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CHAPTER 1
GENERAL PROVISIONS

1.1 TITLE

These regulations shall be known and may be cited and referred to as the “Subdivision Control Ordinance of the Town of Monrovia, Indiana,” and shall hereafter to be referred to as “these regulations.”

1.2 POLICY

1. It is hereby declared to be policy of the Town to consider the subdivision of land and the subsequent development of the subdivision plat as subject to the Town’s Comprehensive Plan and related policies for the orderly and efficient development of the Town.
2. Land to be subdivided shall be of such a character that it can be developed without peril to health or peril from flood, fire or other menace. Subdivided land shall have access to available existing public facilities and improvements and shall have proper provisions for drainage, water, sewerage and other necessary public improvements such as schools, parks, recreation and transportation facilities adequate for serving the subdivision.
3. Both existing and proposed public facilities serving the subdivision shall conform to the Comprehensive Plan and related policies.
4. The Plan Commission reserves the right to issue plan approval contingent upon receipt of appropriate documentation or permits from other agencies or utilities. The purpose of this policy is to reduce unnecessary hardship on parties seeking plan approval in the Town.

1.3 PURPOSE

1. To guide the future development and redevelopment of the Town in accordance with the Comprehensive Plan and related policies.
2. To provide for the safety, comfort, and soundness of the manmade environment and related open space.

3. To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
4. To guide public and private policy and action so as to provide adequate and efficient public and private facilities to achieve the most aesthetically pleasing and beneficial interrelationships between land uses, and to conserve natural resources such as natural beauty woodlands, open spaces, and energy both during and after development.

1.4 AUTHORITY AND JURISDICTION

1. These regulations are enacted pursuant to Indiana Home Rule and planning enabling legislation. Indiana Code 36-1-3-4; 36-1-3-5; and 36-7-4-700 Series authorizes the Plan Commission exclusive control to review and approve or disapprove plats for subdivisions throughout the incorporated area and the surrounding jurisdictional area of the Town of Monrovia. This authority also extends to the resubdivision of undeveloped portions of a previously recorded plat.
2. Any undeveloped parcel of land with a metes and bounds description established prior to the effective date of these regulations and less than five (5) acres in size shall comply with the provisions of these regulations to be eligible for an improvement location permit.
3. No Improvement Location Permit, Building Permit or Certificate of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity, with the provisions of these regulations. Also no construction of any public or private improvement shall take place or be commenced except in conformity with the applicable standards of these regulations and the Building Code.

1.5 ENACTMENT

In order that land may be subdivided in accordance with the purpose and policy contained herein, these regulations are hereby adopted.

1.6 INTERPRETATION

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general

welfare.

1.7 CONFLICT

1. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations impose a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.
2. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provision of these regulations is more restrictive or imposes a higher standard or regulation than the easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provision of the easement, covenant, or private agreement or restriction imposes a duty and obligation more restrictive, or a higher standard than the requirements of these regulations, or the determination of the Plan Commission in approving a subdivision or in enforcing these regulations, and the private provision is not inconsistent with these regulations or determination of the Plan Commission, then the private provision shall be operative and supplemental to these regulations and determinations of the Plan Commission. A private provision can only be enforced privately.

1.8 SEPARABILITY

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

1.9 SAVING PROVISION

1. These regulations shall not be construed as abating any action now pending under,

or by virtue of, prior existing subdivision regulations, 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 Town Council of the Town of Monrovia under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any right obtained by any person, firm or corporation, by lawful action of the Town except as shall be expressly provided for in these regulations.

2. Any proposed or actual subdivision of land having been granted preliminary or final approval by the Plan Commission under the previous Subdivision Control Ordinance shall be held to the provisions of that previous ordinance only and not to the provisions of these regulations, including existing provisions of time extension of final approval. Any proposed subdivision of land for which a complete application filing fee has been submitted and accepted by the Secretary of the Plan Commission, prior to the date of enactment of these regulations, shall be held to the provisions of the previous Subdivision Control Ordinance only and not to the provisions of these regulations.
3. Any division of land prior to the enactment of these regulations, and subsequent to February 10, 1997, which division or act was in violation of the ordinance repealed by these regulations, shall be subject to all remedies, penalties and defenses under the repealed ordinance.
4. Any subdivision qualifying under paragraph 1 or 2 of Section 1.9, having been granted final approval under the previous Subdivision Control Ordinance and prior to the effective date of these regulations and subsequently having completed the requirements for recording under the previous Subdivision Control Ordinance, may be signed by the designated officials as having been granted secondary approval and permitted to record the final plat.

1.10 RESERVATION AND APPEAL

Upon the adoption of these regulations prescribed by Indiana Code 36-7-4-701, the Subdivision Control Ordinance of Monrovia, Indiana, adopted February 10, 1997.

1.11 AMENDMENT

For the purposes of providing for the public health, safety, and general welfare, the Town Council of the Town of Monrovia, upon recommendation of the Plan Commission, may amend the provisions imposed by these regulations. A public hearing on any proposed amendment shall be held by the Plan Commission in the manner prescribed by the Indiana Code 36-7-4-701.

1.12 CONDITIONS

1. Regulations of the subdivision of land and the attachment of any reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Indiana to this Town prescribed by Indiana Code 36-7-4-700 Series.
2. The developer has the duty of compliance with any reasonable condition imposed by the Plan Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the Town and to provide for the safety and general welfare of the future lot owners in the subdivision and of the Town at large.

1.13 CITATIONS TO INDIANA CODE

Wherever within this ordinance, references are made to a particular Indiana Code citation it shall include any subsequent revision, amendment or recodification.

1.14 RESUBDIVISION

1. Any revision to an approved plat or amendment to a recorded plat shall be approved by the Plan commission by the same procedure, rules, and regulations as for a new subdivision. The applicant shall make a formal presentation at a regularly scheduled staff review meeting to determine if a new public hearing will be required.
2. Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and there are indications that the lots may be resubdivided into smaller building sites, the Plan Commission may require that the parcel of land allow for the future opening of a street and the ultimate extension of an adjacent street. Construction of an access road or easement providing for the future opening and extension of a street may be a requirement of the plat approval.

1.15 VACATION

The process to vacate a part of a plat, public way or public easement shall be in compliance with Indiana Code 36-7-3-10 through 16.

1.16 WAIVER

1. Where the Plan Commission finds that an extraordinary hardship or practical difficulty may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Commission may approve a waiver to these regulations so that substantial justice may be done and the public interest secured, provided that the waiver shall not have the effect of nullifying the intent and purpose of these regulations. Furthermore, the Plan Commission shall not approve a waiver unless it shall make findings based upon the evidence presented to it in each specific case that:
 - a. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other nearby property;
 - b. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict compliance of these regulations is carried out; and
 - d. The waiver will not in any manner violate the provisions of the Zoning Ordinance, Comprehensive Plan, or Thoroughfare Plan as interpreted by the Commission.
2. The Plan Commission may impose reasonable conditions with a waiver that may be necessary to accomplish the purpose of these regulations.
3. A request for a waiver shall be submitted in writing by the applicant with the application for primary approval. The written request shall state fully the grounds for the waiver as set forth in this section.

1.17 ENFORCEMENT

1. It shall be the duty of the Plan Administrator to enforce these regulations and to bring any violation or lack of compliance to the attention of the Town Attorney.
2. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of subdivision has been approved by the Plan Commission, in accordance with the provisions of these

regulations and recorded.

3. The division of any parcel of land into a subdivision, as defined in these regulations, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of one (1) or more new building sites shall not be eligible for a building permit.
4. No Improvement Location Permit, Building Permit, or Certificate of Occupancy required under the Building Code, the Zoning Ordinance or these regulations shall be issued on any property subject to these regulations until such property is in full compliance with the provisions of these regulations.
5. Any person who violates a provision of these regulations shall be guilty of an ordinance violation and, upon conviction, shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) for each day's violation. The time period of violation shall be determined by the court.
6. Any land subdivided in violation of the terms of these regulations after the effective date hereof, is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.
7. The Plan Commission may institute any injunction suit requesting a person or a governmental unit to be directed to remove a structure erected in violation of these regulations or to make the same comply with its terms. If the Plan Commission is successful in its suit, the respondent shall bear the costs of the action including, but not limited to, attorney fees, court costs, legal advertising, and professional services.
8. The Plan Commission may institute a suit for mandatory injunction requesting a person or a governmental unit to be directed, where such person or governmental unit has violated any provisions of these regulations, to comply with the provisions of the regulations.

CHAPTER 2. DEFINITIONS

2.1 INTERPRETATION

For the purpose of these regulations, certain words or terms herein shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation or other legal entity as well as an individual;
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
3. The word “shall” or “must” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement;
4. The words “used” or “occupied” include the words “intended, designed, constructed, converted, altered, or arranged to be used or occupied”;
5. The word “lot” includes the words “tract,” “plot,” or “parcel”; and
6. Any word or term not defined herein shall be given a meaning found in a standard English dictionary.

2.2 DEFINITIONS

This section explains the meaning of the more important terms used in the text of these regulations. A graphic illustration of certain definitions is provided in the Appendix. Any zoning, drainage or erosion control terms or words used in the text of these regulations but not defined herein shall have the meaning as defined by the Town of Monrovia Zoning Ordinance or the Town of Monrovia Drainage, Erosion, and Sediment Control Ordinance.

1. AASHTO: American Association of State Highway and Transportation Officials.
2. ACCELERATION LANE: An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.
3. ACCESS ROAD: A street designed to provide vehicular access to abutting property.

