

## Chapter 30 - SUBDIVISIONS <sup>[13]</sup>

<sup>(13)</sup> **Cross reference**— Buildings and building regulations, ch. 10; zoning, ch. 46

<sup>(13)</sup> **State Law reference**— Platting and vacation of real property, IC 36-7-3-1 et seq.; local planning and zoning, IC 36-7-4-101 et seq.; subdivision control, IC 36-7-4-700 et seq. (Back)

### ARTICLE I. - IN GENERAL

#### Sec. 30-1. - Establishment of control.

(a) A plat or replat of a subdivision of land located within the territorial jurisdiction of the Town Plan Commission shall not be filed with the auditor, and the recorder shall not record any such plat, unless it has first been approved by the Town Plan Commission and a certification of such approval entered in writing on the face of the plat by the Plan Commission.

(b) When a parcel of land is subdivided (as defined in this chapter), no lot or unit thus created can be sold until a proper plat showing the subdivision has been approved and recorded as required by this section.

(c) Before a building permit is issued by the Town on any parcel of land which has been subdivided in accordance with the definition of subdivision as contained herein, such subdivision shall first have been reduced to a plat prepared by a registered engineer or land surveyor and said plat shall be submitted to the Plan Commission for determination that said subdivision shall be in accordance with the Town planning ordinances. The Plan Commission shall evidence their approval of the subdivision on the face of the plat and deliver the same to the subdivider for recording.

(Ord. No. 120, art. 2, 12-9-1981)

#### Sec. 30-2. - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commission or Plan Commission* means the Town Plan Commission.

*Easement* means a grant by the property owner of the use of a strip of land by the public or by One or more persons or corporations for a specific purpose or purposes.

*Large tree* means a tree that has a diameter of Four and One-half feet or more at a height of Four feet from the ground.

*Lot* means a portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.

*Lot Width* means the mean width of a lot measured at right angles to its depth.

(Ord. No. 2014-3, 6-23-2014)

*Street, major*, means a street or highway used primarily for heavy traffic, including at present Mineral Springs Road, East Road and West Road.

*Street, minor*, means a street intended primarily to provide pedestrian and vehicular access to abutting properties.

*Street, secondary*, means a street or highway which is intended to carry traffic from minor streets to major streets.

*Subdivision* means the division of a parcel of land into lots, parcels, units or interests.

*Territorial jurisdiction of the Dune Acres Plan Commission* means the Town of Dune Acres.

(Ord. No. 120, art. 3, 12-9-1981)

**Cross reference**— Definitions generally, § 1-2

**Secs. 30-3 – 30.22- Reserved**

## ARTICLE II. - PROCEDURE

### Sec. 30-23. - Preparatory steps.

(a) *Informal consultation with Plan Commission.* Before preparing the general plan of a subdivision, the subdivider shall consult informally with the Plan Commission to become familiar with subdivision requirements, the relation of their property to existing conditions, future plans, and community facilities, utilities, and services.

(b) *Other consultations.* The subdivider shall also consult with persons potentially interested in the development, such as mortgage, insurance, and lending institutions, in order to determine, at this initial stage, the market demand that should be served, the suitability of the location of the proposed subdivision, the Porter County Health Department to determine the soil suitability for location of a private septic disposal system and the most advantageous general plan or arrangement of streets, lots, and other features of the proposed development.

(c) *Duties of Plan Commission.* When consulted informally by subdividers, the Plan Commission shall discourage the subdividing of land far in advance of the time that such land is likely to be needed for development. The Commission shall also discourage the subdividing of land that cannot be efficiently served by public utilities, fire protection or other municipal services; or that is subject to flooding, or is topographically unsuitable for development; or that for any other reason would be unwisely or prematurely subdivided. The Plan Commission shall encourage the coordinated platting of adjacent small parcels of land, and to this end the Commission may make sketch plans for such coordinated platting, or may arrange meetings of the several owners of such parcels of land, or may carry out the intent of this provision by such other means as may be lawful and appropriate.

(Ord. No. 120, § 4.1, 12-9-1981)

### Sec. 30-24. - Preliminary plat.

(a) *Filing.* The subdivider shall submit to the Secretary of the Plan Commission a written application for a certificate of approval of a subdivision plat at least Ten days prior to the meeting of the Plan Commission at which it is to be considered. Three prints of the preliminary plat of subdivision shall be filed with the Plan Commission at the time the application is submitted. The preliminary plat shall comply with the provisions of section 30-116 and shall be accompanied by such other materials as may be required by this chapter. Fees charged for the filing of a subdivision plat shall be paid in full, on the basis of the estimated number of lots created and as specifically provided in article VII of this chapter, at the time the application is submitted.

(b) *Tentative approval.* The Plan Commission shall approve, approve conditionally, or disapprove such preliminary plat in accordance with its determination whether or not all requirements of this chapter are satisfied. Such action shall be taken within Seventy-three days after the subdivider's application, the preliminary plat, and all other required materials are submitted to the Secretary of the Commission; provided, however, that the Commission may delay its action at the request of the applicant.

(1) If the preliminary plat is approved with modification on waiver of certain requirements, the Plan Commission shall set forth in its own records such modification or waiver and the reasons therefor.

(2) If the preliminary plat is approved conditionally, the Plan Commission shall set forth in its own records the conditions and reasons therefor and provide the subdivider with a copy. In any conditional approval, the Plan Commission may require the subdivider to submit a revised preliminary plat.

(3) If the preliminary plat is disapproved, the Plan Commission shall set forth the reasons for such action in its own record and provide the subdivider with a copy; the Commission should, if possible, make recommendations on the basis of which the proposed subdivision may be approved.

