

**TITLE 14**  
**SUBDIVISION REGULATIONS**

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**Chapters:**

**14.04 Subdivision Regulations**

## Chapter 14.04

### SUBDIVISION REGULATIONS

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**GENERAL PROVISIONS**

**14.04.101 Title.**

- (1) These regulations shall be known and cited as the Subdivision Regulations of the Town of Orleans, Indiana. (Ord. 1994-5, Article I, SA1, March 3, 1994)

**14.04.102 Authority.**

- (1) These regulations are authorized by Indiana Code 36-7-4-700 Series. (Ord. 1994-5, Article I, SB1, March 3, 1994)

**14.04.103 Policy.**

- (1) It is hereby declared to be the policy of the Town of Orleans, Indiana to consider the subdivision and resubdivision of land as subject to the control of the Town pursuant to the official Comprehensive Plan for the orderly, planned, efficient, and economical development of the Town of Orleans. (Ord. 1994-5, Article 1, SC1, March 3, 1994)
- (2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water supply, sewerage, schools, solid waste disposal, recreational facilities, and other elements of a viable community. (Ord. 1994-5, Article 1, SC2, March 3, 1994)

- (3) The existing and proposed public improvements shall conform to and be properly related to the proposals of the comprehensive plan, and the capital budget and program of the Town of Orleans. (Ord. 1994-5, Article I, SC3, March 3, 1994)
- (4) It shall be the policy to guide major development of land and construction by encouraging developments to achieve the following:
  - A. A maximum choice of living environments by allowing a variety of housing and building types;
  - B. A more useful pattern of open space and recreation areas;
  - C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
  - D. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets.
  - E. A development pattern in harmony with land use density, transportation facilities, and community facilities' objectives of the comprehensive plan. (Ord. 1994-5, Article I, SC4, March 3, 1994)

#### **1.04.104 Purposes.**

- (1) The purposes of these regulations are to protect and promote the public health, safety, and general welfare, and to provide for:
  - A. Guidance of future growth and development in accordance with the comprehensive planning process.
  - B. Protection and conservation of the value of land, buildings, and other improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
  - C. Guidance of public and private policy and action in order to assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities.
  - D. Avoidance of scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services.
  - E. Establishment of reasonable standards of design and minimum requirements for the creation, installation, and improvement of

physical facilities and infrastructure which are, or will be, maintained for the benefit of the general public.

- F. Establishment of reasonable standards and procedures for subdivisions, and improvement of physical facilities which are resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions of subdivided land.
- G. Prevention of the pollution of air and water, provision of drainage facilities and the safeguarding of the water table; and the encouragement of wise use and management of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land.
- H. Administration of these regulations by defining the powers and duties of approval authorities; and the manner and form of making, filing and processing of any plat. (Ord. 1994-5, Article I, SD1, March 3, 1994)

**14.04.105 Jurisdiction.**

- (1) These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the jurisdiction of the Town of Orleans. (Ord. 1994-5, Article I, SE1, March 3, 1994)
- (2) No land shall be subdivided within these boundaries until:
  - A. The subdivider or his agent shall submit proof of ownership in the form of a deed of the property to be subdivided to the Clerk-Treasurer before a sketch plat of the parcel is submitted to the Plan Commission.
  - B. The subdivider or his agent shall submit a sketch plat of the parcel to the Plan Commission;
  - C. Approval of the preliminary and final plats are obtained from the Plan Commission; and
  - D. The approved plat is filed with the County Recorder. (Ord. 1994-5, Article I, SE2, March 3, 1994)

**14.04.106 Interpretation.**

- (1) All subdivisions as defined herein shall comply with the provisions of these regulations. (Ord. 1994-5, Article I, SF1, March 3, 1994)

- (2) In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements. (Ord. 1994-5, Article I, SF2, March 3, 1994)
- (3) These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances, resolutions, or covenants, the more restrictive requirements shall apply. (Ord. 1994-5, Article I, SF3, March 3, 1994)

#### **14.04.107 Severability.**

- (1) Should any section, subsection, paragraph, clause, word or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 1994-5, Article I, SG1, March 3, 1994)

**14.04.108 Effective Date.** These regulations shall become effective upon passage by the Town Council of the Town of Orleans. (Ord. 1994-5, Article I, SH, March 3, 1994)

#### **14.04.109 Amendments.**

- (1) For the purpose of protecting and promoting public health, safety, and general welfare, the Plan Commission may from time to time recommend amendment of the provisions imposed by these regulations to the Town Council of the Town of Orleans. (Ord. 1994-5, Article I, SI1, March 3, 1994)
- (2) Public hearings on all proposed amendments shall be held by the Plan Commission. (Ord. 1994-5, Article I, SI2, March 3, 1994)
- (3) Upon recommendation of the Plan Commission, the Town Council of the Town of Orleans may then approve or deny amendment to the Subdivision Regulations. (Ord. 1994-5, Article I, SI3, March 3, 1994)

#### **14.04.110 Resubdivision (Replat).**

- (1) For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the Plan Commission by the same procedure, rules, and regulations as for a subdivision. (Ord. 1994-5, Article I, SJ1, March 3, 1994)
- (2) Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided, the Plan Commission may require that such parcel of land allow for the future opening of streets and

the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat. (Ord. 1994-5, Article I, SJ2, March 3, 1994)

#### **14.04.111 Variances.**

- (1) Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Plan Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
  - A. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property.
  - B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
  - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out. Financial hardship does not constitute grounds for a variance.
  - D. The variance will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Thoroughfare or Major Street Plan.
  - E. Where the variance impacts on design and construction of public facilities, all appropriate public agencies will be given ample time to comment in writing to the Plan Commission. (Ord. 1994-5, Article I, SK1, March 3, 1994)
- (2) In approving variances, the Plan Commission may require such conditions as will, in its judgment secure substantially the objectives of the standards or requirements of these regulations. (Ord. 1994-5, Article I, SK2, March 3, 1994)
- (3) A petition for any such variance shall be submitted in writing by the subdivider at the time when the sketch plat is filed for the consideration of the Administrator. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. (Ord. 1994-5, Article I, SK3, March 3, 1994)



- (4) It is not within the jurisdiction of the Board of Zoning Appeals to grant variances to these regulations. (Ord. 1994-5, Article I, SK4, March 3, 1994)

**14.04.112 Appeals.** Every decision of the Plan Commission shall be subject to review by certiorari.

Any person aggrieved by a decision of the Plan Commission may present to the circuit or superior court of the County in which the premises affected are located, a petition, duly verified, setting for that such decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision or order of the Plan Commission being challenged. (Ord. 1994-5, Article I, SL, March 3, 1994)

### **SUBDIVISION APPLICATION AND APPROVAL PROCESS**

#### **14.04.201 General Procedure.**

- (1) Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Plan Commission. (Ord. 1994-5, Article II, SA1, March 3, 1994)
- (2) No improvement or building shall be made on the property until preliminary approval of the plat is given. (Ord. 1994-5, Article II, SA2, March 3, 1994)
- (3) No contract shall be made for the sale of any part of the subdivision until final approval of the plat is given, either by completion of public improvements or by posting of a bond. No final plat shall be filed with the County Recorder until the plat has been approved by the Plan Commission. (Ord. 1994-5, Article II, SA3, March 3, 1994)
- (4) No improvement, building, or driveway permits shall be issued until the approved plat is filed with the County Recorder. (Ord. 1994-5, Article II, SA4, March 3, 1994)
- (5) For a subdivision, the applicant is required to follow a two (2) step procedure:

Subdivision -- Preliminary Plat and Final Plat

The applicant also has the option of following a preliminary Sketch Plat procedure before following the Preliminary Plat and Final Plat procedure. (Ord. 1994-5, Article II, SA5, March 3, 1994)

#### **14.04.202 Sketch Plat.**

- (1) Pre-Platting Conference. Before preparing the preliminary plat for a subdivision, the applicant may discuss with the Administrator the procedure for adoption of a subdivision plat and the requirements as to general layout

of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. If the applicant follows the Sketch Plat procedure, the Administrator shall also advise the applicant where appropriate, to discuss the proposed subdivision with those officials who must eventually approve the aspects of the subdivision plat coming within their jurisdiction. The applicant has the option to request a conference with the Plan Commission, also, but not for the purpose of overriding the Administrator. This action will not require application, but notification should provide sufficient time for the matter to be placed on the agenda. (Ord. 1994-5, Article II, SB1, March 3, 1994)

#### **14.04.203 Preliminary Plat.**

- (1) Discussion of Requirements. The applicant shall file an application for approval of a preliminary plat for all subdivisions. (Ord. 1994-5, Article II, SC1, March 3, 1994)
- (2) Application. The subdivider shall file an application with the Administrator for approval of the preliminary plat. The application shall:
  - A. Be made in duplicate and presented at least ten (10) days prior to a regular meeting of the Plan Commission.
  - B. Be made on forms available at the office of the Administrator.
  - C. Be accompanied by a fee as established by the Town.
  - D. Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one lot or three hundred (300) feet, whichever is greater, therefrom, or of that directly opposite thereto, extending one lot or three hundred (300) feet, whichever is greater, from the street frontage of such opposite land, with the names of the owners as shown in the Assessor's files. This information may be shown on a separate current tax map or plat reproduction from the Assessor's Office showing the subdivision superimposed thereon.
  - E. Be accompanied by a minimum of six copies of the preliminary plat as described in these regulations.
  - F. Be accompanied by a minimum of three copies of construction plans, as described in these regulations.
  - G. Comply generally with the sketch plat if one is submitted. (Ord. 1994-5, Article II, SC2, March 3, 1994)

- (3) The Administrator shall refer the proposed preliminary plat and construction plans to the Plan Commission for its review, recommendations, and report. (Ord. 1994-5, Article II, SC3, March 3, 1994)
- (4) Notice of Public Hearing. Upon receipt of formal application and all accompanying material, the Administrator shall:
  - A. Call a public hearing for the next scheduled meeting of the Plan Commission providing the submittal of the application is in compliance with Section 14.04.203(2). The date for the public hearing shall be announced within thirty (30) days after receipt of the application.
  - B. Require the applicant to submit a notice for publication in one (1) newspaper of general circulation in the community to be published at least ten days prior to the public hearing. This public notice shall describe the location of the subject property by street, block, and adjacent subdivisions as applicable or in the case of unsubdivided properties, location by township, range and section (metes and bounds). At the time of the public hearing, the applicant shall submit an affidavit stating that he has notified by certified mail, return receipt requested, each adjacent or opposite owner of property as indicated on the application for subdivision approval, at least ten (10) days prior to the public hearing and "Proof of Publication" of the notice. The Plan Commission may require the applicant to bear the cost of the public notice. (Ord. 1994-5, Article II, SC4, March 3, 1994)
- (5) Preliminary Approval. After the Plan Commission has reviewed the preliminary plat, construction plans, reports received from other agencies, and heard testimony submitted at the public hearing, the applicant shall be advised of any required additions. The Plan Commission shall approve, conditionally approve, or disapprove the preliminary plat. (Ord. 1994-5, Article II, SC5, March 3, 1994)
- (6) Conditions of Preliminary Approval. As a condition of preliminary approval of a plat, the commission may specify:
  - A. the manner in which public ways shall be laid out, graded, and improved;
  - B. a provision for water, sewage, and other utility services;
  - C. a provision for lot size, number, and location;
  - D. a provision for drainage design;