4. ACRE: A measure of land area containing forty-three thousand five hundred and sixty (43,560) square feet.
5. ADMINISTRATIVE OFFICE: The business office the Town of Monrovia.
6. ALLEY: A right-of-way, other than a street, road, crosswalk, or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches.
7. AMENDMENT: A change to a recorded final plat generally affecting the total subdivision.
8. APPLICANT: The owner of real estate or an authorized agent of the owner, who makes application to the Town of Monrovia for action by the Commission affecting the real estate owned thereby.
9. APPLICATION: A form completed as specified by these regulations and all accompanying documents required by these regulations for approval for the application.
10. BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-ways, waterways, or any other barrier to the continuity of development.
11. BOND: A surety bond or instrument of credit in a form satisfactory to the Council.
12. BUFFER STRIP: Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.
13. BUILDABLE TRACT: A parcel of land which is eligible for an improvement location permit in its current form without further subdivision approval.
14. BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.
15. BUILDING CODE: The Town ordinance establishing and controlling the standard for constructing buildings, utilities, mechanical equipment and all forms

of structures and permanent installations and related matters, within the Town. Also referred to herein as the Building Code of the Town of Monrovia, Indiana, Ordinance No. 1987-13 and amendments thereto.

16. BUILDING PERMIT: Written permission issued by the Building Commissioner for the construction, repair, alteration, or addition to a structure.
17. BUILDING SITE: An area proposed or provided by grading, filing, excavating, or other means for erecting pads, slabs, or foundations for buildings.
18. CATCH BASIN: An inlet designed to intercept and redirect surface waters.
19. CENTRAL SEWERAGE SYSTEM: An approved sewage disposal system which provides a collection network and central sewage treatment facility for a single development, community or region.
20. CENTRAL WATER SYSTEM: A system for common water distribution whether publicly or privately owned and operated.
21. CERTIFICATE OF OCCUPANCY: A document issued by the Building Commissioner allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all applicable Town codes and ordinances.
22. CLERK-TREASURER: 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.
23. COMMISSION: The Plan Commission of the Town of Monrovia, Indiana established as defined under the Indiana Code 36-7-4-102.
24. COMPREHENSIVE PLAN: A plan, or any portion thereof, adopted by the Council, showing the general location and extent of present and proposed physical facilities including residential, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objective, and policies for the physical development of the Town.
25. CONDOMINIUM: The division of building and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by Indiana Code 32-1-6-1 through 32-1-6-31.
26. CONDOMINIUM ASSOCIATION: The community association which

administers and maintains the common property and common elements of a condominium development.

27. CONSTRUCTION PLAN: 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 these regulations and the conditions of the approval of the plat.
28. CONTOUR MAP: A map that displays the land elevations in graphic form, a topographic map.
29. CONTROL OF ACCESS: The condition where the right of owners or occupants of abutting land or of other persons, to access, including its location onto connecting streets, is fully or partially controlled by public authority, including the Commission.
30. COUNCIL: The Town Council of the Town of Monrovia.
31. COUNTY HEALTH DEPARTMENT: The Health Department of the Morgan County, Indiana.
32. COUNTY HEALTH OFFICER: The medical doctor or his authorized representative authorized to administer the health regulation within the County.
33. CUL-DE-SAC: A local street or relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
34. CULVERT: A drain or conduit not incorporated in an enclosed system that carries storm water under a driveway, roadway, railroad, pedestrian walk or public way.
35. CURB: A concrete boundary usually marking the edge of the roadway or paved area.
36. CURB CUT: The opening along the curb line at which point vehicles may enter or leave the roadway.
37. DEDICATION: The setting apart of land or interest in land for public use by the recording of the plat, an ordinance, resolution, entry in the official minutes, or express manifestation on the part of the owner.
38. DEVELOPER: Any person engaged in developing a lot or a group of lots or structures for use or occupancy.

39. DIRECTOR OF PLAN COMMISSION: Director as appointed by Council.
40. DRAINAGE: Surface water runoff and the removal of water from land by drains, grading or other means during and after construction or development.
41. DRAINAGE AND UTILITY EASEMENT: An easement specifically provided for the installation of required drainage improvements, sanitary sewer and water lines and other utilities. Said easement shall provide access to the utility location easements.
43. EASEMENT: An authorization or grant by a property owner to a specific person, the general public, utilities or other entities for the purpose of providing the services or access to the property or other properties.
44. EGRESS: An exit.
45. ELEVATION: A vertical distance above or below a fixed reference level or a flat scale drawing of the front, rear, or side of a building.
46. EXCAVATION: Remove by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the land surface thereof, whether exposed or submerged.
47. EXISTING GRADE OR ELEVATION: The vertical location of the ground surface prior to excavating or filling.
48. FINAL PLAT: A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivision of a tract of land in accordance with the provisions of this ordinance.
49. FINISHED ELEVATION: The proposed elevation of the land surface of a site after completion of all site preparation work.
50. GRADE: The slope of a road, street, swale, storm sewer, or other public improvements, specified in terms of gradient percentage (%).
51. GRADIENT: The rising or descending by regular degrees.
52. HOMEOWNERS ASSOCIATION: A corporation or other entity that is organized and operated exclusively for the benefit of two (2) or more persons who each own a dwelling in fee simple and acts in accordance with the articles, bylaws, and other documents

governing the entity. Community Association and Business Park Associations are included in this definition.

53. IDEM: Indiana Department of Environmental Management.
54. IDNR: Indiana Department of Natural Resources.
55. IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of the Zoning Ordinance.
56. INDIANA CODE: The document 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.
57. INDIVIDUAL SEWAGE DISPOSAL SYSTEM: All equipment and devices necessary for the proper conduction, collection, storage and treatment for the on-site disposal of sewage.
58. INDOT: Indiana Department of Transportation.
59. INGRESS: Access or entry.
60. JURISDICTIONAL AREA: The incorporated area of the and Town and other areas as approved by the Town Council.
61. LANDSCAPE: An expanse of natural scenery including the addition of lawns, trees, plants, and other natural and decorative features of land.
62. LEGAL DRAIN: Any drain that has been accepted and is maintained by the Morgan County Drainage Board in accordance with the 1965 Drainage Act and its amendments.
63. LOCAL ROADS: Streets which provide access to adjacent land, including any street not classified as an arterial or collector street
64. MAINTENANCE GUARANTEE: Any security which may be required and accepted by the Council to assure that necessary improvements will function as required for a specific period of time.
65. MAJOR COLLECTOR ROADS:

Streets which:

- a. Serve all, or virtually all population centers of one thousand (1,000) or more, as well as provide service to any County seat not on an arterial route, and to other traffic generators of inter-county importance, such as consolidated schools, shipping points, Town parks, important mining and agricultural areas;
 - b. Link above places with nearby larger towns or cities or with routes of high classification; and
 - c. Serve the most important travel corridors.
66. MAJOR STREET: A major street as used in these regulations includes a minor arterial, major collector and minor collector as defined by the Town of Monrovia Thoroughfare Plan. A major street would also include any state or federal route.
67. MAJOR SUBDIVISION: A subdivision of a parcel of land into more than three (3) residential, commercial, or industrial lots or any size subdivision requiring any new street.
68. MINOR ARTERIAL ROADS:

Streets which:

- a. Link cities and larger towns (and other traffic generators, such as major resort areas, that are capable of attracting travel of similarly long distances) and form an integrated network providing interstate service and service between towns;
- b. Serve all, or virtually all, urban areas with a population of five thousand (5,000) or more. The system serves an urban area if it either enters or is located within two (2) miles of the urban boundary;
- c. Are spaced at such intervals, consistent with population density, so that all developed areas of the state are within a reasonable distance of an arterial highway;
- d. Provide services to corridors with trip length and travel density greater than those predominantly served by rural collector or local systems.

Minor design should be expected to provide for relatively high overall travel speeds with minimum interference to through movement; and

- e. Principal, plus minor, arterial systems should contain six to twelve (6-12) percent of total rural miles, with most states falling seven to ten (7-10) percent range.

69. MINOR COLLECTOR ROADS:

Streets which:

- a. Are spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road;
- b. Provide service to the remaining smaller communities; and
- c. Link the locally important traffic generators with rural areas. Major, plus minor collectors, should contain twenty to twenty-five (20-25) percent of total rural miles.

70. MINOR SUBDIVISION: The subdivision of a parcel of land into not more than three (3) residential, commercial, or industrial lots. The parcel shall abut upon an existing street which is an improved right-of-way maintained by the Town or other governmental entity and not involving any new street.

71. MONUMENT: Any permanent marker either of concrete galvanized steel pipe, or iron or steel rods used to identify the location of a property corner or other survey point.

72. NONRESIDENTIAL SUBDIVISION: A subdivision whose intended use is other than residential, such as commercial or industrial or other public uses. A nonresidential subdivision shall comply with the applicable provisions of these regulations.

73. ORDINANCE: A Council adopted law or regulation, including any amendment or repeal of the same.

74. OWNER: A person having sufficient proprietary interest to seek development of land.
75. PARCEL: A lot or tract of land.
76. PARK: A tract of land designated and used by the public for active and passive recreation.
77. PAVEMENT: That part of a street having an improved surface of brick, paving stone, concrete, or asphalt placed on the surface of the land.
78. PERIMETER DRAIN: A perforated drain required around an on-site sewage disposal system.
79. PERMEABILITY: The ease with which air, water, or other fluids can move through soil or rock.
80. PLAT: A diagram drawn to scale representing a tract of land, subdivision or site plan showing the boundaries and locations of individual properties and streets.
81. PLAT REVISION: A change to an approved, unrecorded plat not involving a significant change from the primary approval.
82. PRIMARY APPROVAL: An approval granted to an applicant by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in these regulations as defined by Indiana Code 36-7-4-702, prior to secondary approval.
83. PUBLIC IMPROVEMENT: Any improvement, facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy or similar essential services, and maintained by the proper agencies.
84. PUBLIC HEARING: A meeting announced and advertised in advance and open to the public with the public given an opportunity to appear and be heard.
85. PUBLIC MEETING: A meeting announced and advertised in advance and open to the public. The public may or may not be heard.
86. PUBLIC NOTICE: The advertisement of a public hearing in a paper of general

circulation in the area indicating the time, place, and nature of the public hearing as required by Indiana Code 36-7-4-706, or the posting of a public meeting notice as required by the Indiana Code 5-3-1.