(4) If the preliminary plat is approved, the Plan Commission shall enter such action on its official records and notify the applicant of such approval.

(5) Approval of a preliminary plat by the Plan Commission is not an acceptance of the subdivision plat for record and shall not be indicated on the face of the preliminary plat. Such approval shall be deemed only tentative approval of the subdivider's application, and shall constitute only an expression of approval of a general plan as a guide in the preparation of a final plat for final approval and recording, upon fulfillment of all requirements of these regulations. Such tentative approval shall not limit the Commission in introducing changes or revisions which it may subsequently deem necessary to the interests and needs of the community.

(6) One print of the preliminary plat shall be retained by the Plan Commission; the other prints shall be returned to the subdivider after the Commission has acted.

(7) Tentative approval shall be effective for a maximum period of Twelve months, unless, upon application by the developer, the Plan Commission grants an extension. If the final plat has not been submitted for final approval within this time limit, a preliminary plat must again be submitted to the Plan Commission for tentative approval.

(Ord. No. 120, § 4.2, 12-9-1981; Ord. No. 90-2, § 1, 7-28-1990)

**Sec. 30-25. - Public hearing.**

If the Plan Commission tentatively approves the subdivider's application, it shall set a date for a hearing, notify the subdivider in writing, give notice by publication in accordance with IC 5-3-1, and notify by proper publication or otherwise, at least Ten days prior to the date set for such hearing, any person or governmental unit having a probable interest in the proposed plat. The cost of publication of the notice of hearing shall be paid by the subdivider to the publisher at the time such notice is inserted.

(Ord. No. 120, § 4.3, 12-9-1981)

**Sec. 30-26. - Final plat.**

(a) *Filing.* The subdivider shall submit to the Plan Commission One original tracing and Three prints of the final plat of subdivision. The final plat shall comply with the provisions of section 30-117, and shall be accompanied by such other documents and materials as

may be required by this section. At the time the final plat is submitted, an adjusted filing fee will be determined on the basis of the actual number of lots created by the subdivision, and any additional fee shall be paid at that time.

(b) *Approval.* After the hearing specified in section 30-25, but not less than Twenty-five days after the final plat is submitted, the Plan Commission shall approve or disapprove the subdivider's application for approval of a subdivision plat. If the Plan Commission approves, it shall cause to be transcribed upon the original tracing of the final plat its certificate of approval, and it shall affix the Commission's seal upon such original tracing, together with the signature of the Secretary and President of the Plan Commission. If the Commission disapproves, it shall set forth the reasons for such disapproval in its own records and provide applicant with a copy. The decision must be signed by the Secretary and President of the Plan Commission.

(c) *Time limits.* The Plan Commission shall take final action, on all applications that are tentatively approved, within Seventy-three days after the meeting at which tentative approval is given, or within Forty-five days after the final plat is submitted, whichever is later. Failure by the Plan Commission to act within such period shall be deemed approval of the subdivision and the Secretary of the Plan Commission shall issue a certificate to that effect upon demand. Provided, however, that the Commission may delay any preliminary or final action at the request of the developer, in which case the provisions of this subsection shall not apply.

(d) *Dedicated streets.* Final approval of a subdivision plat by the Plan Commission shall in no way constitute legal acceptance of any dedicated streets or other public lands.

(e) *Time limit for recording.* Final approval of the final plat by the Commission shall become null and void unless the plat is recorded within Thirty days after the date of final approval; provided, however, that the Commission may extend this time limit at the request of the subdivider.

(Ord. No. 120, § 4.4, 12-9-1981).

**Secs. 30-27 – 30-55 - Reserved**

## ARTICLE III. - DESIGN STANDARDS

### Sec. 30-56. - Streets.

(a) *General.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the Town planning ordinances and shall be considered in relation to existing and planned streets, to topographical conditions and natural features such as streams, swamps, and existing tree growth, and to the proposed uses of the lands to be served by such streets.

(b) *Arrangements.* Where it is not shown in the Town planning ordinances, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(2) Conform to a plan for the neighborhood approved or adopted by the Plan Commission to meet a particular situation in which topographical or other conditions make continuation of or conformance to existing streets impractical.

(c) *Minor streets.* Minor streets shall be so laid out that their use by heavy and through traffic is discouraged.

(d) *Major streets.* Where a subdivision abuts or contains an existing or proposed major street, the Plan Commission, at its discretion, may require that certain marginal access streets be along the margin of the property, may reverse the frontage of lots by adding screen planting in a no-access reservation along, or may require such other treatment as it deems advisable to give adequate protection to residential properties and to afford separation of through and local traffic.

(e) *Reserve strips.* Reserve strips controlling access to streets are prohibited except where their control is definitely placed with the Town under conditions approved by the Plan Commission.

(f) *Street jogs.* Street jogs shall be avoided.

(g) *Reverse curves.* A tangent at least One Hundred feet long shall be introduced between reverse curves on major and secondary streets.

(h) *Sight distance.* A minimum sight distance with clear visibility, measured along the center line, shall be provided of at least Three Hundred feet on major streets, and One Hundred feet on secondary streets, and Seventy-Five feet on minor streets.

(i) *Minimum radii.* The minimum radii of curvature on the centerline shall not be less than Three Hundred feet on major streets, One Hundred Fifty feet on secondary streets, and One Hundred feet on minor streets.

