

## **ORDINANCE NUMBER 1481**

An ordinance revising, amending and restating the subdivision control ordinance of the City of Plymouth, Indiana, containing regulations, requirements, design standards, specifications, procedures, fees and penalties.

WHEREAS, the Common Council of the City of Plymouth, Indiana, deems it necessary to revise and amend its present Subdivision Control Ordinance in its entirety; and

WHEREAS, Subdivision control regulations are authorized by Indiana Code 36-7-4-700 Series;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Plymouth, Indiana, that in order that land may be subdivided in accordance with the purposes set forth, these subdivision regulations are hereby adopted.

### **CHAPTER 1 - GENERAL PROVISIONS**

#### **SECTION 1.0 - SHORT TITLE**

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

#### **SECTION 1.1 - PURPOSE**

This ordinance is deemed necessary for the purpose of promoting the public health, safety, comfort and general welfare of persons living within the corporate boundaries of the City of Plymouth and within its jurisdictional area; to guide future growth and development in accordance with the Comprehensive Plan; to encourage orderly and beneficial development; to protect and conserve the value of land; to establish reasonable standards of design and procedures for subdivision and resubdivision; in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

It shall further be the purpose to avoid scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services; for the establishment of reasonable standards of design and minimum requirements for the creation, installation and improvement of physical facilities which are, or will be, maintained for the benefit of the general public; for the prevention of the pollution of air and water; provision of drainage facilities and the safeguarding of the water table; the encouragement of wise use and management of natural beauty and topography, and the value of land; for the 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.

#### **SECTION 1.2 - POLICY**

It is declared to be the policy of the City of Plymouth to consider the subdivision of land and subsequent development of the subdivided plat as subject to the control of the City pursuant to the official Comprehensive Plan of the City for the orderly, planned, efficient,

and economical development of the City of Plymouth and the jurisdictional area.

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, recreation facilities, and other elements of a viable community.

The existing and proposed public improvements shall conform to and be properly related to the proposals of the Comprehensive Plan, and capital budget program of the City of Plymouth.

It shall be the policy to guide major development of land and consideration by encouraging the following: 1) A more useful pattern of open space and recreation areas and, if permitted as part of the subdivision, more convenience in the location of accessory commercial uses, industrial uses, and services; 2) 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; 3) A more efficient use of land resulting in substantial savings through shorter utility lines and streets; 4) A development pattern in harmony with land use density, transportation facilities, and community facility objectives of the Comprehensive Plan.

### SECTION 1.3 - MEANING OF SUBDIVISION

For the purpose of this ordinance, the work "Subdivision" shall mean land, vacant or improved, both residential and nonresidential, which is divided for the purpose of sale, lease, or development, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument.

Within the corporate limits of the City of Plymouth, the division of a single lot, tract, or parcel of land into two or more lots, tracts, or parcels, any one of which is less than five (5) acres, for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes, shall be considered subdivision of land and require approval by the Plan Commission as a Minor or Major Subdivision in accordance with the provisions of this ordinance; provided, however, this definition shall not include the division of a single parcel into lots five (5) acres or greater in area, or that this definition shall not include divisions of land for agricultural purposes only, not involving any new street(s) or easement(s) of access; or the sale or exchange of parcels between adjoining lot owners that do not create additional building sites.

Within the 2-mile jurisdictional area of Plymouth, the division of a single lot, tract, or parcel of land into two or more lots, tracts, or parcels, any one of which is less than five (5) acres, for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes, shall be considered subdivision of land and require approval by both the Plymouth Plan Commission and the Marshall County Plan Commission as a Minor or Major Subdivision, in accordance with the provisions of this ordinance; provided, however, this definition shall not include the first two recorded lots, less than five (5) acres in area subsequently divided from a lot, tract, or parcel of land recorded in the office of the Marshall County Recorder prior to July 1, 1974; the number of lots eligible for exemption under this paragraph shall not be increased by subsequent changes in

ownership since the number of exempt lots shall run with the land and not ownership. This definition shall apply after two (2) lots have been divided by any person, or persons, from

the parcel as described on record prior to July 1, 1974; provided further that this definition shall not include the division of a single parcel into lots five (5) acres or greater in area or that this definition shall not include divisions of land for agricultural purposes only, not involving any new street or easement of access, or the sale of lots or exchange of parcels between adjoining lot owners that do not create additional building sites.

