

TITLE 13

SUBDIVISION CONTROL ORDINANCE

ORDINANCE ADOPTING THE SUBDIVISION CONTROL ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN
OF CHRISNEY, INDIANA ADOPTING THE SUBDIVISION CONTROL ORDINANCE
OF THE TOWN OF CHRISNEY, INDIANA**

WHEREAS, the ordinance is enacted on accordance with Indiana State Law (Indiana Code 36-7-4-700) for the purpose of establishing control over the recording and division of lands, the development of lands, the control of land uses, the proper and legal description of side lands for the assessment of taxes, the recording of property purchased or sold, and for the health, welfare and enjoyment of properties by the current and future citizens of CHRISNEY; and

WHEREAS, the Advisory Plan Commission of CHRISNEY, Indiana, did on April 3, 2008 hold a legally advertised public meeting to consider adoption of the attached Subdivision Control Ordinance (Exhibit "A") for the town; and

WHEREAS, The Plan Commission did consider said Subdivision Control Ordinance until all comments and objections were heard; and

WHEREAS, the Plan Commission found that the Subdivision Control Ordinance meets the requirements of Indiana Code 36-7-4-700, and that the adoption of this Subdivision Control Ordinance is found to be in the best interests of CHRISNEY, Indiana; and

WHEREAS, the Town Council finds that it is in the best interest of the Town to adopt said Subdivision Control Ordinance.

NOW THEREFORE, BE IT ORDAINED, that the Town Council of CHRISNEY, Indiana, hereby adopts Exhibit "A" attached and made a part hereof, as the Subdivision Control Ordinance of the Town of CHRISNEY, Indiana.

This ordinance shall take effect from and after its passage as provided by law.

DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CHRISNEY, INDIANA, ON THIS THE 7th DAY OF April, 2008

Aye

Nay

Abstain

Absent

**TOWN COUNCIL OF THE TOWN OF
CHRISNEY, INDIANA**

By: Neal B. Dougan
Neal Dougan, President, Councilman

Robert L. Adams
Robert L. Adams, Councilman

Karen Waninger
Karen Waninger, Councilwoman

ATTEST:

Kim Litkenhus
Kim Litkenhus, Clerk-Treasurer

Title 13

SUBDIVISION REGULATIONS OF THE TOWN OF CHRISNEY, INDIANA

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13.01 (PART I) TITLE

AN ORDINANCE PROVIDING FOR SUBDIVISION CONTROL OF LAND WITHIN THE JURISDICTION OF THE CHRISNEY PLAN COMMISSION.

BE IT ORDAINED by The Town Council of the Town of Chrisney under authority of Indiana Code 36-7-3 et seq. and Indiana Code 36-7-4 and all acts amendatory thereto:

1.1 SHORT TITLE

This ordinance shall be known and may be cited as the Subdivision Regulations of the Town of Chrisney, Indiana.

1.2 APPLICATION OF ORDINANCE

Except as otherwise provided in this ordinance, no person shall subdivide any parcel of land which is located within the jurisdictional area of the Chrisney Plan Commission unless said subdivision conforms with the provisions of this ordinance.

1.3 PURPOSE

This Ordinance is adopted for the following purposes:

- (1) To assist the orderly and efficient development of the Town and jurisdictional area.
- (2) To provide for the coordination of new thoroughfares with existing and planned thoroughfares.
- (3) To promote the health, safety, and general welfare of the residents of the Town and jurisdictional area.
- (4) To ensure the coordination with the extension of the community facilities and utilities.
- (5) To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

13.02 (PART II) GENERAL REGULATIONS

2.1 RULES OF CONSTRUCTION

In this ordinance words used in the present tense include the future, the singular number includes the plural and the plural the singular. The word "shall" is mandatory and not optional. Unless otherwise specified, all distances shall be measured horizontally, in any direction.

2.2 SALE OF LAND

No lot, tract, or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be given until a final subdivision plat has been properly reviewed and officially approved by the Town Plan Commission and adopted by the Town Council and recorded, as herein provided.

2.3 INSTALLATION OF IMPROVEMENTS

No improvements, such as sidewalks, water supply, storm water drainage, sewage facilities, gas service, electric service or lighting, or grading, paving, or surfacing of any street, shall be made within any subdivision platted after the effective date of this ordinance by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or by his or their agent until the plat for the subdivision and also the plans for the improvements have been properly reviewed and officially approved by the Chrisney Plan Commission, and recorded.

2.4 DETAILED PLAN SUBMISSION

In the event a subdivider proposes to subdivide a tract of land in several stages over a period of years and the subdivider intends to request approval in parts, he shall, at the time of submission of the first part, submit a detailed plan of the entire tract to be eventually developed, with appropriate sectioning to demonstrate to the Town Plan Commission that the total design as proposed for the entire subdivision is feasible. The Town Plan Commission may give preliminary approval to the overall plan and final approval on the parts as submitted from time to time.

2.5 PROVISIONS

The provision of this ordinance establish the minimum requirements necessary in the subdivision of land.

13.03 (PART III) DEFINITIONS

As used in this ordinance, the following words shall have the meaning and references given, unless the context clearly indicates otherwise.

- (1) Administrator: means the Land Use and Zoning Administrator of the Town of Chrisney. The officer designated and authorized by the Commission to administer these Subdivision Regulations.
- (2) Agricultural Purpose: The use of a tract of land for agricultural purposes only, including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- (3) Alley. A public thoroughfare primarily designed to serve as access to the side or rear of properties where principal frontage is on some other street. Alleys may also serve as easements and access for utilities. Alleys generally will not be approved for the development of future residential areas, unless unusual circumstances require them.
- (4) Applicant. The owner of land proposed to be subdivided or his agent or his legal representative. Consent shall be required from the legal owner of the premises.
- (5) Block. A unit of property bounded by the public highways, streets, railroad rights-of-way, waterways, tract boundary line, or other barriers, or combination thereof. Blocks are required to have unique block names, numbers or other designations for identification. Blocks must comply with the requirements of the Zoning Ordinance.
- (6) Bond. Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the

Plan Commission. All bonds shall be approved by the Town Council wherever a bond is required by these regulations.

- (7) Buffer Landscaping. Any trees, shrubs, walls, fences, berms or related landscaping features required under this ordinance or the Zoning Ordinance on private lots and privately maintained for buffering lots from adjacent properties or public rights of way for the purpose of increasing sound and/or visual privacy. (See Screening also.)
- (8) Building Permit. A certificate issued by the Zoning Administrator of a governing body permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure within its jurisdiction, or cause the same to be done.
- (9) Building Setback Line - Building Line. The imaginary line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.
- (10) Clerk-Treasurer. The town official empowered to examine and settle all accounts and demands that are chargeable against the Town.
- (11) Commission. The Chrisney Advisory Plan Commission.
- (12) Comprehensive Plan. Inclusive physical, social and economic plans and policies in graphic and verbal statement forms for the development of the Town and the jurisdictional area, prepared and adopted by the Commission, pursuant to Indiana Code 36-7-4 and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof. This Subdivision Control Ordinance is part of, and a supplement to, the Comprehensive Plan.
- (13) Construction Plan(s). The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the plat.
- (14) Council. The Town Council of Chrisney, Indiana.
- (15) County. The County of Spencer, State of Indiana.
- (16) County Auditor. The Auditor of Spencer County, Indiana.
- (17) County Recorder. That County Official empowered to record and file land description plats.
- (18) Covenant. A recorded agreement between buyer and seller of a piece of property specifying what may or may not be done with the subject property. Covenants approved by the Advisory Plan Commission, and recorded with

the County Recorder, run with the land and may not be abrogated without approval of the Advisory Plan Commission. Covenants not approved by the Advisory Plan Commission shall not be recorded and shall not run with the land. Covenants are not valid if they violate Federal, State, County or Town Laws, Ordinances or Regulations.

- (19) Cross-Walk. A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.
- (20) Cul-de-sac. (Court) A short Residential Street having one end open to traffic and being permanently terminated at the other end by a vehicle turn-around.
- (21) Culvert. A drain pipe that channels water under a bridge, street, or driveway.
- (22) Dead-End Street. A street having one of its ends closed with no provision for a vehicle turn-around.
- (23) Density. A unit of measurement, the number of dwelling units per acre of land.
- (24) Designated Officials. Those officials of the Commission designated in the subdivision ordinance as required signatories for the execution of final approval.
- (25) Developer. The owner of land proposed to be subdivided or his representative. Consent for making applications for development approval shall be required from the legal owner of the premises.
- (26) Drainage Right-of-Way. The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing, for the flow of water therein.
- (27) Drives, Private. Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public right-of-way.
- (28) Driveway. Shall mean a right-of-way which provides egress or ingress to a residential dwelling unit.
- (29) Easement. A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for one or more specified purposes. Easements are usually defined for use by utilities for the construction, operation and maintenance of utility infrastructure or system. An easement is a right of use or right of access. An easement may be restrictive. A restrictive easement must be defined on the recorded plat.

- (30) Escrow. A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the Clerk-Treasurer and not to be delivered until specified conditions are met.
- (31) Final Plat. The map, drawing or plan described in this ordinance of a Subdivision and any accompanying material submitted to the Commission for final approval, and which if approved and signed by the designated officials, may be submitted to the County Recorder for recording.
- (32) Final Approval. The stage of applications for formal Plan Commission approval of a final plat of a subdivision, the construction of which has been completed or substantially completed which, if approved and signed by the designated officials, may be submitted to the Town Council for filing.
- (33) Flood Hazard Areas. Those flood plains which have not been adequately protected from flooding by the Regulatory Flood by means of dikes, levees or reservoirs and are shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the State Natural Resources Commission.
- (34) Floodplain. The area adjoining the river or stream which has been or may hereafter be covered by flood water from the Regulatory Flood.
- (35) Flood Protection Grade. The elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.
- (36) Floodway Fringe. Those portions of the Flood Hazard Areas lying outside the Floodway, shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.
- (37) Foundation. The supporting member of a wall or structure.
- (38) Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersection streets. No access for any one lot is permitted to more than one street and that street generally will be the one calculated to have lower traffic volume and less frequent intersection.
- (39) Frontage Street. Any street to be constructed by the developer or any existing street in which development shall take place on both sides.
- (40) Front-Yard. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot and measured as the shortest distance from that foundation to the right-of-way line. The front

yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage.