87. PUBLIC UTILITY: Any entity providing essential services whether Town owned, municipally owned, investor owned or subscriber owned under the jurisdiction of the Indiana Utility Regulatory Commission.
88. PUBLIC UTILITY FACILITY: All facilities, equipment and structures necessary for conducting a service by a government or a public utility.
89. PUBLIC SEWER: Any system, other than an individual sewage disposal system, that is operated by a municipality, governmental agency, or public utility for collection, treatment and disposal of wastes.
90. PUBLIC WATER SYSTEM: Any system, other than an individual well, that is operated by a municipality, governmental agency, or public utility for the furnishing of potable water.
91. REGISTERED LAND SURVEYOR: A land surveyor properly licensed and registered or through reciprocity permitted, to practice in the State of Indiana.
92. REGISTERED PROFESSIONAL ENGINEER: An engineer properly licensed and registered in the State of Indiana or through reciprocity permitted to practice in Indiana.
93. REPLAT: A change to a portion of a recorded plat affecting a small number of lots, generally dealing with lot line locations, building setback lines, or easements.
94. RESTRICTIVE COVENANT: A private agreement restricting the use and occupancy of real estate which is a part of the conveyance and is binding on all subsequent purchasers.
95. RESUBDIVISION: A revision to a previously approved plat or an amendment to a previously recorded plat.
96. SANITARY SEWER: A pipe that carries sewage and into which storm, surface and ground waters are not intentionally admitted.
97. SECRETARY OF THE PLAN COMMISSION: person appointed by the Director of the Plan Commission.

98. SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.
99. SECONDARY APPROVAL: The formal approval of a final plat of a subdivision, after expiration of the time provided for appeal under Section 3.13 of these regulations and after the conditions of primary approval set forth in Section 3.14 have been satisfied.
100. SKETCH PLAN: A rough map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.
101. STREET CLASSIFICATION SYSTEM: A hierarchy of roads as shown on the Thoroughfare Plan and designated in the Comprehensive Plan to be used for the development and improvement of the Town street system.
102. SIDEWALK: A paved, surfaced or leveled area, usually parallel to and separate from the street, used as a pedestrian walkway.
103. SOIL AND WATER CONSERVATION DISTRICT: A governmental agency that provides advice to communities, agencies and individuals within its jurisdiction, and reviews development proposals for soil erosion and sediment control measures.
104. SOIL MAP: A map delineating soil types that are part of a Soil Conservation Service soil survey of the County.
105. SPECIFICATION: A detailed instruction which designates the quality and quantity of materials and workmanship expected in the construction of a structure.
106. STREET: A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way.
107. SUBDIVISION: The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division and development of land zoned for residential, commercial, and industrial uses, whether by deed, metes and bounds description, lease, map, plat, intestacy, devise or other recorded instrument. The following kinds of division of existing parcels of land are exempt from this ordinance:
 - a. A division of land into two (2) or more tracts all of which are at least five

(5) acres in size;

- b. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
- 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 site other than for accessory buildings are created by the division;
- e. A division of land into cemetery plots for the purpose of burial of corpses; and
- f. A division of land to be subdivided for agricultural use only provided that no additional building site is created by this division.

- 108. SUBDIVISION STREET: A road which provides access to lots within a subdivision that is constructed by a developer and is generally dedicated to the Town for maintenance.
- 109. SUBSURFACE DRAIN: A perforated drain required parallel to a street and surrounded by stone.
- 110. TEMPORARY CUL-DE-SAC: A turnaround located at the end of a stub street intended to be replaced when the adjoining area is developed and a through street connection is made.
- 111. TEMPORARY IMPROVEMENT: An improvement built and maintained by a developer during construction of a subdivision which is intended to be replaced by a permanent improvement or removed prior to release of the performance guarantee.
- 112. THOROUGHFARE MAP: A legally adopted map that indicates the location of existing or proposed thoroughfares, including their street classification, alignment, and rights-of-way.
- 113. TILE DRAIN: A perforated drain required parallel to a swale or ditch.

114. TOPOGRAPHY: The configuration of a surface area showing relative elevations.
115. TOWN: The Town of Monrovia, Indiana.
116. TOWN ATTORNEY: The licensed attorney designated by the Council to furnish legal assistance for the Town.
117. TOWN ENGINEER: The certified professional engineer or firm appointed by the Town to furnish engineering assistance in the administration of these regulations.
118. TOWN MANAGER: The Town Manager for the Town of Monrovia.
119. TOWN STREET SUPERINTENDENT: That Town official appointed by the Town responsible for planning, directing, and managing Highway Department operations, bridge crews, and activities of the Town garage.
120. TOWN STAFF OR TOWN PLAN COMMISSION STAFF: Staff as appointed by Plan Commission.
121. UNIMPROVED LAND: Land in its natural state before development.
122. UTILITY LOCATION EASEMENT: An easement provided solely for the purpose of placing the utility lines such as electric, gas, water and communication.
123. VICINITY MAP: A drawing which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the Town in order to better locate and orient the area in question.
124. WAIVER: A variance of the provisions of these regulations which would result in unnecessary and undue hardship as determined by the Commission.
125. WALKWAY: A dedicated public or private way for pedestrian and non-motorized vehicular use only.

CHAPTER 3 SUBDIVISION PROCEDURES

3.1 PRELIMINARY CONSULTATION

Prior to submitting any of the material required by these regulations, the applicant is encourage to discuss with the Plan Commission Staff the nature of the land division being proposed. The Plan Commission Staff shall inform the applicant of the classification of the subdivision and the applicable procedure which shall be followed under these regulations in order to secure approval. At this consultation, a sketch plan of the development may be proposed for the Plan Commission Staff review. The sketch plan may be a freehand pencil drawing of the area proposed to be platted or may be in a similar, legible graphic medium.

3.2 APPLICATION FOR PRIMARY APPROVAL

1. The applicant shall submit to the Plan Administrator written application for primary approval on forms available at the Town Municipal Center. This application and four (4) blue line or black line prints of the preliminary plan of the proposed subdivision, shall be filed with the Plan Administrator at least thirty (30) days before the meeting at which the Commission is expected to consider the application. If the thirtieth (30th) day falls on a Saturday, Sunday or Town holiday, then the application deadline is set for the previous working day.
2. The application shall include a description of all contiguous holdings of the owner with an indication of the portion which is proposed to be subdivided, accompanied by a properly executed affidavit of ownership.
3. The Plan Administrator shall retain one (1) copy of the plans for review.

3.3 FEES

An applicant shall pay the specified fees at the time of filing the application for primary approval. The application fee and design review fee shall be established by the Town of Monrovia Fee Ordinance and shall be nonrefundable.

3.4 **PRELIMINARY PLAN**

The preliminary plan shall be drawn at a standard engineering scale of not more than one hundred (100) feet to one (1) inch. The maximum page size should not exceed twenty-four (24) inches by thirty-six (36) inches, if feasible. For the ease of reading and clearly showing detail on the preliminary plan, additional sheets may be necessary. The match lines shall follow lot lines or streets whenever possible. The preliminary plan shall contain the following information:

1. Existing Conditions:
 - a. Project name, developer, project engineer or surveyor, their addresses and telephone numbers, legal description, date of plans and any revisions, scale of plan, and north point;
 - b. Area Vicinity Map detailing project environs, current zoning, adjoining property owners, and streets within one thousand (1,000) feet of the project boundaries;
 - c. Topography based on mean sea level elevation at a minimum two (2) foot interval for the project and street lines within one thousand (1,000) feet of the project boundaries;
 - d. The location of existing streams, lakes, ponds, watercourses, and other flood water runoff channels, the extent of the floodplain at the established one hundred (100) year flood elevation (regulatory floodway), and the limits of the floodway, all properly identified;
 - e. The existing location of legal drains, surface and subsurface farm drains, inlets, and outfalls, easements that are visible or of record, existing seeps, springs, and wells that are visible or of record;
 - f. Existing storm and sanitary sewers, inlets, outfalls, existing septic tank systems, treatment plants, outlets, wells and any other utilities;
 - g. Existing structures;
 - h. Identification of jurisdictional wetlands;

- i. Boundary and acreage of project site indicated by heavy solid lines based on a traverse with angular and linear dimensions; and
- j. Other significant conditions of the area proposed to be improved.

2. Site Improvements:

- a. Proposed changes in streams, lakes, swamps, detention basins, watercourses and flood water runoff channels, floodplains, and the limits of the floodway, all properly identified;
- b. Proposed size and location of legal drains, surface and subsurface drains, inlets, outfalls, and easements;
- c. Proposed size and location, materials, and gradients of storm and sanitary sewers, inlets and outfalls, on-site sanitary effluent disposal systems, water mains, fire hydrants, valves and location of affected utilities.
- d. Structures to be removed or relocated on the project site;
- e. The location and design including curves, grades, elevations and cross section of proposed streets, roads, sidewalks, culverts, bridges, parking lots, hard surface areas, including depressed pavements used to convey or temporarily store overflow from heavier rain storms, and outlets for such overflow;
- f. The cross section of existing streams and floodplains to be maintained or changed and new channels to be constructed where changes are proposed or discharge into receiving streams is altered; and
- g. The drainage, erosion and sediment control measures to be implemented in accordance with the SDESCO.
- h. Landscape plan.
- i. Signage plan.