- E. a provision for other services as specified in the subdivision control ordinance; and
  - F. a provision for the distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the municipality. (Ord. 1994-5, Article II, SC6, March 3, 1994)
- (7) The Administrator shall return one (1) copy of the proposed preliminary plat and construction plans to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore, in writing, accompanying the plat. (Ord. 1994-5, Article II, SC7, March 3, 1994)
- (8) Public Improvements and Performance Bond.
- A. Completion of Improvements. Subsequent to preliminary approval but before the final plat is signed by the President and Secretary of the Plan Commission, all applicants shall be required to plat all the streets, street signs, curbs and sidewalks, and complete for the entire subdivision or subdivision phase, all sanitary and storm sewers, waterlines, and other public improvements on the individual lots of the subdivision as required in this ordinance, specified in the final subdivision plat, and as approved by the Plan Commission. All streets must be laid out to grade and completed 50 feet past the last lot sold.
  - B. The Plan Commission in its discretion may waive the requirement that the applicant complete all public improvements prior to the approval of the final subdivision plat, and that, in lieu thereof, the applicant shall post bond securable by the Plan Commission, hereinafter referred to as performance bond, in an amount equivalent to 110% of the estimated cost of completion of the required public improvements, which shall be sufficient to secure to the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements as provided for in Section 14.04.501 through 14.04.506 of this regulation. A registered professional engineer shall estimate the cost of completion which shall be based on construction bids received by the applicant or developer.
  - C. That in lieu of such a bond, the developer may submit a certified check made payable to the Town of Orleans in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Sections 14.04.501 through 14.04.506 of this regulation. Any such check shall be held by the Clerk-Treasurer.

- D. That in lieu of such a bond, the developer may submit irrevocable letters of credit on behalf of the developer and securable by the Plan Commission in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Sections 14.04.501 through 14.04.506 of this regulation. In the event an irrevocable letter of credit is utilized, it shall be written for a maximum length of one (1) year and the Plan Commission shall after a period of ten (10) months to determine if the public improvements have been accepted for maintenance by the governmental unit having jurisdiction over the public improvement, and if they have not been accepted, shall so notify the subdivider of intent to secure the funds and then commence procedures to secure the funds pledged by such letter of credit, or at the discretion of the Plan Commission to grant an extension for such period fixed by the Commission, not to exceed one (1) year, and the subdivider filing with the Commission a new letter of credit for the period so fixed.
  - E. That in lieu of such a bond the subdivider may submit a certificate of deposit made out to the Town of Orleans and the developer, to be held by the Clerk-Treasurer and in an amount equivalent to 110% of the cost of completion of the uncompleted portion of required public improvements as provided for in Sections 14.04.501 through 14.04.506 of this regulation.
  - F. Such performance bond or other instrument shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution as set forth in this ordinance. The period within which the required public improvements must be completed shall be specified by the Plan Commission in the resolution approving the preliminary subdivision plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of final approval, except as provided for in the irrevocable letter of credit. Such bond shall be approved by the participating jurisdiction as to amount. The Plan Commission may, upon proof of difficulty, grant an extension of the completion date set forth in such bond for a maximum period of one (1) additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Plan Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond. (Ord. 1994-5, Article II, SC8, March 3, 1994)
- (9) Effective Period of Preliminary Approval. Unless extended, the approval of a preliminary plat shall be effective for a period of one (1) year for subdivisions of twenty (20) lots or fewer and two (2) years for subdivisions of greater than twenty (20) lots at the end of which time final approval on the

subdivision must have been obtained and certified by the President and Secretary of the Plan Commission. Any plats not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations. Upon request of the applicant, the Commission may extend the approval of a preliminary plat in equivalent increments beyond an expiration date without further notice and public hearing. (Ord. 1994-5, Article II, SC9, March 3, 1994)

- (10) Zoning Ordinances. Every plat shall conform to existing zoning ordinances and subdivision regulations applicable at the time of final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the zoning ordinances which would otherwise render the plat non-conforming as to size, shape or use. (Ord. 1994-5, Article II, SC10, March 3, 1994)
- (11) Grading of Site Prior to Final Plat Approval. Subsequent to final approval of the preliminary plat, the developer may obtain written permission to commence earthwork (topsoil and excavation) work from the Administrator or such other agency as the Governing Body has designated, and upon receipt of such permission may commence construction to the grades and elevations required by the approved preliminary plat. (Ord. 1994-5, Article II, SC11, March 3, 1994)
- (12) Model Homes. For the purpose of allowing the early construction of model homes in a subdivision, the Plan Commission, in its discretion, may permit a portion of a subdivision involving no more than two (2) lots to be created in accordance with the procedures for subdivisions, provided that said portion derives access from an existing public street, and provided that no future road or other improvements are anticipated where said lots are proposed. The subdivision plat for the model home portion shall be submitted to the Commission simultaneously with the preliminary plat for the entire subdivision. Subsequent to the preliminary approval, the model home(s) may be constructed, subject to such additional requirements that the Commission may require, and all local building codes. (Ord. 1994-5, Article II, SC12, March 3, 1994)

#### **14.04.204 Final Plat.**

- (1) Discussion of Requirements. Following the approval of the preliminary plat, the applicant, if he wishes to proceed with the subdivision, shall file with the Plan Commission an application for final approval of a subdivision plat. (Ord. 1994-5, Article II, SD1, March 3, 1994)
- (2) Application. The application shall:

- A. Be made in duplicate forms available at the office of the Administrator.
- B. Be presented to the Administrator at least twenty (20) days prior to a regular meeting of the Plan Commission to provide sufficient time for staff and technical committee review, and the legal ten (10) days notice.
- C. Be accompanied by a minimum of three (3) copies of the final plat which shall comply substantially with the preliminary plat, as approved.
- D. Be accompanied by a minimum of three (3) copies of complete final construction plans, as described in these regulations. Should any modification of these plans be made in the actual construction of these improvements, "as built" drawings shall be submitted upon completion.
- E. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, utilities, parks, easements, and other local government uses in a form approved by the Town Attorney. In addition, the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to the Town of Orleans all the streets, local government uses, easements, parks, road rights-of-way, and required utilities shown on the subdivision plat and construction plans.

Signature

\_\_\_\_\_

Date \_\_\_\_\_

- F. Be accompanied by a performance bond or other instrument in a form satisfactory to the Town Attorney and in an amount established by the Plan Commission upon recommendation of the Town Engineer (See Section 14.04.203(5)). It shall include a provision that the principle of the bond shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the Town free and clear of all liens and encumbrances on the premises. (Ord. 1994-5, Article II, SD2, March 3, 1994)

- (3) Endorsements by Other Public Authorities. The final subdivision plat shall be properly endorsed by appropriate authorities to assure the Plan Commission that the plat is in compliance with all rules, regulations, and requirements of local and state authorities. (Ord. 1994-5, Article II, SD3, March 3, 1994)
- (4) Approval Procedure. Upon receipt of formal application and all accompanying material, the Administrator shall:
  - A. Assign a docket number and place the application for final approval on the agenda of the next scheduled meeting of the Plan Commission providing the submittal of the application is in compliance with Section 14.04.204, 2, b, above, two (2) weeks after the date of the application.
  - B. Maintain file copies of the plat and construction plans for public review prior to said meeting. (Ord. 1994-5, Article II, SD4, March 3, 1994)
- (5) Consideration and Determination. At said meeting the Plan Commission will give an opportunity to any interested persons to examine or comment upon the plat and construction plans.

One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval, noted thereon, and the reasons therefore, in writing, accompanying the plat. (Ord. 1994-5, Article II, SD5, March 3, 1994)

- (6) Submission for Final Review. Subsequent to the approval of the Plan Commission, three (3) paper copies of the construction plans, one (1) copy of the subdivision plat on reproducible mylar, and two (2) copies of the subdivision plat on paper shall be submitted to the Commission for the required signatures. The permanent copy with signatures, shall be made available to the County Recorder for recording purposes. All copies shall be of a size as acceptable for filing in the office of the County Recorder, but shall not be larger than eighteen by twenty-four (18 x 24) inches.

No final approval shall be endorsed on the plat until a review has indicated that all requirements of Plan Commission approval have been met. (Ord. 1994-5, Article II, SD6, March 3, 1994)

- (7) Vested Rights. No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the President of the Plan Commission, and attest action by the Secretary. All requirements, conditions, or regulations adopted by the Plan Commission applicable to the subdivision, or on all subdivisions generally, shall be



deemed a condition for any subdivision prior to the time of the signing of the final plat by the President and attested to by the Secretary.

Where the Plan Commission has required the installation of improvements prior to signing of the final plat, the Commission shall not unreasonably modify the conditions set forth in the final approval. (Ord. 1994-5, Article II, SD7, March 3, 1994)

- (8) Signing of Plat. When a bond is required, the President and the Secretary shall endorse approval on the plat only after the bond has been approved by the Plan Commission, and all the conditions of the approval pertaining to the plat have been satisfied.

When installation of improvements is required, the President and the Secretary shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the local government as shown by a certificate signed by the Town Engineer and Town Attorney that the necessary dedication of public lands and improvements has been accomplished. (Ord. 1994-5, Article II, SD8, March 3, 1994)

- (9) Recording of Plat. The President and Secretary will sign the reproducible mylar of the subdivision plat and return it to the applicant to be recorded with the County Recorder. A signed copy of the construction plans also be returned. It shall be the responsibility of the subdivider to file the plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the subdivider shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Town Attorney. (Ord. 1994-5, Article II, SD9, March 3, 1994)

- (10) Sectionalizing of Plats. Subsequent to granting preliminary plat approval of a subdivision plat, the Plan Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Plan Commission may require that the performance bond or other instrument be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for final approval. The same policy shall apply to installation of improvements.

The developer may also file irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedications for the remaining sections until such sections, subject to any conditions imposed by the Commission, shall be granted final approval.

In the event of approval of sectionalizing, such sections as have been authorized by the Plan Commission shall be filed with the County Recorder. Such sections must contain at least ten percent (10%) of the total number of lots contained in the entire plat.