- (41) Governing Body. The body of the relevant local government having the power to adopt ordinance.
- (42) Grade. The slope of a street, or other public way, specified in percentage (%) terms. Example: One foot of rise in 100 feet would be one percent.
- (43) Health Department and (County) Health Officer. The agency and person designated by the County to administer the health regulations within the County's jurisdiction.
- (44) Highway, Limited Access. A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.
- (45) Indiana Code. The Indiana Code, which codifies all Indiana Statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws "now" in force and applicable. (Usually abbreviated as IC herein)
- (46) Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the County Health Department.
- (47) Interested Parties. Those parties who are the owners of properties adjoining or adjacent to the proposed subdivision as shown on the sketch plan.
- (48) Joint Ownership. Joint ownership among persons shall be construed as the same owner "constructive ownership" for the purpose of imposing subdivision regulations.
- (49) Jurisdiction. The town of Chrisney and that portion of Spencer County, Indiana, outside the town boundary over which the Plan Commission is authorized to exercise powers under Indiana Code, which is filed with the Spencer County Recorder.
- (50) Land Divider. The owner of a parcel of land to be further divided through making an exempt division.
- (51) Landscaping. Any trees, shrubs, walls, fences, berms or related landscape features required under this ordinance or the zoning ordinance on private lots for the visual enhancement and definition of frontage along a public right-of-way.

- (52) Lot. A parcel of land of specific form and dimension, defined by a metes and bounds description or by boundary lines in a recorded deed or, situated within a legally recorded plot, and designated by number or letter, for convenience and accuracy, in legal conveyance of the title thereto.
- (53) Lot, Corner. A lot abutting two (2) or more streets at their intersection, where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°).
- (54) Lot, Front. That part of a lot adjacent to and parallel with the street. The front of a corner lot shall be determined, at the time of application for the improvement location permit, by either the owner, builder, developer or their agent and the zoning administrator. Once the front is determined, the structure shall then be erected in conformity with the zoning ordinance and this subdivision ordinance.
- (55) Lot, Interior. Any lot other than a corner lot, including a through lot.
- (56) Lot, Through. A lot having frontage on two (2) parallel or approximately parallel streets.
- (57) Lot, Width. The lineal measurement of the building setback line on the affected lot.
- (58) Maintenance Guarantee. Any security that guarantees certain improvements constructed under conditions set forth by the Commission. shall at the time they are accepted for public maintenance be in such condition as to require no additional work beyond normal upkeep.
- (59) Map. A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.
- (60) Marker. A stake, pipe, rod, nail or any other object which is not intended to be a permanent point for record purposes.
- (61) Master Plan. See Comprehensive Plan.
- (62) Monument. A physical structure which marks the location of a corner or other survey point.
- (63) Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions, of these regulations.
- (64) Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

- (65) Owner. Includes any person, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of any of these, or other legal entity having sufficient proprietary interest in the land sought to be subdivided or divided to commence and maintain proceedings under the provisions of this Ordinance.
- (66) Parcel. A part or portion of land having a legal description formally set forth in a conveyance together with the boundaries thereof, in order to make possible its easy identifications.
- (67) Pedestrian Way. Shall mean a right-of-way across or within a block designated for pedestrian use.
- (68) Performance Bond or Surety Bond. A personal or corporate surety agreement between Developer or Sub-divider, and such surety that may be approved, in favor of a governmental body, governmental unit, or private entity, guaranteeing the completion of physical improvements, or other requirements of this Ordinance, according to plan and specifications within the time prescribed by the sub-divider's agreement.
- (69) Person. A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person. If the person is other than a natural person then articles of incorporation, partnership, association etc. will be required as proof of the right to petition. Proof of POWER OF ATTORNEY may be required of an individual acting on behalf of the PERSON.
- (70) Place. An open, unoccupied, officially designated space, other than a street or alley, permanently reserved for use as the principal means of access to abutting property.
- (71) Plat. The map or drawings or chart and included pertinent information, accurately and thoroughly describing the subdivision or re-subdivision of land, which is intended to be filed for the permanent record.
- (72) Plat, Final. The final map or drawings of all or a portion of the subdivision which is presented to the Commission for final approval in accordance with this ordinance.
- (73) Plat, Preliminary. The drawings, maps, and documents described in Article V, Section 3, (13.05.5.3) indicating the proposed layout of the subdivision which is submitted to the Plan Commission for consideration and tentative approval.
- (74) Public Agency. An agency or government department acting under the aegis of and representing an elected or appointed council, commission or other

policy-making or advisory body of federal, state, or local government to whom it is responsible.

- (75) Public Improvement. Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (All such improvements shall be properly bonded.)
- (76) Rear Yard. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.
- (77) Registered Land Surveyor. A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.
- (78) Registered Professional Engineer. An engineer properly licensed and registered in the State of Indiana or permitted to practice in Indiana through reciprocity.
- (79) Regulatory Flood. The flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the State Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.
- (80) Regulatory Floodway. The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.
- (81) Restrictive Covenants. Limitations of various kinds on the usage of lots or parcels of land within a subdivision which are proposed by the subdivider, and in the case of public health, safety and welfare by the Commission, that are recorded with the plat and run with the land.
- (82) Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivision.

- (83) Right-of-Way. A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping or any other use involving maintenance by public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.
- (84) Road Setback Line. The line established by a county road setback resolution along certain designated public roads.
- (85) Sketch Plan. The initially submitted graphic representation of a proposed major subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form acceptable to the Commission and in the case of a minor subdivision, the drawing or drawings indicating the proposed manner of layout of the subdivision meeting the conditions of the subdivision ordinance to be submitted to the Commission for primary approval.
- (86) Soil Survey. Shall be the National Cooperative Soil Survey prepared by the U.S. Department of Agriculture Natural Resources Conservation Service.
- (87) State Plane - Coordinate System. A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.
- (88) Street. A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designed as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name. For the purpose of this report, streets shall be classified as follows:
- A. Arterial. This type of facility serves mainly for high volume traffic and to move through traffic. Indiana and U.S. marked routes and important intra-city streets are considered under this classification. Where a highway is a non-limited access route these facilities also perform a secondary function of providing direct access to abutting land and thus interconnect principal traffic generators.
 - B. Major Collector. These streets facilitate the collection of local traffic from local streets and minor collectors to arterial streets.

- C. Minor Collector. These streets are designed to facilitate the collection of traffic from local streets, to provide circulation within neighborhood areas and convenient ways to reach major collectors and arterial streets.
 - D. Local Street. These streets collect traffic from individual driveways and carry it to collector roadways. All streets not classified as either arterials, major collectors or minor collectors are considered local streets.
 - E. Private Street. A street which has not been accepted by the town or any other governmental entity.
- (89) Subdivider (Developer). A person or his agent engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this report.
- (90) Subdivision. The division of any parcel of land after the enactment of this ordinance, shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof into two (2) or more parcels or lots for residential, commercial, or industrial purposes whether immediate or future, of transfer of ownership and any one of which contains, less than five acres in area, or the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; including shopping centers, apartment complexes, condominiums, industrial or office parks and similar developments.
- Provided, however, that this definition shall not include divisions of land for agricultural purposes only, not involving any new street or easement of access, or the sale of lots or exchange of parcels between adjoining lot owners that do not create additional building sites.
- (91) Thoroughfare Plan. The part of the Master Plan now or hereafter adopted, which sets forth the location, alignment, dimensions, identification, and classification of existing and proposed public, streets, highways, and other thoroughfares.
- (92) Town. Town of Chrisney, Spencer County, Indiana.
- (93) Yard. A space on the same lot with a building, which is open, unoccupied, and unobstructed by structures, except as provided in the zoning ordinance.
- (94) Zoning Ordinance. The part of the Comprehensive Plan, whether current or hereafter amended, which includes an ordinance and zone map which divides

the Jurisdiction of the Commission in Zoning Districts, with regulations and requirements and procedures for the establishment of land use controls.

13.04 (PART IV) ADMINISTRATION

The government of Chrisney, Indiana is concerned with the administration of this ordinance. For purposes of clarity, pertinent functions are listed as follows:

4.1 CHRISNEY ADVISORY PLAN COMMISSION

The Chrisney Advisory Plan Commission shall review the tentative and preliminary plans and the final plat and exercise the responsibilities provided in this ordinance. The Advisory Plan Commission shall administer the provisions of this ordinance and, in addition thereto and in furtherance of said authority shall:

- (1) Maintain permanent and current records of this ordinance including amendments hereto;
- (2) Receive and file all sketch plans, preliminary plats, minor plats, and final plats (together with applications);
- (3) Forward copies of the preliminary plat, the minor plat, and the final plat to other appropriate agencies for their recommendations and reports;
- (4) Assimilate all comments, recommendations and reviews from the applicable Town and County officials, and make a recommendation for action to the Advisory Plan Commission on every subdivision plan or plat which the Commission is to consider. The recommendations will either be for approval, disapproval or deferral. Reasons for the recommendation shall be clearly stated;
- (5) Received and file copies of all final plats and check their compliance with the preliminary plan;
- (6) Receive "as built" plans, as outlined in Part V, Section 5-6 (13.05.5.5 - 13.0.5.6), and forward prints of such plans to the proper governmental departments;
- (7) Inspect and make recommendations concerning approval or disapproval of streets and improvements, in accordance with the provisions of this ordinance;
- (8) Make all other determinations required by the regulations herein.