3. Supporting Documentation:

- a. Engineering studies that reflect the additional traffic generated by the proposed project as related to the entrance details and improvements to the existing road network, including but not limited to, tapers, deceleration lanes, bypass blisters, traffic control devices and turning lanes at affected

intersections. These studies must be in accordance with AASHTO, INDOT and the Town of Monrovia Engineer's requirements;

- b. An appropriate wetland mitigation plan for any development where jurisdictional wetlands will be adversely affected;
- c. Additional environmental studies for any development that contains possible contamination, endangered species;
- d. An environmental impact study for any development that due to unusual circumstances may affect the ecosystem of the Town of Monrovia.
- e. Written letter of intent from the appropriate water utility stating that service will be provided by them to the project with the date of expected service commencement.

3.5 STAFF REVIEW

In order to assist the Commission in evaluating a proposed development for compliance with these regulations, the Plan Commission Staff shall review each application prior to submittal of the application for Commission approval.

- 1. The Plan Commission Staff shall consist of persons selected by the Commission to assist in review of plans.
- 2. After the staff review meeting, but prior to the Commission's scheduled meeting to consider the application, the Plan Commission Staff shall conduct an on-site review. The Plan Commission Staff shall then prepare a letter expressing their comments and recommendations concerning the application and forward the letter to the Plan Administrator prior to the Commission meeting.
- 3. The Plan Commission Staff shall consider, but not necessarily be limited to, compliance with the following:
 - a. Subdivision Control Ordinance;
 - b. Zoning Ordinance;
 - c. Comprehensive Plan;
 - d. Storm Drainage, Erosion, and Sediment Control Ordinance;
 - e. Sound engineering practices.
- 4. The Commission Staff will begin the review process upon receipt of plans.

Comments and recommendations will be sent approximately two (2) weeks prior to the subsequent Plan Commission meeting.

3.6 NOTICE OF PUBLIC HEARING

The Commission shall hold a public hearing for primary approval and notice of such hearing shall be as provided in the Rules of Procedures of the Town of Monrovia Plan Commission. In addition, the following notifications are required:

1. The applicant shall notify all affected utility companies in the same manner as described in the Rules of Procedure of the Town of Monrovia Plan Commission, and submit with said notice a copy of the preliminary plan; and
2. The applicant shall place a sign at the location of the proposed subdivision property at least ten (10) days prior to the public hearing. The applicant shall also provide written certification of sign placement including date and location.
3. The Plan Administrator shall place a legal notice in the newspaper(s) as required on the application form. The applicant shall notify all adjacent property owners as indicated on the application form.

3.7 PRIMARY APPROVAL

The Commission shall hold a public hearing for a subdivision not more than sixty-one (61) days following the proper submittal of a complete application. After the Commission has reviewed the preliminary plan, the Plan Commission Staff's recommendations, other agency reports, and heard testimony submitted at the public hearing, the Commission shall then make its decision, adopt its findings of fact and announce its decision in public.

3.8 WRITTEN FINDINGS OF FACTS

If primary approval is granted or denied at the public hearing, then the Plan Commission shall state its findings and decisions in writing and it shall be signed by the President and the Secretary of the Commission.

1. If primary approval is denied, the applicant shall correct the deficiency noted by the Commission prior to resubmitting for primary approval as set forth in the Rules of Procedures for the Commission.

2. The written findings of fact shall be presented to the applicant within ten (10) days after the hearing.

3.9 REVIEW BY CERTIORARI OF COMMISSION'S DECISION

The primary approval or disapproval of a plat by the Commission or the imposition of a condition on primary approval is a final decision of the Commission that may be reviewed as provided by Indiana Code 36-7-4-1016.

3.10 EFFECTIVE DATE OF PRIMARY APPROVAL

The primary approval shall be effective for a period of three (3) years after the date of primary approval, at the end of which time secondary approval of the subdivision or any section thereof must have been obtained. Any subdivision not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new primary application for review and approval subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon written request from the applicant, the Commission may extend the primary approval for two (2) years beyond the expiration date without further public notice and public hearing. Request for extension must be received no less than 90 days prior to expiration of primary approval.

3.11 APPLICATION FOR SECONDARY APPROVAL

Following primary approval of the preliminary plan, the applicant shall file with the Plan Administrator an application for secondary approval of a final plat and construction plans. The application shall:

1. Be submitted on a form available at the Town Municipal Center;
2. Be accompanied by five (5) copies of the final plat and construction plans as described in these regulations;
3. Be accompanied by a properly completed Town /Developer Inspection Agreement;
4. Be in total compliance with these regulations and the terms or conditions of primary approval;

5. Include any federal, state, or other local approval on their official forms and signed by the proper authority. The Plan Commission may grant secondary approval contingent upon receipt of these approvals. These approvals may include, but are not limited to the following:
 - a. FEDERAL AGENCIES:
 - (1) Federal Communications Commission;
 - (2) Federal Aviation Administration;
 - (3) Federal Emergency Management Agency; and
 - (4) U.S. Army Corp. of Engineers.
 - b. STATE AGENCIES:
 - (1) Indiana Department of Environmental Management;
 - (2) Indiana Department of Natural Resources;
 - (3) Indiana Department of Transportation; and
 - (4) Indiana State Department of Health.
 - c. COUNTY AGENCIES:
 - (1) Morgan County Drainage Board
 - (2) Morgan County Health Department
 - (3) Morgan County Highway Department
 - (4) SWCD
 - d. OTHER LOCAL ENTITIES:
 - (1) Monroe Gregg School Corporation
 - (2) Fire Department
 - (3) Police Department
 - e. UTILITY COMPANIES:

Public or private utilities for sanitary sewer or water services; energy, and communication utilities.

3.12 FEES

An applicant shall pay the specified fees at the time of filing the application for secondary approval. The application fee and design review fee shall be established by the Town of Monrovia Fee Ordinance and shall be nonrefundable.

3.13 FINAL PLAT AND CONSTRUCTION PLANS

The final plat and construction plans shall include the following information:

1. The final plat shall be drawn in ink on Mylar or the equivalent and submitted on compact disk. All certifications shall be made in permanent black ink with each signature accompanied by the printed name. The final plat shall include:
 - a. The name of the subdivision and phase (if applicable);
 - b. Location by section, township and range, and by proper legal description;
 - c. The signature, seal and certification of a land surveyor registered in the State of Indiana;
 - d. Certification and dedication by the legal owner with a notarized signature;
 - e. Certification of final approval and signature lines for the President and the Secretary of the Plan Commission;
 - f. Scale shown graphically, date, and north point;
 - g. Boundary lines of plat and acreage thereof, based upon an accurate survey performed in accordance with Indiana Administrative Code, Title 865, Article 1.1, Chapter 12 and amendments thereto establishing minimum standards for the practice of land surveying;
 - h. The true course and distance to the nearest established section line and official monument which accurately describe the location of the plat;
 - I. City, town, township, county, or section lines accurately tied to the lines of the subdivision by courses and distances;
 - j. Street designations and labels, in accordance with the provisions of these regulations and the Thoroughfare Plan, names and lines of all streets within and on the perimeter of the plat, with accurate dimensions in feet and hundredths and angles or bearings to streets, alleys and lot lines shown to the nearest second of an arc;
 - k. Radii, central angles, tangents, lengths of arcs, curvatures, angles or bearings at street intersections and a complete street traverse of each street within and on the perimeter of the plat;

- l. Lines of any existing alleys within and on the perimeter of the plat, with accurate dimensions in feet and hundredths;
- m. All lot numbers and lines, with accurate dimensions in feet and hundredths together with the area of the lot in square feet. Lot numbers must be in conformance with lot numbers of the preliminary plan;
- n. Lines of all easements provided for public services, drainage and utilities, with accurate dimensions in feet and hundredths. No utility poles or pedestals shall be set on property lines or in drainage swales;
- o. Building setback lines accurately shown with dimensions;
- p. Street number for each lot as assigned by the Plan Commission;
- q. The location and description of all subdivision monuments set, or proposed to be set, as required by 865 IAC, Article 1, Rules 1-12. A legend indicating the monument description may be used.
- r. The following statement if the subdivision has received approval from the Morgan County Drainage Board:

This subdivision contains _____ lineal feet of open ditches and __ lineal feet of tile drains. The lots in the subdivision are or may be subject to a drainage assessment under the authority of the Indiana Drainage Code.

2. Detailed construction plans shall show the specific location and design of improvements to be installed in accordance with the requirements of these regulations and the conditions of primary approval.

Separate plan and profile sheets must be provided for all proposed streets, storm sewers, and sanitary sewers. All crossings must be shown and correctly labeled.

3.14 APPEAL

All decisions of the Plan Commission may be appealed in accordance with the Indiana Code 36-7-4-708.

3.15 SECONDARY APPROVAL

Secondary approval may be granted to a plat only after the following requirements have been satisfied:

1. Expiration of the thirty (30) days under Section 3.11 and in accordance with Indiana Code 36-7-4-708;
2. Full compliance with the conditions and requirements set forth by the Commission for primary approval; and
3. All other provisions of this ordinance.

After review of all pertinent information, the Plan Commission Staff may grant, deny or continue secondary approval at a meeting not more than sixty-one (61) days following the proper submittal of a complete application.

3.16 WRITTEN FINDINGS OF FACT

If secondary approval is granted or denied at the hearing, then the Plan Commissions Staff shall state its findings and decision in writing and it shall be signed by the President and the Secretary of the Plan Commission.