#### SECTION 1.4 - MINOR SUBDIVISION

A Minor Subdivision shall create no more than five lots, counting the balance of the original parcel as one of the five; and further providing that the subdivision of said parcel shall not involve the creation of any new street, either public or private. The balance of the parcel of land, or any lot created within the Minor Subdivision shall be further subdivided only as a Major Subdivision, with this provision also being applicable to any subsequent change in ownership.

#### SECTION 1.5 - MAJOR SUBDIVISION

A Major Subdivision will be required when six or more lots, counting the balance of the original parcel as one of the six, is created. Regardless of the number of lots involved, creation of any new street in the division of land shall also be by means of a Major Subdivision. In addition, a Major Subdivision plat shall be required when any parcel of land previously divided as a Minor Subdivision is further divided.

#### SECTION 1.6 - JURISDICTION

The Subdivision control regulations contained herein shall apply to all subdivisions of land within the corporate limits of the City of Plymouth and within its jurisdictional area.

#### SECTION 1.7 - INTERPRETATION, CONFLICT, AND SEPARABILITY

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of the citizens of Plymouth and the surrounding area.

The regulations contained herein are not intended to interfere with, or abrogate, other provisions of law; where these regulations impose restrictions different from those imposed by other provisions, whichever provisions are more restrictive or impose higher standards shall apply.

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

#### SECTION 1.8 - REPEALER

Upon adoption of these regulations, the City of Plymouth Subdivision Control Ordinance,

as amended, adopted on November 22, 1954, is hereby repealed except as to such sections expressly retained herein.

#### SECTION 1.9 - AMENDMENTS

The Plymouth Common Council may amend the provisions of these subdivision control regulations as may be deemed necessary. Public hearings on all proposed amendments shall be held by the Plan Commission in the manner prescribed by law, and its recommendation on said amendment forwarded to the Common Council for final action.

#### SECTION 1.10 - CONDITIONS - COMPLIANCE

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State. The developer has the duty of compliance with reasonable conditions laid down by the Plan Commission for design, dedication, improvement, and restrictive use of the land, so as to conform to the physical and economical development of the community at large.

No lot in a subdivision shall be sold, no building permit shall be issued, and no building shall be erected in a subdivision until a final plat has been approved by the Plan Commission and has been filed for recording with the County Recorder.

#### SECTION 1.11 - RESUBDIVISION OF LAND - (REPLAT OF A SUBDIVISION)

##### Procedure for Resubdivision

Any change in an approved or recorded subdivision plat affecting any street layout, any area reserved for public use, or any lot line shall be subject to approval by the Plan Commission by the same procedures, rules, and regulations as for a Minor or Major Subdivision, depending on the degree of the replatting.

##### Procedure of Subdivision Where Future Resubdivision is Indicated

Whenever a 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 into smaller building sites, the Plan Commission may require such parcel of land to allow for the future opening of streets and for the ultimate opening of adjacent streets. Easements providing for these future openings and extensions may be made a requirement of the plat.

#### SECTION 1.12 - VACATION OF PLATS

Any plat, or part thereof, may be vacated by the owner at any time prior to the sale of any lot. Such action shall be by written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

The request shall be submitted to the Plan Commission and such instrument approved or disapproved by the Commission after a public hearing. The Plan Commission may reject any such instrument which abridges or destroys any public right in any of its uses, improvements, streets, or alleys.

If such an instrument is approved, it shall be executed, acknowledged and recorded in the same manner as plats of subdivisions; and being duly recorded shall void the recording of the plat and divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots in such plat joining in the execution of the instrument. The vacation of a plat will not be approved if any improved lot is left without the required frontage on a public right-of-way.

#### SECTION 1.13 - VARIANCES - MODIFICATIONS

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 or modifications to these subdivision regulations so substantial justice may be done.

The Plan Commission shall not approve variances or permit modifications unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance or modification will not be detrimental to the public safety, health, or welfare or injurious to other property; and
2. The conditions upon which the request for modification or variance is based are unique to the property and are not applicable generally to other property; and
3. 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; and
4. The variance or modifications will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Zoning Map.

A petition for any such variance or modification shall be submitted in writing by the subdivider at the time the preliminary plat is filed for the consideration of the Plan Commission. The application shall indicate the specific section of this ordinance under which the variance or modification is sought and state fully the grounds for the application and all the facts relied upon by the petitioner. After due consideration, the Plan Commission shall render a decision which shall be:

1. Recorded in the minutes of the Commission, which minutes shall include the reasoning on which the variance or modification was approved or disapproved.
2. Transmitted to the subdivider in written form and to applicable governmental units.

#### SECTION 1.14 - APPEAL FROM PLAN COMMISSION DETERMINATION

Every decision of the Plan Commission which regards subdivision platting 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 forth 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.