4.2 THE CHRISNEY STREET SUPERINTENDENT AND THE SPENCER COUNTY HIGHWAY DEPARTMENT

The Street Supervisor(s) or Highway Engineer shall:

- (1) Make recommendations on street design and on storm drainage details in accordance with the provisions of this ordinance and as required by applicable ordinances;
- (2) Make inspections of streets and improvements during their construction, in accordance with the provisions of this ordinance;
- (3) Inspect and make recommendations concerning approval or disapproval of streets and improvements in accordance with the provisions of this ordinance.
- (4) Issue additional development related permits as required by other county and town ordinances.

4.3 COUNTY SURVEYOR'S OFFICE

The County Surveyor shall:

- (1) Check and make recommendations on all subdivision engineering, and construction plans, especially storm drainage plans, in accordance with the provisions of this ordinance;
- (2) Inspect and make recommendations concerning approval or disapproval of streets and improvements, in accordance with the provisions of this ordinance.

4.4 COUNTY HEALTH DEPARTMENT

The Health Officer shall:

- (1) Make recommendations in regard to minimum lot size in instances where sewage treatment or domestic water facilities are to be installed separately on each individual lot;
- (2) Make recommendations regarding the feasibility and location of common sewage treatment or domestic water facilities in accordance with the provisions of this ordinance.

4.5 THE TOWN COUNCIL OF THE TOWN OF CHRISNEY

The Town Council of The Town of Chrisney shall:

- (1) Accept subdivision performance and maintenance bonds or escrow as required herein;
- (2) Accept into the Town Street System or County Highway System streets and improvements designed and constructed in accordance with the provisions of applicable ordinance.

13.05 (PART V) PROCEDURE

5.1 PRELIMINARY CONSIDERATIONS

In order to make the most of opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider should consult with the administrator and public officials prior to the preparation of the preliminary plat for the subdivision; the Comprehensive Plan for the town should be reviewed to determine how the preliminary plat will fit into the Comprehensive Plan. Requirements for major and minor streets; school and recreation sites, shopping centers, community facilities; sanitation, water supply and drainage; and the relationship to other developments, existing and proposed, in the vicinity shall be determined in advance of the preparation of the preliminary plat. Consultation should also be held with those familiar with the economic factors affecting the subdivision. A thorough estimate of the situation will result in sound decisions with respect to the form character and extent of the proposed subdivision. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Plan Commission, Town Council and other appropriate entities to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible residents and the community as a whole. In the event additional information is needed, the Plan Commission shall make a written request for the subdivider to provide the same.

5.2 FILING OF PRELIMINARY PLATS

A subdivider desiring approval of a plat of a subdivision within the jurisdiction of the Town Council shall submit a written application therefore to the Plan Commission; such application shall be accompanied by the information, requirements and plans set forth in Part V, Section 3 (13.05.5.3), all in accordance with the requirements set forth in this ordinance.

- (1) Three (3) copies of the completed application for subdivision approval form shall be submitted to the Plan Commission Office no later than twenty-one (21) days prior to the Plan Commission meeting at which consideration is desired. At the time of filing, a fee shall be paid to the Plan Commission in

accordance with the approved fee schedule to cover the cost of publishing notices and of notifying the persons concerned with the pending hearing on said subdivision. The Plan Commission shall retain one copy of the application and receipt the remaining two (2) copies, one of which shall be attached to the preliminary drawings, which shall be delivered to the Plan Commission office by the subdivider; the third receipted copy shall be retained by the subdivider as proof of payment. The Plan Commission shall transmit one (1) copy of the preliminary plat for review and approval to the following officials or agencies:

Administrator
Town Council
Town Street Superintendent
County Highway Engineer
County Highway Supervisor
County Surveyor
County Auditor
School Superintendent in whose district said plat is located
County Board of Health

and to any other agency whom it considers to have an interest in the proposed subdivision, with a request for comments and proof of approval from the agency.

Two (2) copies shall be retained by the Plan Commission for the following purposes:

One copy shall be retained in the Plan Commission files and shall be marked with any corrections or additions deemed necessary by the Administrator, the above listed officials or agencies, and by the Plan Commission when the plat is considered in public hearing.

One copy shall be retained until such time as all the various officials and agencies and the Plan Commission have made their review and commented on approval of the plat. This copy will then be marked and returned with a letter of approval or disapproval to the subdivider.

- (2) If the preliminary plat is approved by the Plan Commission; the applicant shall be authorized to proceed with the preparation of the final plat. The Plan Commission shall return to the subdivider a copy of the preliminary plat and a letter of approval or disapproval of the preliminary plat no later than ten (10) days following the date of the hearing; in case of disapproval giving reasons and specifying aspects of nonconformance with existing ordinances.

- (3) Preliminary approval shall confer upon the applicant the following right for a one (1) year period from the date of approval.
 - A. That the general terms and conditions under which the preliminary approval was granted shall not be changed.
 - B. That the said applicant shall submit on or before the expiration of the one year period the whole or part or parts of said plat for final approval. In the case of a subdivision being developed in stages, the applicant may elect to have final approval delayed for a period not to exceed three (3) years from the date of preliminary approval for the remaining portions of the plat, after submission of the original part within the above specified period. In the event the subdivider fails to submit within the prescribed time a final plat, of all or part of the area included in the preliminary plat or the remaining portion of the preliminary plat shall lapse and be considered null and void.

5.3 PRELIMINARY PLAT REQUIREMENTS

A preliminary plat shall be provided by the subdivider and consist of the following:

- (1) Soil Survey Map. (The information for which shall be obtained from or be prepared by the United States Department of Agriculture Natural Resource Conservation Service) showing:
 - A. Identification of all soil types located within the boundaries of the plat along with descriptions of soil characteristics as named in the nation-wide classification system.
- (2) Location Map. (Which may be prepared by indicating the following data on available maps) showing:
 - A. Boundary line of the proposed subdivision indicated by a solid heavy line and the total approximate acreage involved.
 - B. Subdivision name and location. specifying U.S. survey and township lines, county and state.
 - C. Any and all thoroughfares related to the subdivision.
 - D. Public Transportation lines.
 - E. Main shopping center.
 - F. Schools.
 - G. Parks and Playgrounds.

- H. Zoning of the site and adjoining property.
- I. Existing or proposed platting of adjacent land.
- J. Other community features.
- K. Aerial photo to include plat.
- L. Title, scale, north arrow, and date.

(3) Preliminary Plat showing:

- A. Proposed name of the subdivision and location.
- B. Names and addresses of the owner, subdivider, planning consultant, engineer or registered land surveyor who prepared the plat.
- C. Streets and rights-of-way, on and adjoining the site of the proposed subdivision; showing the names (which shall not duplicate names of other streets in the community) and widths of rights-of-way of streets, alleys, approximate gradients: types and widths of pavement, curbs, sidewalks, cross-walks, planting, and other pertinent data.
- D. All lot lines adjacent to and abutting the subdivision, showing the subdivision or the developer's name or some other means of identification.
- E. Layout of lots, showing dimensions and numbers.
- F. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
- G. Easements, existing and proposed, showing locations, widths and purposes.
- H. Building setback or front yard lines and dimensions and requirements of any Spencer County or Town of Chrisney Road Setback Ordinances.
- I. Utilities, including sanitary and storm sewer, other drainage facilities, water lines, gas mains, electric utilities and other facilities, including size or capacity of each and the location of or distance to each utility indicated, and fire hydrants located according to Chrisney Fire Department standards.
- J. If the developer intends to install the improvements prior to the approval of the final plat of any portion of this preliminary plat, he

shall submit the improvement plans and specifications as specified in Section 6 of this Part V (13.05.5.6) along with the preliminary plat.

- K. Tract boundary lines showing dimensions, bearing, angles and references to section, township and range lines or corners.
- L. Contours at vertical intervals of not more than five (5) feet where the slope is greater than ten (10) per cent and not more than two (2) feet where slope is less than ten (10) per cent. Elevations shall be marked on such contours based on a datum plan approved by the County Surveyor, or on sea level datum.
- M. Tree masses and all individual trees having a caliper of twelve inches (12") or greater, key plan, legend and notes.
- N. Location of existing structures within and immediately adjacent to the plat.
- O. Landscaping plans and proposed limits on the location, size and intensity of signs, advertising, and off-street parking should be included in the case of proposed subdivision for industrial or commercial use.
- P. Key plan, legend and notes.
- Q. Scale*, north arrow and date.
- R. Such other data as the Plan Commission may be by rule require. Any such rule shall be adopted by Commission resolution only after a public hearing.
- * The preliminary plat of the subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch; provided, however, that if the resulting drawing would be over thirty-six (36) inches in the shortest dimension, a scale as recommended by the Commission may be used.

(4) Engineering Plan showing:

- A. Profiles, typical cross-sections and specifications for proposed street improvements; and
- B. Profiles and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution system.

(5) Covenants: Two copies of the protective covenants or private restrictions to be incorporated in the plat of the subdivision.

- (6) Agreements: Information as to any agreements which have been entered into with the owners of other property within the neighborhood in which the proposed subdivision is located, as to general plans for the entire neighborhood. Reference should be made for suggestions as to the general street pattern and design of the neighborhood. Wherever possible all of the property owners within the neighborhood should endeavor to agree upon a general plan for its development in order that each subdivision may be designed as an integral part of a well-considered overall plan.
- (7) Certificate of Adequate Sewage Disposal: A written statement from a health and sanitation authority of Spencer County, Indiana or the State of Indiana, certifying that the real estate encompassed by the proposed plat is conducive to a private or public sanitary sewer system.
- (8) Fees: The Application shall be accompanied by a certified check or money order payable to the Clerk-Treasurer in the amount of One Hundred Dollars (\$100.00) plus Ten Dollars (\$10.00) for each lot in the proposed subdivision with a minimum total charge of One Hundred Fifty Dollars (\$150.00) to cover the cost of checking and verifying the proposed plat, and such amount shall be deposited in the General Fund.

