zoning jurisdiction of the Town.

1.2 APPLICATION AND APPROVAL PROCEDURES.

A. GENERAL PROCEDURE:

1. Discussion of Requirements: Predesign Conference. Prior to submitting any of the materials required by this Ordinance, the applicant or his representative should discuss with the Administrator the nature of the land division being proposed, so that the applicant may be instructed concerning the classification of his subdivision and what regulatory procedures apply to it and must be followed under this Ordinance in order to secure primary and secondary approval. Where applicable, requirements concerning the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services should be discussed. The Plan Commission shall also advise the applicant, where appropriate, to discuss the proposed land division with those other officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction

2. Classification of Land Divisions. All land to be divided shall be categorized as a subdivision.

3. Before any permit shall be granted for a structure to be erected on land to be subdivided into a subdivision, the subdividing owner or his subdivision agent shall apply for and secure approval of the proposed subdivision in accordance with Section B and Section C of Article 1.2 (Application and Approval Procedures) of this ordinance.

4. 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 finds the subdivision to be so located, the Town Engineer 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 so as to reduce exposure to flood hazards; and that onsite waste disposal systems, if provided, will be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

B. SKETCH PLAN APPLICATION PROCEDURE FOR PRIMARY APPROVAL: SUBDIVISIONS.

1. Application Requirements. In order to begin the subdivision process the applicant shall file an application for review of sketch plan and certificate

with the Plan Commission and be entitled to a signed receipt for same. This application shall:

- a. Be made on forms available at the office of the Commission and signed by the owner or agent.
- b. Include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which the contract of sale was executed. If any corporations are involved, the Plan Commission may request a complete list of all directors, officers, and a listing of stockholders if less than ten (10) in number.
- c. Be presented to the Plan Commission in duplicate.
- d. Be accompanied by a minimum of three copies of the sketch plan.
- e. Be accompanied by a fee, if any, established by the Town Ordinance.
- f. Include an address and telephone number of an agent who shall be authorized to receive all notices required by this Ordinance.
- g. Include a listing of the checkpoint agencies and when they received a copy of the proposed sketch plan.

2. Checkpoint Submission. In order to fulfill this last application requirement, a copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so that their comments may be made to the Plan Commission. The Plan Commission shall request that all officials and agencies to whom a request for review has been made submit a written report to the Plan Commission 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:

- a. Town Council
- b. Town Utility Superintendent
- c. Town Engineer
- d. Representatives of non-Town Utilities as appropriate

- e. Appropriate Fire Departments
- f. Appropriate School Corporations
- g. Bargersville Police Department

C. SUBDIVISIONS:

1. General Procedures for Primary and Secondary Approval. Should the Plan Commission, during sketch plan review, classify the proposed land division as a major subdivision, the developer or subdivider shall follow the procedures and be subject to the processes outlined in Figure 2-1, and detailed in this Section. In addition to a sketch plan which is reviewed by the Plan Commission and checkpoint agencies, the applicant seeking approval of a major subdivision shall submit a preliminary subdivision plat to be approved, conditionally approved, or rejected by the Commission at a public meeting, and a final subdivision plat which must be found in compliance with the preliminary plat as approved by the Commission or otherwise approved in order to be signed and recorded.

2. Official Submission Dates. Subdivider or Developer submits Preliminary Plat to Administrator. The Administrator within 30 days after receipt will set a hearing date.

3. Sketch Plan Review Process. Within twenty calendar days of the developer's or subdivider's sketch plan application submittal, the Administrator shall have studied the proposal, reviewed checkpoint reports received, and met with the developer or subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be suggested or required by this Ordinance. In 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 adjoining lands as yet un-subdivided, and the requirements of the Official Map and Comprehensive Plan.

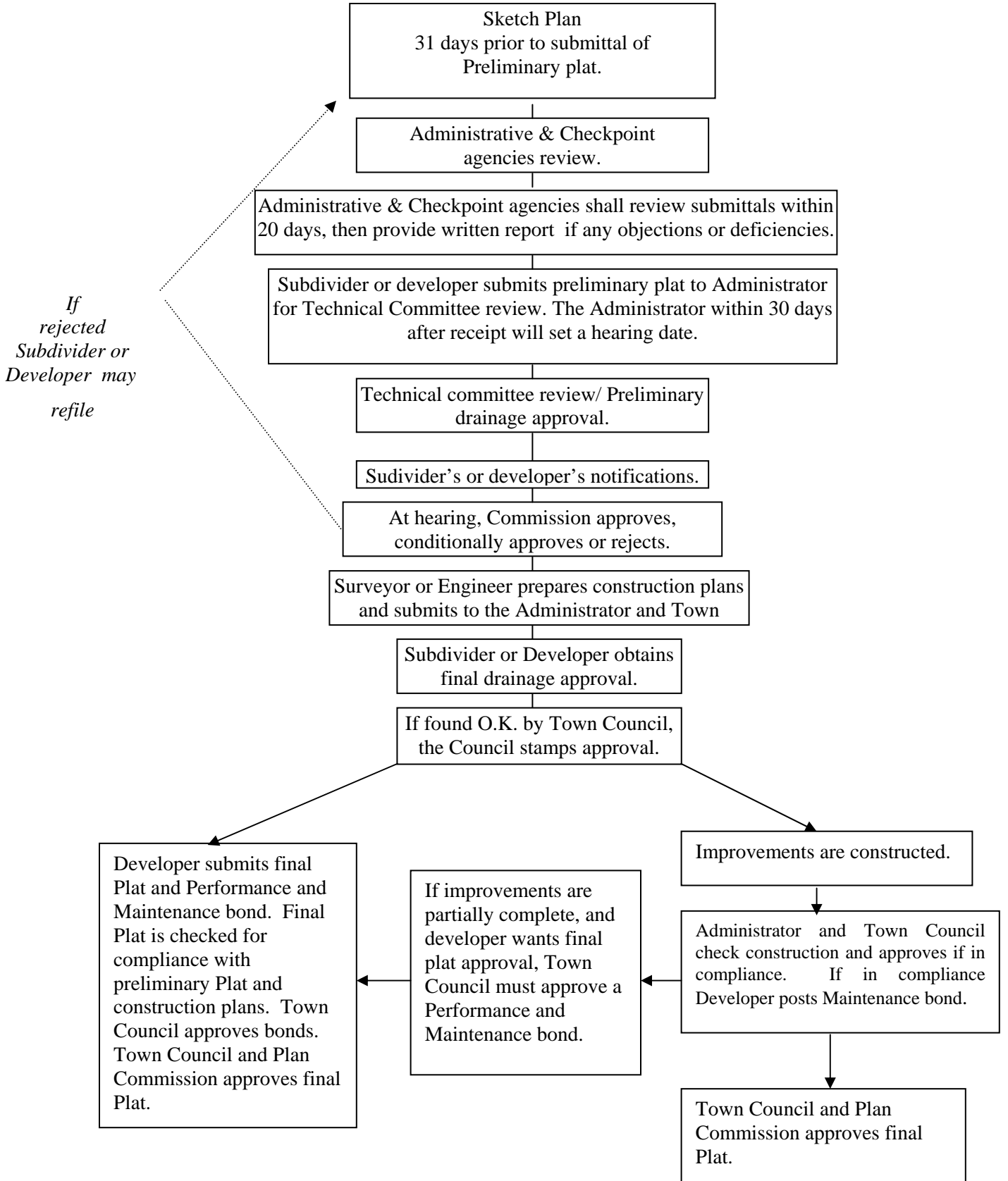
4. Preliminary Plat Procedures for Primary Approval:

- a. Submission Requirements. Following the submission, review, and report on the sketch plan application, the developer or subdivider may file for primary approval of a preliminary plat. This submission shall:

- i. Be made on forms available at the office of the Commission and be submitted with fee as established.
 - ii. Include indication of all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred feet therefrom, or of that directly opposite thereto, extending one hundred feet from the street frontage of such opposite land, with the names and addresses of the owners as shown in the Auditor's files. This information may be shown on a separate current Plat Map reproduction from the Auditor's office showing the boundaries of the subdivisions superimposed thereon.
 - iii. Be presented in duplicate to the Plan Commission no later than thirty calendar days prior to the regular meeting of the Commission at which it is intended to be heard.
 - iv. Be accompanied by four copies of the preliminary plat as described in this Ordinance.
 - v. Generally comply with the sketch plan as reviewed.
- b. Placement on the Commission Agenda. Subsequent to the submission for primary approval, the Commission shall place the matter on its next regular meeting agenda for formal action.
- c. Administrative Review. Subsequent to placement on the agenda, and prior to the date of public hearing, members of the Technical Committee shall review the proposal by Building Commissioner and prepare a written report to the Plan Commission and applicant indicating regulation compliance with regard to the subdivision being proposed.
- d. Preliminary Drainage Approval. Prior to the date of the preliminary hearing, the applicant shall have received preliminary approval from the Town Engineer.

APPROVAL PROCESS FOR MAJOR SUBDIVISIONS

Figure 2-1



e. Public Hearing Notification Requirements. The developer or subdivider shall complete the following ten days prior to the public hearing:

- i. Place a legal notice of the public hearing in a newspaper designated by the Commission and in a form, which meets Commission requirements. The cost of the legal notice shall be paid by the developer or developer or subdivider.
- ii. Notify all utilities, local fire departments, school districts, and law enforcement agencies serving the area, in writing, and provide the Commission with copies of the same.
- iii. Notify all interested parties, as determined by Commission rule.

At the public hearing, the developer or subdivider shall present proof that he has met all of the above requirements.

f. Primary Approval of the Preliminary Plat. After the Commission has held a hearing upon the preliminary plat, the Administrator's report, checkpoint recommendations, Technical Committee's Report, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall at a public meeting, grant primary approval, or disapprove the preliminary plat. One copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat within five days of the public hearing. Before the Commission approves a preliminary plat showing park reservation or land for other local governmental unit, the Commission shall obtain approval of the park or land reservation from the participating jurisdiction. Primary approval by the Commission is subject to review by certiorari. 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).

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

h. Effective Period of Primary Approval. Unless extended, the primary approval of a preliminary plat shall be effective for a period of two years (five years for a sectionalized subdivision) at the end of which time primary approval shall be null and void, and the developer shall be

required to resubmit a new application for sketch plan review and certificate subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon request of the applicant the Commission may extend primary approval of a preliminary plat in increments of one year beyond an expiration date without further notice and public hearing.

5. Approval of Construction Plans.

a. Submission Procedure and Requirements. Following the review of the sketch plan and primary plat approval, and prior to submission of the final plat for secondary approval, the applicant, if he wishes to proceed with the subdivision, shall file with the Town Council before starting work on any improvements three sets of the detailed plans and specifications thereof for approval. These plans and specifications are to be submitted a minimum of two weeks prior to a regularly Town Council meeting at which approval will be requested by the applicant.

b. Review Process. The Town Council 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.

c. Installation of Improvements. Inspection of improvements shall be under the direction of the Town Council. The developer or subdivider shall sign an "Agreement for Inspection and Testing Services" with the Town, as prescribed in the Appendix, Form 13.

6. Final Plat Procedure for Secondary Approval.

a. Submission Requirements. Following primary approval of the preliminary plat and construction plans, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator a request for secondary approval of a final plat. The application shall:

- i. Be submitted on forms available at the Office of the Commission.
- ii. Include the entire subdivision, or section thereof which derives access from an existing state, county, or municipal roadway.
- iii. Be accompanied by three copies of the final plat as described in this Ordinance.

- iv. Totally comply with the Ordinance and the terms and conditions of primary approval.
- v. Be accompanied by the Performance bond, if required, in a form satisfactory to the Commission Attorney and in an amount established by the Commission which is 120% of the cost of the construction of subdivision improvements upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements.
- vi. Be accompanied by the Maintenance bond, in a form satisfactory to the Commission Attorney and in an amount established by the Commission which is in the amount of 25% of the cost 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.
- vii. Be accompanied by any restrictive covenants in a form approved by the Commission, where they have been proposed by the developer or subdivider or required by the Commission.
- viii. Be accompanied by a fee as established by the Commission or by Town ordinance.

b. Determination of Conformance (Secondary Approval). In order to be recorded, a final plat shall be found to be in conformance with the primary approval 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 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.

c. Sectionalizing Plats. Prior to granting secondary approval of a major subdivision plat, the Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least twenty lots or ten percent of the total number of lots contained in the approved

plat, whichever is less. The approval of all remaining sections not filed with the Plan Commission shall automatically expire after five years from the date of primary approval of the preliminary plat, unless the expiration date has been extended.

7. Signing and Recording a Plat.

a. Signing of Plat.

- i. When a bond is required, the Designated Officials shall endorse approval on the plat by signing the certificate after the bond has been approved, and all the conditions of the primary approval have been satisfied.
- ii. 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 satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Town Council as shown by a certificate signed by the Town Council, or the Town Engineer that the necessary improvements have been accomplished.

b. Recording of Final Plat.

- i. The Designated Officials shall sign the certificate, which shall be part of the tracing cloth or reproducible mylar of the subdivision plat, plus three mylar copies of the subdivision plat. Two mylar copies shall be returned to the developer or subdivider and his engineer or surveyor. One shall be retained by the Town, and one shall be provided to the County Recorder.
- ii. It shall be the responsibility of the developer or subdivider to file the plat with the County Recorder within thirty days of the date of signature and to also provide a computer disk to the town with above said information using AutoCad Version 14 or before, or as in a format agreed upon by the town.

1.3 DESIGN PRINCIPLES AND STANDARDS

A. GENERAL

1. In determining whether an application for approval shall be granted, the Commission shall determine if the plat conforms to the principles and standards required herein, which are deemed minimal; and whenever applicable requirements of other Town Ordinances are higher or more restrictive, those requirements shall control any application for plat approval.

2. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and value to the proposed development.

3. Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics. Subdivisions filed under the terms of this ordinance shall be required to install sanitary sewers.

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

5. In designing a street system, the developer or subdivider shall be guided by the following principles:

a. Adequate vehicular and pedestrian access shall be provided to all parcels.

b. Street connections into and from adjacent areas which may be required.

c. Local street patterns shall provide reasonable direct access to the primary circulation system.

d. Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.

e. Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.

f. Traffic generators within residential areas shall be considered in the design of the circulation pattern.

- g. Planning and construction of residential streets shall clearly relate to their local function.
- h. Local streets shall be designed to discourage excessive speeds.
- i. Pedestrian-vehicular conflict points shall be minimized.
- j. The space devoted to street uses shall be minimized.
- k. The number of intersections shall be minimized.
- l. Local streets shall be related to the topography.