(j) *Intersections.* Intersecting streets shall be laid out at as nearly right angles as possible, and no such angle of intersection shall be less than Fifty degrees. Property lines at street intersections shall be rounded with a radius of at least Twenty feet,

measured at curb lines, provided that where the angle of street intersection is less than Seventy-Five degrees, such greater radius shall be required as the Plan Commission may deem necessary. The Commission may permit chords or cut-offs in place of rounded corners. Wherever necessary to permit the construction of a curb having the required radius without curtailing the sidewalk at a street intersection to less than normal width, the property line at such street corner shall be bounded or otherwise set back sufficiently to permit such construction.

(k) *Right-of-way and roadway widths.* Unless otherwise specified in the Town planning ordinances, right-of-way and roadway widths shall not be less than the following:

<i>Class of street</i>	<i>Right-of-way</i>	<i>Roadway</i>
Major	One Hundred	Twenty-five
Secondary	Sixty	Twenty-two
Minor	Forty	Twenty

(l) *Half streets.* Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of this chapter, and where the Plan Commission finds that it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there exists a half street adjacent to a tract to be subdivided, the other half shall be platted within such tract.

(m) *Dead end streets.* If a street is designed to have One end permanently closed, such closed end shall not be more than Five Hundred feet from an intersection of such street with another street. At the closed end of such street, there shall be provided a turn-around either: having an outside roadway diameter of at least Eighty feet and a street property line diameter of at least One Hundred feet, or a T turn-around Twenty feet in width, being perpendicular to, and extending Thirty feet in either direction from, the center line of the road.

(n) *Street names.* No street names shall be used that will duplicate or that may, in the judgment of the Plan Commission, be confused with the names of existing streets. Streets that are now or will eventually be continuations of existing streets shall be called by the names of such existing streets.

(o) *Grades.* No street grade shall be less than One-half of One percent. No major or secondary street shall have a grade in excess of Five percent, and no minor street shall have a grade in excess of Twelve percent.

(p) *Vertical curves.* All changes in grade shall be connected by vertical curves of minimum length in feet equal to Fifteen times the algebraic difference in rates of grade for major streets and One half this minimum length for other streets.

(Ord. No. 120, § 5.1, 12-9-1981)

**Sec. 30-57. - Easements.**

(a) *Utilities.* Easements across lots or centered on rear or side lot lines shall be provided where necessary, in the judgment of the Plan Commission, for overhead or underground utilities. Where provided, such easements shall be at least Twelve feet

wide.

(b) *Watercourses.* Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for such purpose. Parallel streets or parkways may be required in connection with such drainage easements.

(Ord. No. 120, § 5.3, 12-9-1981)

**Sec. 30-58. - Blocks.**

(a) *Length.* Block length shall usually not exceed One Thousand Three Hundred Twenty feet nor be less than Five Hundred feet.

(b) *Crosswalks.* Pedestrian crosswalks not less than Fifteen feet wide may be required in blocks longer than Nine Hundred feet where such crosswalks are deemed by the Plan Commission to be essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

(c) *Width.* Blocks shall be wide enough to allow Two tiers of lots of at least minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property, in which cases the Plan Commission may approve a single tier of lots of at least minimum depth.

(d) *Nonresidential blocks.* In areas permitted by an applicable zoning ordinance to be used for business or industry, blocks intended for such a use shall be specifically designed for such purpose with adequate space set aside for off-street parking and loading facilities.

(e) *Frontage.* Where frontage is on a major or secondary street, the long dimension of the block shall ordinarily front thereon.

(Ord. No. 120, § 5.4, 12-9-1981)

**Sec. 30-59. - Lots.**

(a) *Dimensions and areas.* The size, shape, and orientation of lots shall be such as the Plan Commission deems appropriate for the type of development and use contemplated, including provision for off-street parking and loading facilities; provided, however, that lot dimensions and areas shall not be less than required by any applicable zoning ordinance, nor shall they be less than shown on the following table:

	<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Minimum Area</i>
Lots served by public water and/or sanitary sewers	One Hundred Fifty ft.	One Hundred Forty ft.	Twenty-one Thousand square ft.
Lots served by neither public water nor sanitary sewers	One Hundred Fifty ft.	One Hundred Sixty ft.	Twenty-four Thousand square ft.

(Ord No. 2014-3, 5-19-2014)



(b) *Business lots.* Platting of lots for business purposes shall be avoided in favor of the comprehensive design of an integrated shopping center providing off-street parking and loading facilities.

(c) *Frontage.* Each lot shall abut on a public street.

(d) *Double frontage lots.* Double frontage and reverse frontage lots shall be avoided, except along major streets, in which case the Plan Commission may approve reverse frontage of lots with screen planting contained in a no-access reservation along rear property lines.

(e) *Corner lots.* Corner lots shall be sufficiently wider and larger to permit the additional width of side yard that may be required by chapter 46, zoning, and to permit the building setback lines specified in subsection (f) of this section.

(f) *Building lines.* Building setback lines shall be located at least Thirty feet from the street line of minor and secondary streets, and at least Fifty feet from the street line of major streets. On corner lots, such requirements shall apply along both streets. The Plan Commission may require that building setback lines for some lots be in excess of foregoing minimums. In such cases the prescribed lines shall be clearly marked on subdivision plats.

(g) *Lot lines.* Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Insofar as practical, lot lines shall be straight.

(h) *Screen planting easement.* A screen planting easement, across which there shall be no right of access, and which shall be at least Ten feet wide, may be required between residential and commercial or industrial lots, or along the rear line of lots when such rear lines abut on a major street.

(Ord. No. 120, § 5.5, 12-9-1981)

### **Sec. 30-60. - Public sites and open spaces.**

(a) *Schools and recreation facilities.* Where deemed essential by the Plan Commission or the Town Council, upon consideration of the particular type of development proposed in the subdivision, the Plan Commission may specify provision for schools and for recreation facilities, including neighborhood parks, playgrounds, and public access to water frontage. Such provision may include:

(1) A requirement that not more than Ten per cent of the grass area subdivided be dedicated for use as a public park or playground; and/or

(2) A requirement that land be reserved for a period of One year and that such reservation be extended for an additional Six months if, during the reservation year, a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved for schools or recreation facilities.