5.4 APPROVAL OF FINAL PLATS

- (1) The final plat (original and 3 prints) shall be submitted to the Plan Commission for final approval no later than fourteen (14) days prior to the Commission meeting at which final consideration is desired. The submission shall include the plans and specifications for the required improvements as set forth in Part VII (13.07). All documents shall bear the approving signature of the County Surveyor, and/or appointed officials, and the transmittal to the Plan Commission and the Board shall include a letter from the County Surveyor and/or appointed officials, describing such approval and setting forth an estimate to cover the cost of the proposed improvements for performance guarantee purposes.
- (2) Upon approval by the Plan Commission, the final plat shall be forwarded to the Town Council with all recommendations from the Plan Commission attached. If the final plat is approved by the Town Council, the original tracing shall bear, on the face of the plat, the signatures of the President or Vice-President and the Secretary of the Plan Commission along with the official seal of the Plan Commission; said approval shall be entered in the Plan Commission and Town Council minutes.
- (3) In the event of disapproval, the Town Council shall set out in the Council minutes, and attach to a copy of the plat, the reasons for and specify the aspects of nonconformance with existing ordinances and notify the subdivider of the same no later than ten (10) days following the date of the

hearing. No plat shall be forwarded to the County Auditor until it has been approved by the Town Council.

- (4) In instances where the subdivider proposes to construct a common sewage treatment facility or a common water supply system, or both, the Plan Commission shall not Give Final Plat approval.
- (5) In the event a plat is denied because of the interpretation of data supplied by the United States Department of Agriculture Natural Resource Conservation Service or because of the recommendation of the Indiana Department of Natural Resources the subdivider may request in writing another hearing at which he shall provide additional evidence attesting to the adequacy of said plat, said hearing shall be scheduled no later than sixty-two (62) days after the hearing at which the original final plat was denied. Part of the said additional evidence shall be in the form of a certification from a Professional Civil Engineer registered in the State of Indiana, obtained at the subdivider's cost. stating, in effect that he, the engineer, has performed the tests and/or surveys, in the presence of a representative of, or in a manner meeting the approval of the body whose recommendations caused disapproval, necessary to determine that in the engineer's opinion the area in question will provide adequate public health, safety, convenience and general welfare of present or future owners of any lots, parcels or tracts of the subdivision providing that all improvements are installed according to the drawings submitted with the original final plat.
- (6) The approval of the final plat improvements design, by the Town Council shall be indicated on the original tracing of the plat, to be filed for record, by the affixing the of the signatures of the members of the Town Council; in the event of disapproval the Council shall set out, and attach to a copy of the plat, the reasons for and specify the aspects of nonconformance with existing ordinances and notify the subdivider of the same. A copy of the plat showing the Town Council action shall be Filed in the office of the Plan Commission.
- (7) The approved final plat shall be returned to the Plan Commission to be held until such time as the subdivider has,
 - A. Posted the performance guarantee as set forth in this Part V, Section 7, of this ordinance, or, (13.05.5.7)
 - B. Presented to the Plan Commission a statement signed by the County Surveyor, County Highway Supervisor, or Engineer, or authorized official stating that all utilities, facilities and improvements have been installed in accordance with all requirements and provisions of this ordinance, or.
 - C. Presented to the Plan Commission proof of deposit of funds with an approved lender of the Veterans Administration or Federal Housing

Authority in an amount to guarantee installation and completion of said improvements, or,

- D. Presented to the Plan Commission proof the execution of contracts with contractors, acceptable to the Town Council providing for the construction and completion of the improvements, as prescribed by this or any other State or Federal Ordinances, within a reasonable time from date thereof, said completion date shall be specified on the contracts.

Upon the compliance of the above requirements the Plan Commission shall release to the subdivider or his agent the approved final plat.

5.5 FINAL PLAT REQUIREMENTS

- (1) The final plat may include all or only a part of the preliminary plat which has received approval. (Any portion of the preliminary plat to be recorded shall be filed as a final plat not later than one (1) year after approval of the preliminary or plat, otherwise such approval shall be void.)
- (2) The original drawing of the final plat shall be drawn on mylar media (or equivalent) with waterproof black drawing ink to a scale of fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch, provided that, if the resulting drawing, would be greater than thirty-six (36) inches in the shortest dimension, a scale of up to two hundred (200) feet to one (1) inch may be used. Four (4) black, or blue line prints shall be submitted with the original final plat; or, in order to conform to modern drafting and reproduction methods, four (4) black or blue line prints or film positive of the final plat shall be submitted. Prints filed in the permanent records of the Commission shall include, one print made after recording of the final plat and bearing the official stamp attesting the fact of the recording, and a reproducible transparent film positive print of the final plat, as approved. Where the plat has been prepared using CAD (Computer Assisted Drawing) software, an additional copy of the plat shall be delivered to the Plan Commission on computer disk in a .dwg or .dxf format. Other specifications, primarily in text form, may be submitted in .pdf format.
- (3) All elevations shall be referenced to the established datum and the said reference shall be clearly stated on any plans or drawings showing such datum, providing bench marks are located within a reasonable distance.
- (4) All dimensions shall be shown in feet and decimals of a foot.
- (5) The following basic information shall be shown; all surveys for a final plat shall be made under the active and personal direction of a land surveyor, registered in the State of Indiana.

- A. Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than one (1) foot in five thousand (5,000) lineal feet of boundary distance, one copy of the traverse calculations determining such closure shall be submitted with the final plat. Coordinates shall be established for all property corners.
- B. Accurate distances and directions to the nearest established street corner or official monuments. Reference corners shall be accurately described on the final plat.
- C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract, shown by heavy solid lines.
- D. Accurate metes and bound description of the boundary and the included area to the nearest one hundredth of an acre.
- E. Right-of-way line of streets, easements, and other rights-of-way, and property lines of lots and other tracts, with accurate dimensions, bearings and curve data including radii, arcs and chords, points of curvature and tangency and central angles.
- F. Name and right-of-way width for each street or other right-of-way.
- G. Location, dimensions, and purposes of any easement, shown by light, dashed lines.
- H. Number to identify each lot or site.
- I. Purpose for which sites, other than residential lots, are dedicated or reserved.
- J. Building setback or front yard lines showing all dimensions.
- K. Floor elevation and citing, of each proposed building when in danger of inundation, subject to approval on recommendation of Indiana Department of Natural Resources.
- L. Location, type, material, and sizes of all monuments and lot markers, including elevations related to mean sea level as established by the United State Geological Survey.
- M. Names of owners and mortgagees accepting said plat, with record owner or owners personally signing the plat and all plans or drawings providing for the installation of the improvements.
- N. Reference to recorded subdivision plats of adjoining platted land by record name, date and number, shown by medium dashed lines.

- O. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
- P. Title, north arrow, scale and date.
- Q. Certification by a land surveyor with registration numbers and seal affixed to all documents of the final plat.
- R. Certification by the registered land surveyor stating that all lots conform to the requirements of the zoning district in which it is located.
- S. Certificate of dedication of all public streets and areas.
- T. Certificate for approval by the County Surveyor.
- U. Certificate for approval by the Plan Commission.
- V. Certificate for approval by the Town Council.
- W. Certificate for approval by the Spencer County Board of Health.
- X. Such other data as the Plan Commission may by rule require. Any such rule shall be adopted by commission resolution only after a public hearing.

5.6 IMPROVEMENT PLANS AND SPECIFICATIONS

The final plat submission to the Town Council shall be accompanied by the plans and specifications for the improvements required under Part VII (13.07). The plans and profiles of all streets, storm and sanitary sewers, water lines and drainage structures, together with their drainage area, shall be prepared on standard plan and profile sheets and shall bear the seal and signature of the registered professional engineer and/or registered land surveyor responsible for their preparation. A cross section of the proposed streets shall be included showing the widths of roadways, location and width of sidewalks, and the location of all proposed street lights. The plans, cross sections, and specifications for the proposed improvements shall be submitted to and approved by the County Surveyor, and/or appointed officials, prior to submission to the Town Council or Plan Commission with the final plat. Four (4) black or blue line prints of the approved documents shall be included with the final plat submission. After the completion of the construction of the improvements, a set of reproducible prints showing the as-built details and changes, if any, shall be filed with the Plan Commission, or appointed officials.

5.7 PERFORMANCE GUARANTEE

A performance guarantee shall be required from the subdivider in the amount of the estimate approved by the Plan Commission, or appointed official, for 100% of the cost of

the proposed improvements. The performance guarantee shall run to the Town Council and be with good and sufficient surety satisfactory to the Town Council and as approved by the Town Attorney, conditioned upon the installation of the required improvements within one (1) year after the approval of the final plat. Filing of the actual bond or other security shall not be required until after the final plat approval, provided that sufficient information concerning the form of guarantee to be used shall be submitted with the final plat documents to provide ample surety to permit the approval of the Plan Commission and the Town Council. In addition to the provision of a performance bond, a maintenance bond shall be provided by the developer, running to the town, which shall guarantee that such utilities and streets as have been constructed for town acceptance will be in acceptable condition at such time as formal agreement for the county or town to maintain such improvements is made. Such maintenance bond shall become effective at the termination date of the performance bond, or upon completion of construction, and shall be in effect until at least 70% (seventy percent) of the lots are developed or for two (2) years, whichever is later, after which period acceptance of the improvements covered shall be made by the town upon approval of the Plan Commission. A certificate indicating that the Town Council has received such performance and maintenance bonds shall be forwarded to the Plan Commission for their record.

5.8 IMPROVEMENT PLANS AND SPECIFICATIONS

In the event the subdivider is required, because of existing conditions, to install or cause to be installed common utilities, other than public, he shall then comply with the applicable requirements set forth in Part V, Section 5.6 (13.05.5.6).

5.9 PERFORMANCE GUARANTEE

In the event the subdivider is required, because of existing conditions to install or cause to be installed common utilities, other than public, he shall then comply with the applicable requirements set forth in Part V, Section 5.9 (13.05.5.9), except that no maintenance bond shall be required, see Part XI. Section 13.11

13.06 (PART VI) MINIMUM DESIGN AND DEVELOPMENT STANDARDS

The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof which has not been officially recorded in the office of the Recorder of Spencer County, Indiana, on or before the effective date of this ordinance.