B. GENERAL STREET STANDARDS AND REQUIREMENTS

1. Current AASHTO Standards shall be followed as a design standard unless otherwise specified in this Ordinance.
2. Only one 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. Two or more streets, driveways, or points of vehicle access may be permitted by the Commission only if they are needed to improve the safety and traffic circulation in the area.
3. Half streets shall not be permitted.
4. No street names may be used which will duplicate or be confused with names of existing streets, unless considered special exceptions by the 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 addressing standards.
5. Right-of-ways and paving for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the Commission's opinion, such extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts. In any event, no subdivision shall be designed so as to create or perpetuate the land-locking of adjacent undeveloped land.
6. A temporarily dead-end street shall be permitted in any case which a street is proposed to be and should logically be extended but is not yet constructed.

An adequate easement for a turn-around shall be provided for any temporary dead-end street which extends 200' or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-end street is legally extended.

7. 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 developer or subdivider shall dedicate additional width along either one or both sides of such streets of inadequate width so as to bring them up to standards, provided as the area to be used for widening is owned by the developer or subdivider or under his control.

8. Refer to the zoning ordinance for line-of-site design requirements on corner lots.

C. GEOMETRIC STREET STANDARDS

1. All dedicated right-of-ways shall conform to the following minimum dimensions:

Arterial Streets	130'
Major Collector Streets	100'
Minor Collector Streets.	70'
Local Streets	50'
Cul-de-sac Streets	50'
Cul-de-sac Turnarounds	65' radius
Crosswalks	10'
Utility Easements (see section 1.3 F)	

2. Street jogs with centerline offsets of less than 200' shall not be permitted.

3. All streets shall intersect at 90 degrees whenever possible for a minimum distance of 100 feet, however, in no instance shall they intersect at less than 80 degrees onto arterial or collector streets or less than 50 degrees onto local streets.

4. To insure adequate sight distances, when the street centerlines deflect more than 10 degrees, connections shall be made by horizontal curves. The

minimum centerline radius for local and cul-de-sac residential streets shall be 150' and for all other residential streets the minimum centerline radius shall be 200'.

5. A tangent of at least 100' shall be introduced between reversed curves on local and collector streets.

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

7. New subdivisions entrances shall have clear visibility for line of sight on existing roadways as follows:

<u>Posted speed limit</u>	<u>min. line of sight</u>
30mph	400ft
35mph	470ft
40mph	580ft
45mph	710ft
50mph	840ft
55mph	990ft

8. The maximum longitudinal grade for arterial streets shall not exceed 7.5%; for collector streets, 10%; and for local streets, 10%; provided however, that within 200' of a street or railway intersection, the maximum grade permitted shall be 50% of the maximum grade specification. The minimum longitudinal grade for all types of streets shall be 0.5%.

9. Vertical curves conforming to AASHTO Standards shall be provided at all changes in grade. The minimum size for any vertical curve shall be 100 feet.

10. The maximum length cul-de-sac street shall be 500', measured along the centerline from the intersection at origin to the center of the circle. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of 130' for residential use and 130' for industrial use, unless the Commission approves an equally safe and convenient form of space instead of the required turning circle.

D. BLOCK STANDARDS

1. Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required in the area by this Ordinance and to provide for convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved.

2. The maximum block length shall be 800'. In the design of blocks longer than 800', the Commission may specify the provision of pedestrian crosswalks near the center, or wherever most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center or other significant site.

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

4. 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 planning, traffic flow and public areas.

E. LOT STANDARDS

1. Subdivision lots shall be adequate for the type of development and land use proposed, and shall conform to the Zoning Ordinance requirements.

2. The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.

3. Every lot or parcel shall have sufficient frontage and access to a public street designated, designed, and improved in accordance with the terms of this Ordinance.

4. The minimum lot width shall conform to the zoning ordinance and shall be measured at the building setback line.

5. The minimum yard size (setback lines) required for each lot shall be in conformance with the Zoning Ordinance.

6. Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines on both streets.

7. Double frontage lots shall not be permitted except where the purpose, according to this Ordinance, is to buffer residential development from adverse influences or to minimize the number of intersections with arterial streets and highways. A no-access screen planting buffer strip of no less than 10 feet shall be provided along lot lines adjoining such adverse influence or arterial street.

8. Lots abutting a watercourse, drainageway, channel or stream shall have additional minimum width or depth as required to provide an adequate

building site and afford the minimum usable area required for front, rear and side yards. A minimum building setback of 75' is required from all legal drainageways, unless modified by the Town Engineer.

9. A lowest Exterior Building Grade shall be provided for each lot. The elevation shall be a minimum of 2 feet above the emergency flood outlet stage for each lot (this includes localized flooding outside of the Federally regulated 100 year flood zones).

F. EASEMENTS

1. Adequate areas of suitable size and location shall be allocated for utility easements. Such easements shall provide reasonable continuity from block to block and shall be at least 20' in width located at all rear lot lines, and at least 15' in width located at least along every other side lot line. The Commission may require larger easements when deemed necessary.

2. Where a subdivision is traversed by a watercourse, drainage-way, channel or stream, adequate areas for storm water or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said watercourses.

3. Whenever practicable, the developer or subdivider shall be required to design for the placement of utility lines underground, following the required standards and specifications established by each utility company. The location of each underground utility system shall be shown by appropriate easement lines on the proposed plat.

G. COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

1. It is recognized that the developer or 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 Commission shall be upon street layout and block arrangement.

2. Generally, the procedural requirements shall be for the owner to follow the regular procedure outlined herein, however, the developer or subdivider need show only two lots along with the street and block layout. Then, from time to time, as prospective buyers or user express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded subdivision plat for consideration. Regular procedural requirements of the Commission following the receipt of a final subdivision plat shall then apply, except those streets that have been built by following an approved set of plans on the previously approved final plat shall not have to be rebuilt because of adoption of new criteria. This shall also apply to storm drainage facilities within said subdivision unless run-off characteristics have

been changed by newly proposed improvements or unauthorized existing improvements.

3. Commercial projects shall be subject to minimum lot areas. Each distinct business use shall occupy a separate lot, exempting strip centers, malls, or buildings containing more than one business.

1.4 IMPROVEMENTS AND INSTALLATIONS

A. GENERAL

1. Subdivision improvements shall be designed, furnished and installed in accordance with requirements herein and other applicable criteria. Whenever requirements of any other governmental unit are higher or more restrictive than this Ordinance, those requirements shall control any application for plat approval.

2. Prior to secondary approval of a plat and any construction in a subdivision, the developer or subdivider shall submit copies of the erosion control plan and construction drawings for street drainage facilities and all other required improvements to the Town Council at least thirty days before construction begins. Construction drawings for the water system, sanitary sewer system, and the erosion control plan shall also be submitted to the Indiana Department of Environmental Management, Town Engineer and such other state agencies as may be appropriate, at least 60 days before construction begins.

3. Inspection of construction of all required improvements shall be under the direction of the Town Council. The developer or subdivider shall sign an Agreement for Inspection and Testing Services with the Town, as prescribed in the inspection and testing forms provided by the Town Council.

B. STREETS

Improvements for streets shall be performed to meet the following minimum standards and requirements:

1. Pavement Construction

The Town Engineer or his representative shall be notified at least 2 working days in advance of sub-grade work, concrete paving, or asphalt paving, but work may proceed if the Town Engineer fails to inspect within 4 working days of notification.

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

a. Sub-grade

- i. Sub-grade and proposed building areas, as shown on the approved plans, shall be graded to a smooth, true surface and to the required depth, and all soft and spongy places not affording a firm foundation will be dug out and refilled with compacted earth or stone. The entire area shall be so compacted as to meet a standard proctor dry density of 95% with the final 6" reaching a compaction of 100% of a standard proctor or better. Stone backfill gradation shall have the approval of the Town Engineer. The sub-grade shall be rolled with a roller weighing no less than ten tons.
- ii. If dry, the sub-grade shall be sprinkled or otherwise wetted prior to the time of laying the pavement. However, no pavement shall be laid on a muddy sub-grade. The sub-grade shall be maintained in a well drained condition at all times during construction.
- iii. The sub-grade condition must be approved by the Town Engineer or his representative before any stone base and/or pavement is placed. The final sub-grade and stone base shall pass a proof roll test as directed by the Town.

b. Concrete Street Pavement Standards.