(3) In lieu of the dedication of land as required by Sec. 30-60(a)(1), the Town Council may require a monetary donation not to exceed 10% of the fair market value of the property proposed for subdivision. Said monetary donation will be used solely for the acquisition of new parkland or the improvement of existing town parkland.

(Ord. No. 2014-3, 5-19-2014)

(b) *Lands adjacent to Lake Michigan.* All land adjacent to Lake Michigan, and located within One Hundred feet of the landward side of the Ordinary High Water Mark, as established and defined by the State of Indiana, shall be dedicated for use as a public park.

(Ord No. 2014-3, 6-23-2014)

(c) *Community assets.* In all subdivisions, due consideration shall be given to the preservation of watercourses, large trees, and similar natural features as well as to the unusual topography characteristic of the Town.

(Ord. No. 120, § 5.6, 12-9-1981)

**Sec. 30-61. - Suitability of the land.**

(a) Land subject to flooding, and land deemed by the Plan Commission to be unsuitable for platting because of topography, drainage, or for other reasons, shall not be platted for residential or commercial occupancy nor for such other uses as may increase or cause danger to health, life, property, or aggravate any flood hazard. Such land deemed unsuitable for platting shall include, without being limited to:

- (1) Land with an elevation less than Four feet above the highest ground water level; provided, however, that land with an elevation of between Two and Four feet above such highest ground water level may comprise not more than Ten per cent of the minimum lot area of a residential lot;
- (2) Land with an elevation less than Two feet above the approximate high water elevation of any lake, stream, or swamp affecting the plat; provided, however, that such land may comprise not more than Ten per cent of the minimum lot area of a residential lot;
- (3) Land with an elevation less than Six Hundred Ten feet above mean sea level; provided however, that the Plan Commission may permit such land to be platted if:
  - a. It determines that permanent efficient operation of a septic tank sewage disposal system is possible thereon; or
  - b. Connection with a public sewage disposal system is provided.

(b) The provisions of this section shall not apply to land in the business and industrial districts, the ground level of which has been raised by filling to elevations above the minimum elevations specified in subsections (1)—(3) of this section.

(Ord. No. 120, § 5.7, 12-9-1981)

**Sec. 30-62. - Private sewage disposal systems.**

The Porter County Health Department shall be contacted to determine the suitability of each lot for the installation of a private septic disposal system. Such system must meet the state and county laws and regulations governing the location, design standards, installation and operation of private septic disposal systems. In any event, the lot shall be sized so that no part of the septic system is located closer than Twenty-five feet to a

property line nor One Hundred feet to a well if the well is used to provide the potable water for the residence.

(Ord. No. 90-2, § 2, 7-28-1990).

**Secs. 30-63 – 30-82 - Reserved**

## **ARTICLE IV. - IMPROVEMENTS**

### **Sec. 30-83. - Requirement for final approval.**

The Plan Commission shall not give final approval to any application for approval of a subdivision plat unless the improvements and installations specified in section 30-84 have previously been completed and are in place; provided, however, that the Commission may give final approval to such a plat if the applicant provides a bond which shall comply with the requirements specified in section 30-117(c). No plat may be recorded in the county recorder's office unless approved and certified by the Plan Commission.

(Ord. No. 120, § 6.1, 12-9-1981)

### **Sec. 30-84. - Nature of improvements required.**

The following improvements and installations, constructed in accordance with the requirements of section 30-86, shall be required:

- (1) Street and grading and surfacing, and stabilization of banks to prevent wind and water erosion;
- (2) Storm sewers, culverts, drainage facilities, and bridges, retaining walls or other improvements where necessary in the judgment of the Plan Commission;
- (3) Sanitary sewers, unless, in the judgment of the Plan Commission, the provision of sanitary sewers is impractical, in which case individual lots shall comply with the size requirements specified in section 30-59 and shall be provided with septic tanks and disposal fields prior to or at the time of construction of building on such lots;
- (4) Water mains unless, in the judgment of the Plan Commission, connection to a public water supply is impractical, in which case individual lots shall comply with the size requirements specified in section 30-59
- (5) Crosswalks, where required;
- (6) Monuments.
- (7) Eradication of Invasive Plant Species
- (8) Remediation of areas disturbed by construction activities using vegetation indigenous to the site unless, in the judgment of the Plan Commission, said vegetation is unsuitable for the intended purpose in which case Plan Commission will suggest suitable alternatives.

(Ord. No. 120, § 6.2, 12-9-1981; Ord. No. 2014-3, 6-23-2014)

**Sec. 30-85. - Approval of improvement plans.**

(a) *Planning Engineer.* After receipt of an application for approval of a plat of subdivision, the Plan Commission shall designate a licensed professional engineer to be the Planning Engineer who shall perform the duties specified by this chapter in connection with the approval of such application by the Commission. No individual shall be appointed a Planning Engineer if such individual has at any time rendered any professional services to the applicant in connection with the subdivision under review or in connection with any other subdivision.