6.1 GENERAL

The subdivision plan shall conform to design standards that will encourage good development patterns and particularly to the principles and standards which are generally

exhibited in the Comprehensive Plan. The streets, drainage rights-of-way, school sites, public parks, playgrounds and other public facilities are shown on the officially adopted Comprehensive Plan and Maps and every subdivision designed shall be in harmony with said Comprehensive Plan and all applicable sections of the zoning ordinance for Chrisney Indiana, as now or hereafter amended.

6.2 STREETS

- (1) The street and alley layout shall provide access to all lots and parcels of land within the subdivision. Street jogs of less than one hundred and twenty-five (125) feet shall be avoided. Cul-de-sacs shall not exceed five hundred (500) feet in length, unless necessitated by prevailing conditions which create undue hardship, said hardship to be determined by the Plan Commission upon adequate showing by the subdivider.
- (2) Local streets shall be designed so as to discourage through traffic.
- (3) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- (4) Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- (5) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley shall be platted to the width herein prescribed within the proposed subdivision, unless the Commission finds it unnecessary.
- (6) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the Town Council under conditions approved by the Plan Commission.
- (7) Widths of street rights-of-way shall conform to the widths specified in Plate 1, attached hereto and made a part of this ordinance. These widths may be increased or decreased or varied in unusual circumstances by the Plan Commission and the County Surveyor, or appointed official.
- (8) Half streets shall not be permitted except:
 - A. To provide right-of-way for officially adopted planned streets or highways.
 - B. Whenever an existing half street is adjacent to a tract to be subdivided, in which case the other half of the street shall be platted within such tract to be subdivided, or the existing platted half street shall be vacated prior to final approval.

- C. Where the subdivider believes it is absolutely necessary to plat such in which case, realizing that the Commission expects this half street to be improved, the subdivider shall submit engineering and construction plans concerning this half street to the Plat Officer. The Plat Officer, after consultation with the County Surveyor and/or Town Street Supervisor or appropriate officials, shall make a recommendation concerning the proposed platting of said half street to the Plan Commission. who shall decide whether to permit the platting and improvement of it.
- (9) No dead-end street shall be permitted where the same is in conflict with the Comprehensive Plan. Temporary dead-end streets will be permitted where the approved preliminary plat shows that the street will be extended to conform to the provisions of this ordinance and/or to provide access to adjacent property where deemed necessary by the Commission to provide for adequate flow of future traffic, provided the length of said dead-end shall be not greater than two hundred and fifty (250) feet. A circular right-of-way at the termination of a temporary dead-end street shall not be required.
- (10) Subdivisions that adjoin or include existing streets that do not conform to the required widths shall dedicate the adequate width along either or both sides of said street so said street shall be in conformity with all provisions of this ordinance.
- (11) Streets shall be laid out so as to intersect as nearly at right angles as possible.
- (12) If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc of the intersection of the property lines shall be as deemed advisable by the Plan Commission.
- (13) At the intersection of other streets the property line corners shall be rounded by arcs with radii of not less than twenty (20) feet.
- A. When one (1) or more of the streets involved in an intersection is a limited access street, highway, thoroughfare, boulevard or parkway, the foregoing minimum standards may be increased by the Commission.
- (14) At the intersection of a street and an alley, the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet.
- (15) Intersection of more than two (2) streets at one point shall be avoided.
- (16) When parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in the design of such parkways or streets.

- (17) Whenever the subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "limited access highway" by the appropriate highway authorities, provision shall be made for a marginal access street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
- (18) Horizontal visibility on curved streets and vertical visibility on all streets shall be maintained along the center lines as specified on Plate III attached hereto and made a part of this ordinance.
- (19) Horizontal curvature measured along the center line shall have a minimum radius as specified on Plate I attached hereto and made part of this ordinance.
- (20) All changes in grade shall be connected by vertical curves of sufficient radii to provide smooth transitions and required sight distances.
- (21) Between reversed curves on all streets, there shall be a minimum tangent as specified on Plate I attached hereto and made a part of this ordinance.
- (22) Maximum grades for streets shall be as specified in Plate III attached hereto and made a part of this ordinance.
- (23) The minimum grade of any street gutter shall not be less than twenty-five hundredths of one per cent (0.25%)
- (24) No street shall have a name which will duplicate or so nearly duplicate as to be confused with the name of an existing street within the town or county; unless the proposed street is an extension of or in alignment with an existing street, in which case the duplication shall be mandatory. In no instance shall any street name include the word North, South, East or West, unless it denotes that geographical direction.
- (25) Alleys shall be discouraged in residential areas but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes; and, where platted, shall be at least twenty (20) feet in width.
- (26) Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Plan Commission.

6.3 BLOCKS

- (1) Blocks shall not normally exceed thirteen hundred twenty (1,320) feet in length, unless unusual circumstances justify greater length.

- (2) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, major street or railroad right-of-way.
- (3) No other specific rule is made concerning the shape of blocks, but blocks shall fit easily the over-all plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public areas.
- (4) Within blocks of over seven hundred (700) feet in length the Plan Commission may require, at or near the middle of the block, a public walk connecting adjacent streets or other public areas, shopping centers, etc. Width of right-of-way for such walks shall be at least ten (10) feet and shall be for the use of pedestrians only.

6.4 LOTS

- (1) All lots shall abut on a street which is accessible to an established public street already in use.
- (2) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots shall be avoided.
- (3) Double frontage lots shall not be platted, except that where desired along primary or secondary streets, lots may face on an interior street and back on such thoroughfare. In that event a planting strip, or a planting screen, at least twenty (20) feet in width shall be provided along the rear of the lot and the design shall be such that access to these lots shall be only from an interior street.
- (4) Lot dimensions, areas and building setback lines shall conform to and be not less than the minimum specified by Chrisney, Indiana, Zoning Ordinance, as now or hereafter amended, for the district in which the lot is located: except where a main water supply system or a sanitary system is not available, and the lot area necessary to adequately provide for the efficient operation of a private water supply and/or sewage disposal system on the lot, would be greater, to be in accord with the Spencer County Board of Health and/or the Indiana State Board of Health then their area recommendation shall become the minimum lot area.
- (5) Wherever possible, a unit shopping center, based on sound development standards, should be designed in contrast to the platting of lots for individual commercial use.
- (6) Comer residential lots should be wider than normal to permit appropriate setbacks from both streets. Interior residential lots abutting a corner lot should be wider than the average interior lot in order to permit a wider side yard adjacent to the corner lot.

- (7) Residential lots fronting on arterial, primary or secondary streets shall have extra depth to permit deeper building setbacks from such traffic arteries, as specified by the zoning ordinance.

6.5 EASEMENTS

- (1) Where alleys are not provided, easements for utilities shall be provided. Such easements shall have a minimum width of twenty (20) feet, and where located along interior lot lines, one-half the width should be taken from each lot. Before determining the location of easements the plan shall be discussed with the local utility companies to assure the proper placing for the installation of services.
- (2) Whenever a subdivision is traversed by a water course, drainage-way, channel or stream, there shall be provided a drainage right-of-way which shall be for the purpose of widening, improving or protecting the stream at the subdivision's expense. To insure proper drainage right-of-way width the following requirements shall be incorporated in the plat.
 - A. In order to protect stream banks and allow for maintenance, an easement of fifty (50) feet (or more as may be required by the County Surveyor or appropriate official), measured from the normal high bank on each bank of any ditch or creek shall be provided.
 - B. In order to allow for the creation of a new channel or drainage way, relocation of an existing channel, an easement of one hundred (100) feet (or more as may be required by the County Surveyor or appropriate official), measured from the normal high bank on both sides of said proposed channel shall be provided.

The width of the drainage rights-of-way shall be adequate for any necessary channel relocations and straightenings and to determine adequacy the right-of-way shall be reviewed by the County Surveyor or appropriate official. The drainage right-of-way shall relate as closely as possible to the requirements of the Comprehensive Plan. Parallel streets or parkways may be required in connection therewith.

- (3) A guy line easement of sufficient width and length as determined by the utility company, shall be provided. Said easement length shall be measured from the apex of the deflection angle.

6.6 PUBLIC USE AREAS

- (1) Where sites for parks, schools, playgrounds or other public use areas as shown in the Comprehensive Plan or plans by other public entities, are

located within the subdivision area, the Plan Commission shall require that such areas be so designated on the final plat. Within three (3) years after the approval of the final plat., the authority having jurisdiction shall acquire the designated land or commence proceedings to acquire it by condemnation, otherwise the owner may make any permitted use of the site, as permitted by the zoning district within which it lies.

6.7 TOPOGRAPHY, NATURAL VEGETATION AND FLOODING

- (1) In the subdividing, of any land within the jurisdiction, due regard shall be shown for all natural features, such as tree growth, water courses or other similar elements which, if preserved, would add attractiveness to the proposed development.
- (2) The natural topography shall be retained wherever possible in order to reduce excessive run-off onto adjoining property and to avoid extensive regrading of the site.
- (3) Floor elevations of all buildings shall be carefully studied in relation to existing topography, proposed street grades, existing twelve (12) inches and over caliper trees, and other pertinent site features.
- (4) Consideration shall be given to varying the setback line required in the zoning district where the subdivision is proposed in order to retain wherever possible existing topography, rock formations and large trees. Consideration shall be given only after the Board of Zoning Appeals has granted a building line variance for the affected subdivision.
- (5) Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Commission shall consider withholding approval of such lots.

13.07 (PART VII) IMPROVEMENTS

Utility and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following sections.

7.1 STREETS

Streets shall be completed in accordance with the plans, profiles, specifications and cross sections prepared for the subdivider by a professional civil engineer and/or registered land surveyor duly registered in the State of Indiana, and as approved by the appointed officials. In no event shall any street plan be approved unless the entire improvement width is proposed to be installed within the proposed subdivision, unless said plan is in conformity with Part VI, Section 2H, of this ordinance (13.06.6.2(8)).