The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Plan Commission, all fees paid, all instruments and offers of dedication submitted, and performance bonds approved and actually filed with the County Recorder within two (2) years of the date of preliminary approval of the subdivision plat unless extended by the Commission. (See Section 14.04.203.7.) (Ord. 1994-5, Article II, SD10, March 3, 1994)

## **PROVISIONS FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

### **14.04.301 Assurance for Completion.**

- (1) As provided in Section 14.04.203 6, the subdivider has the option of either installing all required public improvements prior to final approval of the plat, or, in lieu of installation, posting a bond in an amount sufficient to assure completion of said improvements. (Ord. 1994-5, Article III, SA1, March 3, 1994)
- (2) Posting of Performance Bond.
  - A. The Plan Commission, at its discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat and that, as an alternative, the applicant post a performance bond. (Ord. 1994-5, Article III, SA2, March 3, 1994)
- (3) Completion of Improvement.
  - A. The applicant shall build and pay all costs for temporary improvements required by the Plan Commission and shall maintain same for the period specified by the Commission. Prior to construction of any temporary facility or improvement, the developer shall file with the Plan Commission a separate suitable bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained, and removed.
  - B. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Plan Commission in the resolution approving the plat, the approval shall be deemed to have expired, and the final plat void.
  - C. In those cases where a performance bond has been posted but the required improvements have not been installed within the terms of such performance bond, the Plan Commission may thereupon declare the bond to be in default and require that all the

improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default. (Ord. 1994-5, Article III, SA3, March 3, 1994)

- (4) Inspection of Improvements.
  - A. The Plan Commission shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion.
  - B. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the applicant shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvement according to specifications. (Ord. 1994-5, Article III, SA4, March 3, 1994)
- (5) Acceptance of Dedication Offers.
  - A. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by official action of the Town Council.
  - B. The approval by the Plan Commission of a subdivision plat shall not be deemed to constitute (or simply the acceptance by the Town of any street, easement, or other public areas shown on said plat) acceptance of dedication plats. (Ord. 1994-5, Article III, SA5, March 3, 1994)
- (6) Release or Reduction of Performance Bond.
  - A. The Town Council shall not accept dedication of required improvements, nor release nor reduce a performance bond, until the Town Engineer has submitted a statement stating that all required improvements have been satisfactorily completed and until the applicant's surveyor or engineer has certified to the Town Engineer, that the layout of all public improvements are in accordance with construction plans for the subdivision and that the improvements have been completed, are ready for dedication to the local government. The owner or developer shall submit a statement that the entire project is free and clear of any and all liens and encumbrances. The Town Council shall thereafter accept the improvements for dedication in accordance with the established procedure.

- B. A performance bond may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the dedicated public improvements bear to the total public improvements for the plat. In no event shall a performance bond be reduced below ten (10 %) percent of the principal amount. (Ord. 1994-5, Article III, SA6, March 3, 1994)

**14.04.302 Assurance for Maintenance.**

- (1) General Requirement.

The applicant shall be required to maintain all improvements on the subdivided areas and, if required, provide for snow removal and traffic control on streets and sidewalks until acceptance of said improvements by the Town Council. (Ord. 1994-5, Article III, SB1, March 3, 1994)

- (2) Posting of Maintenance Bond.

The applicant shall be required to file a maintenance bond with the Town Council, prior to dedication, in an amount considered adequate by the Town Engineer, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of two (2) years after the date of their acceptance by the Town Council and dedication of same to the local government. (Ord. 1994-5, Article III, SB2, March 3, 1994)

**14.04.303 Deferral or Waiver of Improvements.**

- (1) General Conditions.

The Plan Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provisions of any or all such improvements as, in its judgment, are not requisite in the interest of public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities. (Ord. 1994-5, Article III, SC1, March 3, 1994)

- (2) Assurance for Future Completion.

Whenever it is deemed necessary by the Plan Commission to defer the construction of any improvement required herein because of incompatible grades, future planning inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the Town prior to signing of the final subdivision plat, or the applicant may post a bond ensuring completion of said improvements upon demand of the local government. (Ord. 1994-5, Article III, SC2, March 3, 1994)

## **VIOLATIONS, ENFORCEMENT, AND PENALTIES**

### **14.04.401 Enforcement of Violations.**

- (1) The Administrator shall enforce these regulations and bring to the attention of legal counsel any violations or lack of compliance herewith. (Ord. 1994-5, Article IV, SA1, March 3, 1994)
- (2) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Plan Commission, in accordance with the provisions of these regulations, and filed with the County Recorder. (Ord. 1994-5, Article IV, SA2, March 3, 1994)
- (3) No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the Plan Commission in accordance with these regulations. (Ord. 1994-5, Article IV, SA3, March 3, 1994)
- (4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations. (Ord. 1994-5, Article IV, SA4, March 3, 1994)
- (5) Legal counsel shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of these regulations. (Ord. 1994-5, Article IV, SA5, March 3, 1994)

### **14.04.402 Penalties.**

- (1) Any person, firm or corporation who violates any of these regulations shall be guilty of causing a common nuisance and, upon conviction, shall be fined not less than one hundred (100) dollars and not more than twenty-five hundred (2500) dollars, and in addition, shall be expected to pay all costs and expenses involved in the case. Each day the violation continues, after due notification, shall constitute a separate offense. (Ord. 1994-5, Article IV, SB1, March 3, 1994)

## **IMPROVEMENT STANDARDS**

### **14.04.501 General Requirements.**

- (1) Plats. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:
  - A. All applicable statutory provisions.
  - B. The local zoning ordinances, building and housing codes, and all other applicable regulations of the Town of Orleans, Indiana.

- C. The official Comprehensive Plan, Thoroughfare Plan, and Capital Improvements Program of the Town of Orleans, including all public facilities, open space and recreation plans, as adopted.
  - D. The rules and regulations of the State Board of Health, the Natural Resources Commission, Aeronautics Commission and other appropriate state agencies.
  - E. The rules, regulations and standards of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
  - F. All applicable planning and regulatory guidelines, including access control or driveway manuals, parking and traffic control ordinances, and other applicable guides published by the local governmental units.
  - G. The Indiana Manual on Uniform Traffic Control Devices for installation of traffic control devices. (See Article VII, Section B) (Ord. 1994-5, Article V, SA1, March 3, 1994)
- (2) Construction Plans. Plat approval may be withheld if a subdivision is not in general conformity with the above plat requirements or with the following requirements for construction plans:
- A. It shall be the responsibility of the subdivider of every proposed subdivision to have a complete set of construction plans prepared by either a land surveyor or an engineer licensed in the State of Indiana, minimum width, depth, and area of lots in the subdivision; public way widths, grades, curves, and the coordination of subdivision public ways with the current and planned public ways; the extension of water, sewer, and other municipal services; and public space (if required by the Plan Commission).
  - B. The final construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared and submitted in conjunction with the final plat.
  - C. Construction plans shall be prepared in accordance with the local government's standards and specifications. (Ord. 1994-5, Article V, SA2, March 3, 1994)

(3) Material and Construction Control.

To assure compliance with good engineering practice, the subdivider, contractor, or developer is required to follow the latest issue of the Indiana Department of Transportation Specifications for material and construction

control, except when different specifications are explicitly described in these regulations, or adopted by the Town and approved by all appropriate boards, commissions, agencies, and officials of the local government. (Ord. 1994-5, Article V, SA3, March 3, 1994)

(4) Political and Jurisdictional Boundaries.

To eliminate potential jurisdictional disputes and to facilitate effective coordination and control of development, the Plan Commission shall be guided by the following policy:

- A. Whenever access to the subdivision is required across land in another local government, the Plan Commission shall request assurance from the Town Attorney that access is legally established, and from the Town Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.
- B. Lot lines shall be laid out so as not to cross boundary lines between adjacent units of local government which have separate Governing Bodies for the purpose of regulation and control of land use and development, as well as for tax purposes. (Ord. 1994-5, Article V, SA4, March 3, 1994)

(5) Public Improvements.

Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications in these regulations:

- A. The applicant shall place permanent survey reference monuments in the subdivision in accordance with Article VII and as approved by a registered Professional Land Surveyor.
- B. All streets shall be constructed in accordance with the standards and specifications as adopted and approved by the Town Council.
- C. All bridges and culverts shall be constructed in accordance with applicable engineering standards as adopted by the Town Council. Design loading shall not be less than H-15 for local streets and cul-de-sacs and H-20 for minor collectors.
- D. Underground installation of communication and electric utilities is encouraged and may be required subject to the adopted policies of the Plan Commission.

- E. All public water supply and sewer systems shall be constructed in accordance with the adopted local plans and specifications, and with permits from the Indiana Department of Environmental Management.
- F. The placement of fire hydrants and water mains for adequate fire protection shall be in accordance with the appropriate fire district standards, and shall be approved in writing by the Fire Chief
- G. Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards.
- H. Pedestrian walkways, when required, shall have easements at least ten (10) feet in width, and shall include a paved concrete walk at least four (4) feet in width along local streets and at least five (5) feet in width along collector and arterial streets, and shall be placed one (1) foot from the street property line. Where sidewalks meet the street, a ramp meeting the Americans with Disabilities Act (ADA) standards shall be provided to lower the sidewalk to street level.
- I. Greenbelts or landscape screening may be required for the protection of residential properties from adjacent major arterial streets, railroad rights of way, commercial or industrial areas, or other features.
- J. Street lights shall be required to be installed at intersections throughout the subdivision and such installations shall conform to the requirements of the Town Council and the public utility providing such lighting. (Ord. 1994-5, Article V, SA5, March 3, 1994)

**14.04.502 Subdivision and Lot Layout.**

- (1) Street Location and Arrangements.

Within a proposed subdivision, arterial and collector streets, as shown on the Thoroughfare Plan, shall be dedicated to the public in all cases. In general, all other streets, including new collectors and locals, shall also be dedicated to public use. The street layout shall conform to the following:

- A. When a Thoroughfare Plan or Comprehensive Plan has been adopted, subdivision streets shall conform generally to such plans. Where any portion of a new road shown on the adopted thoroughfare plan passes through or along the edge of a proposed development site, the road or portion thereof shall be constructed as a part of the development to the standards for that type of road.
- B. Local streets shall be so arranged as to discourage their use by through traffic.



- C. The arrangement of streets in new subdivisions should be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas.
- D. Where a subdivision abuts or contains an arterial street, it shall be required that frontage roads be constructed approximately parallel to and on each side of such arterial street. The Commission may require such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic. A single row of lots backing up to the arterial will not be discouraged. However, vehicular access from the lots to the arterial shall be prohibited.
- E. Half streets shall be prohibited except where unusual circumstances make such a facility necessary to the reasonable development of a tract in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street the other part of the street shall be dedicated within such tract.
- F. Whenever a proposed subdivision borders an existing street, the Commission may require the reconstruction or widening of such street as a condition of plat approval. Additional dedication of right-of-way may also be required.
- G. Where a subdivision is of a commercial, business, or industrial nature, road design shall be in accordance with the Indiana Department of Transportation Standards for the particular class of roadway. (Ord. 1994-5, Article V, SB1, March 3, 1994)

(2) Lot Arrangements.

- A. The lot arrangements shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and other regulations and in providing safe driveway access to buildings on such lots from an approved street.
- B. Lot dimensions shall comply with the minimum standards of the zoning ordinance.
- C. Lots shall not generally derive access exclusively from an arterial or major collector street. Where driveway access from an arterial or major collector street may be necessary for several adjoining lots, the Plan Commission may require that such lots be served by a common and combined driveway or frontage road in order to limit possible traffic hazards on such street.

- D. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- E. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.
- F. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street at the time the buildings are ready for occupancy. (Ord. 1994-5, Article V, SB2, March 3, 1994)

(3) Block Arrangements.