(b) *Approval of improvement plans by Commission.* No improvements or installations shall be made unless and until all necessary plans, profiles, and specifications have been submitted to and approved by the Plan Commission, after recommendation of the Planning Engineer designated as provided in this section. After such plans, profiles, and specifications are submitted for review, the Planning Engineer shall prepare an estimate of cost for office checking and field inspection, and the subdivider shall thereupon deposit with the Secretary of the Commission an amount of money equal to said estimated cost. All work done by such Planning Engineer in connection with checking, computing, and correcting such plans for improvements and installations and in connection with field inspection of the construction thereof, shall be charged to such deposit. If, during the progress of the work, it shall appear that the cost thereof will exceed the amount so deposited, the Planning Engineer shall notify the Plan Commission and the subdivider of this fact and shall do no further work in connection with such review or field inspection until the subdivider has deposited with the Commission the additional amount of money necessary to cover the cost of the work. Upon completion of the work of checking plans and inspecting the construction of improvements and installations the Planning Engineer shall forward to the Plan Commission a statement of the amount of their fees to be charged against the deposits made by the subdivider. The Commission shall thereupon refund to the subdivider any unexpended balance of such deposits. If such fees for any reason exceed the amount of the deposit, the Commission shall collect the balance due and shall issue a statement that such charges have been paid.

(Ord. No. 120, § 6.3, 12-9-1981)

(c) All proposed improvements shall be subject to the provisions of Chapter 46, Article IV of the Town ordinances.

(Ord. No. 2014-3, 6-23-2014)

**Sec. 30-86. - Standards for improvements and installations.**

All required improvements and installations shall be constructed equal to or better than the standards of quality set forth in this section and in accordance with plans, profiles, and specifications for such improvements and installations that have been approved by the Plan Commission.

(1) *Streets.*

a. Street roadways shall be surfaced to the minimum widths specified in section 30-56 of this chapter.

b. Roadways shall be of bituminous concrete (AH); if over Twenty-Two feet

in width they shall be Ten inches of compacted crushed stone, base course, Two inch binder course, One and One-half inch minimum surface; and if Twenty-two feet wide or less, they shall be Six inches compacted crushed stone base course, Two inch binder course, and One inch surface course; provided, however, that the Plan Commission may permit the installation of surfacing other than bituminous concrete subject to standards assuring that such surfacing will be equivalent to the bituminous concrete surfacing required by this subsection.

c. All work on grading, surfacing, and improvement shall be performed in the manner prescribed in current standard specifications for road construction and maintenance of the State Department of Transportation .

(2) *Sewage disposal.*

a. *Private sewage disposal facilities.* All design criteria and installation of a private sewage disposal facility shall be in accordance with the laws and regulations of the state and county regulating sewage disposal systems, and a certification from the county or state shall be obtained, approving the design criteria and location for the septic system for each lot.

b. *Septic tanks and disposal fields.* Septic tanks and disposal fields shall be installed in accordance with the requirements of the laws of the state and the county.

(3) *Water supply.*

a. *Public water supply.*

1. Where public water supply is within reasonable distance, as determined by the Plan Commission, the subdivider or developer shall construct a system of water mains and connect with such public water supply and provide a connection for each lot,

2. Where public water supply is not available, each main structure shall be provided with an individual well by the developer or owner.

b. *Test wells.*

1. At least One test well shall be made in the area being platted for each One Hundred lots or for each Twenty-Five acres of area, whichever is the smaller. In cases where copies of the logs of existing wells located within the area being platted are available, this may be submitted in lieu of making test wells.

2. Test wells shall be at least Twenty-Five feet in depth, and shall produce safe potable drinking water at a rate of not less than Five gallons per minute.

3. A copy of the well log, which will include the name and address of the well driller, shall be submitted with the plat to the Plan Commission.

c. *Location and construction of individual private wells.*

1. Individual private wells shall be located at least Twenty-five feet from property lines; Fifty feet from all septic tanks; One Hundred feet from all tile disposal fields and other sewage disposal facilities; Ten feet from all cast iron sewer lines; Thirty feet from any vitrified tile sewer lines; and shall not be located within any floodplain.

2. As a precaution against seepage, a watertight seal shall be provided around the pump mounting.

3. All abandoned wells shall be sealed in a manner that will render them watertight.

4. In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system will be required.

d. *Public water distribution systems.* Public wells and other public water distribution systems shall meet the requirements of the State Department of Health.

(4) *Gas and electric utilities.*

a. The subdivider or developer shall provide a system of gas distribution lines to serve all of the lots in the subdivision.

b. The subdivider or developer shall provide an underground electrical distribution system to serve all of the lots in the subdivision.

(5) *Monuments.*

a. A complete survey shall be made by a surveyor or a registered civil engineer.

b. The traverse of the exterior boundaries of the tract and of each block, when computed from field measurements of the ground, shall close within a limit of error of One foot to Ten Thousand feet of the perimeter before balancing the survey.

c. Permanent reference monuments shall be located and placed within the subdivision. These monuments shall consist of metal bars not less than One-half inch in diameter and Thirty-Six inches in length, or shorter bars of not less than One-half inch in diameter lapped over each other at least Six inches with an overall length of not less than Thirty-Six inches, encased in a concrete cylinder at least Four inches in diameter and Thirty-Six inches in depth. One such monument shall be placed at each corner and at each change of direction in the boundary line of the subdivision; One such monument shall be placed at each block corner; and One such monument shall be placed at the point of curvature and point of tangency of each curve in a street line on both sides of the street.

(Ord. No. 120, § 6.4, 12-9-1981; Ord. No. 90-2, § 3, 7-28-1990)

**Secs. 30-87 – 30-115 - Reserved**



## ARTICLE V. - SPECIFICATIONS FOR PLATS

### Sec. 30-116. - Preliminary plat.

(a) *Form.* The preliminary plat shall be drawn with waterproof, nonfading black ink or drawn with pencil on tracing cloth, or tracing paper of good quality, on a scale of One inch equals not more than One Hundred feet. It shall be prepared by a registered civil engineer or a land surveyor.