1. If secondary approval is denied, the applicant shall correct the deficiency noted by the Plan Commission Staff prior to resubmitting for secondary approval.
2. The findings shall be presented to the applicant within ten (10) days after the hearing.

3.17 APPEALS

Appeal of any Plan Commission decision shall be made at the next available regularly scheduled Plan Commission meeting. All decisions of the Plan Commission may be appealed in accordance with the Indiana Code 36-7-4-707.

3.18 MINOR SUBDIVISION PROCEDURE

A minor subdivision by definition is intended to allow the subdivision of a buildable tract of land with a reduction of approval time and filing procedure. It is not the intent of the

minor subdivision procedure to circumvent uniform development plans for a total parcel of land. Therefore, this procedure may only be used for a total of three (3) new building sites provided that there are no improved public rights-of-way required and that the minor subdivision meets all the applicable requirements of the Subdivision Control, Storm Drainage, erosion, and Sediment Control and Zoning Ordinances. Further subdivision of a minor plat must proceed through the full subdivision procedure. If the staff feels this procedure is being abused the applicant must obtain approval from the Plan Commission prior to using this procedure.

The approval procedure for a minor subdivision as described in this section shall be the same as other subdivisions as described in Sections 3.1 thru 3.18 with the exception that primary and secondary approval shall be combined by the Plan Commission into one (1) hearing.

3.19 PROVISIONS FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Before a final plat is processed for recording by Morgan County, the developer shall be required to complete, in accordance with the secondary approval for major subdivision or for minor plats, and to the satisfaction of the Plan Commission, all improvements as required by these regulations. Exceptions may be granted for placement of the asphalt surface course, boundary improvements certain erosion control measures, sidewalks and/or street lights (if required), depending on weather conditions. If the developer desires to have additional exceptions, his request will be reviewed by the Plan Commission Staff and either granted or denied. A performance guarantee shall be provided by developer except for certain erosion control measures as determined by the Commission. The authority of administration and enforcement of the performance guarantee shall lie with the Town Council or their designated representative.

1. The types of performance guarantees allowed are as follows:
 - a. Completion of Improvements: All improvements not covered by a performance guarantee shall be installed in accordance with the design standards principles and specifications contained in these regulations and shall be inspected at such times during construction as required by these regulations;
 - b. Performance Bond: For those improvements granted an exception from installation prior to recording a performance bond payable to the Town

Council in the amount equivalent to 110% of the estimated completion costs shall be posted by the developer prior to recording the final plat. This estimate shall be prepared by the design engineer and reviewed by the Town Engineer. This performance bond shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution;

- c. Irrevocable Letter of Credit: In lieu of such a bond, the developer may submit an irrevocable letter of credit. In the event an irrevocable letter of credit is utilized, it shall be written for a minimum length of one (1) year;
 - d. Cashiers Check: In lieu of such a bond, the developer may submit a cashiers check made payable to the Town of Monrovia. This alternative is only available in amounts of less than \$10,000.
2. Any performance guarantee submitted under Section 3.1 shall be for a period not to exceed two (2) years. The Plan Commission may grant an extension of up to one (1) year for the completion of the improvements, based upon a request by the developer and evidence justifying the request. The Plan Commission may secure a new estimate of the cost of the improvements from the Town Engineer. If the estimate has increased, the Town Council shall require an increase in the amount of the performance guarantee.
 3. A performance guarantee shall be deemed by the Council to be in full force and effect until the time the guarantee is released by written notice by the Plan Commission.
 4. It shall be the responsibility of the developer to keep the performance guarantee current and not allow it to expire until all improvements have been accepted by the Plan Commission. If the performance guarantee does expire, no building permits will be issued to those lots within the subdivision or section thereof which required the performance guarantee until a new guarantee is provided.
 5. Upon completion of the improvements for which a performance guarantee has been provided, the developer shall request a release of the performance guarantee from the Town Engineer's Office. The Town's Construction Inspector will conduct an inspection of the completed improvements. If the improvements have been completed to the satisfaction of the Town's Construction Inspector and if a suitable maintenance guarantee has been provided, then the Town Engineer's Office shall release the performance guarantee. Appeals of the Town Engineer's Offices decisions shall be made to the Plan Commission.
 6. As a condition of acceptance of this improvement on release of the performance guarantee, the Town shall require the developer to post a maintenance guarantee in an amount equal to twenty-five (25) percent of the cost of the improvements.

- a. The maintenance guarantee shall be one (1) of the following forms:
 - (1) Maintenance Bond: This bond shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency and manner of execution; or
 - (2) Irrevocable Letter of Credit: In lieu of such bond, the developer may submit an Irrevocable Letter of Credit.
- b. The maintenance guarantee shall be for a period of three (3) years.
- c. The procedure for release of a maintenance guarantee is defined in Subsection 5 above.

3.20 INSPECTIONS

The developer shall be responsible for having all improvements including utilities inspected for compliance with the approved plans and provisions of these regulations.

The developer shall complete the Town /Developer Inspection Agreement and agree to compensate the Town for all costs incurred to provide the necessary inspections of the project. This cost shall be based upon a standard hourly rate for the estimated amount of construction time established by the Town Engineer. This estimate will assume an average of twenty (20) hours of inspection and testing per week of the project.

The developer shall pay the total estimated cost for the inspection services, as estimated by the Town Engineer, prior to commencement of construction activities and then will be billed on a regular basis for services rendered above this estimate. Failure to pay within thirty (30) days shall be grounds for termination of construction activities. The developer shall pay the total cost of inspections prior to the final acceptance of the improvements.

The developer shall have the sanitary sewer and storm sewer televised by a Town approved contractor 2.5 years after installation, at his own cost and provide the Town an Inspection Report and a DVD (or equal) to view the video inspection. Any defects or infiltration shall be repaired at the developer's cost prior to the Maintenance Bond release.

The developer shall be responsible for providing all documentation and testing results required for the improvements.

3.21 DUTIES AND POWERS OF INSPECTORS

The Town's Construction Inspector shall appoint such person(s) as it deems necessary to accomplish adequate inspection and review of all improvements constructed within the jurisdiction of the Town. The Inspector shall perform, but not necessarily be limited to, the following duties:

1. Monitor work being performed to insure that it complies with the standards and specifications of these regulations;
2. Maintain an accurate log of his inspections and findings. These logs shall be available at all times to the Town's engineer and inspector;
3. Issue directive or stop-work orders when necessary to assure compliance with the approved plans and these regulations; and
4. Make reports to the Town Engineer when necessary or when requested.

3.22 TEMPORARY IMPROVEMENTS

The developer shall build and pay for the cost of all temporary improvements required by the Commission and shall maintain these improvements for the period specified by the Commission. Prior to construction of any temporary facility or improvement, the developer shall file with the Town Engineer a separate and satisfactory performance guarantee which shall insure that the temporary facility will be properly constructed, maintained and removed.

3.23 AS-BUILT PLANS

Upon completion of the improvements, the developer shall submit two (2) sets of as-built plans and one copy on compact disk to the Plan Administrator's Office.

The as-built plans shall show the actual locations, invert elevations, specifications, and all materials used for the improvements installed in the subdivision or section thereof. These plans shall be certified by a registered professional engineer or land surveyor.

Additional requirement that will require a digital copy (shapefile or CAD file) of as-built plans located on a georeferenced coordinate system suitable for incorporation into the Town's GIS. This will be at the Developer expense.

3.24 FAILURE TO COMPLETE IMPROVEMENTS

1. For a subdivision or section thereof for which no performance guarantee has been posted, if the improvements are not completed within the period of validity of the subdivision approval, the final plat or section thereof shall not be recorded.
2. In those cases where a performance guarantee has been posted and the improvements have not been installed prior to the expiration of the guarantee, the Town shall declare the guarantee to be in default and cause all improvements to be installed according to the approved plans, regardless of the extent of building development at the time the guarantee is declared to be in default.

3.25 RECORDING OF FINAL PLAT

No final plat shall be submitted for recording until it has been thoroughly reviewed by the design engineer or land surveyor for completeness, accuracy, and compliance with these regulations and all other applicable rules, regulations, and laws. No final plat shall be recorded until all applicable maintenance guarantees, performance guarantees, and as-built plans have been submitted. The plat shall bear the signatures of the land surveyor, President and Secretary of the Plan Commission and seals of the land surveyor and the Commission.

3.26 TIME LIMITATION TO RECORD FINAL PLAT

1. Every subdivision plat approved by the Plan Commission Staff after the effective date of these regulations shall be recorded within three (3) years after the date of plat approval.
2. Any plat that is not so recorded within a three (3) year period shall, at the expiration of a three (3) year period, become invalid and shall not be entitled to recording without reapproved by the Commission, in accordance with the same standards, requirements and procedures specified by these regulations at the time of reapproved.

3. The Commission may grant one (1) extension of the original approval for up to three (3) years. The request shall be made by the developer or his agent before the original approval expires.

3.27 AMENDMENTS, REPLATS OR PLAT REVISIONS

1. Amendments must be certified by the original land surveyor, or in the event that said surveyor is deceased, incapacitated, or otherwise unavailable to perform such certification, by an Indiana Registered Land Surveyor employed by the same firm employing the original Land Surveyor at time of the original plat recording. Such amendment requires a public hearing before the Plan Commission in compliance with Section 3.6 of this ordinance.
2. Replats may be certified by any land surveyor registered in Indiana and require a public hearing before the Plan Commission in compliance with Section 3.6 of this ordinance.
3. Plat revisions to an unrecorded plat shall be heard by the Plan Commission Staff in the same manner as the Secondary Approval in accordance with Section 3.16 of this ordinance.
4. Any revision to an approved but unrecorded plat which, in the opinion of the Plan Commission Staff, involves a significant change must obtain a new primary approval.