- A. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major transportation facilities, water courses, and industrial and commercial areas.
- B. A grid-pattern of block development shall be encouraged.
- C. In long blocks the Plan Commission may require an easement through the block to accommodate utilities, drainage facilities, or pedestrian walkways.
- D. Where blocks are developed along arterial streets and/or highways that shall contain alleys, those alleys shall run parallel to said arterial and not perpendicular or radial to it so as to create an intersection between the arterial and alley. (Ord. 1994-5, Article V, SB3, March 3, 1994)

(4) Subdivision and Street Names.

- A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of preliminary plat approval.
- B. Street names shall not duplicate any existing name within the area covered by these regulations except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same as existing streets shall not be used.

- C. The Plan Commission shall have final authority to name all streets (in case of conflict) at the time of preliminary plat approval. (Ord. 1994-5, Article V, SB4, March 3, 1994)
- (5) Public Sites and Open Spaces.
- A. Where it is determined that a proposed park, playground, school or other public use as shown on the local government's plan is located in whole or in part within a proposed subdivision, sufficient area for such public use shall be dedicated to the public or reserved and offered for public purchase. If within three (3) years of plat recording, the purchase is not agreed on, the reservation shall be canceled or shall automatically cease to exist.
  - B. Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision. (Ord. 1994-5, Article V, SB5, March 3, 1994)

**14.04.503 Public Streets and Roads - Standard Specifications.**

- (1) General.

In order to provide for streets of suitable location, width, and improvement to accommodate expected traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate street development so as to compose a convenient system, avoid undue hardships to adjoining properties and assure compatibility with long range comprehensive plans, all streets shall be designed according to the geometric standards set forth in these regulations. (Ord. 1994-5, Article V, SC1, March 3, 1994)

- (2) Principles of Design.

Subdivision street design, as a general rule, deals with the design of local and minor collector streets which are part of a functionally classified overall street and road system of an area (see Table 1 in Section 14.04.801 for average dimensions by Functional Classifications). In designing and approving subdivision streets, the following factors shall receive consideration:

- Safety for both vehicular and pedestrian traffic;
- Efficiency of service for all users;
- Livability or amenities as affected by traffic elements in the circulation system;
- Economy of both construction and use of land.

Design of major collector and arterial streets shall require special design in accordance with Indiana Department of Transportation Standards, and

approval of the Town Engineer and the following design guidelines are therefore specifically intended for streets within the subdivision (i.e. minor collectors and locals). (Ord. 1994-5, Article V, SC2, March 3, 1994)

(3) Interpretation of Design Tables.

Table 1 in Section 14.04.801 represents average conditions and are included in these regulations to illustrate design standards for local and minor collector streets.

In the case of areas zoned for office, commercial, or industrial uses, the right-of-way shall be 70 feet in width. (Ord. 1994-5, Article V, SC3, March 3, 1994)

(4) Intersections.

Intersections, including median openings, should be designed with adequate corner sight distance. The recommended minimum corner sight distance is 200 feet for local streets and 300 feet for minor collectors. In order to maintain these distances the Town Engineer recommend regulations to restrict the height of embankment, location of buildings and screening fences and landscaping, and other provisions necessary for intersection sight control. The minimum intersection angle shall be 75 degrees. Closely spaced offset intersections are undesirable. The minimum intersection centerline offset (jog) shall be 150 feet. To accommodate transitional tapers, turning lanes and other potential roadway design requirements where needed, the Town Engineer may recommend longer offsets. The minimum curb return radius at local streets shall be twenty-five (25) feet and at residential collector streets thirty (30) feet. On commercial and industrial streets the radius shall be thirty (30) feet except where traffic conditions may warrant a larger radius. (Ord. 1994-5, Article V, SC4, March 3, 1994)

(5) Sidewalks.

Sidewalks shall be provided along both sides of streets used for pedestrian access, such as to schools, parks or commercial areas. In very low density areas, where the number of lots per net acre is one or less, no sidewalks are required. Sidewalks shall be constructed of Portland Cement Concrete, at least four (4) inches thick, and four (4) feet wide or five (5) feet wide, as specified in Tables 3 and 4. (Ord. 1994-5, Article V, SC5, March 3, 1994)

(6) Subgrades and Pavements

A. Minimum specifications for construction and materials shall be as set forth in the applicable sections of Standard Specifications of the Indiana Department of Transportation (INDOT) except where the local government has adopted a different set of standards and specifications, or as required in these regulations.

- B. Rigid pavements (air-entrained plain cement concrete) shall meet the following minimum requirements:

Pavement Thickness

- 6 inches on local streets with low and medium density residential development
- 8 inches on local streets with high density residential development and collector streets with residential development
- 10 inches on local or minor collector streets with office, commercial or industrial development
- special design on all major collector and arterial streets, but not less than 10 inches

Contraction Joints

- placed at a spacing of twenty (20) feet or less
- placed at every catch basin and manhole in line of pavement
- extend throughout side strips and curbs to full width of pavement

Expansion Joints

- with approved dowel bar assembly, shall be placed at street intersections
- where shown on plans

- C. Flexible pavements may be used. The minimum pavement thickness shall be:

- local and minor collector residential streets:  
9" INDOT type "0" aggregate base, 2" INDOT hot asphaltic concrete binder, and 1" INDOT hot asphaltic concrete surface type II.
- local and minor collector nonresidential collector streets:  
9" INDOT type "0" aggregate base, 2" INDOT hot asphaltic concrete binder, and 2" INDOT hot asphaltic concrete surface type II.
- On all major collector and arterial streets, the pavement section shall be designed in accordance with standard INDOT methods, but not less than the above.

The final coat of asphalt surface shall be installed on a subdivision street when eighty (80) percent of the houses are built. The owner/subdivider shall notify the Town for an inspection and make necessary repairs first. (Ord. 1994-5, Article V, SC6, March 3, 1994)

(7) Curbs.

Barrier-straight curbs are encouraged in new subdivisions and where houses and driveways already exist. (Ord. 1994-5, Article V, SC7, March 3, 1994)

**14.04.503A Public Streets and Roads - Minimum Standard Specifications.** From and after the taking effect of this ordinance, no plat of a subdivision of real estate within the corporate limits of the Town of Orleans, shall be accepted, approved, and recorded, unless and until the owners of the real estate sought to be so divided shall comply with the following minimum standards for the dedication, construction, and paving of the streets of such subdivisions, which standards are as follows:

- (1) All streets in said subdivisions dedicated to public use shall have the right-of-way of at least 40 feet in width. All roadways used by the public prior to acceptance of the subdivision and located within the subdivision, or contiguous thereto, for which the Town does not have a deeded or dedicated right-of-way, require the dedication by the subdivider and/or owner to the Town of a right-of-way prior to acceptance. If the traveled public way is located contiguous to lots in the subdivision and the subdivider has fee rights only to one-half of the apparent right-of-way, the dedication shall be at least 20 feet from the centerline of the apparent right-of-way. In the event the traveled roadway which is an apparent town right-of-way is located all on real estate to which the subdivider has fee title, then the dedication shall be at least 40 feet in width.
- (2) All streets in such subdivision shall be paved to a width of at least 40 feet with a surface of a depth at least eight inches total of compacted stone of 53, 63 or 74 stone, or a combination thereof, with additional four inches of sub-based asphalt and one and one-half inches of surface coat. (Ord. 2006-11, S1, December 14, 2006)

**14.04.504 Drainage Facilities.**

(1) General.

The Plan Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water runoff. The drainage system shall be separate and independent of any sanitary sewerage system. Storm sewers shall be designed according to the Storm Drainage Design criteria adopted by the Town, endorsed by any subcommittee of the Plan Commission, and Approved by the Plan Commission, and a copy of the design computations shall be submitted along

with plans. It is recommended that drainage facilities are designed for a ten (10) year storm. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 400 feet in any gutter. Surface water drainage patterns shall be shown for each lot and block. (Ord. 1994-5, Article V, SD1, March 3, 1994)

(2) Requirements for Storm Sewers.

The applicant may be required by the Plan Commission to carry away by pipe any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters subject to the design criteria of the Town. If the Plan Commission determines that a connection to a public storm sewer will eventually be provided as shown in existing local plans and programs, the developer shall make arrangements for future storm water disposal in the subdivision, by a public storm sewerage system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat. (Ord. 1994-5, Article V, SD2, March 3, 1994)

(3) Poor Drainage Areas.

Whenever a plat is submitted for an area which is subject to ponding, the Plan Commission may approve such application provided that the applicant fills the affected area of said subdivision to an elevation as determined by the Town Engineer. (Ord. 1994-5, Article V, SD3, March 3, 1994)

(4) Flood Plain Areas.

The Plan Commission shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain. Any approvals within the floodplain shall, at a minimum, meet the requirements of the Indiana Department of Natural Resources. (Ord. 1994-5, Article V, SD4, March 3, 1994)

(5) Drainage Easements.

Where a subdivision is traversed by a naturally-occurring watercourse, channel, or stream, the subdivider shall provide a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be acceptable to the Town Engineer. Such easement shall be adequately monumented, and

whenever possible, it is desirable that the drainage be maintained by open channel with landscaped banks. (Ord. 1994-5, Article V, SD5, March 3, 1994)

#### **14.04.505 Water Facilities.**

(1) General.

Necessary action shall be taken by the applicant to extend or create a water-supply system capable of providing water for domestic use and fire protection. Where a public water main is accessible the subdivider shall install adequate water facilities, including fire hydrants, subject to the specification of State and local authorities. The location of fire hydrants and all water supply improvements shall be shown on the preliminary plat and the cost of providing and installing same shall be included in the performance bond. Location and sizing shall be approved by the appropriate local Water Department and Fire Chief prior to submission. Necessary Indiana Department of Environmental Management permits shall be obtained and submitted to the Town before construction commences and before final approval. (Ord. 1994-5, Article V, SE1, March 3, 1994)

(2) Individual Wells and Central Water Systems.

In low density zoning districts and in outlying or rural areas where a public water system is not available, at the discretion of the Plan Commission, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Individual wells and central water systems shall be sampled and approved by the appropriate health authorities. (Ord. 1994-5, Article V, SE2, March 3, 1994)

(3) Fire Hydrants.

Fire hydrants shall be required for all subdivisions except those coming under Section 14.04.505(2). Apartment developments and mobile home parks shall be considered subdivisions within the meaning of this section. Unless otherwise specified by local fire regulations, fire hydrants shall be located no more than 500 feet apart and within 500 feet of any structure and shall be approved by the local fire protection unit. Fire hydrants shall be supplied from a minimum of 8" mains. In making a determination of adequate fire protection requirements, the Plan Commission may seek advice from the Chief of the appropriate local Fire Department, a Professional Engineer, or other expert advice, and may hold such hearings as it deems necessary to become fully advised. The Plan Commission may increase or relax the above criteria where it deems necessary to achieve the intent of adequate fire protection. (Ord. 1994-5, Article V, SE3, March 3, 1994)

#### **14.04.506 Sewerage Facilities.**



(1) General.