(b) *Information to be shown.* The preliminary plat shall show correctly on its face the following information:

(1) The proposed number of the subdivision by which it shall be legally and commonly known.

(2) Location by section, township and range, municipality, county and state; or by other legal description. When platted premises are not included in the legal subdivisions of the government survey, then boundaries shall be defined by metes, bounds, and courses. The sections and parts of sections platted shall be designated by lines drawn upon the map with appropriate letters and figures. In case of a subdivision of lots of a previous survey, the outlines shall be designated upon the map and shall be marked with appropriate letters and figures in ink of a different color than that in which the map is drawn, or by black dotted lines.

(3) Names and addresses of developer and surveyor or engineer who made the plat.

(4) Date of survey.

(5) Scale of map, which shall be One inch equals not more than One Hundred feet.

(6) Plain designation of the cardinal points.

(7) Boundaries of the subdivision, indicated by a solid heavy line.

(8) Total acreage within subdivision.

(9) Description of all public grounds, except streets, by their boundaries, courses and extent; and all streets, alleys, public utility easements and railroad rights of way by their courses, lengths, widths, names or numbers, by writing or figures, upon that portion of the map intended for those uses.

(10) Existing water mains, storm sewers, sanitary sewers, culverts, bridges, and other utility structures within the tract, including pipe sizes, grades and exact locations, as obtained from public records.

(11) Existing zoning of proposed subdivision and adjacent tracts, in zoned areas.

(12) Boundary lines of adjacent tracts of subdivided and unsubdivided land, showing owners of record.

(13) Existing contours with intervals of not more than Five feet where the slope is greater than Ten percent and not more than Two feet where the slope is less than Ten percent. Elevations shall be based on sea level datum.

(14) Layout of proposed streets, crosswalks, and easements, showing all courses, widths, lengths, approximate grades and proposed street names.

(15) Layout, numbers and dimensions of lots. All lots intended for sale shall be numbered by consecutive numbers; the use of lettered or numbered blocks of lots is prohibited. Lots in numbered additions bearing the same name shall be consecutive throughout the several additions. Where all the lots are of the same dimensions, it shall be sufficient to mark the precise length and width upon One tier thereof. All gores, triangles or other lots which are neither squares nor parallelograms shall have the length of their sides plainly defined by figures.

(16) Number of outlots and private parks. Outlots and private parks shall be designated as such in printing upon the plat and shall be lettered respectively or given a name.

(17) Drainage channels, wooded areas, existing overhead and underground utilities, permanent buildings and any other significant items.

(18) Parcels of land intended to be dedicated or reserved for public use, or set aside for use of property owners of subdivisions.

(19) Building setback lines, showing dimensions.

(20) A key map at a scale on One inch equals Four Hundred feet or less, showing the boundaries of the proposed subdivision and covering the area within which it is to be located.

(21) The water elevation at the date of the survey of lakes, streams, or swamps within the subdivision or affecting it, as well as the approximate high and low water elevation of such lakes, streams, or swamps. The plat shall also show the contour line Two feet above such high water elevation. All elevations shall be based on sea level datum.

(22) If any portion of the land within the subdivision is subject to flooding, such fact and portion shall be clearly indicated by a prominent note on the preliminary plat.

(23) Any specific design criteria, installation requirements and/or any restrictions placed upon the location, installation and use of a private septic disposal system by the state or county in issuing a private septic system permit.

(c) *Other required materials.* The preliminary plat shall be accompanied by the following materials:

(1) Statement of the proposed uses of lots, stating type of residential buildings with number of proposed dwelling units; type of business or industry; so as to reveal the effect of the development on traffic, fire hazards, or congestion of population;

(2) Proposed covenants and restrictions;

- (3) Description of proposed water supply system, including direction and distance to nearest water mains;
- (4) Description of proposed provision for sewage disposal, including information on drainage and flood control, including the results of any percolation tests or soil borings that may be required by section 30-86; and including satisfactory evidence that the proposed sewage disposal methods meet the requirements of the Indiana State Department of Health;
- (5) Proposed zoning plan for the area, if any zoning changes are contemplated;
- (6) A centerline profile of all proposed streets or roads, with typical cross-sections indicating proposed crowns and slopes anticipated in meeting required street improvements. All drainage and drainage structures shall be indicated on such profile. All proposed grades shall be indicated in complete detail in the profiles and referenced to the stationing shown on the plan.

(Ord. No. 120, § 7.1, 12-9-1981; Ord. No. 90-2, § 4, 7-28-1990)

**Sec. 30-117. - Final plat.**

- (a) *Form.* The final plat shall be a map or chart clearly and legibly drawn in India ink on tracing cloth exactly Eighteen by Twenty-Four inches in size; provided, however, that the Plan Commission may accept or require a different standard size to correspond to local plat book dimensions. Reproductions by a dry process such as lithoprints, etchings, engravings, lithographs or printing press products are acceptable; provided that in any process of reproduction where use of chemicals is employed such chemicals shall be such as not to exert a destructive or altering effect upon the paper used or the ink thereon. The Plan Commission shall not accept any plat by any wet reproduction process such as photographs or photostats. When more than One sheet is required, there shall also be included an index sheet on like material and of like process and dimensions, showing the entire subdivision on One sheet and giving block and lot numbers.
- (b) *Information to be shown.* The final plat shall contain the following information:
  - (1) The name by which the subdivision shall be legally and commonly known shall be placed in large bold letters at the top of the plat.
  - (2) Location by section, township and range, municipality, county and state; or by other legal description. When platted premises are not included in the legal subdivisions of the government survey, then boundaries shall be defined by metes, bounds and courses. The sections and parts of sections platted shall be designated by lines drawn upon the plat with appropriate letters and figures. In the case of an increase of a subdivision of lots of a previous survey, the outlines shall be designated upon the plat and shall be marked with appropriate letters and figures in ink of a different color than that in which the plat is drawn, or by black dotted lines.
  - (3) Names of owners and surveyor or engineer preparing the plat.
  - (4) Date of survey.
  - (5) Scale of map, which shall be One inch equals not more than One Hundred

feet shown graphically.