CHAPTER 4 GENERAL REQUIREMENTS

4.1 INTRODUCTION

This chapter sets forth the general improvements required for major or minor subdivisions. It explains what government standards and regulatory functions are involved and must be coordinated in carrying out the Comprehensive Plan. Its provisions help to ensure the protection of the health and welfare of the future occupant of an approved subdivision, assure the quality of new development and minimize the adverse effects of the construction of subdivisions on surrounding environment.

4.2 CONFORMANCE

1. In addition to these regulations, all subdivision plans shall comply with the following laws, rules and regulations:
 - a. All applicable federal, state, and local statutory provisions;
 - b. The Zoning Ordinance; Building Code, Storm Drainage, Erosion, and

Sediment Control Ordinance; and all other applicable laws of the Town;

- c. The Comprehensive Plan, including all streets, drainage systems, and park systems shown on the Land Use Plan;
 - d. Any rules or regulations of the Morgan County Health Department or corresponding state agencies;
 - e. The rules and regulations of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state or federal highway; and
 - f. The highway and drainage standards and regulations adopted by the Plan Commission.
2. Subdivision approval may be withheld if a subdivision is not in conformity with the above guidelines, requirements or these regulations.

4.3 COVENANTS

If the developer places a restriction on any of the land contained in the subdivision which is greater than but not in conflict with those required by the Zoning Ordinance or these regulations, the restriction or reference thereto shall be required to be indicated on the final plat, and the Commission shall require that the restrictive covenants be recorded.

4.4 PLATS CROSSING GOVERNMENTAL BOUNDARIES

Whenever access to the subdivision is required across land in another governmental jurisdiction, the Commission shall request assurance from the other governmental jurisdiction that access is legally established and the access road is adequately improved, or that a performance guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross governmental boundary lines.

4.5 BOUNDARY IMPROVEMENTS

The developer shall cause to be placed, under the supervision of a registered land surveyor, boundary corner markers on the perimeter of the subdivision being platted at all corners and angle points therein. Permanent monuments shall be placed on the center line of streets at all points of curvature, tangency, intersection and radius points at cul-de-sacs in accordance with 865 IAC 1.1-12.

4.6 CHARACTER OF THE LAND

Land which the Commission finds to be unsuitable for subdivision because of flooding, improper drainage, steep slopes, rock formations, adverse earth foundations, topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or by its surrounding area, shall not be subdivided unless an adequate method is formulated by the developer and approved by the Commission to solve the problems created by the unsuitable land conditions.

4.7 SUBDIVISION NAMES

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of primary approval. In the event the developer intends to develop the subdivision in phases, the name of the subdivision shall incorporate by number, and as necessary, the respective phases, sections and parts in that order.

4.8 STREET NAMES AND ADDRESSES

Street names and numbers shall conform with the established pattern in the Town and shall be subject to the approval of the Commission.

The street names for all lots shall be assigned by the Plan Commission and listed on the final plat prior to final approval.

4.9 LOT IMPROVEMENTS

1. Lot Dimensions and Area
 - a. Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum requirement for the zoning district in which the subdivision is located, the Commission may require that such lots be arranged so as to allow further subdivision

and the opening of future streets where they would be necessary to serve potential lots, in compliance with the Zoning Ordinance and these regulations;

- b. Side lot lines should be at right angles to street lines (radial to curving street lines) unless a deviation from this rule will give a better street or lot plan;
- c. The depth of any lot should not be more than three (3) times the width of the lot. Lots with a depth greater than three (3) times the width may be allowed by the Commission upon unusual circumstances such as extreme hardship, topography or unusable remnants under conditions of extreme hardship or unusual conditions of topography; and
- d. Lot areas as specified in the Zoning Ordinance shall exclude all unusable areas such as wet/dry detention basins, areas below normal pool level of lakes and ponds, floodways, cliffs and other steep, unstable slopes, easements for high pressure petroleum pipelines and high tension power lines.

2. Double Frontage Lots and Access to Lots

- a. Double frontage and reversed frontage lots should be avoided in residential subdivisions except where necessary to provide separation of residential development from traffic arterials or collector roads or to overcome specific disadvantages of topography and orientation; and

- b. Lots in residential subdivision shall not derive access exclusively from an arterial or collector road. Where driveway access from an arterial or collector road may be necessary for several adjoining lots in both residential and nonresidential subdivisions, the Commission may require that such lots be served by a combined access or frontage road in order to limit a possible traffic hazard on such road. Driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on such roads.

3. Easements

- a. All proposed subdivisions submitted for approval under the provisions of these regulations shall allocate areas of suitable size and location, wherever necessary, for drainage/utility easements. As a general principle, such easements shall be located along both sides of rear lot lines and the total width of such easements shall be at least a minimum of thirty (30) feet.
- b. If any stream or necessary surface drainage course is located in the area proposed to be subdivided, adequate easements along the sides of such stream or surface drainage course shall be allocated for the purpose of widening, deepening, sloping, improving or protecting the stream or surface drainage course. The easements provided must at least cover the floodway of the stream or surface drainage course; and

4. Lot Grading

All lots shall be provided positive drainage which shall be coordinated with the general storm water drainage at the development.

4.10 DEBRIS AND WASTE

Debris and waste shall be disposed of in compliance with state regulations and the Town of Monrovia's ordinances. Any items to be buried must be shown on the approved construction plans and cannot be located under proposed streets, drainage ways or the building site. Burning of natural vegetation or structures shall be in accordance with state and local open burning laws. No burning of construction materials is permitted.

4.11 WATER BODIES

If a tract being subdivided contains a water body other than a temporary detention facility or portion thereof, lot lines shall either be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots, or the Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is placed so that it will not become the responsibility of the Town. No part of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water other than a temporary detention facility or portion thereof.

4.12 FRONTAGE ON AN IMPROVED STREET

Every lot appearing upon the proposed plat shall abut upon or have sufficient and adequate access, to a street designated and labeled within or on the perimeter of the plat and constructed or to be constructed in accordance with the requirements, standards and specifications of these regulations.

4.13 PUBLIC SITES

All proposed subdivisions submitted for approval under the provisions of these regulations shall allocate adequate areas for park, school, recreational and other public and semipublic sites, wherever necessary in conformity with the Comprehensive Plan and as required by the Commission. The location, shape, extent and orientation of these areas should be consistent with existing and proposed topographical and other conditions of the proposed subdivision. These areas shall be made by one of the following methods:

1. Dedication to public use;
2. Reservation for the use of owners of land contained in the plat, by deed restriction or covenants which specify how and under what circumstances the area shall be developed and maintained; or
3. Reservation for acquisition by the Town or an agency thereof.

CHAPTER 5
STREET DESIGN STANDARDS AND STREET IMPROVEMENTS

5.1 STREET DESIGN STANDARDS

The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the elements of these regulations. Street classifications are referred to as either major or minor streets in this chapter. A major street includes the rural minor arterial, the rural major collector, and the rural minor collector. A minor street includes the county local road, subdivision road and cul-de-sac.

1. All streets shall be planned to conform with the Comprehensive Plan and the Thoroughfare Plan.
2. Whenever a subdivision abuts or contains an existing or proposed major street, the Commission may require frontage roads, double frontage lots with screening, a no access easement along the property lines, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In those instances where a no access easement is proposed along a state or federal highway, this easement shall be granted specifically to INDOT.
3. In order to provide a functional Town street system, the Commission shall require a developer to construct access streets to adjoining vacant undeveloped properties. The coordination of streets from one subdivision to another is essential to the town in order to provide a continuation of not only vehicular access, but also for transportation and distribution lines for most utilities, such as water, sewer, gas, electricity and telephone systems. The Commission shall determine at the primary hearing the need and location of these access streets.
4. A proposed street shall provide for the continuation of existing, planned or platted streets on adjacent property.
5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way the Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of the approach grade of any future grade separation structure.

6. A dead end street shall not be permitted except where a street is proposed to be and should logically be extended but is not yet constructed. A temporary cul-de-sac shall be constructed for any dead end street which exceeds two hundred (200) feet in length from the nearest intersection. Drainage details for the temporary cul-de-sac shall be specified by the applicant and approved by the Commission. A dead end street which does not require a temporary cul-de-sac shall have adequate drainage provisions as approved by the Commission.

7. A temporary cul-de-sac shall have an easement radius of not less than fifty (50) feet and shall have a driving surface radius of not less than forty (40) feet. The cross section of a temporary cul-de-sac shall be installed with the pavement thickness per ordinance where the future drive will be extended through the temporary cul-de-sac. The temporary pavement on each side of the future drive that completes the cul-de-sac shall be installed with 3" HMA Intermediate (Asphalt Binder) on 6" 53# aggregate.

8. An easement providing access to a street shall be prohibited except where its control and maintenance is defined in a manner approved by the Commission.