- i. This construction shall consist of reinforced or plain cement concrete laid as a pavement, in one course, on a 4" stone base, and conforming with lines, grades, thickness, and cross-sections as shown on plans or otherwise specified. The concrete shall reach a minimum 4,000 P.S.I. compressive strength at 28 days.
- ii. Unless otherwise specified, concrete for pavement shall entrain 5% to 7% air, and shall conform to Indiana Department of Transportation specifications, Section 501.
- iii. The test for slump of concrete for reinforced concrete pavement shall be in accord with ASTM C143-52, and for paving, the maximum slump shall be 2". In no case shall the water used, including any free water in the aggregate, exceed 5.8 gallons per bag (94 pounds) of cement used.

- iv. The two aggregates shall be proportioned to use the maximum amount of coarse aggregate to produce a workable mix. Fine aggregates shall not be less than 35% nor more than 40% of the total weight of the aggregate used in each cubic yard.
- v. Ready-mixed concrete shall be used in street construction except in extreme emergencies. Ready-mix suppliers shall provide certified mix analyses for all concrete provided by him.
- vi. Concrete Trucks shall not be allowed on a poured lane until a minimum of 7 days curing time has elapsed.
- vii. Construction shall proceed in an orderly fashion with the contractor assuring that adequate equipment and sufficient labor to expedite the work is on the job site at all times.
- viii. Concrete panels which are not square in shape shall be reinforced with a minimum of one layer of 6 x 6 6/6 W.W.F.
- ix. At the close of each day's work, a construction joint shall be made not less than 10'0" from the preceding transverse contraction joint. Sections less than 10'0" shall not be permitted.
- x. The upper edges of all pre-formed expansion material in joints shall be parallel to the surface of the pavement and level therewith.
- xi. Transverse expansion joints shall be constructed only as specified on plans.
- xii. In the construction of an expansion joint with load transfer, the joint shall comply with plan details.
- xiii. A joint holder will be required to hold the dowel bars accurately in place perpendicular to the cross section of the pavement and to the line of the joint.
- xiv. A dummy joint shall be constructed at 4'-0" off back of curb and parallel with the curb line for collector streets.

- xv. Contraction joints shall be installed at 12'- 0" intervals, at least one quarter of slab thickness, early enough to control cracking, but late enough to prevent damage by blade action if sawed, to slab surface and to the concrete immediately adjacent to the joint.
- xvi. At junctions with an unpaved street, new pavement shall be thickened for at least 12'- 0", gradually increasing thickness to not less than one and one-third times as thick as the designed slab.
- xvii. Wire mesh, if shown on plans or requested by the Town Engineer, shall be placed as directed and comply with provisions of AASHTO M55" welded steel wire fabric for concrete reinforcement.
- ixx. Unless otherwise specified, mesh shall be placed in the middle third of concrete and parallel to finished sub-grade. The ends shall not be more than 2" back from joints, and the edges not more than 3" from forms. Sheets shall be lapped at least the width of one mesh.
- lxx. Asphalt filler shall meet the detailed requirements of the Indiana State Department of Transportation AE150.
- xx. Immediately upon completion of finishing process, the concrete shall be properly cured by use of curing blankets, plastic sheets, or liquid membrane forming compounds conforming to ASTM C30953T. Failure to comply with requirements herein will result in rejection of the work.

c. Asphaltic Concrete Street Pavement Standards.

- i. This construction shall consist of hot asphaltic concrete on a compacted stone base, with pavement thickness coordinated with the Town Engineer as indicated in section 1.4-B-3, figure 4-3.
- ii. All materials, mixtures and workmanship shall conform to current Indiana Department of Transportation specifications that do not conflict with this ordinance.
- iii. Stub ends of streets shall have each layer of asphalt material extend at least 2 feet beyond the end of the subsequent layer.

iv. Coarse aggregate for asphaltic concrete pavement shall be No. 8 crushed stone only.

2. Minimum Paved Surface Dimensions

a. Local and cul-de-sac streets:

Width with curb and gutter.	26'
Width without curb and gutter.	22'
Terminus diameter on cul-de-sac (Residential use only)	110'
Radius at intersections	25'

b. Collector streets:

Width with curb and gutter.	32'
Width without curb and gutter	28'
Radius at intersections	25'

c. Landscape islands are not allowed unless maintained by the homeowner's association. Geometrics of cul-de-sacs with landscaping will be reviewed individually and may require a larger overall diameter than listed.

d. At an intersection of a subdivision street with an existing street or road, the subdivider shall install deceleration, acceleration and passing lanes along an existing street in accordance with Figure 4-1.

e. A graphical specification showing the proposed roadside ditch location and road widening for any adjacent street to a project is shown in Figure 4- 2.

3. Pavement Sections

The minimum thickness of sub-base, base course and pavement shall be as follows: (See Figure 4-3)

a. Local and Cul-de-sac Streets.

A 7" plain concrete pavement on 4" of compacted crushed stone on proof rolled compacted sub-grade, or a 5" hot asphaltic concrete

pavement consisting of a total of 4" of base and 1" of surface asphalt, on 9" of compacted crushed stone base on a proof rolled compacted sub-grade. The compacted sub-grade shall have the final 6" compacted to 100% standard proctor proof rolled.

b. Collector Streets:

A 7" plain concrete pavement on 4" of compacted crushed stone on compacted sub-grade, or a 7" hot asphaltic concrete pavement, consisting of total of 4" of base, 2" of binder, and 1" of surface asphalt, on 9" of compacted crushed stone base on compacted sub-grade. The compacted sub-grade shall have the final 6" compacted to 100% standard proctor proof rolled.

c. Arterial Streets:

An 8" plain concrete pavement on 4" of compacted crushed stone on proof rolled compacted sub-grade or a 9" hot asphaltic concrete pavement consisting of a total of 6" of base, 2" of binder, and 1" of surface asphalt, on 9" of compacted crushed stone base on a proof rolled compacted sub-grade. The compacted sub-grade shall have the final 6" compacted to 100% standard proctor proof rolled.

Higher standards than indicated in this section may be required by the Commission or the Town Council to provide for extraordinary traffic volumes or other abnormal characteristics. All materials, mixtures and workmanship shall conform to current Indiana Dept. of Transportation Specifications except as modified by Town specifications.

4. Curbs and Gutters

Wherever a proposed subdivision has more than two lots per acre of land platted into lots, there shall be provided curbs and gutters. Curbs and gutters in residential areas may be approved roll type with 4" curb and 24" minimum width made of 4000 P.S.I. concrete, and shall be 8" vertical face in other areas and on arterial streets. Curbs shall have a 1/2 " minimum depth control joints every 10'-0", and 1/2" expansion material at all sides of structures. Handicap access ramps shall be provided at intersections on all four corners. These ramps shall comply with Americans with Disabilities Act specifications.

5. Sidewalks

When any proposed subdivision contains more than two lots per acre of land platted into lots, sidewalks shall be provided on both sides of the street. They shall be at least 4'-0" wide and 4" thick, except where

sidewalk serves as the entrance portion to a drive in which case it will be 6" thick from back of sidewalk to curb, underlaid with adequate granular material, sloped 1/4" per foot toward the street and be located no closer than 1'-0" from property lines, and no closer than 5'-0" from the back of the curb. Handicap access ramps shall be provided where sidewalks join streets and at street intersections or as previously established.