- (6) Plain designation of the cardinal points.
  - (7) All plat boundaries with length of courses to One One-hundredth of One foot and bearings to half minutes.
  - (8) Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments (not less than Three), which shall be accurately described on the plat.
  - (9) Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and bearings.
  - (10) Exact location, width and name of all streets within and adjoining the subdivision, and the exact location of all crosswalks.
  - (11) Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord and chord bearings.
  - (12) All easements for rights-of-way provided for public services or utilities, and any limitations of such easements.
  - (13) All lot numbers and lot lines, with accurate dimensions in feet and Hundredths, and with bearings or angles to street or crosswalk way lines. Where all lots are of the same dimensions, it shall be sufficient to mark the precise length and width upon One tier thereof. All gores, triangles or other lots which are neither squares nor parallelograms shall have the length of their sides plainly defined by figures.
  - (14) Accurate location of all monuments.
  - (15) Accurate outlines and legal descriptions, by courses and extent, of any areas (not including streets, or public utility easements) to be dedicated or reserved for public use, with the purposes dedicated thereon; and of any area to be reserved by deed covenant for common use of all property owners.
  - (16) Building setback lines, accurately shown with dimensions.
  - (17) When lots are located on a curve or when side lot lines are at angles other than Ninety degrees, the width at the building line shall be shown.
- (c) *Certificates required.* The final plat shall also bear the following:
- (1) Either:
    - a. Certification, by the Planning Engineer designated as provided by section 30-85, that all improvements and installations required by this chapter are in place; or
    - b. Certification by such Planning Engineer that all necessary plans, profiles and specifications for all improvements and installations required by this chapter have been examined by him; and certification by the Secretary of the Plan Commission that the subdivider has filed a bond, which shall:

1. Run to the Town Council of the Town;
2. Be in an amount determined by the Commission, after recommendation by the Planning Engineer, to be sufficient to complete the improvements and installations, including the inspection and checking required by section 30-85, in compliance with the requirements of this chapter;
3. Be with surety satisfactory to the Commission; and
4. Specify the time for the completion of the improvements and installations.

(2) Certification by a registered civil engineer or a land surveyor to the effect that the plat represents a survey made by him; that all monuments shown thereon actually exist and that their locations are correctly shown; and that all dimensional and geodetic details are correct.

(3) Form of dedication, stating the name of the plat, that the lands embraced therein have been surveyed and platted and that the streets, public areas, sewers, water distribution lines, and other improvements shown thereon are dedicated to the use of the public. If there be any street, park or other places which are usually public, but are not so dedicated on the plat, the character and extent of the dedication of such street, park or other place shall be plainly set forth in the dedication. The dedication shall be signed by the person holding the title by deed of the lands, by persons holding any other title of record, by the persons holding title as vendees under land contract, and by the spouses of said parties and if the lands to be dedicated to public use are mortgaged, the mortgagees shall also sign the plat. The signatures must be witnessed and execution of the dedication must be acknowledged as deeds conveying lands are required to be witnessed and acknowledged.

(4) Proper form for the approval of the Plan Commission.

(5) Proper form for acceptance of dedicated improvements and lands, and acceptance of plat by Town Council.

(d) *Additional material required.*

(1) The subdivider shall submit with the final plat an abstract of title certified to date or, at the option of the subdivider, a policy of title insurance, for examination by the Plan Commission, in order that the Commission may ascertain whether the proper parties have signed and acknowledged the required certificates on the plat, and whether the property involved is free and clear of all encumbrances; provided, however, that the Commission may waive this requirement if it determines that unusual circumstances make such abstract or policy unnecessary.

(2) Any proposed protective covenants that are to run with the land shall be submitted with the final plat. These covenants may be shown upon the final plat, but if they are not so shown, they shall be submitted with the final plat in form for recording, and shall be recorded at the same time the final plat is recorded.

(3) The subdivider shall submit with the final plat all necessary plans, profiles, and

specifications for the improvements and installations required by article IV of this chapter; provided, however, that such plans, profiles, and specifications may, at the option of the subdivider, be filed prior to the filing of the final plat.

(Ord. No. 120, § 7.2, 12-9-1981)

**Sec. 30-118. - Requirements for auditor's endorsement on subdivision plats.**

Before a subdivision plat can be stamped with the auditor's endorsement, the following information must be on the plat:

- (1) All owners of any and all parcels making up the subdivision plat must sign the plat.
- (2) There must be a deed of dedication or equivalent statements on the plat.
- (3) The deed of dedication must include the following information: the full name of the subdivision, and whether any or all roads on the plat are dedicated to the public, or are to be private roads.
- (4) The full and complete name of the subdivision listed in the deed of dedication will be considered the legal name of the subdivision and should match the title on the face of the plat.
- (5) All signatures on the plat must also be typed or clearly printed beneath the signature per IC 36-2-11-16.
- (6) The signatures of the owners of the land being subdivided must be notarized and presented exactly as they took title.
- (7) All roads must have relevant information, including chord bearings and distances, the radius of the curve, and the length of all line segments. This information may be provided in a curve and or line table. The width of all rights-of-way must also be included.
- (8) The dimensions, bearings, and curve data for all line segments must be included on the plat. This information may be provided in a curve and or line table.
- (9) Each lot must have a unique number or letter designation on the plat, and the acreage amount of each lot must be shown.
- (10) Any private roads will be treated as taxable parcels and therefore the acreage of those roads must be included on the plat. Roads that are non-contiguous must be treated as separate parcels with their individual names and acreage amounts stated on the plat.
- (11) If a lot embraces more than one specific description, the memoranda attached to the plat must designate how much of the lot belongs to each of the part owners per IC 36-7-3-7(e).