The applicant shall install sanitary sewer facilities in a manner prescribed by the local government construction standards as approved by the Town Engineer. All plans shall be designed, and sewer facilities (including laterals in the right-of-way) installed, subject to the specifications, rules, regulations, and guidelines of the Town Engineer and appropriate health and other officials. Necessary permits from the Indiana Department of Environmental Management shall be obtained and submitted before construction commences, and before final approval. (Ord. 1994-5, Article V, SF1, March 3, 1994)

(2) Multi-family and Attached Single-Family Development.

Sanitary sewer facilities shall connect with public sanitary sewer systems. Sewers shall be installed to serve each lot and to grades and sizes required by appropriate local officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. (Ord. 1994-5, Article V, SF2, March 3, 1994)

(3) Detached Single-Family Development.

Sanitary sewer systems shall be constructed as follows:

- A. Where a public sanitary sewer system is reasonably accessible (as determined by the Plan Commission) the applicant shall connect with same and provide sewers to each lot in the subdivision.
- B. Where public sanitary sewer systems are not reasonably accessible but will become available within a reasonable time not to exceed fifteen (15) years, the applicant may choose to install a Central Sewerage System with the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewer systems exist, the applicant shall install the sewer lines, laterals, and mains in conformance with such plans and ready for connection to such future sewer mains.
- C. Where sanitary sewer systems are not reasonably accessible and will not become available within an estimated fifteen (15) year period, the applicant may install a central sewerage system. No individual disposal system will be permitted. The Commission may however, where plans exist for a public sewer system to be built beyond a period of fifteen (15) years, require that the applicant install all sewer lines, laterals, lift stations and mains in conformance with such plans and ready for connection to such public sewer mains. (Ord. 1994-5, Article V, SF3, March 3, 1994)

(4) Mandatory Connections to Public Sewers.

If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon a property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste. It shall be unlawful for any such owner or occupant to maintain upon such property an individual sewage disposal system. (Ord. 1994-5, Article V, SF4, March 3, 1994)

**14.04.507 Nonresidential Subdivisions.**

(1) General.

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Plan Commission may require. A nonresidential subdivision shall be subject to all the requirements of site plan approval set forth in the zoning ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Plan Commission. A nonresidential subdivision shall also be subject to all the requirements of these regulations, as well as such additional standards required by the Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan and other plans of local government. (Ord. 1994-5, Article V, SG1, March 3, 1994)

(2) Standards.

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street - parcel - block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- A. Each nonresidential area or parcel shall be shown and marked on the plat as to its intended use.
- B. Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.
- C. Special requirements may be imposed by the Town with respect to street, curb, driveway, and sidewalk design and construction.
- D. The Town Engineer shall approve in writing prior to final plat approval a provision that the proposed non-residential development will not conflict with traffic circulation patterns, and the requirements

for driveway location and design can reasonably be implemented at no cost to the Town.

- E. Special requirements may be imposed by the Town with respect to the installation of public utilities, including water, sewer, and storm water facilities.
- F. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed nonresidential subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- G. Truck Routes shall be established so as to prevent industrial traffic from encroaching into adjacent residential areas.
- H. To the greatest degree possible non-residential subdivisions shall be located on major thoroughfares or arterials and local residential streets shall not, to the extent feasible, be extended into non-residential subdivisions. (Ord. 1994-5, Article, SG2, March 3, 1994)

#### **14.04.508 Other Permits.**

- (1) The developer shall be required to obtain before construction commences and final approval all required local permits in addition to those previously mentioned, and any others which may be required by local, state, or federal agencies at a later date. (Ord. 1994-5, Article V, SH1, March 3, 1994)

#### **SPECIFICATIONS FOR DOCUMENTS**

**14.04.601 Sketch Plat.** Prior to submission of a Preliminary Subdivision Plat, any subdivider proposing a subdivision or resubdivision of a tract of land of five (5) acres or more, or involving the opening of a new street shall submit to the Administrator a sketch plan as the basis for a pre-platting conference. The purpose of the conference is to provide the Administrator with information concerning the proposed development and to review, at an early stage, the requirements affecting the proposed subdivision.

- (1) General. The following items are required for the Pre-Platting (sketch plan) conference:
  - A. Location and description of property.
    - 1. Location of property by street, block, and adjacent subdivisions (with block and lot numbers) as applicable shall be specified or in the case of unsubdivided properties, location by grant, or township range and section (metes and bounds).
    - 2. Size of tracts in acres or of existing lots, if any, in square feet.

- B. Information as to Ownership.
  - 1. Name, address and telephone number of the legal owner or agent of property.
  - 2. Description of any existing legal right-of-ways or easements affecting the property.
  - 3. Listing of any existing covenants on the property. (Ord. 1994-5, Article VI, SA1, March 3, 1994)
- (2) Drawing Showing Existing Features. A hand drawn sketch at a scale of approximately 100 feet to the inch shall show information for the property which is proposed to be subdivided, and for adjoining properties for a distance of not less than one lot or three hundred (300) feet, whichever is greater, which will include:
  - A. A general layout of streets, blocks and lots for the entire tract under control of the subdivider.
  - B. Identification of any general area to be set aside for schools, parks, or other community facilities.
  - C. Identification of sites for uses other than single-family dwellings.
  - D. General indications of how the subdivision is to be provided with water service, sanitary sewers and storm drainage. (Ord. 1994-5, Article VI, SA2, March 3, 1994)
- (3) Supplemental Information. The following information, as applicable, should be provided at this time in order for the Administrator to better assess the advisability of preparing the preliminary plat.
  - A. The boundary with dimensions of the property and its true relationship to the right-of-way of the existing road(s) upon which it may border.
  - B. The location and name of all adjacent subdivisions, if any, and names of owners of adjacent unsubdivided property.
  - C. Present zoning classification.
  - D. The location, width, and type of use of any existing roads, rights-of-way, easements or other special purpose areas within the property, or immediately adjacent thereto, the location of towers, poles, or other structures in connection with electric transmission lines.

- E. Approximate location of any existing underground utilities, such as sewers, water mains, storm drains, gas or oil transmission lines, etc., within the property or immediately adjacent thereto, with approximate pipe size and directions of slope.
- F. Existing topography with suitable two (2) foot contour intervals, giving bench marks, together with drainage channels, streams, springs, wetlands, swamps, flood zones, rock outcrops, buildings, wooded areas, or other features likely to affect the plan. The source and accuracy of the topographic details shown on the plan shall be in terms of U.S.G.S. data and/or field survey. (Ord. 1994-5, Article VI, SA3, March 3, 1994)

#### **14.04.602 Preliminary Plat.**

- (1) General. The preliminary plat shall be prepared by a licensed land surveyor or engineer at a scale of not more than one (1) inch equals one hundred (100) feet. It may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one (1) sheet is used. All sheets shall be of such size as is acceptable to the Plan Commission, but shall not be larger than twenty-four by thirty-six (24 x 36) inches. The map prepared for the preliminary plat may be drawn on tracing media or reproducible mylar. (Ord. 1994-5, Article VI, SB1, March 3, 1994)
- (2) Name.
  - A. Name of subdivision if property is within an existing subdivision.
  - B. Proposed name, if not within a previously platted subdivision. (Ord. 1994-5, Article VI, SB2, March 3, 1994)
- (3) Ownership.
  - A. Name and address, including telephone number, of legal owner(s) and agent of the property owner.
  - B. Citation of any existing legal rights-of-way or easements affecting the property.
  - C. Existing covenants on the property, if any.
  - D. Name and address, telephone number, and registration number of the professional engineer and surveyor responsible for subdivision design, for the design of public improvements, and for surveys. (Ord. 1994-5, Article VI, SB3, March 3, 1994)

- (4) Description. Location of property by lot or grant, section, township, range and Town (metes and bounds). Graphic scale, north arrow and date shall be included. (Ord. 1994-5, Article VI, SB4, March 3, 1994)
- (5) Features.
  - A. Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within the tract.
  - B. The location of property with respect to surrounding property and streets, including the names of all adjoining property owners of record, the names of adjoining developments, and names of adjoining streets.
  - C. Location, size, invert elevations, and slopes of existing sewers, water mains, storm sewers, culverts and other underground structures within the tract and existing permanent buildings and utility poles on the tract.
  - D. Approximate topographic contours shown at (5) five foot intervals in rolling or hilly terrain and (2) two foot intervals in level terrain, referenced to sea-level datum and an established bench mark.
  - E. The approximate location and width of proposed streets.
  - F. Proposals for connection with existing water supply and sanitary sewer systems, or alternative means of providing water supply and sanitary waste disposal and treatment; preliminary provisions for collecting and discharging surface water drainage.
  - G. The approximate location, dimensions, and areas of all proposed or existing lots.
  - H. The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
  - I. The location of temporary stakes to enable the local officials to find and appraise features of the proposed layout in the field, if needed.
  - J. Whenever the preliminary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than (1) one inch equals one hundred (100) feet, a sketch of the entire holdings, including the proposed subdivision area, showing an

indication of the probable future street and drainage systems, for the remaining portion of the tract.

- K. A vicinity map showing streets and other general development of the surrounding area. The preliminary plat shall show all school and improvement district lines with the districts properly designated. (Ord. 1994-5, Article VI, SB5, March 3, 1994)

#### **14.04.603 Final Plat.**

- (1) General. The final Plat shall be prepared by a registered land surveyor or engineer at a scale of not more than one (1) inch equals one hundred (100) feet. It shall be prepared in pen and ink and the sheets shall be numbered in sequence if more than one (1) sheet is used. All sheets shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than eighteen by twenty-four (18 x 24) inches. The map prepared for the final plat shall be drawn on reproducible mylar. (Ord. 1994-5, Article VI, SC1, March 3, 1994)
- (2) Features. The final plat shall show the following:
  - A. The dimensions of all boundary lines of the property expressed in feet and hundredths of a foot, the bearings of all lines to seconds.
  - B. The location, width or size of existing streets, easements, water bodies, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, bridges and culverts, as determined by the Plan Commission.
  - C. The location and width of all proposed streets, easements, alleys, and other public ways, and proposed street rights-of-ways and building set-back lines.
  - D. The locations, dimensions, and areas of all proposed or existing lots including dimension of all lot lines expressed in feet and hundredths of a foot, and bearings of all lines to seconds.
  - E. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of dedication or reservation.
  - F. The name and address of the owner of land to be subdivided; the name and address of the subdivider, if other than the owner; and the name and address of the land surveyor or engineer. Also, citation of last instrument conveying title to each parcel of property involved, giving grantor, grantee, date, and land record reference.

- G. The date, north arrow, and scale.
- H. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of lines for reproduction of such lines upon the ground.
- I. The location of all proposed and existing monuments. All property corners for the entire tract and all lots shall be iron pins, iron pipes, stone or concrete monuments.
- J. Name of the subdivision.
- K. Indication of the use of any lot (single-family, two-family, multi-family, etc.) and all uses other than residential proposed by the subdivider.
- L. Lots shall be (consecutively numbered, and blocks shall be lettered in alphabetical order.
- M. The plat should include the following notations:
  - Explanation of drainage easements (if any).
  - Explanation of site easements (if any).
  - Explanation of reservations (if any).
  - Endorsement of owner with date and signature.
- N. A block or space shall be set aside on the final plat in the following form for endorsement by the Plan Commission President:

Approved by Resolution of the Plan Commission of the Town of Orleans, Indiana.