- (1) The streets shall be surfaced to a minimum width according to the type of street, as specified in Plate I, attached hereto and made a part of this ordinance.
- (2) Curb and gutter shall not be permitted to be installed along the edges of surfaced streets of less than 27 feet in width. However, curb and gutters shall be installed in conformity with Part VII, Section 2 (13.07.7.2). In all cases, the surfaced street widths given in Plate I shall include curb and gutter.
- (3) The streets shall be graded, surfaced and improved to the dimensions required by the cross sections and the work shall be performed in the manner prescribed in the current edition of Indiana State Highway Specifications. Streets shall comply with the minimum standards specified in Plates I, II, III, and IV attached hereto and made a part of this ordinance. Grading for street improvements shall not create soil slopes exceeding a vertical rise of one (1) foot for each two (2) feet of horizontal distance unless retaining walls are to be provided.
- (4) The street surface shall be of Portland cement concrete or a flexible pavement, and shall be constructed in accordance with design characteristics at least equal to those specified in Plates I, II, III, and IV attached hereto and made a part of this ordinance, and specifications approved by the County Highway Supervisor or Highway Engineer, or appointed official.
- (5) Prior to the construction of street or alley pavements, adequate surface and subsurface (if required) drainage shall be installed by the subdivider. Pipe used for drainage purposes shall be of corrugated metal, reinforced concrete, or extra strength vitrified clay or an approved design, size and strength to meet the requirements of the specific conditions which may be encountered. Minimum diameters of pipe to be used shall meet the requirements of the specific conditions which may be encountered, see Part VII, Section 7 (13.07.7.1 - 13.07.7.14), and shall be approved by the County Highway Supervisor or Engineer, or appointed official.
- (6) All construction shall be completed in accordance with the specific conditions in the agreement for improvements and the accepted plans and specifications, and in a manner acceptable to the authorities having jurisdiction. When changes from the accepted plans and specifications become necessary during, construction, written approval from the authorities having jurisdiction shall be secured prior to the execution of such changes and four (4) copies of the approved revised drawings shall be submitted to the Plan Commission for distribution.
- (7) Adequate provision shall be made for the continuous maintenance of all street improvements by dedication to and acceptance by the Board as provided in Part V, Section 7 (13.05.5.7), and all applicable sections of Part XI (13.11).

- (8) Unless otherwise provided, the upper six (6) inches of all subgrades shall be uniformly compacted to at least ninety five (95) percent standard density as determined by the provisions of AASHTO T99, "Compaction and Density of Soils". It shall be the responsibility of the subdivider's contractor to collect the necessary soil samples, determine the moisture density curves and to make the required compaction test, all in accordance with AASHTO T99. During subgrade preparation and after its completion, adequate drainage shall be provided at all times to prevent water from standing, on the subgrade. Subgrades shall be so constructed that it will have as nearly as possible uniform density throughout. After compaction and final grading, the subgrade shall be finished with a three-wheel roller weighing not less than ten (10) tons. In areas not accessible to the roller, the required compaction shall be obtained with mechanical tamps and vibrators.
- (9) All soft, yielding and otherwise unsuitable material which will not compact properly shall be removed. Any holes or depressions resulting from the removal of such unsuitable material shall be filled with satisfactory material and compacted to conform with the surrounding subgrade surface. No placement of pavement shall be permitted on uninspected or unapproved subgrade and at no time when the subgrade is frozen or muddy. No hauling shall be done nor equipment moved over the subgrade when its condition is such that undue distortion results. If these conditions are present, the subgrade shall be protected with adequate plank, runways, mats or other satisfactory means if hauling, is required.
- (10) The subgrade shall be prepared sufficiently in advance of pavement construction to permit the County Highway Supervisor and/or appointed town official to inspect the compaction and final elevation prior to approving the subgrade for pavement construction. Also, prior to pavement placement, the subgrade shall be proof rolled with a pneumatic tire roller. The roller shall be self propelled, have a minimum rolling width of 5 feet 6 inches, be equipped with wide tread compaction tires, minimum tire size 9:00 by 20, and be capable of exerting a uniform, average contact pressure of 50 to 90 psi uniformly over the surface by adjusting ballast and tire inflation pressure. The wheels on at least one axle shall be fully oscillating vertically, and so mounted as to prevent scuffing of the surface during rolling or turning. Wheels shall have provisions for wetting and cleaning the tires. There shall be one or two complete coverage as directed by the County Highway Supervisor and/or appointed town official. Roller marks, irregularities or failures shall be corrected by the subdivider and contractor.

7.2 CURBS AND GUTTERS

- (1) Concrete curb and gutter shall be provided along the outside edge of all street pavements in subdivisions where the density of development is four (4) lots per gross acre or greater.

- (2) Curbs and gutters, if necessary, shall be installed by the subdivider in compliance with the approved plans, profiles and cross-sections. They shall be constructed of air-entrained Portland cement concrete and they shall be at least eighteen (18) inches wide and not less than six (6) inches thick where the curb abuts street pavement.
- (3) Curbs and gutters shall be constructed in conjunction with the street pavements on all streets where parking is to be permitted.
- (4) Curb construction for concrete pavements shall be integral, and roll-type curbs shall be permitted where the distance between the back of the curb and the nearest sidewalk is at least three (3) feet on residential and feeder streets.
- (5) All plans for the installation of the curb and gutter shall conform to all applicable sections of this ordinance and shall be approved by the County Highway Supervisor or Highway Engineer, the Plan Commission and the Town Council prior to the installation.

7.3 SIDEWALKS

- (1) Sidewalks on one side of a street shall be provided within a subdivision when the subdivision averages four (4) lots or more per gross acre.

In those subdivisions with three (3 or less) lots per gross acre and only showing by the developer that the sidewalks will serve no specific or future need. The Plan Commission may waive sidewalk requirements. Sidewalks shall be of Portland cement concrete with a minimum thickness of four (4) inches on a four (4) inch gravel or crushed stone base and a minimum width of four (4) feet, and the edge of walks adjacent to the property line of the street shall be placed at least one (1) foot from the property line within the street right-of-way.
- (2) Cross-walks within the blocks shall be improved with a four (4) foot walk of either Portland cement concrete four (4) inches thick on four (4) inch compacted aggregate base. The base should be extended beyond sidewalk on either side to distance equal to depth of base. Curb ramps shall be installed at all cross-walks and shall meet all requirements of the Americans with Disabilities Act (ADA).
- (3) If for any reason sidewalks are not provided, the street grade shall be completed so that the minimum amount of additional grading would be necessary for any future provision of sidewalks.

7.4 SEWAGE DISPOSAL

The developer shall install or cause to be installed a system for the disposal of sanitary sewage in the subdivision by one of the following means:

- (1) Public System. A complete sanitary sewer system which shall convey the sewage into an established municipal or other public agency sanitary sewage disposal and treatment system at a point and in a manner approved in writing by the municipal or other public agency involved. The plans for the complete installation of the sewage system showing all locations, material, size, profiles and any connections thereto, shall be prepared by a registered engineer and/or registered land surveyor at the expense of the subdivider or developer and shall be approved by and meet the requirements of the affected municipal or other public agency and the Indiana Department of Environmental Management.
- (2) Septic System. If the developer submits proper evidence to the County Health Department and the Town of Chrisney that the above forms of sewage disposal and treatment is not possible or economically feasible, then the Board shall permit the developer to use a private sanitary sewage tank, and absorption field, or other approved treatment system, when installed in accordance with the standards and approval of the County and the State Board of Health. Part of the said proper evidence shall be in the form of a print of the plat showing, the location of, the depth of and the percolation rate of the test holes, one located on each lot of a percolation rate of the test holes, one located on each lot of a percolation test conducted by an engineer. The information shown shall be certified to by a Professional Civil Engineer registered in the State of Indiana.
- (3) The subdivider shall furnish the Chrisney Plan Commission and Town Council a complete set of plans and profiles as approved by the various authorities.

7.5 WATER SUPPLY

The developer shall install or cause to be installed a water system for the subdivision by one of the following methods:

- (1) Public System. A complete water main system which shall be connected to a public or other community water supply which is approved by the Town, County and/or Indiana Department of Environmental Management. The plans for the complete installation showing size, location, depth, material and all connections thereto including fire hydrants, shall meet the requirements and receive the approval of the Town, County and/or Indiana Department of Environmental Management.
- (2) The subdivider shall furnish the Chrisney Plan Commission and Town Council a complete set of plans and profiles as approved by the various authorities.

7.6 PRIVATELY DEVELOPED FACILITIES

Where the subdivision is to contain park areas or other physical facilities which will not be maintained by existing public agencies, provision shall be made by trust agreement, which is part of the deed restrictions and which is acceptable to the proper public agencies for jurisdiction over the continuous maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision. Other restrictions not inconsistent or in conflict with the provisions of this report or ordinances of the Town or County may also be included.

7.7 STORM DRAINAGE

- (1) Adequate surface and subsurface drainage ways for the removal of storm water shall be provided by the subdivider. The extent to which storm drainage facilities shall be required shall be based upon an analysis of need prepared for the subdivider by a registered professional engineer and/or registered land surveyor.

The analysis shall be based upon the rational method of computing storm water run-off using the one-hour rainfall to be expected at a five (5) year frequency. Times of concentration, soil infiltration rates, and other variable factors to be used in the analysis shall be discussed with and approved by the County Surveyor and/or appointed town official during the preliminary consideration of the subdivision. The engineer (or his agent) preparing said analysis shall provide the County Surveyor and/or appointed town official with a copy of the computations used in the completion of the analysis.