6. Roadside Swales. Streets not having curbs and gutters shall provide the following:

a. Side ditch swales measuring 1'-0" deep at their centerline at a point 4'-0" inside the right-of-way line.

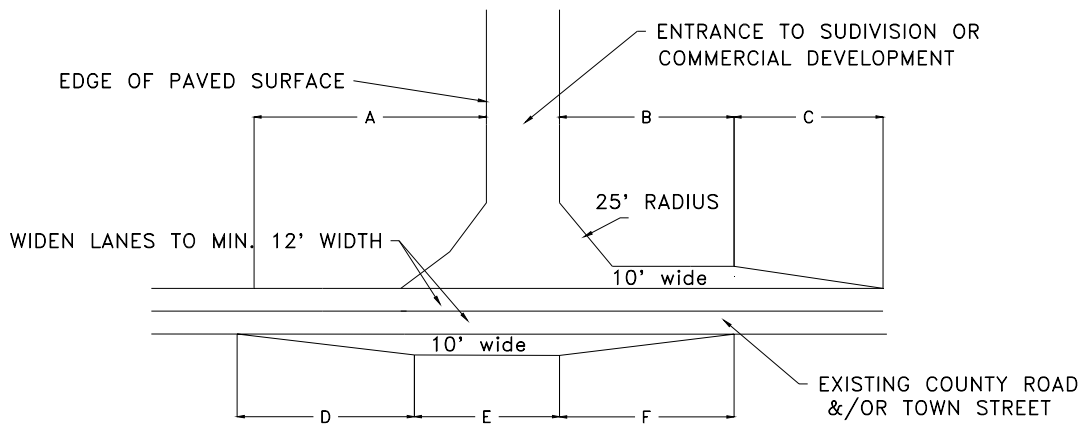
b. A swale or culvert at all driveways sized according to amount of storm water flow, as required to keep a ten-year rainfall event. All culverts shall extend at least 2'-0" beyond either edge of the paved roadway.

c. Culverts shall be under the roadway where necessary and be sized to carry flowing full a minimum of a ten-year rainfall event. All culverts shall extend at least 5'-0" beyond either edge of paved roadway.

d. Relief of side ditches and swales along the roadway through the use of off-street stormwater basins or existing drainage channels.

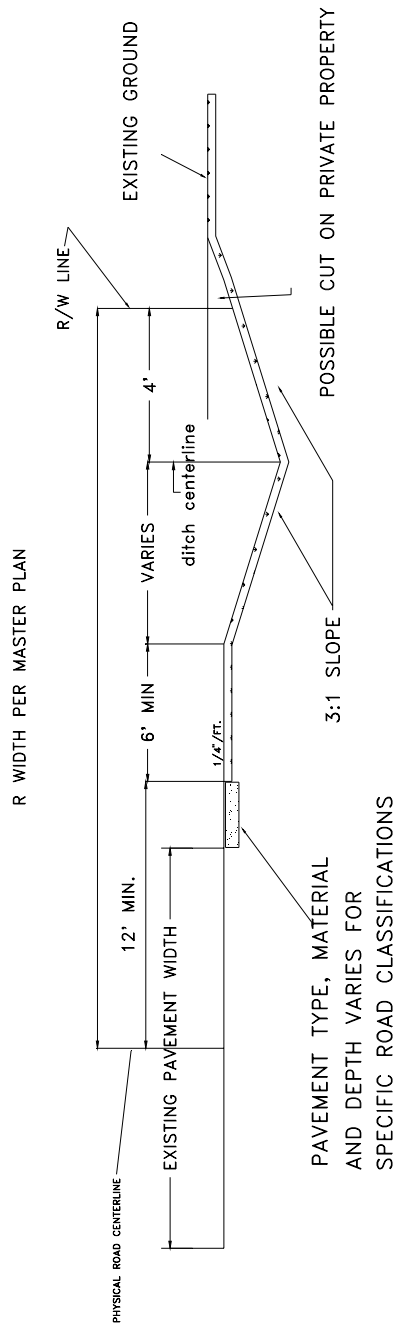
DESIGN SPECIFICATIONS FOR SUBDIVISION ENTRANCES

Figure 4-1 Entrance Arrangement



DIMENSION	STREET CLASSIFICATIONS			
	MINOR ARTERIAL	MAJOR COLLECTOR	MINOR COLLECTOR	LOCAL
A	100	75	100	50
B	100	75	100	50
C	100	100	100	50
D	125	100	100	N/A
E	125	100	100	N/A
F	125	100	100	N/A

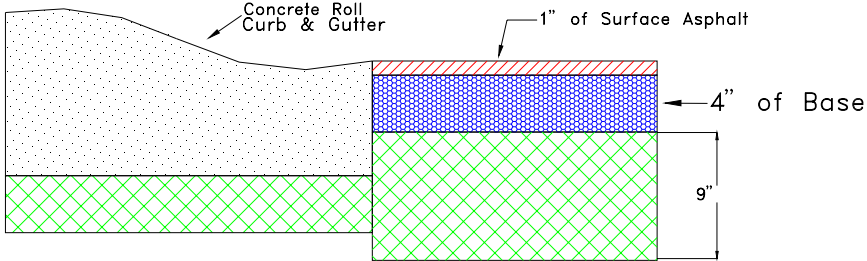
ROADSIDE DITCH LOCATION & DETAIL
FOR ROAD WIDENING
Figure 4-2



DESIGN SPECIFICATIONS FOR STREETS

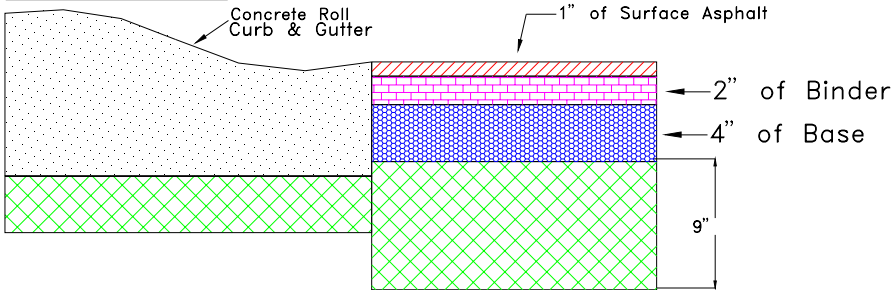
Figure 4-3

Local and Cul-de-sac Streets

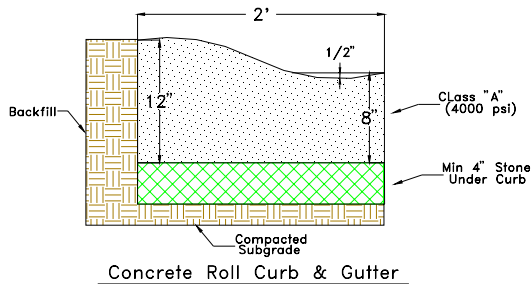
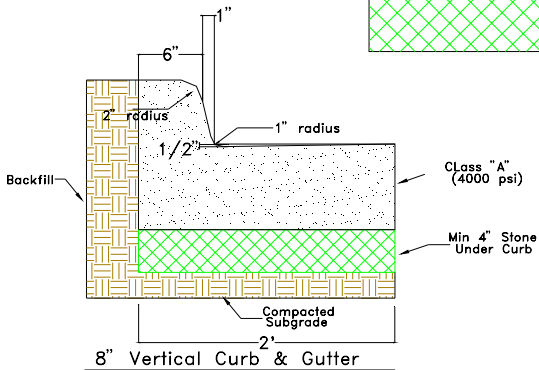
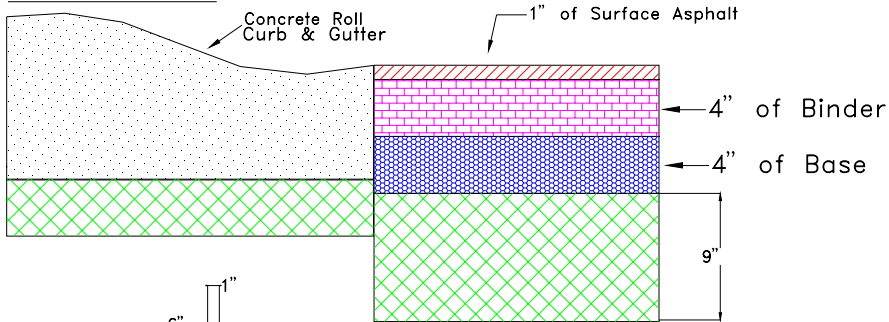