9. The street right-of-way width shall be in accordance with the Comprehensive Plan and Thoroughfare Plan and, where not designated therein, shall be not less than the following:
 - a. Major Streets:

(1)	Rural Minor Arterial	100' - *
		* - State Rds. subject to INDOT R/W review.
(2)	Rural Major Collector	100'
(3)	Rural Minor Collector	80'

 - b. Minor Streets:

(1)	County Local Street	50'
(2)	Subdivision Street	

from the centerline of the nearest intersection to the center of the cul-de-sac. A

- | | |
|-----|-----------------|
| (3) | 50' |
| | Cul-de-sac |
| | 100' (Diameter) |

10. The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the development. See Tables 5.1.A, 5.1.B, 5.1.C, 5.1.D, and 5.1.E for Street Standards. A major street shall be surfaced to a minimum width that is determined by sound engineering design. Where a proposed street is an extension of an existing paved street which exceeds the minimum dimension set forth above, the Commission may require the developer to match the width of the existing paved street.
11. A proposed subdivision street shall be designed to minimize through traffic movement, however, this does not waive the requirement to construct an access road to an adjacent property boundary as required by Section 5.1-3 or 5.1-4.
12. A proposed street shall be adjusted to the contour of the land so as to provide usable lots and a street of reasonable gradient. The grade of all streets shall not exceed the following, except where an unusual topographic condition justifies, in the opinion of the Commission, a modification of these regulations.
- a. Major Streets:
- | | |
|---------------------------|-----------|
| (1) Rural Minor Arterial | 6 percent |
| (2) Rural Major Collector | 6 percent |
| (3) Rural Minor Collector | 7 percent |
- b. Minor Streets
- | | |
|-------------------------|-----------|
| (1) County Local Street | 8 percent |
| (2) Subdivision Street | 8 percent |
| (3) Cul-de-sac | 5 percent |

The minimum street grade shall not be less than five tenths (0.5) percent.

13. The horizontal visibility of a curved street and the vertical visibility on all streets shall be maintained as follows:

from the centerline of the nearest intersection to the center of the cul-de-sac. A

- a. Major Streets:
 - (1) Rural Minor Arterial 500 feet
 - (2) Rural Major Collector 500 feet
 - (3) Rural Minor Collector 500 feet
- b. Minor Streets:
 - (1) County Local Street 300 feet
 - (2) Subdivision Street 200 feet
 - (3) Cul-de-sac 200 feet

Site distance shall be measured in accordance with the AASHTO guidelines.

- 14. A reverse curve on a major street shall have a straight tangent between elements of said reverse curve of not less than one hundred (100) feet.
- 15. Horizontal curvature measured along the center line shall have a minimum radius as follows:
 - a. Major Streets:
 - (1) Rural Minor Arterial 775 feet
 - (2) Rural Major Collector 500 feet
 - (3) Rural Minor Collector 400 feet
 - b. Minor Streets:
 - (1) County Local Street 400 feet
 - (2) Subdivision Street 150 feet
 - (3) Cul-de-sac 100 feet
- 16. The sections above deal with minimum requirements. Individual projects, particularly commercial and industrial subdivisions, may warrant additional requirements dictated by sound engineering design. Such additional requirements must be specified by the Commission at primary approval.
- 17. Access roads from a proposed development onto an existing or proposed Town street may be denied or restricted. A traffic impact study or traffic operations analysis may be required by the Commission. If, in the opinion of the Commission, the proposed access road presents a potential hazard to the motoring public, the Commission may require the applicant to make improvements to an existing or proposed Town street as a condition of allowing access. An applicant may be

from the centerline of the nearest intersection to the center of the cul-de-sac. A required to provide traffic signalization, deceleration lanes, acceleration lanes, passing blisters or other improvements to the street system based on the following criteria:

- Number of lots;
- Proposed use;
- Street classification;
- Traffic generation;
- Existing or proposed conditions; and
- Sound engineering design.

If the Commission determines that improvements to the street system are necessary they will advise the applicant at the time of primary approval.

18. The number of access roads required into a subdivision will be based upon the number of lots, sound engineering design and continuity of the Town street system. If the Commission determines that an additional access road is necessary, they will advise the applicant at the time of primary approval.
19. A cul-de-sac street shall not exceed six hundred (600) feet in length measured cul-de-sac shall be provided with a turnaround radius of not less than fifty (50) feet at the right-of-way line and not less than forty (40) feet at the back of the curb line. The cul-de-sac shall be paved in accordance with Section 5.6.
20. A half street shall be prohibited.
21. In a subdivision that adjoins or includes an existing street that does not conform to the minimum right-of-way dimension as established by the Comprehensive Plan and Thoroughfare Plan, the applicant shall dedicate additional right-of-way width as required to meet these regulations.

5.2 INTERSECTIONS

1. Street curbs shall be rounded by radii of sufficient length to permit the smooth flow of traffic, but in no case shall the curb radii be less than twenty-five (25) feet for a minor street, or forty (40) feet for a major street or a street in a commercial or industrial development. Greater radii may be required by the Town Engineer's Office to comply with AASHTO and INDOT design guidelines.
2. Where a proposed street with curbs intersects an existing street without curbs, the curb radius shall be designed so there is a minimum of ten (10) feet separation between the curb and edge of the existing street pavement.

from the centerline of the nearest intersection to the center of the cul-de-sac. A

3. Street right-of-way at intersections shall be designed to provide a minimum of ten (10) feet separation between the street right-of-way and curb.
4. Intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than seventy-five (75) degrees.
5. Intersections of more than two (2) streets at one point shall not be permitted. An example of this would be a 'five points' intersection.
6. When a street of lesser functional classification intersects with a street of greater functional classification the radii arcs at the intersection will comply with the standards for the street of greater functional classification.
7. There shall be at least one hundred (100) feet of straight street before entering an intersection for proposed streets.

8. The placement of a driveway which is located near a street intersection shall be based on sound engineering design.
9. Street intersections shall not be closer than two hundred (200) feet center line to center line for minor streets and five hundred (500) feet center line to center line for a major street. Traffic volume forecasts may require that these distances be increased for a given project so as to allow for adequate vehicle storage in turn lanes.
10. When a street of lesser functional classification intersects with a street of greater functional classification, the pavement thickness of all improvements within the right-of-way of the intersection shall comply with the standard for the greater street.

5.3

SIGHT DISTANCE AT INTERSECTION

1. Sight distance shall be determined by measuring from a point three and one-half (3.5) feet above the roadway surface along a line of sight to a point six (6) inches above the roadway surface.
2. The following items shall be required and must be noted on the final plat:
 - a. No fence, wall, hedge, tree or shrub planting or other similar item which obstructs sight lines at an elevation between two (2) and eight (8) feet above the street, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersection of minor street lines and fifty (50) feet from the intersection of major street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.
 - b. In the case of a driveway within ten (10) feet of an intersection of a street right-of-way or an alley, the same sight line limitation shall apply.

5.4 **BUILDING SETBACK LINE**

The building setback line shall be regulated by the setback provisions of the Zoning

Ordinance applicable to the area proposed to be subdivided. The minimum building setback line shall be measured from the edge of the street right-of-way line but in no instance shall be less than the following:

1.	Major Streets	75 feet
2.	County Local Streets	50 feet
3.	Subdivision Streets	25 feet
4.	Cul-de-sac	25 feet

5.5 STREET IMPROVEMENTS

1. In general, a street shall be completed to the grade shown on the plan and profile sheet. A plan and profile sheet for each street shall be provided by the developer and prepared by a registered professional engineer or registered land surveyor.
2. The minimum requirements for street construction shall be in accordance with the latest edition of “Standard Specifications” of the Indiana Department of Transportation, in effect at the time of approval. (Hereinafter referred to as the Standard Specifications). A copy of the Standard Specifications is on file in the Office of the Town Engineer.
 - a. The subgrade shall be prepared in compliance with Section 207 of the Standard Specifications.
 - b. The subbase, where required, shall be prepared in compliance with Section 304 of the Standard Specifications. Subbase drainage in areas of cuts, swales, and fills shall be detailed in the approved plans and specifications.
 - c. The street surface shall be of Portland cement concrete or hot asphaltic concrete. Portland cement concrete materials and construction shall be in compliance with Section 501 of the Standard Specifications and these regulations. Hot asphaltic concrete materials and construction shall be in compliance with Section 402 of the Standard Specifications and these regulations.
3. All utility excavations under the pavement shall be backfilled with preapproved

borrow or flowable mortar and construction shall conform to Section 211 or Section 213 of the Standard Specifications or compacted thoroughly by other means. Any other means must be approved by the Town Engineer prior to construction.

4. Wet spots or other unusual soil conditions may be encountered in street subgrades. These areas may require any or all of the following treatments as determined by the Town Engineer:
 - a. Four (4) inch PVC underdrains which extend under the subbase and connect directly to the subsurface drains shall be placed at regular intervals through the wet areas;
 - b. Direct aggregate ties between the subsurface drain and street aggregate subbase shall be placed in the wet area;
 - c. Four (4) inches of aggregate (#53 stone) shall be added to the street cross section in addition to the minimum base requirement;
 - d. Soft spots may be over excavated and back filled with compacted aggregate; or
 - e. Use of filter fabric or lime stabilization may be used. Use of either of these methods shall not imply an approval of a reduction of the required street cross section.
5. The actual design for street construction shall be based upon estimated traffic loading with an adequate growth factor included even though the minimum requirements may be exceeded.
6. The cross sections of streets are to be designed according to AASHTO standards using a combination of soil support values, total equivalent 18- kip single axle loads, terminal service ability index, and regional factors. The Town Engineer's Office will have the typical pavement cross sections included in the Standard Specifications.

5.6 JOINTS

Rigid pavement shall be jointed in order to control cracking. Joints shall be constructed in accordance with the type, dimensions, and at the locations required by Standard

Specifications, these regulations, or as directed by the Town Engineer's Office.