- (2) A storm water sewer system, which shall be separate and independent of the sanitary sewer system, with surface inlets, shall be provided by the subdivider in all cases where curb and gutter is to be installed and whenever the available evidence indicates that such a system is necessary due to the inadequacy of the natural surface drainage.
- (3) All down spouts must drain into and approved storm sewer, ditch or drainage easement.
- (4) Distance from streams or main drainage channels; any person proposing to locate a structure or a use within one hundred (100) feet of any stream or main drainage channel in any zoning district shall include with the application for an improvement location permit and/or a certificate of occupancy statement from the Indiana Department of Natural Resources, based on a study of the watershed area and the probable run-off, that the structure or use in the proposed location will leave adequate space for the flow of flood water, provided, however, that no building shall be permitted within seventy-five (75) feet of the top of the bank of any stream or main drainage channel.
- (5) The subdivider shall furnish the Plan Commission and Town Council a complete set of plans and profiles as approved by the various authorities.

- (6) All plans and workmanship shall be in compliance with the most current Indiana drainage code.

7.8 PUBLIC UTILITIES

- (1) Gas mains shall be located within line easements or on public rights-of-way.
- (2) All utility lines for telephone and electric service are to be placed underground throughout the subdivision and shall be provided with rear and side lot line easements, the conduit or cable shall be located within easements or public rights-of-way and in a manner which is in agreement with the utility companies and in compliance with the Indiana Utility Regulatory Commission regulations. Furthermore, all transformers and terminal boxes shall be located so as not to be hazardous to the public.
- (3) All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place, subject to the approval of the County Highway Supervisor, County Engineer, and/or appointed town official.

7.9 STREET LIGHTING

Provisions for easements shall be made by the subdivider for the future lighting of public streets within the subdivision in accordance with the standards and requirements of the county and the Town of Chrisney and the electric utility.

7.10 STREET SIGNS

- (1) Appropriate metallic street signs with reflectorized lettering mounted on metallic posts with 4 inch size of lettering as required by Indiana Department of Transportation and as specified by the County/Town shall be installed by the subdivider at all street intersections on diagonally opposite corners so that they will be on the far right hand side of the intersection for traffic on the more important streets. Signs indicating both streets shall be erected at each location mounted as close to the corner as practical, facing traffic on the cross street, with the nearest portion of each sign not less than one foot (1) nor more than ten (10) feet back from the curb line.
- (2) Before the final plat is approved, the subdivider shall submit to the Plan Commission a statement from the Spencer County 911 Coordinator and appointed town official approving the names of the proposed streets and of the proposed systems of postal address along such streets.
- (3) House numbers shall be provided on the front of each structure.

7.11 LANDSCAPE DEVELOPMENT

- (1) All unpaved or otherwise unimproved areas within the public rights-of-way public use areas, shall be graded and seeded in an approved manner.
- (2) Trees shall be located at a minimum of twenty-five (25) feet from the intersection of the street right-of-way lines, otherwise they shall be located so as not to interfere with utilities or sidewalks and place an appropriate distance apart.

7.12 MONUMENTS AND MARKERS

- (1) Permanent monuments shall be set:
 - A. At the intersection of all lines forming angles in the boundary of the subdivision.
 - B. At the intersection of street property lines and at the beginning and end of all curves along street property lines.
- (2) Markers shall be set, unless otherwise located by a monument:
 - A. At all points where lot lines intersect street right-of-way lines.
 - B. At all angles in the lot property lines.
 - C. At all other lot corners.
- (3) Monuments shall be of concrete, with minimum dimensions of four inches (4") at the top and six inches (6") at the bottom and thirty-six inches (36") in length, and shall be marked at the top with either a copper or steel dowel imbedded so that the top of the dowel shall be flush with the top surface at the center of the monuments; **or** an iron **or** steel solid bar at least thirty-six inches (36") in length and not less than one (1) inch in diameter. Markers shall consist of galvanized steel or wrought iron pipe or steel bars at least eighteen (18) inches in length and one-half (1/2) of an inch in outside diameter.
- (4) Monuments and markers shall be provided by the subdivider and so placed that the center point shall coincide with the intersection of lines to be marked and the top level with the surface of the surrounding ground after final grading. At least three of the permanent survey monuments shall be clearly designated on the plan with the State Plane Coordinates.

7.13 CLUSTER DEVELOPMENT

In order to promote the health and general welfare of the county and to preserve and make available open space, the Plan Commission may grant a developer the right to vary the residential building density within a tract to be developed, leaving a substantial area free of building lots; the right to vary the density shall, however, be subject to the following conditions:

- (1) An over-all plan of the entire tract showing roads, lot lines, lot areas, easements, encumbrances and other relevant data shall be submitted in accordance with Parts V, VI, VII, and VIII of this ordinance (13.05, 13.06, 13.07, and 13.08).
- (2) Over-all density shall not exceed that of the zoning district in which the land occurs. The houses in the proposed subdivision shall be grouped in clusters. The minimum lot area shall be two-thirds of the minimum normally required in the zoning districts in which the land occurs. Minimum yard requirements in a cluster development shall be:

Front Yard	10 feet
Side Yard	8 feet
Rear Yard	15 feet

- (3) In cases where a developer has designed special groups of dwellings and garages, the Plan Commission, after inspecting plans and elevations, may grant smaller lot minimum sizes than those in paragraph 2 above provided that the sanitary systems are approved by the County, Town and/or State Board of Health, or appointed official, that the over-all density does not exceed that permitted within the zoning district in which the land occurs or that the layout is not detrimental to the health and general welfare of the community.
- (4) The balance of the land not contained in the lots or within the road rights-of-way shall be contiguous and of such condition, size and shape as to be usable for recreation. Such land shall be held in corporate ownership by the owners of lots within the development and the developer shall incorporate into the deeds of all property within the development a clause giving to the owners an interest in such open land which shall be used for recreational purposes only. (No structure except those incidental to the recreational use shall be permitted thereon.)

Open land shall be a minimum of one and one-half (1 1/2) acres (and shall be subject to taxation). In the case of such tracts of three (3) or more acres, the developer may petition the County or Town to maintain the land to be used as open space.

7.14 EROSION CONTROL

Developers of residential subdivisions, and commercial and industrial sites, where construction activity will disturb five (5) or more acres, will apply for and receive a "General Permit for Construction Activity Stormwater Runoff Control" in accordance with Rule 5 (3271AC 15-5) adoption in 1992 by the State Water Pollution Control Board and administered by the Indiana Department of Environmental Management. A copy of this permit must be filed with the County and Town Plan Commission prior to initiating construction.

13.08 (PART VIII) REQUIRED RESTRICTIONS

Each final plat submitted to the Commission for approval shall contain statements in the restrictive covenants providing for the following items:

- (1) All utility easements as dedicated on the face of the plat shall be kept free of all permanent structures and the removal of any obstructions such as structures, trees, shrubbery, fences or other installation thereon, whether temporary or permanent, by a utility company shall in no way obligate the utility company in damages or to restore the obstruction to its original form.
- (2) Before any lot or tract located within the subdivision may be used and occupied, such use or occupier shall first obtain from the Zoning Administrator the Improvement Location Permit required by the Chrisney Zoning Ordinance.
- (3) Before any house or building on any lot or tract in the subdivision shall be used and occupied as a dwelling or as otherwise provided in the subdivision restrictions, the developer or any subsequent owner of said lot or tract shall install all improvements serving said lot or tract as provided in said plans and specifications filed with the Board.
- (4) Prohibiting the further subdivision of any lot or combination of lots, within the subdivision previously approved by the Commission, unless and until the Commission has reviewed and approved the change.

13.09 (PART IX) INSPECTIONS

During the course of construction of the improvements, the subdivider shall be required to notify the Chrisney Street Superintendent or County Highway Supervisor at least 24 hours before each of the following operations in order that the Supervisor may make required inspections:

- (1) Before base material is deposited in place for inspection of all street subgrades, especially areas where back-filling was placed over subterranean construction, and curb and gutter construction.

- (2) Before bituminous topping is placed on the base material for inspection of the base construction.
- (3) Any other tests as required by the Chrisney Street Superintendent or County Highway Engineer.

It is essential that these inspections be made in order for the Town or County to ascertain the quality of construction preliminary to accepting the improvements for public maintenance. All test data shall be submitted to the Chrisney Street Superintendent or County Highway Engineer for review and formal approval.

The subdivider shall pay a fee for the required inspections in accordance with the current schedule of fees. No later than five (5) days after the date of each inspection, the Chrisney Street Superintendent or County Engineer shall notify the subdivider, in writing, of the results of the inspection. Before the Town Council or Board of County Commissioners accepts streets and improvements, all inspection fees as required above shall have been paid to the Town Clerk-Treasurer or County Auditor.

13.10 (PART X) ACCEPTANCE OF SUBDIVISION IMPROVEMENTS

10.1 COMMUNITY WATER SUPPLY AND SEWAGE TREATMENT

Improvements such as a common sewage disposal plant and necessary appurtenances, a common water supply plant and appurtenances, and street lights are not accepted by the Chrisney Town Council or Spencer County Commissioners and thus never become the obligations of the Town or County to maintain. See Part V, Section 4D (13.05.5.4(4)).

10.2 COMPLETED CONSTRUCTION NOTIFICATION

When the subdivider has completed construction of the improvements he shall notify the Chrisney Zoning Administrator by letter (in four (4) copies) of this fact, and formally request a final inspection by the Town Inspecting Officials. In this letter he shall briefly describe all the improvements and he shall enclose four (4) copies of the subdivision plan which shows these improvements as installed. No later than fourteen (14) days after the receipt of this letter by the Plan Commission, weather conditions permitting, the Town Inspecting Officials shall make their inspections.

10.3 RECOMMENDATION FOR ACCEPTANCE

Before acceptance of subdivision improvements, the Plan Commission, the Chrisney Zoning Administrator and the Chrisney Street Superintendent or County Highway Engineer shall inspect said improvements as described above and submit a report to the Chrisney Town Council on the condition of such improvements and a recommendation for their action thereon.

10.4 WRITTEN NOTIFICATION

No later than seven (7) days after the final inspection of the subdivision improvements, the subdivider shall be notified by the Plan Commission in writing of the results of the inspection.