- Legend**
- Surface Asphalt
 - Binder Asphalt
 - Base Asphalt
 - Crushed Stone Base

Collector Streets



Arterial Streets



7. Street Identification Signs

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

- a. Each signpost shall consist of a 2" galvanized Round Post 12'-0" long with a minimum 3' below grade, weighing 2 pounds per foot.
- b. Each sign shall be of a metal double blade design, green reflectorized with 4" white letters, mounted at the top of the post with the street name on both sides.
- c. Street signs shall be located within the street right-of-way, but no closer than 7'-0" from the edge of the traveled portion of the street, as shown on construction drawings.

8. Stop & Speed Limit Signs

It shall be the responsibility of the developer or subdivider to provide and install Stop Signs and Speed Limit Signs prior to the release of the Performance Guarantees. The location of the Stop and Speed Limit Signs shall be approved by the Town Council prior to the installation. The maximum posted speed limit shall be 25 M.P.H. unless otherwise approved by the Town Council. Said signs and posts shall conform to the following standards or be of a design as approved by the Town Council:

- a. Each sign post shall consist of a 2" galvanized 12'- 0" Type A post, weighing 2 pounds per foot, with a minimum of 3'-0" below grade.
- b. Each stop sign shall be a minimum of 30" in sign face area, and be of engineering grade finish (No baked on enamel finish is allowed).
- c. Each speed limit sign shall be vertical rectangle with dimensions of 24" by 30" and be of engineering grade finish (No baked on enamel finish is allowed).
- d. Stop signs shall be installed so that the edge of the sign is a minimum of 2'-0" from the edge of the traveled portion of the street, The sign height shall be a minimum of 7'-0" from the top of the curb to the bottom of the sign.

- e. Speed limit signs shall be located within the street right-of-way, 2' off of back curb as shown on construction drawings.

C. DRAINAGE

1. A drainage system shall be designed and constructed by the developer or 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 approved by the Town Council and Town Engineer.

2. In designing a drainage system, the developer or subdivider shall be guided by the Town Engineer and the following minimum standards:

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

- b. Storm swale inlets shall be sized to accept a 10 year storm volume with 50% of the inlet clogged and no more than 0.8 feet of water pooling above the inlet.

- c. The storm detention design shall outlet storm water at a two year pre-developed rainfall event rate for a 10 year post developed storm. Also, the 100-year post-developed storm shall be limited to the 10 year pre-developed outlet rate.

- d. Storm pipes shall be reinforced concrete, Class III, with type B wall thickness. The minimum pipe size shall be 15" diameter. The minimum pipe flow velocity shall be 2.5 feet per second.

- e. Drainage swales with longitudinal slopes flatter than 1.0% shall have a 6" thick rebar reinforced concrete swale, a width (minimum 3 ft.) and shape as approved by the Town Engineer. Alternative type swale treatments shall be subject to approval of the Town Engineer.

- f. All over-land flow time of concentration values shall be based on the attached Figure 4-4.

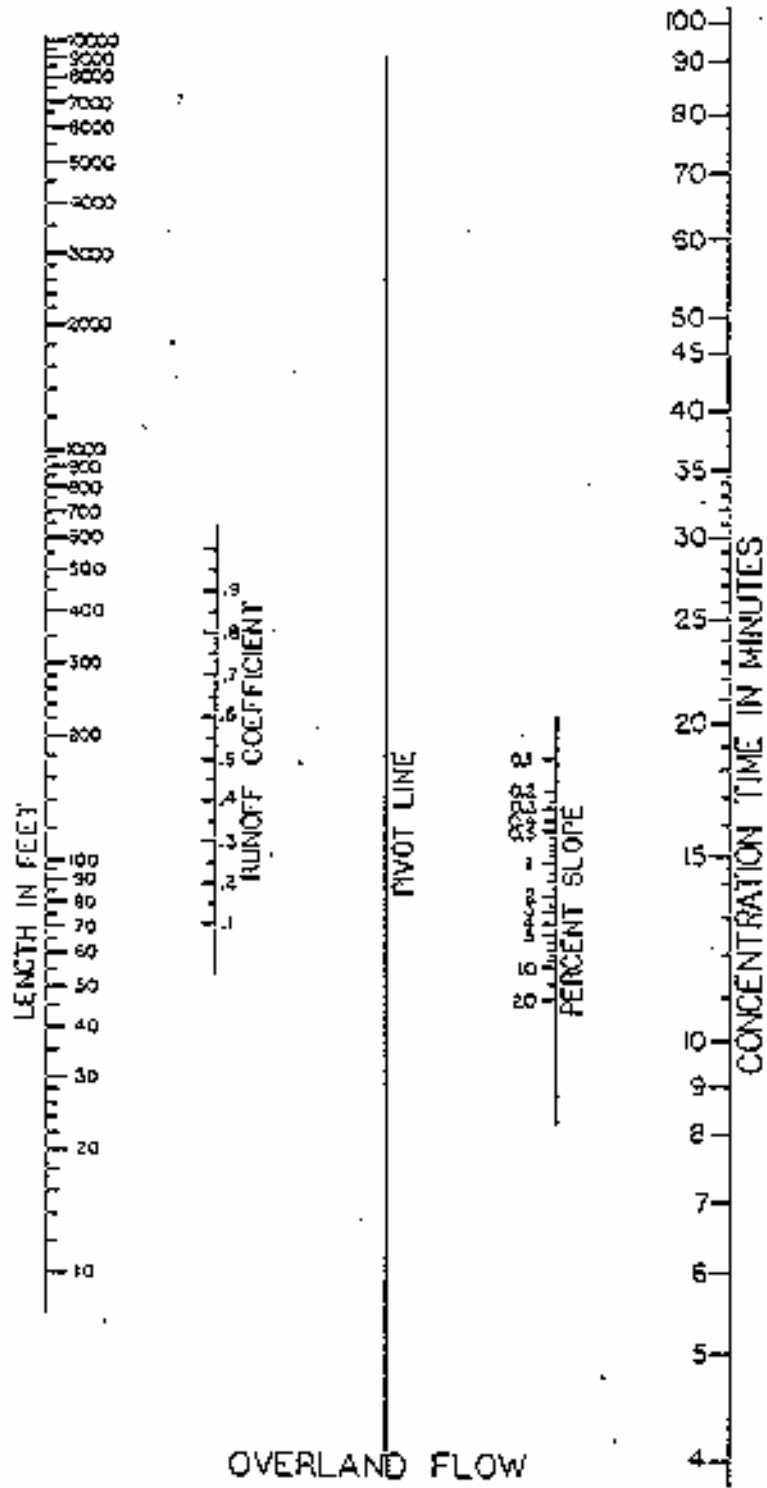
- g. Exposed ends of Storm pipes shall have 6" thick reinforced concrete slopewalls or riprap placed as directed by the Town Engineer. Refer to Detail shown on attached Figure 4-5.