\_\_\_\_\_  
 President \_\_\_\_\_  
 Date

\_\_\_\_\_  
 ATTEST: Secretary

- O. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a final plat. (Ord. 1994-5, Article VI, SC2, March 3, 1994)

**14.04.604 Construction Plans.**



- (1) General. Construction plans shall be prepared for all required improvements to be installed by the subdivider. Plans shall be drawn at a scale of no more than fifty (50) feet to the inch, and map sheets shall be two (2) feet by three (3) feet. (Ord. 1994-5, Article VI, SD1, March 3, 1994)
- (2) The following shall be shown:
  - A. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown, plus approximate radii of all curves, lengths of tangents, and central angles on all streets.
  - B. The Plan Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred foot stations shall be shown at five (5) points as follows: On line at right angles to the center line of the street; each property line; and, points twenty-five (25) feet inside each property line.
  - C. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the location of street signs; the location, size and invert elevations of existing proposed sanitary sewers, storm water drains, water mains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, or other underground utilities or structures.
  - D. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, floodplains, and other pertinent features within the proposed subdivision.
  - E. Topography at the same scale as the preliminary plat with a contour interval of two (2) feet, referred to sea-level datum. All data provided shall be the latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
  - F. All specifications and references required by the local government's construction standards and specifications, including a site-grading plan for the entire subdivision.
  - G. Title, name, address, seal and signature of Registered Engineer and/or Land Surveyor, and date. (Ord. 1994-5, Article VI, SD2, March 3, 1994)

## **DEFINITIONS**

### **14.04.701 Application and Interpretation.**

- (1) Whenever any words and phrases used herein are not defined but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires. (Ord. 1994-5, Article VII, SA1, March 3, 1994)
- (2) For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
  - A. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
  - B. The present tense includes the past and future tense, the singular number includes the plural.
  - C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.
  - D. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied.
  - E. The word "lot" includes the words "plot", "parcel", and "tract." (Ord. 1994-5, Article VII, SA2, March 3, 1994)

### **14.04.702 Words and Phrases Defined.**

- (1) ADMINISTRATOR - The officer appointed by and/or delegated the responsibility for the administration of this ordinance by the Plan Commission.
- (2) APPLICANT - The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
- (3) BLOCK - A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.
- (4) BOARD - The Board of Zoning Appeals

- (5) 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 Plan Commission whenever a bond is required by these regulations.
- (6) BUILDING - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind, and includes any structure.
- (7) CAPITAL IMPROVEMENTS PROGRAM - A schedule of all proposed public improvement projects in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual Town governments operating expenses, for the purchase, construction, or replacement of the physical assets for the community.
- (8) COMMISSION - The Plan Commission, appointed in accordance with the appropriate planning enabling act.
- (9) COMPREHENSIVE PLAN - A plan for the physical development of the community, prepared and adopted by the Plan Commission, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. The document shall show the general location and extent of present and proposed physical development, including, but not limited to housing, industrial and commercial uses, streets, parks, schools and other community facilities.
- (10) CONSTRUCTION PLAN - The maps, drawings and textual descriptions accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements enumerated in this ordinance as a condition of the approval of the plat.
- (11) COUNTY COMMISSION - The Board of Orange County Commissioners.
- (12) DEDICATION - The setting apart of land or interests in land for use by the public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.
- (13) DENSITY - A unit of measurement; the number of dwelling units per acre of land.
  - A. GROSS DENSITY - the number of dwelling units per acre of the total land to be developed, including public rights-of-way.
  - B. NET DENSITY - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public rights-of-way and other public sites.

- (14) DEVELOPER - The owner of land proposed to be subdivided, or his representative. Consent shall be required from the legal owner of the premises.
- (15) DWELLING - A fixed structure or building, containing one or more dwelling units.
- (16) DWELLING UNIT - A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes but shall not include travel trailers or recreational vehicles.
- (17) ENGINEER - Any person who is licensed in the State of Indiana to practice professional engineering.
- (18) ESCROW - The arrangement for the handling of instruments or money not to be delivered until specified conditions are met.
- (19) FLOOD (OR FLOODWATER) - The temporary inundation of land adjacent to, and inundated by overflow from, a river, stream, lake or other body of water. IC-1971, 13-2-22 as amended by Public Law 123, Acts of 1973, defines flood as "the water of any river or stream in the state of Indiana or upon or adjoining any boundary line of the state of Indiana, which is above the bank and/or outside the channel and banks of such river or stream; and also means the water of any lake which is above and outside the banks thereof,". See IC-1971 for additional definitions.
- (20) FLOOD CONTROL - The prevention of floods; the control, regulation, diversion or confinement of flood water or flood flow; and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of
- (21) FRONTAGE - The length along the street right-of-way line of a single lot, tract, or development area between the side lot lines of the property. It is that side of a lot abutting a street and ordinarily regarded as the front of the lot.
- (22) GRADE - The slope of a road, street, or other public way, specified in terms of percentage (%). Example: One foot of rise in 100 feet would be one percent.
- (23) IMPROVEMENT - Any alteration to the land or other physical constructions associated with subdivision and building site development.
- (24) IMPROVEMENT, LOT - Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated,

constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

- (25) IMPROVEMENT, PUBLIC - Any roadway, sidewalk, curb, tree, lawn, off-street parking area, main, or other facility for which the local or state government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local or state government responsibility is established. All such improvements shall be properly bonded.
- (26) IMPROVEMENT, TEMPORARY - Improvements built and maintained by a subdivider during construction of the subdivision and which may become permanent prior to release of the performance bond.
- (27) INFRASTRUCTURE - The fixed public works and facilities necessary in a community, such as sewers, water systems and streets.
- (28) JURISDICTION - Jurisdiction of local government means all land within its boundaries and any land outside its boundaries over which it is authorized to exercise powers under State planning legislation.
- (29) LAND - The earth, water and air, above, below or on the surface, including any improvements or structures customarily regarded as land.
- (30) LAND SURVEYOR - Any person who is licensed in the State of Indiana to practice professional land surveying
- (31) LOT - A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. The lot shall be of suitable size as required in this ordinance and the existing zoning ordinance.
- (32) LOT AREA - The area of the horizontal plane of the lot bounded by the vertical planes of the front, side and rear lot lines.
- (33) MANUFACTURED/MODULAR HOME - A dwelling unit fabricated in an offsite manufacturing facility for installation and assembly at the building site, bearing a seal certifying that it is built in compliance with the federal manufactured Housing Construction and Safety Standards Law of 1974 [42 USC 5401 et seq.] or IC 22-11-1-1 et seq., as promulgated by the Indiana Administrative Building Council. A modular housing unit is constructed in part or in whole at a place other than the foundation site, transported to the foundation site, and assembled on site to create one whole structure. The manufactured home or modular housing unit should include, but not be limited to, these characteristics: asphalt roof, a roof pitch of at least 4:12, house type windows, a minimum of twenty-four (24) feet, exceed one thousand (1000) square feet of occupied space, doors and siding, and must

be placed on a permanent foundation. Modular homes, prefabricated homes, and other such implied terms shall be deemed to be the same as MANUFACTURED HOMES.

- (34) MOBILE HOME - A detached residential dwelling designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems, and designed for transportation after fabrication on public ways on its own wheels or on a flat bed or other trailers, and arriving at the site where it is to be placed on a permanent foundation and is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations and connections to utilities. A travel trailer or recreational vehicle shall not be construed as a mobile home, nor are new and different types of housing which are defined elsewhere in these Regulations. Truck bodies, bus bodies, railroad cars, shacks, and improvised shelters which may be moved by truck, tractor, automobile, or horses, or can be carried, transported or towed from one place to another without the use of regular house moving equipment, shall not be construed as a mobile home unless such living quarters shall include the requirements previously noted in this definition.
- (35) MOBILE HOME PARK - An area of land upon which two (2) or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
- (36) MODEL HOME - A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.
- (37) MONUMENT - Any permanent marker either of stone, concrete, galvanized iron pipe, or iron or steel rods, used to identify the boundary corners of any tract, parcel, lot or street lines.
- (38) OPEN SPACE - A public or private outdoor area expressly set aside for the use and benefit of the public.
- (39) OUTLOT - Property shown on a subdivision Plat within the boundaries of the land which is to be developed but which is to be excluded from the development of the subdivision because of its potential use as a street extension or other public purpose. If after a pre-determined period of time the proposed use does not appear feasible the lot may be released from its excluded status and made available for private development, consistent with surrounding development.
- (40) OWNER - Any person, firm, association, syndicate, partnership, corporation, or any other legal entity having legal title to or sufficient

proprietary interest in the land sought to be subdivided under these regulations.

- (41) **PERFORMANCE BOND** - An amount of money or other negotiable security paid by the subdivider or his surety to the Clerk-Treasurer which guarantees that the subdivider will perform all actions required by the Plan Commission regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.
- (42) **PLAN COMMISSION** - Refers to the Town of Orleans Advisory Plan Commission, having seven (7) members who reside inside the Town of Orleans' town boundaries, and two (2) members who reside outside the town boundaries within Orleans' two-mile fringe planning jurisdiction, appointed by the Board of County Commissioners. The term does not include a regional plan commission established under IC 36-7-7 [36-7-7-1 through 36-7-7-13]. [IC 36-7-7-14, as added by Acts 1981, P.L. 309, section 14.]
- (43) **PLAT** - The drawing, map, or plan of a subdivision or other tract of land or a replat of such including certifications, descriptions and approvals.
- (44) **PLAT, FINAL** - The final and formal presentation of the map, plan or record of a subdivision and any accompanying material, as described in these regulations.
- (45) **PLAT, PRELIMINARY** - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Plan Commission for approval.
- (46) **PLAT, SKETCH** - An informal sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Administrator as to the form of the plat and the objectives of these regulations.
- (47) **PRIVATE WATER SYSTEM** - A water system formed by a developer to serve a new community development in an outlying or generally rural area. It includes water treatment and distribution facilities.
- (48) **PREMISES** - One or more lots which are in the same ownership and are contiguous or separated only by a road or body of water, including all buildings, structures and improvements.
- (49) **RESUBDIVISION (REPLAT)** - A change in a map for an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.