10.5 PRE-EXPIRATION INSPECTION

The Town or County Inspecting Officials shall, no later than six (6) weeks before the expiration date the maintenance bond, inspect the subdivision streets and improvements to ascertain their condition. The subdivider shall be notified by letter, no later than five (5) weeks before said expiration date, as to the results of the inspection. Should there be conditions concerning the improvements which the Town or County Inspecting Officials find unsatisfactory, the subdivider has opportunity to correct them. No later than fourteen (14) days prior to the expiration date of the subdivision bond, the Plan Commission shall relate by letter to the Town Council and/or Board of County Commissioners, and/or Town or County Attorney and the subdivider, the condition the Town or County Inspecting Officials find the streets and improvements in and, consequently, their recommendation regarding the release of the maintenance bond.

13.11 (PART XI) IMPROVEMENT LOCATION PERMIT

No Improvement Location Permit shall be issued by any governing official for the construction of any building, structure or improvement to the land or any lot within subdivision as defined herein, which has been approved for platting or replatting, until all requirements of this ordinance have been fully complied with.

13.12 (PART XII) RECORD OF PLATS AND ENFORCEMENT

12.1 TERM

The plat of any proposed subdivision shall be recorded for taxation purposes, within one year of the final approval date of the Chrisney Plan Commission, in the office of the Recorder of Spencer County, Indiana.

12.2 PRE-RECORDING APPROVAL

After the enactment of this ordinance no plat of any subdivision shall be permitted to be recorded by the Recorder of Spencer County, Indiana, and no plat of any subdivision shall have any validity until it is approved as prescribed by this ordinance.

12.3 ENFORCEMENT

- (1) It shall be the duty of the Chrisney Advisory Commission to enforce the provisions of this ordinance in the manner and form and with the powers provided in the laws of the State of Indiana.
- (2) All departments, officials and employees of Chrisney, Indiana, which are vested with the duty of authority to issue permits or licenses shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this ordinance.

13.13 (PART XIII) VALIDITY

If any part, parts, section, sections, provision, clause or portion of this ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this ordinance as a whole or of any other part, section, clause, provision or portion of this ordinance.

13.14 (PART XIV) SAVING CLAUSE

The enactment of this ordinance shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or part of provision of any ordinance of Chrisney, Indiana, prior to the taking effect of this ordinance.

13.15 (PART XV) PENALTIES

If the final plat is not filed and recorded within the allowed time following Secondary Approval, it shall have no validity and shall not be recorded except by petitioning for and reapproval and re-certification by the Advisory Plan Commission.

- (1) The action of Petitioning for and obtaining Primary Plan Approval shall constitute an Express Contract between the Petitioner and the Town of Chrisney, by and through its Town Council. The dedication of Rights of Way, Streets, alleys, Public Lands of Any Type, Utility Easements and Complete Infrastructure shall become final and irrevocable upon Primary Plan Approval. If the Petitioner shall default on this agreement by being adjudged bankrupt, or shall in any way default on the terms and conditions of this agreement, then any uncompleted infrastructure may be adjudged to be a Public Nuisance and shall be treated accordingly.
- (2) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise, who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) or more than three hundred dollars (\$300.00) for each offense. A separate offense shall be

deemed committed on each day during or on which a violation occurs or continues.

13.16 (PART XVI) ADOPTION

Any subdivision which has received final approval by the Town Council prior to the adoption of this ordinance shall be considered an approved final subdivision. If the approved final subdivision plat is not recorded within three hundred and sixty (360) days after the date of the Council's approval, said approval shall be termed null and void. In the event a plat is considered invalid said plat shall then be resubmitted as a preliminary plat and shall meet all requirements of this ordinance.

16.1 EFFECTIVE DATE

This ordinance shall take effect upon its passage (approval by Town Council).

PASSED AND ENACTED by the Town Council of Chrisney, Indiana on the 7th day of April of 2008.

The Town Council of Chrisney, Indiana

See Ordinance 2008-5

ATTEST:

Kim Litkenhus, Clerk-Treasurer

(Ord. 2008-5, Apr. 7, 2008)

PLATE I

MINIMUM STANDARDS FOR STREET DESIGN WITH CURBS

<u>Street</u>	<u>Right-of-Way Width</u>	<u>Roadway Width</u>	<u>Radius of Horizontal Curves, Figures to the Centerline</u>	<u>Tangents Between Reverse Curves</u>
Arterial Thoroughfare	150 ft.	**	**	**
Primary and Parkways **	100 ft.	**	300 ft.	100 ft.
Secondary **	80 ft.	40 ft.	200 ft.	40 ft.
Local	50 ft.	27 ft.	150 ft. (+)	40 ft.
Cul-de-sac Turn Around Diam.	100 ft.	70 ft.		
Marginal Access	40 ft.	27 ft.	150 ft.	**
Business and Industrial Districts	80-100 ft.	56 ft.	500 ft.	200 ft.
Boulevard ** 1/	**	24 ft.	200 ft.	40 ft.

* Specifications for roadway construction shall be as specified in this ordinance and any other subsequent and applicable Town or County ordinance.

** Minimum standards for these streets shall be as indicated or as determined by the Plan Commission and the County Highway Supervisor.

*** Roadway width is as required for curbed streets and indicates distance from back to back of curb.

(+) In instances where a turn of 90 degrees, or near 90 degrees, is planned, a lesser radius is acceptable; however, an enlargement of the right-of-way and pavement is required on the outside edge of the street.

- 1/ In the event boulevard type streets are constructed, provision shall be made in the deed restrictions for the continuous maintenance of the median strip, grassed area, by the lot owners in the subdivision, said provision shall be stated in a manner which is acceptable to the Plan Commission and the Town Council.

PLATE II

MINIMUM STANDARDS FOR STREET DESIGN WITHOUT CURBS

Shoulder	Right-of- <u>Way Width</u>	Roadway <u>Width</u>	Road <u>Width</u>
Primary	100 ft.	34 ft.	8 ft.
Secondary	80 ft.	30 ft.	8 ft.
Local	60 ft.	24 ft.	8 ft.
Cul-de-sac	60 ft.	24 ft.	8 ft.
Cul-de-sac Turn Around Diam.	120 ft.	75 ft.	8 ft.
Marginal Access	40 ft.	22 ft.	8 ft.
Business and Industrial Districts	80 - 100 ft.	50 ft.	10 ft.
Boulevard ** 1/		22 ft.	8 ft.

* Road shoulder on both sides of the pavement shall be constructed to the width shown, and the slope of said shoulder shall be one-half (1/2) inch per foot.

** Minimum standards for these streets shall be as indicated or as determined by the Plan Commission and the County Highway Supervisor.

Where roadside swales are constructed, the side slopes shall not be of a steeper gradient than two (2) feet of horizontal measurement to one (1) foot of vertical measurement unless the vertical rise in conformity with Part VII, Section 1c (13.07.7.1(3)).

1/ In the event boulevard type streets are constructed, provision shall be made in the deed restrictions for the continuous maintenance of the median strip, grassed area, by the lot owners in the subdivision, said provision shall be stated in a manner which is acceptable to the Plan Commission and the Town Council.

Radius of horizontal curves and tangent lengths between reversed curves shall be identical to the requirements specified in Plate 1.

PLATE III

MINIMUM GRADIENT STANDARDS FOR STREET DESIGN

<u>Street</u>	<u>Maximum Gradient</u>	<u>Minimum Gradient</u>	<u>Clear Site Distance</u>
Arterial Thoroughfare *	5%	0.25 %	500 ft.
Primary and Parkways *	5%	0.25 %	300 ft
Secondary *	5%	0.25 %	200 ft.
Local	6%	0.25 %	150 ft
Cul-de-sac	6%	0.25 %	150 ft
Marginal Access	6%	0.25 %	200 ft
In Business Districts	2%	0.25 %	500 ft

* Minimum standards for these streets shall be as indicated or as determined by the Plan Commission and the County Highway Supervisor.

PLATE IV 1

DESIGN CHARACTERISTICS OF STREET PAVEMENTS

Pavement	Type of Street 3		
	Arterial	Secondary	Local and Alley
CONCRETE			
Uniform (Design) Thickness	10"	7"	6"
Base (Compacted Sand Base)	6"	3"	2"
TOTAL THICKNESS	16"	10"	8"
ASPHALTIC CONCRETE			
Wearing Surface	2"	1.5"	1.5"
Binder	5"	4"	3.5"
Compacted Aggregate Base	12"	12"	8"
TOTAL THICKNESS	19"	17.5"	13"
FULL DEPTH ASPHALT			
Hot Asphaltic Surface	2"	2"	1.5"
Hot Asphaltic Base	12"	9"	6"
TOTAL THICKNESS	14"	11"	7.5"

- 1 These design specifications are based on a California Bearing Ratio (C.B.R.) of 3%
- 2 All material and workmanship shall be as required to meet Indiana State Highway Department standards.
- 3 All primary street design requirements shall be based on information obtained from on-site engineering studies.
- 4 For intersection and parking strips on residential streets, use secondary street design characteristics.

Exhibit I
Chrisney, Indiana
STREET CROSS SECTION STANDARDS

CROSS SECTION	RIGHT-OF-WAY	1	2	3	Full Width 4	PARKING DATA
ARTERIAL THOROUGHFARES						
A-A	100 – 150'	4'	4'	8 – 16'	48'	No Parking Either Side
B-B	70 – 100'	4'	4'	6 - 21'	42'	No Parking Either Side
PRIMARY STREETS						
C-C	80 – 100'	2'	4'	3 – 13'	42'	No Parking Either Side
D-D	50- 80'	2'	4'	7 – 17'	34'	No Parking Either Side
SECONDARY STREETS						
E-E	60 – 80'	2"	4'	4 – 9'	40'	Parking Both Sides
F-F	50 – 60'	2'	4'	3 – 8'	32'	Parking One Side
G-G	40 – 60'	2'	4'	2 – 12'	24'	No Parking Either Side
NEIGHBORHOOD STREETS						
NEIGHBORHOOD	40 – 60'	2'	4'	Varies	24 – 32'	Parking One Side or Both