- h. All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters and storm sewers, or side ditches and

culverts, as determined by the Council and the Town Engineer. A 4" minimum perforated tile may be required on each side of all streets if required by Town Council and:

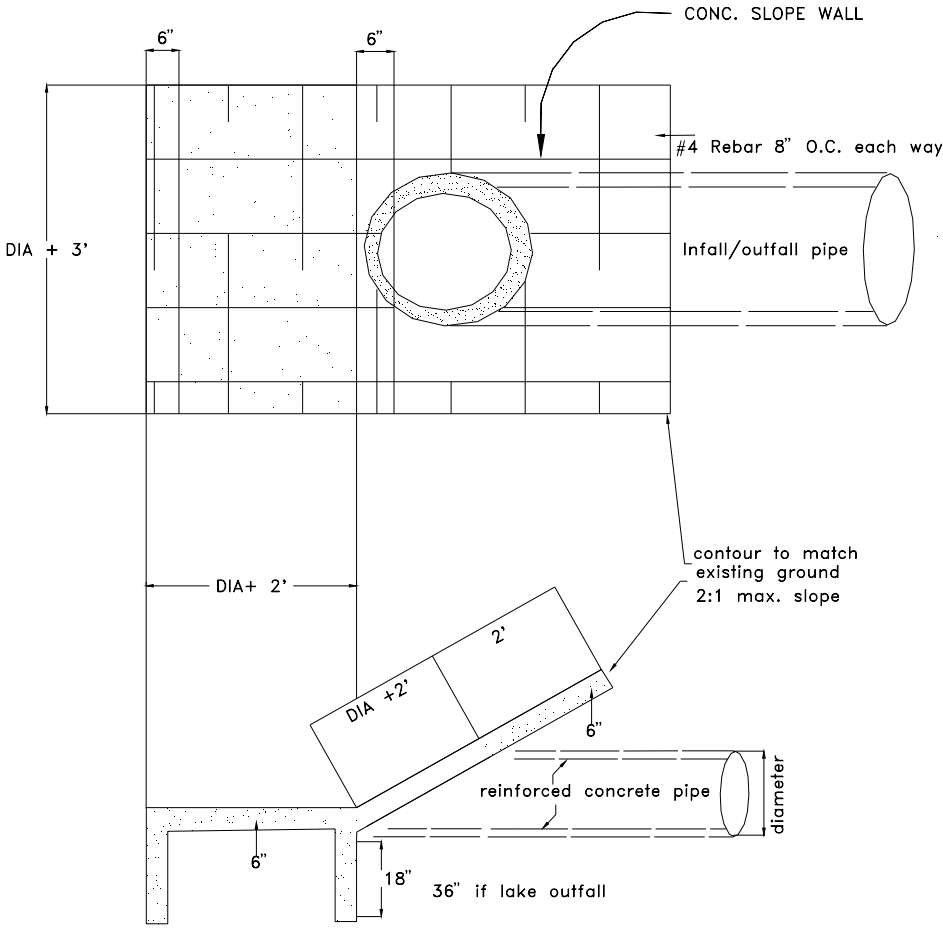
- i. be 18" below the soil sub-grade and parallel with the longitudinal pavement grade, but no lower than the curb box;
 - ii. Flow to the low point and into the storm drainage system;
 - iii. Be placed below pavement under the curbing;
 - iv. Be back-filled with #8 washed gravel.
- i. Inlets in streets shall be spaced a maximum of 500 feet apart, or 500 feet from the high point in the street.
- j. Down spouts and sump pump outlets shall discharge onto grass surface no closer to the road than the building setback line.
- k. The on-site drainage system shall be designed and sized to handle flowing full a minimum of a ten year rainfall event. The developer is responsible for analyzing the ponding and results of a 100 year rainfall event and establishing flood protection grade for all structures and verifying an adequate outlet for the 100 year storm with the storm pipe system completely plugged.
- l. Detention design shall adhere to current Soil Conservation Service methods for drainage. The rational method is acceptable for pipe design only.
- m. Wet detention ponds shall have a minimum 6 feet wide safety ledge placed below water level at a maximum water depth of 30". Also, wet detention ponds shall have at least 25% of the pond surface with a minimum water depth of 8 feet. The slope of the detention pond above the safety ledge shall not exceed 3:1.
- n. Pre-developed Run-off rates shall be based on either Pasture, Meadow, Brush, or Woods ground cover type. Any existing farm ground will be based on the pasture condition.

Figure 4-4



CONCRETE SLOPE WALL

Figure 4-5



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

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

q. The developer shall provide a water quality detention system that is designed to detain for over 24 hours at least 20% of the runoff from a 1 1/4" storm, or 1/2" of direct runoff, whichever is greater. All paved areas shall be routed through a water quality detention area.

r. The developer shall provide a plan for the continuation of underground drainage tiles.

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

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

5. Prior to obtaining final drainage approval, the developer shall submit a copy of a petition for establishing the drainage facilities within a subdivision as a legal drain or provide Homeowner's Association maintenance of drainage system. Said petition shall comply with the requirements of I.C. 36-9-27-54 et. seq. and include any storm sewers, ditches, rear yard swales or portions thereof, as the Town Engineer indicates.

D. SANITARY SEWAGE DISPOSAL

A sanitary sewer system shall be designed and constructed by the developer or subdivider to provide adequate sewage service for all lots in a proposed subdivision. A subdivision plat shall not be considered for final approval until improvement plans for a sewage system have been submitted to the proper Utilities for approval:

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

E. WATER SYSTEM

A connection to an existing water distribution system shall be provided by the developer or subdivider to provide adequate water service for all lots in the proposed subdivision. A subdivision plat shall not be considered for final approval until improvement plans for a water system have been submitted to the Utilities for approval:

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

F. UTILITIES

A subdivision Plat shall not be considered for final approval until plans for the utilities have been submitted to the Utility Superintendent for approval.

G. MONUMENTS AND MARKERS

1. All Section corners and Quarter Section corners shall be monumented and perpetuated.
2. The legal description on the Plat of Record or the Plat of Record for the subdivision shall be referenced to (2) two known section corners.
3. Permanent monuments shall be installed by the subdivider/developer of the subdivision and shall have the following characteristics:

Monument locations not in road pavement:

- a. Be 4" x 4" x 48" precast concrete, scored on top with a deep cross and set with the top flush with grade or be 6" diameter x 36" deep poured in place concrete with a 5/8" x 24" steel re-bar with the top extending 1/2" maximum above the finish concrete which concrete will be flush with grade. Monument shall include inscription with surveyor's name and identification number.

b. Be on all outside boundary corners and angle points, as the boundary is indicated on the primary plat of the subdivision, and be set in concrete.

c. Be installed prior to the release of the performance bond for that individual section of the subdivision, of the development.

d. Have the location of the permanent monuments indicated on the final plat of record prior to approval.

4. Permanent monuments or markers in road pavement shall be 5/8" steel re-bars or 5/8" square shank steel bars with a length to extend to the pavement sub-grade and to be set securely and grouted or epoxied, if necessary, with the top 1/4" below the finish pavement and with all adjacent surrounding voids filled and with a precise point marked on top. They are to be installed at:

a. The intersection of all street center lines, cul-de-sac radius points and boundary and street centerline intersections, the beginning and ending of all curves in street center lines and all as indicated on the plat .