(Ord. No. 2007-6, § I, 12-18-2007)

**Secs. 30-119 – 30-147 – Reserved**

## ARTICLE VI. - VARIANCES

### Sec. 30-148. - Hardship.

(a) *Modifications permitted.* Where it can be shown in the case of a particular proposed subdivision that strict compliance with the requirements of these regulations would result in extraordinary or undue hardship to the subdivider, or that these conditions would result in retarding the achievement of the objectives of these regulations, then the Plan Commission may vary, modify or waive requirements so that substantial justice may be done and the public interest secured. Any such determination shall be based fundamentally on a finding that unusual topographical or other exceptional conditions not caused by action of the subdivider require such variance, modification or waiver; and that the granting thereof will not adversely affect the general public nor have the effect of nullifying the intent and purposes of these regulations or of the planning ordinances.

(b) *Limitations.* In no case shall any variance, modification, or waiver be more than the least needed to eliminate such extraordinary or undue hardship or to promote the achievement of the objectives of these regulations and in no case shall such variance, modification, or waiver have the effect of reducing the traffic capacity of any major or secondary street; and in no case shall it conflict with any existing zoning regulations.

(c) *Conditions.* In granting variances, modifications, or waivers, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so affected.

(Ord. No. 120, § 8.1, 12-9-1981)

### Sec. 30-149. - Subdivisions creating Two or Three lots.

Following informal consultation between the Plan Commission and a subdivider as provided for in section 30-23, if the Plan Commission determines that a proposed subdivision would:

- (1) Create only Two or Three lots; and
- (2) Would not include the creation of any part of One or more streets, public easements, or other right-of-way, whether public or private, for access to or from such lots;

the Commission may permit an application for approval of a plat of subdivision to be accompanied by the final plat, thus waiving the requirement that a preliminary plat be filed. In addition to complying with all requirements of section 30-117, the final plat in such cases shall also be accompanied by the materials specified in section 30-116(c). No other procedural requirement of this chapter, including tentative approval, public hearing, and final approval, may be waived, nor may any substantive requirement be waived pursuant to this section, the purpose of which is limited to a simplification of procedural requirements in a limited class of cases in which submission of a preliminary plat seems likely to be unnecessary.

(Ord. No. 120, § 8.2, 12-9-1981)

**Secs. 30-150 – 30-166 – Reserved**



## **ARTICLE VII. – FEES**

### **Sec. 30-167. - Requirement.**

In order to cover the cost of examining plans, holding hearings, and other expenses incidental to the approval of a subdivision, the subdivider shall pay a fee at the time of application for approval of a plat of subdivision. Such fee shall be based upon the estimated number of lots created. At the time the final plat is submitted, the required fee will be recalculated on the basis of the actual number of lots created, and an adjustment of the fee will be made, the subdivider to pay an additional amount or to receive a refund if the adjusted fee differs from the original fee paid. There shall be no refund on any portion of the fee should the subdivider fail to file a final plat of subdivision. If, because of the failure of the subdivider to file a final plat within the time permitted, it is necessary to resubmit a preliminary plat for tentative approval, the subdivider shall be required to pay, without credit for any fees previously paid, the fee currently in effect at the time of resubmission.

(Ord. No. 120, § 9.1, 12-9-1981)

### **Sec. 30-168. - Amounts.**

The fees for approval of a subdivision shall be charged and collected at the following rate: Three Hundred dollars (\$300.00) per lot.

(Ord. No. 120, § 9.2, 12-9-1981; Ord. of 3-8-1989)

### **Sec. 30-169. - Inspection fees.**

All fees established by this article are in addition to any sums paid to cover the costs of review of improvement plans and field inspection of construction as required under the provisions of section 30-85.

(Ord. No. 120, § 9.3, 12-9-1981)

### **Sec. 30-170. - Use of fees.**

All fees collected under the terms of this article shall be credited to the general fund of the Town.

(Ord. No. 120, § 9.4, 12-9-1981)

### **Secs. 30-171 – 30-193 - Reserved**

## **ARTICLE VIII. - PENALTIES; RIGHT OF INJUNCTION**

### **Sec. 30-194. - Penalties.**

Any person, firm, or corporation who violates any provision of this chapter shall be charged with a misdemeanor and, upon conviction, shall be fined not less than Ten dollars (\$10.00) and not more than Twenty-five Hundred (\$2,500.00). In the event the offense or violation is a continuing One, extending from One date until the next, a separate offense or violation shall be deemed to have been committed on each day such offense or violation continues and shall be subject to a separate penalty under the provisions hereof.

(Ord. No. 120, § 10.1, 12-9-1981)

### **Sec. 30-195. - Injunction.**

The Plan Commission may institute a suit for injunction in the Circuit Court of Porter County to restrain an individual, or persons, firm, or corporation, or a governmental unit from violating the provisions of this chapter. The Plan Commission may also institute a suit for mandatory injunction directing an individual, or persons, firm, or corporation, or governmental unit to remove a structure erected in violation of this chapter.

(Ord. No. 120, § 10.2, 12-9-1981)