- (50) RIGHT-OF-WAY - A strip of land occupied or intended to be occupied by transportation facilities, public utilities or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.
- (51) RIGHT-OF-WAY WIDTH, STREET - The distance between property lines measured at right angles to the center line of the street.
- (52) ROAD - See Street.
- (53) SALE OR LEASE - Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a subdivision or part thereof, whether by deed, metes and bounds, contract or other written instrument.
- (54) SCREENING - Any means of protecting an area of land from the adverse visual and audible effects of another area. The specific requirements for screening are set forth in the Zoning Ordinance.
- (55) SETBACK - The distance between a building and the nearest street right-of-way line or property line regardless of whether it is the front, side or rear of the building. It is an imaginary line established by the zoning ordinance that requires all buildings to be set back a certain distance from property lines.
- (56) SETBACK, FRONT - The distance between a building and the street right-of-way line nearest thereto as established by the zoning ordinance.
- (57) STANDARD SPECIFICATIONS - The specifications as provided in this ordinance or as officially adopted by and for the Town of Orleans.
- (58) STREET - A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term street also includes the terms highway, parkway, road, thoroughfare, avenue, boulevard, lane, court, place, and other such terms. The recommended usage is: - highway or street in urban areas - highway or road in rural areas.
- (59) SUBDIVIDER - A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this ordinance. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.
- (60) SUBDIVISION - Any division of land into two (2) or more tracts requiring any new street extension, opening of a new public way, extension of the local



governmental facilities, or the creation of any public improvements. This regulation shall not apply to the following:

- A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.
  - B. A division of land into two (2) or more tracts for an agricultural use.
  - C. An allocation of land in the settlement of an estate or a court decree for the distribution of property.
  - D. The unwilling sale of land as a result of legal condemnations as defined and allowed in the Indiana State Law.
  - E. Widening of existing streets to conform to the Comprehensive Plan.
  - F. The acquisition of street rights-of-way by a public agency in conformance with the Comprehensive Plan.
  - G. The exchange of land for the purpose of straightening property boundary lines which does not result in the change of the present land usage.
- (61) SUBDIVISION PLAT - The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Plan Commission for approval and which, if approved, may be submitted to the County Recorder for filing.
- (62) THOROUGHFARE PLAN - A plan and maps established by the Plan Commission pursuant to law as a portion of the Comprehensive Plan, showing the location of streets and roads functionally classified public facilities, utilities and desirable future infrastructure. The plan is approved, adopted and established by law and any amendments or additions, including those resulting from the filing and approval of subdivision plats, are adopted by the Town Council as a continuous updating of the plan.
- (63) TOWN - The Town of Orleans, Indiana.
- (64) TOWN COUNCIL - Town Council of the Town of Orleans, Indiana.
- (65) TRAFFIC CONTROL DEVICES - All signs, signals, markings and devices placed or erected by authority of a local jurisdiction or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

- (66) UTILITIES - Installations for transmission of water, sewage, gas, electricity, telecommunications, storm water, and similar facilities providing service to and used by the public.
- (67) VARIANCE - A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.
- (68) VICINITY MAP - A small inset map showing the location of a tract of land in relation to a larger area. (Ord. 1994-5, Article VII, SB, March 3, 1994)

**STREET STANDARDS**

14.04.801

**TABLE 1**

	<b>Residential Streets</b>	<b>Collector Streets as Defined by Comprehensive Plan of Commercial and Industrial Uses</b>
<b>Terrain Classification <sup>(a)</sup></b>	Level	Level
Development Density <sup>(b)</sup>	Low	Low
Right-of-Way Width (ft.)	60	70
Pavement Width (ft.) <sup>(d)</sup>	24	36
Type of Curb (0-None B-Barrier R-Roll-Type)	B	B
Sidewalk Width (ft.) <sup>(e)</sup>	4 <sup>(e)</sup>	4 <sup>(e)</sup>
Sidewalk Distance from Curb Face (ft.) Min.	5	8
Minimum Sight Distance (ft.)	200	275
Maximum Grade (%)	4	4
Maximum Centerline Radius (ft.)	250	275

- (a) Level-cross slope range of 0% - 8%
- (b) Low - 2 or less dwelling units per net acre
- (c) Applicable also to areas zoned for office, commercial, or industrial development
- (d) Plus 2-foot roll curb and gutter section on each side of pavement.
- (e) At or below one dwelling unit per net acre, sidewalks are not required

(Ord. 1994-5, Appendix, Table 1, Street Standards, March 3, 1994)

Source: The Corradino Group

**TABLE 2**  
**THOROUGHFARE PLAN**  
**CHARACTERISTICS OF ARTERIAL CONSTRUCTION TYPES**  
 (See Figure 1 for Arterial Cross Sections)

Arterial Type <sup>(a)</sup>	Arterial Type Description <sup>(b)</sup>	Minimum ROW	Number of Moving Lanes	Pavement Cross Section			Median Divider	Service Road
				Pavement Width		Curb & Gutter Each Side		
				Through Lanes	Auxiliary Lanes			
F	freeway	Varies	Varies	12 ft per lane	12 ft Each	2 ft	Yes	No
6-2-DS	divided Major Arterial with service roads	220 ft	6	36 ft <sup>(c)</sup>	12 ft Each	2 ft	Yes	Yes
6-2-D	divided Major Arterial	160 ft	6	36 ft <sup>(c)</sup>	12 ft Each	2 ft	Yes	No
6-2	undivided Major Arterial	120 ft	6	36 ft <sup>(c)</sup>	12 ft Each <sup>(d)</sup>	2 ft	No	No
4-2-DS	divided Major Arterial with service roads	196 ft	4	24 ft <sup>(c)</sup>	12 ft Each	2 ft	Yes	Yes
4-2-D	divided Major Arterial	120 ft	4	24 ft <sup>(c)</sup>	12 ft Each	2 ft	Yes	No
4-2	undivided Minor Arterial	100 ft	4	24 ft <sup>(c)</sup>	12 ft Each <sup>(d)</sup>	2 ft	No	No
3-1	one-way arterial	80 ft	3	< -----	----- 52 ft-----	-->	No	No
2-1	one-way arterial	60 ft	2	< -----	----- 36 ft-----	-->	No	No
C	Major Collector	70 ft	2	< -----	----- 36 ft---->	2 ft	No	No

(a) In the abbreviation, the first digit equals the number of lanes, the second digit represents two-way (2) or one-way (1) flow, “D” means divided by a median; and “S” means a parallel service or frontage road.  
 (b) “Major Arterial” and “Principal Arterial” are interchangeable designations.  
 (c) Each direction.  
 (d) Left-turn lane of 14 ft.

Source: The Corradino Group

**TABLE 3**

14.04.803

**MINOR COLLECTOR STREET STANDARDS**

Terrain Classification <sup>(a)</sup>	Level			Rolling			Hilly		
	Low	Med.	High <sup>(e)</sup>	Low	Med.	High <sup>(e)</sup>	Low	Med.	High <sup>(e)</sup>
Development Density <sup>(b)</sup>									
Right-of-Way Width (ft.)	70	80	80-100	70	80	80	60	80	80
Pavement Width (ft.) <sup>(d)</sup>	36	36	48	36	36	48	36	36	48
Type of Curb	<b>Barrier</b>								
Sidewalk Width (ft.) <sup>(e)</sup>	4 <sup>(e)</sup>	5	5	4 <sup>(e)</sup>	5	5	4 <sup>(e)</sup>	5	5
Sidewalk Distance from Curb Back (ft.) Min.	8	8	8	8	8	8	5	8	8
Minimum Sight Distance (ft.)	275			200			150		
Maximum Grade (%)	4			6			8		
Minimum Spacing along Higher Class Street (ft.)	1320								
Minimum Centerline Radius (ft.)	275			200			150		

- (a) Level - cross slope range of 0% to 8%  
Rolling - cross slope range of 8.1% to 15%  
Hilly - cross slope over 15%
- (b) Low - 2 or less dwelling units per net acre  
Medium - 2.1 to 6.0 dwelling units per net acre  
High - over 6.0 dwelling units per net acre
- (c) Applicable also to areas zoned for office, commercial or industrial development.
- (d) Plus 2-foot barrier curb and gutter section on each side of pavement.
- (e) At or below one dwelling unit per net acre, sidewalks are not required.

Source: The Corradino Group

14.04.804

**TABLE 4**

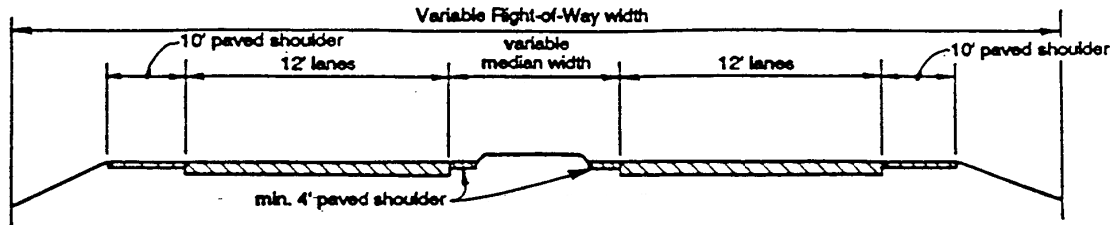
**LOCAL STREET STANDARDS**

Terrain Classification <sup>(a)</sup>	Level			Rolling			Hilly		
	Low	Med.	High <sup>(c)</sup>	Low	Med.	High <sup>(c)</sup>	Low	Med.	High <sup>(c)</sup>
Development Density <sup>(b)</sup>									
Right-of-Way Width (ft.)	50	60	70	50	60	70	50	60	60
Pavement Width (ft.) <sup>(d)</sup>	24	24	36	24	24	36	24	24	36
Type of Curb (O = None B = Barrier R = Roll-type)	B	B	B	B	B	B	B	B	B
Sidewalk Width (ft.) <sup>(e)</sup>	4 <sup>(e)</sup>	4	5	4 <sup>(e)</sup>	4	5	4 <sup>(e)</sup>	4	4
Sidewalk Distance from Curb Face (ft.) Min.	5	5	5	5	5	5	5	5	5
Minimum Sight Distance (ft.)	200			150			115		
Maximum Grade (%)	4			8			10		
Minimum Centerline Radius (ft.)	250			175			115		

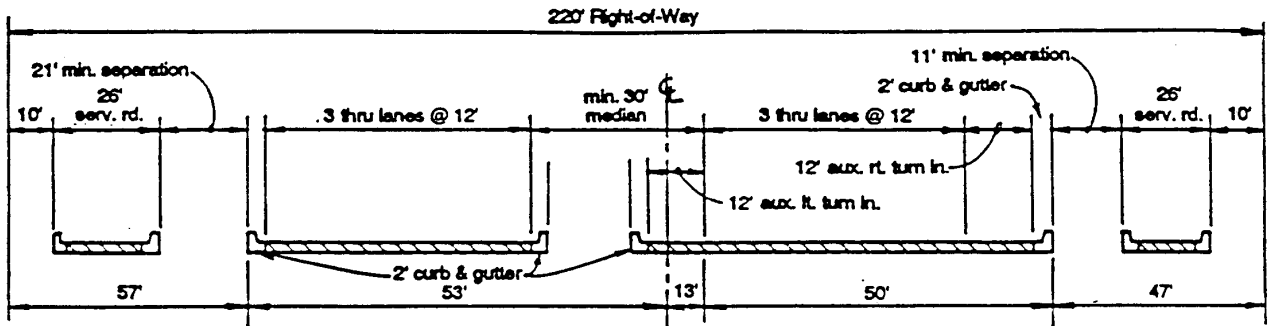
- (a) Level - cross slope range of 0% to 8%  
Rolling - cross slope range of 8.1% to 15%  
Hilly - cross slope over 15%
- (b) Low - 2 or less dwelling units per net acre  
Medium - 2.1 to 6.0 dwelling units per net acre  
High - over 6.0 dwelling units per net acre
- (c) Applicable also to areas zoned for office, commercial or industrial development.
- (d) Plus 2-foot barrier curb and gutter section on each side of pavement.
- (e) At or below one dwelling unit per net acre, sidewalks are not required.