5. The locations of all U.S., state, county or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved and perpetuated or referenced as required by the governing agency.

1.5 ASSURANCE FOR COMPLETION OF IMPROVEMENTS.

A. COMPLETION OF IMPROVEMENTS

Before the plat is executed by the Designated Official, the applicant, at the sole discretion of Board, may be required to:

1. Complete all streets, sanitary sewer systems, water distribution systems, and other public improvements including lot improvements on the individual lots of the subdivision as required in this Ordinance, specified in the approved construction plans and on the final subdivision plat approved by the Commission.

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

B. SECURITY

The plat may be executed by the Designated Official for a subdivision in which the improvements and installments have not been completed provided that:

1. The applicant has provided proof of security for installation of sanitary sewer systems and any other needed improvements not directly controlled by the Town;
2. The applicant has provided proof of financial responsibility with the Town Council of the Town of Bartersville 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 as set forth in this Ordinance;
3. The Security shall be in an amount not less than one hundred and twenty percent of the estimated cost of completion of required public improvements;
4. The period within which required public improvements must be completed shall not exceed two years from date of secondary approval.
5. Two months prior to the expiration of the Security, the Council shall determine if the public improvements have been installed consistent with county 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 developer or subdivider of their intent to secure the funds pledged by such Security, or at their discretion, to grant an extension for a period not to exceed one year, and the developer or subdivider shall file with the Town Council a new Security within the period so fixed. The Council may upon proof of difficulty, grant an extension of the completion date set forth in such Security for a maximum period of one additional year, provided that the Security submitted for this extension period meets all other requirements herein.
6. Failure to Complete Public Improvements. In cases where Security has been posted and the required public improvements have not been installed within the terms of such Security, or if the 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 Security to be in default and cause all public improvements to be installed according to secondary approval regardless of the extent of the building development at the time the Security is declared to be in default.
7. Release or Reduction of Security. A Security shall be reduced upon actual acceptance of public improvements and any conditions imposed by the plat

and then only by the amount originally estimated for the completion of said public improvements.

The Town Council shall not accept required public improvements, nor reduce a Security, until the developer or subdivider has submitted a certificate attesting to satisfactory completion and the developer's or 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 or participating jurisdiction. Upon such certification and such other evidence of satisfactory completion as may require, the Town Council shall thereafter accept the applicable public improvements for maintenance in accordance with established procedures.

C. TEMPORARY PUBLIC IMPROVEMENTS

The applicant shall build and pay for all costs of temporary public improvements required by the Commission and shall maintain the same for the period specified by the Commission. Prior to construction of any temporary public facility or improvement, the developer or subdivider shall file with the Commission a separate suitable Security for temporary facilities, which Security 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).

D. COST OF PUBLIC IMPROVEMENTS

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

E. GOVERNMENTAL UNITS

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

F. MAINTENANCE OF PUBLIC IMPROVEMENTS

1. The developer or subdivider shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said public improvements by the Council.
2. The developer or subdivider shall be required to file proof of financial responsibility ("security") with the Council prior to acceptance, in an amount

of twenty-five percent of the 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 security shall have the Town Council of the town of Bargersville as the named insured.

G. WAIVER OF REQUIRED PUBLIC IMPROVEMENTS

The Commission 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.

H. ISSUANCE OF BUILDING PERMITS

No building permit shall be issued for the last twenty five percent of lots in a final subdivision plat or section thereof, or if twenty five percent be less than two, for the last two lots of a subdivision or section thereof, until all required public improvements with the exception of sidewalks have been fully completed and accepted for maintenance by the Council.

1.6 SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED.

A. SKETCH PLAN FOR SUBDIVISIONS.

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

1. Name.

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

2. Ownership

a. Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

b. Citation of any existing legal rights-of-way or easements affecting the property.

c. Existing covenants on the property, if any.

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

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

4. Features.

a. Location of property lines, existing easements, burial grounds, railroad rights-of-ways, water courses, and existing wooded areas or trees eight inches or more in diameter, measured four feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract, names of adjoining property owners (from the latest assessment rolls) within six hundred feet of any perimeter boundary of the subdivision.

b. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.

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

d. The approximate location and widths of proposed streets.

e. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

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

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

h. 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 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 and drainage system of the remaining portion of the tract.

i. 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.

j. In addition to the Sketch Plan, the developer or 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.

k. An area map showing the total drainage area.

B. PRELIMINARY PLAT FOR SUBDIVISIONS:

1. General. The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one hundred feet to the inch, may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one sheet is used.

2. Features. The preliminary plat shall follow the following:

a. The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; and the names of adjoining streets.

b. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

c. The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.

d. The location and width of all existing and proposed streets, alleys, and other public ways, and their rights-of-ways, and of easements and building set- back lines.

e. The locations, dimensions, and areas of all proposed or existing lots.

f. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

g. The name and address of the owner or owners of land to be subdivided, the name and address of the developer or subdivider if other than the owner, and the name of the land surveyor.

h. The date of the map, approximate true north point, scale, and title of the subdivision.

i. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; also the location of all proposed monuments.

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

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

l. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.

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

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

i. Explanation of drainage easements, if any.

ii. Explanation of site easements, if any.

iii. Explanation of site reservations, if any.

v. Endorsement of owner, as follows:

Owner _____ Date _____

o. All subdivision plats containing lands identified elsewhere by Ordinance as flood prone areas shall have the elevation of the 100 year flood plain.

C. CONSTRUCTION PLANS FOR SUBDIVISIONS.

1. General Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch equals fifty feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

a. Profiles showing existing and proposed elevations along centerlines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the centerline of the existing street or streets within one hundred feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

b. The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred foot stations shall be shown.

c. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights-of-ways, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

d. Location, size elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroad, buildings, features noted on the Official Map or Comprehensive Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight inches or more,

measured four feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be 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.

e. Topography at the same scale as the sketch plan with a contour interval of two feet, 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.

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

g. Notation of approval as follows:

Owner _____

Date _____

Commission Date _____

President _____

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

i. All subdivision plats containing lands identified elsewhere by Ordinance, as such flood prone areas shall have the elevation of the 100-year flood plain.

D. FINAL SUBDIVISION:

1. General. The final subdivision plat shall be presented in india ink on tracing cloth or reproducible mylar at an appropriate scale and contain the same information, except for any changes or additions required by the conditions of primary approval.

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

b. All monuments 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.

c. Contain a statement to the effect that the Town Council may enforce subdivision covenants unless otherwise noted.

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

1.7 ADMINISTRATION.

A. AMENDMENT.

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

B. ENFORCEMENT.

No plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until approved in the manner prescribed herein.

C. RECORD OF PLATS.

All plats of subdivisions 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.

D. 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.

E. VIOLATION PENALTY.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, be fined not less than Ten Dollars nor more than Three Hundred Dollars, and for violations continued or renewed after one conviction, each day's violation shall constitute a separate offense. In addition,

action may be taken pursuant to IC 36-7-4-1013 through IC 36-7-4-1015 to enforce provisions of this Ordinance.

F. APPEAL.

Any person feeling himself aggrieved by action of the Commission may appeal to the 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 Commission listed in I.C. 36-7-4-1016 may be reviewed by certiorari procedure after administrative remedies are exhausted.

G. 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.

1.8 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 **February 10, 1998.**

TOWN COUNCIL OF THE
TOWN OF BARGERSVILLE, INDIANA

Attest:

Clerk-Treasurer