1. Spacing of weakened plane, transverse, or contraction joints shall not exceed twenty (20) feet. Closer spacing to average fifteen (15) feet is encouraged. A transverse contraction joint may either be formed or sawed dummy groove, ribbon or pre-molded strip type, and shall be one-fourth (1/4) the thickness of the pavement.
2. When a transverse joint is to be formed by sawing, care must be taken to saw the grooves soon after placing the concrete to prevent the formation of cracks due to contraction of the slab.
3. One of the above named joints shall be placed at every catch basin and manhole in the line of pavement. The location of manholes in the pavement shall determine the exact location of the joints.
4. All joints shall extend throughout the curb to the full width of pavement.
5. A transverse expansion joint shall be placed at tee intersections, tangent points of sharp curves, and wherever else shown on the plans.
6. Whenever the width between forms of the pavement under construction is greater than twelve (12) feet, a longitudinal joint shall be constructed so as to divide the pavement into strips not to exceed twelve (12) feet each. This may be accomplished by sawing or by installing a slot or groove as herein described for a contraction joint.
7. White membrane curing compound AASHTO Number 2-M-14B must be properly applied to give complete coverage immediately after finishing.

5.7 CURBS AND GUTTERS

1. A two (2) foot concrete curb and gutter shall be required for most subdivision streets. No open ditches with side slopes steeper than 3:1 will be allowed. No open ditch shall exceed three (3) feet in depth.
2. Materials, concrete specifications and construction procedure shall comply with Section 501 of the Standard Specifications.
3. Valley gutters which connect gutters and drain across street intersections or driveways are strictly prohibited.

5.8 **SIDEWALKS**

1. Sidewalks are required along both sides of all proposed and existing streets and streets in all subdivisions.
2. A plan for a sidewalk system shall be prepared that will provide every lot within a subdivision, or portion thereof, with reasonable access to a sidewalk connection with all of the community facilities, commercial enterprises and other residential subdivisions located near or adjacent to the subdivision, and in a manner that will provide safe and convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located and which will avoid pedestrian and vehicular traffic conflict whenever feasible.
3. Sidewalk materials and construction requirements shall conform to the Standard Specifications, Section 604, and shall meet the following requirements:
 - a. Be constructed only of Portland Cement concrete unless otherwise expressly approved by the Town Engineer;
 - b. Have a minimum depth of four (4) inches;
 - c. Have a minimum depth of six (6) inches when built in an area of proposed vehicular crossing;
 - d. Have a slope of one-quarter (1/4) inch per foot toward the street (except where prohibited by topography);
 - e. Be located at least one (1) foot from the right-of-way property line;
 - f. Have consistency, slump, and mixture specifications as established by the Standard Specifications;
 - g. Be jointed every four (4) feet with expansion joints every forty (40) feet to prevent cracking and heaving;
 - h. Handicapped ramps shall be installed at all intersections and at all other

locations where required for compliance with the Americans with Disabilities Act; and

- i. Have a minimum width as follows:
 - (1) One or Two Family Developments - four (4) feet;
 - (2) Multifamily Developments - five (5) feet; and
 - (3) Commercial or Industrial - as approved by the Commission.
4. In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Commission may require a perpetual unobstructed easement at least twenty (20) feet in width. This easement shall be indicated on both the preliminary and final plats. The construction details shall be shown on the construction plans and must be specifically approved by the Commission.

5.9 SUBDIVISION IDENTIFICATION SIGNS, STREET IDENTIFICATION SIGNS AND REGULATORY SIGNS

1. Street identification signs must be installed at each street intersection within and on the perimeter of the subdivision. The sign shall be located at the northeast corner of said interchange wherever possible.
2. Street identification signs and regulatory signs shall comply with the current issue of Indiana Manual of Uniform Traffic Control Devices regarding size, material, reflectivity and location. Street identification signs for public streets shall be white letters on a green background. Street identification signs for private streets shall be white letters on a blue background.
3. Regulatory signs shall be placed in accordance with the current issue of the Indiana Manual of Uniform Traffic Control Devices or as directed by Town Engineer's Office.
4. Sign locations must be shown on the development plan.
5. Subdivision identification signs shall not interfere with sight distance requirements. Their placement and design must be submitted to the Commission for approval. No subdivision identification signage shall be constructed unless approved by the Commission. The Commission reserves the right to reject any proposed signage.

CHAPTER 6 WATER FACILITIES

6.1 GENERAL REQUIREMENTS

1. The developer shall provide a public water supply system in a manner prescribed by the latest edition of the Recommended Standards for Water Works, published by Health Research Inc., Health Education Services Division, P.O. Box 7126, Albany, New York 12224 (commonly known as the “Ten (10) State Standards”).
2. The developer shall install adequate water facilities including fire hydrants. The water facilities must be shown on the approved construction plans.
3. A water main extension shall be approved by the officially designated agency of the state, town and/or municipality concerned. The design and construction must comply with all applicable federal, state and local regulations.
4. A letter of intent to provide service must be provided from the appropriate utility prior to primary approval.
5. The Commission reserves the right to approve subdivision plans contingent upon receipt of approval of water system design by IDEM and/or other appropriate parties.

6.2 INDIVIDUAL WELLS AND CENTRAL WATER SYSTEMS

1. If a public water system is not feasible, as determined by the Commission, individual wells may be used provided they are installed in accordance with all applicable state and county health department requirements (if available).
2. If a public water system is not feasible, an appropriate water source, as determined by the Commission, and central water distribution system may be used provided that they meet all applicable federal, state and town requirements.
3. A central water distribution system must be designed and constructed in a manner that provides an adequate supply of potable water to every lot in the subdivision. A central water system shall be approved by IDEM. This approval shall be submitted prior to secondary approval.

4. If the Commission requires that a connection to a public water main be eventually provided as a condition for approval of an individual well or central water system, the developer shall make arrangements for future water service at the time the plat receives secondary approval. A performance guarantee may be required to insure compliance.

6.3 FIRE HYDRANTS

Fire hydrants shall be required for all subdivisions except those having lots served by individual wells or a public water system with domestic water supply only. Fire hydrants shall be located in cooperation with the affected fire department. Documentation from the fire department shall be provided prior to secondary approval.

6.4 DRY HYDRANTS

In those subdivisions where a central water system is not available and where a permanent lake will be constructed, the developer shall provide dry hydrants in cooperation with the affected fire department.

CHAPTER 7 SEWERAGE FACILITIES

7.1 GENERAL REQUIREMENTS

Each lot must either have access to sanitary sewer facilities or meet individual on-site sewage system criteria. The Commission reserves the right to approve subdivision plans contingent upon receipt of approval of sewage system design by IDEM, IDNR, and/or other appropriate parties.

7.2 SANITARY SEWERAGE SYSTEM REQUIREMENTS

Where required the developer shall install the necessary sanitary sewers and sanitary sewer facilities in compliance with the rules, regulations, and standards of the Town and other appropriate state and federal agencies. Plans shall be approved by the above agencies where required by those agencies. All plan approvals and permits must be obtained prior to secondary approval.

A letter of intent to provide service must be provided from the sewer utility prior to primary approval.

7.3 INDIVIDUAL DISPOSAL SYSTEM REQUIREMENTS

If a public sewer facility is not available and an individual or community on-site sewage disposal facility is proposed the minimum lot area shall conform to the requirements of the Zoning Ordinance and any ordinance of the Plan Commission establishing usable lot areas and design standards for an individual or community on-site sewage disposal facility.

These facilities must comply with all applicable rules, regulations and standards of the appropriate federal, state and local agencies. All plan approvals and permits must be obtained prior to secondary approval.

CHAPTER 8
NONRESIDENTIAL SUBDIVISIONS

8.1 GENERAL

If a proposed subdivision includes land that is zoned commercial, industrial or includes land for public uses, the layout of the subdivision with respect to the land use shall meet any special provisions that the Commission finds appropriate. A nonresidential subdivision, in addition to complying with these regulations, shall also be subject to all the requirements set forth in the Zoning Ordinance. Site Plan approval, as required by the Zoning Ordinance, and nonresidential subdivision approval may proceed simultaneously at the discretion of the Commission. It is understood that in some commercial or industrial subdivisions the exact lot line locations may not be known at the time of primary approval. Shifts in lot lines, elimination of lots and minor variations in improvements will not be classified as significant changes as long as all conditions of primary approval, the provisions of this ordinance, the Zoning Ordinance and the Storm Drainage, Erosion and Sediment Control Ordinance are met. Adding additional lots or changes that the Plan Commission Staff determine to be significant shall require a new primary hearing and approval.

8.2 STANDARDS

In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street arrangement proposed is appropriate for the use anticipated and adequately takes into account other uses in the vicinity. The following principles and standards shall be observed.

1. A nonresidential subdivision must be appropriately zoned for commercial or industrial use prior to the proposal for a subdivision in accordance with these regulations.
2. A proposed commercial or industrial parcel shall be suitable in minimum area and dimensions to the type of industrial development anticipated.

3. The street right-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated to be generated within and adjacent to the proposed subdivision.
4. Special requirements may be imposed by the Commission with respect to street, curb, gutter, landscaping, screening and sidewalk design and construction.
5. A special requirement may be imposed by the Commission with respect to the design and installation of a public utility, including water, sanitary sewer, and storm water drainage.
6. Provisions shall be made to protect an adjacent residential area from potential nuisances created by a proposed commercial or industrial subdivision, including extra depth in parcels backing onto existing or potential residential development and a permanently landscaped buffer strip where necessary.
7. For a street carrying nonresidential traffic, especially truck traffic, extension to the boundary of an adjacent existing or potential residential areas may not be required unless in the opinion of the Commission conditions exist to warrant this extension. A traffic impact study or traffic operations analysis may be required.

8.3 PRIVATE STREETS

It is the intent and purpose of this Section to encourage streets and rights-of-way to be dedicated to the Town for ownership and maintenance whenever possible. It is a long range benefit to the entire Town for streets and rights-of-way to be maintained publicly rather than privately. There may be, however, a situation in which a privately owned and maintained street is a more reasonable alternative. In any development in which a private street is allowed, the street shall conform to Chapter 5.