Source: The Corradino Group

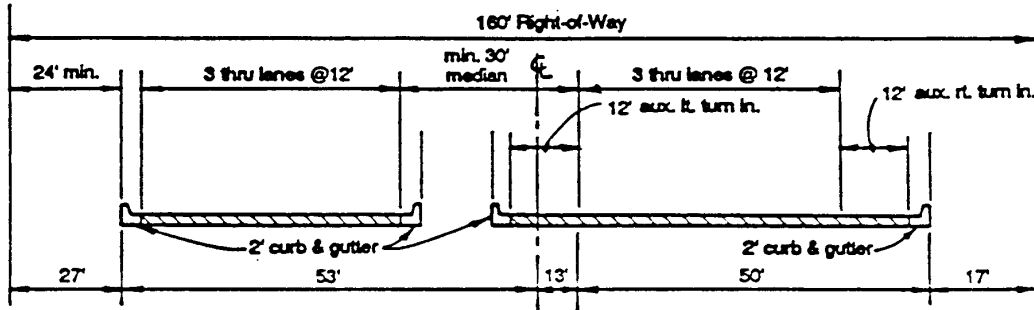
14.04.805



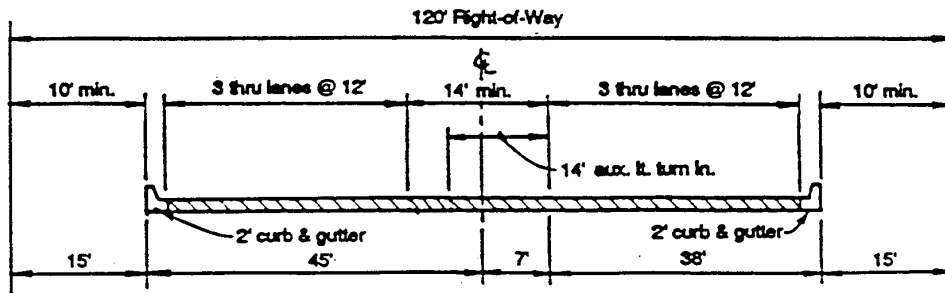
Type "F" Arterial (freeways)



Type 6-2DS  
(divided major arterial with service roads)



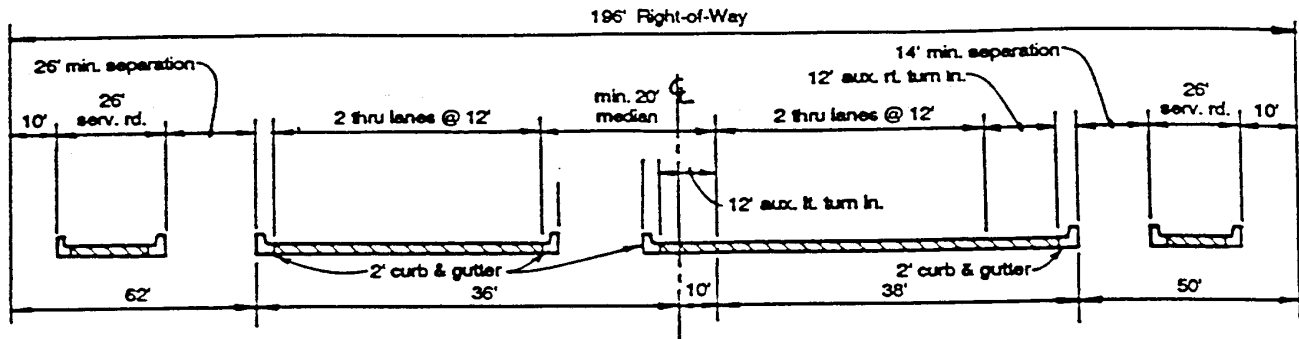
Type 6-2D (divided major arterial)



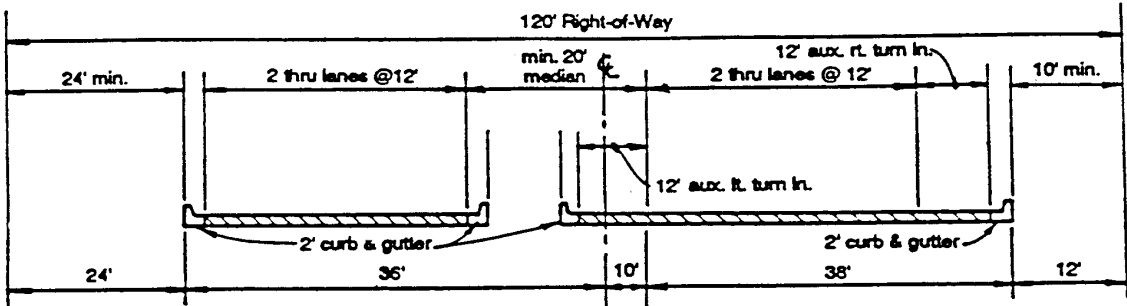
Type 6-2 (undivided major arterial)

Figure 1a

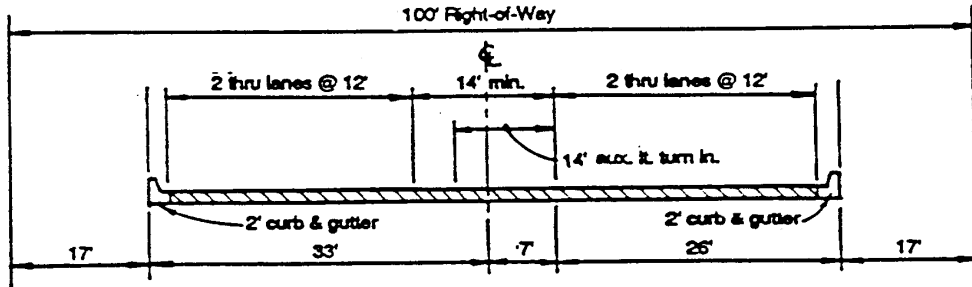
ARTERIAL CONSTRUCTION TYPE  
CROSS SECTIONS



Type 4-2DS (divided major arterial with service Rd.)



Type 4-2D (divided major arterial)



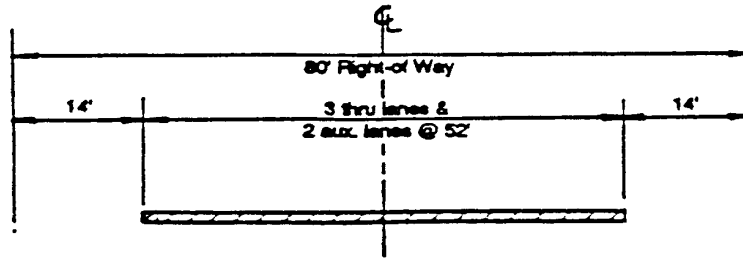
Type 4-2 (undivided minor arterial)

Figure 1b

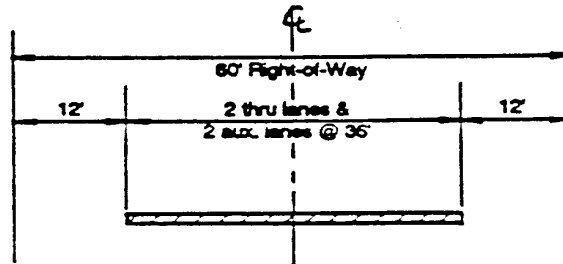
ARTERIAL CONSTRUCTION TYPE  
CROSS SECTIONS



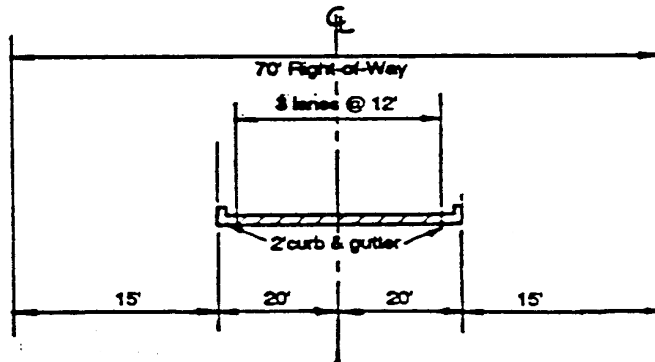
14.04.807



Type 3-1 (one-way arterial)



Type 2-1 (one-way arterial)

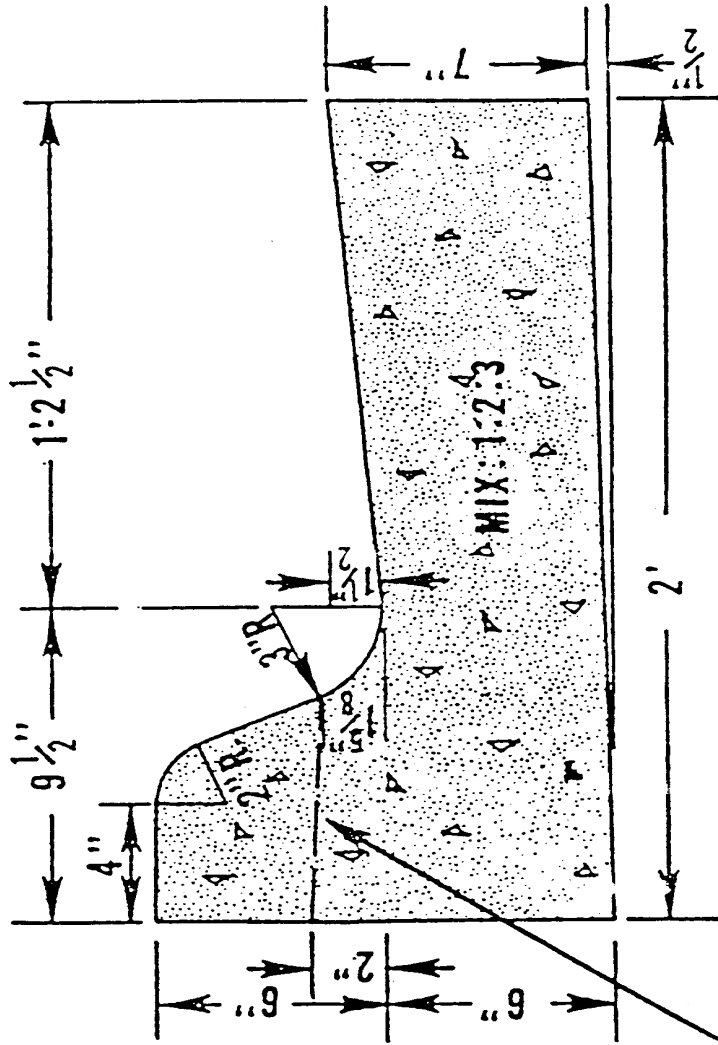


Type C (major collector)

Figure 1c

**ARTERIAL CONSTRUCTION TYPE  
CROSS SECTIONS**

Figure 2



NOTE: Curb to be depressed at driveways as directed by the engineer

### Combined Curb and Gutter

Source: The Corradino Group