## SECTION 1.15 – ESTABLISHMENT OF FEES

The City Council shall establish fees that shall be charged for the checking, reviewing, and approval procedures on all plats.

## SECTION 1.16 - ENFORCEMENT, VIOLATIONS, AND PENALTIES

It shall be the duty of the Plan Commission to enforce these regulations and to bring to the attention of the City Attorney any violation or lack of compliance herewith.

The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer or lease, with the intent of evading these regulations, shall not be permitted. All such described subdivision shall be subject to all of the requirements contained in these regulations.

Any person, firm or corporation who fails to comply with or violates any of these regulations shall be subject to a fine of not more than \$100.00 for each violation, plus cost of prosecution. Each and every day such violation occurs shall be deemed a separate offense.

## SECTION 1.17 - DEFINITIONS

For the purpose of these regulations, certain works and phrases used herein shall be interpreted as follows:

The work "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.

The masculine includes the feminine.

The present tense includes the past and future tense, words in the singular includes the plural.

The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied".

The word "lot" includes the words "plot, parcel, and tract".

For the purpose of this ordinance, certain words are hereby defined.

Agricultural Purposes - The use of a tract of land for agricultural purposes only, which shall include farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry.

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 City Council.

Building Line - A line drawn parallel to a lot line equal to the depth of a minimum building setback for the zoning district in which the lot is located as established by the Zoning Ordinance of the City of Plymouth.

Certiorari - A writ issued by a superior court to call up the records of an inferior court or of a body acting in a quasijudicial capacity.

Comprehensive Plan - A plan for the physical development of the community, a composite, or portion thereof, of the mapped and written proposals and recommendations relative to the growth and development of a given planning area which shall have been duly adopted by the City Council.

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 to the approval of the plat.

Council, City, Common - The Common Council of the City of Plymouth, Indiana.

Covenant - A private legal restriction on the use of land contained in the deed to the property and otherwise formally recorded along with the subdivision plat.

Culvert - A drain pipe that channels water.

Devise - The art of giving or disposing of real property by will.

Easement - A grant by a property owner for the use of a parcel of land by the general public, the utilities, or for a certain specific purpose not inconsistent with the general property rights of the owner.

Escrow - The arrangement for the handling of instruments or money not to be delivered until specified conditions are met.

Feasibility Report - A written report prepared by a professional engineer or land surveyor pertaining to the suitability of a site for various types of water and sewer systems; for drainage retention/detention and the subsoil conditions for various methods of street construction.

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 on an interior lot. A corner lot shall have frontage on both streets with one street being designated as the front when a building permit is obtained.

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.

Improvement - Any alteration to the land or other physical construction associated with subdivision and building site development.

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.

Improvement, Public - Any drainage ditch, roadway, sidewalk, curb, tree, 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.

Improvement, Temporary - Improvements built and maintained by a subdivider during construction of the subdivision, which may or may not become permanent prior to release of the performance bond.

Infrastructure - The fixed public works and facilities necessary in a community, such as sewers, water systems and streets.

Intestacy - The quality or state of being or dying having made no valid will.

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 as recorded by map or description in the Office of the County Recorder of Marshall County.

Lease - A contract by which one conveys real estate for a specified term and a specified rent.

Lot - A parcel or portion of land separated from other parcels or portions by a description as on a subdivision, or record of survey map, or by metes and bounds, for purpose of sale, lease, or separate use. In computing the number of lots in a subdivision, any portion remaining to the owner and not intended for sale shall, nevertheless, be considered a lot.

Lot Area - The area of the horizontal plane of the lot bounded by the vertical planes of the front, side and rear lot lines.

Lot Line - A line which marks the boundary of a lot.

Lot, Types - Terminology used in this ordinance with reference to different types of lots is as follows:

Corner Lot - A lot lotreets. cated at the intersection of two or more s

Interior Lot - A lot with only one frontage on a street.

Through Lot - A lot other than a corner lot with frontage on more than one street.  
Through lots abutting two streets may also be referred to as double frontage lots.

Monument - Any permanent marker either of stone, concrete, galvanized iron pipe, or iron steel rods, used to identify the boundary lines of any tract, parcel, lot or street lines.

No Access Easement - A public easement along a public right-of-way, across which the access to a property is not permitted.

Office of the Recorder - The Recorder's Office of Marshall County, Indiana.

Owner - Any individual, company, partnership or corporation, having sufficient proprietary interest in the land sought to be subdivided, to commence and maintain proceedings to

subdivide the same under this ordinance.

Performance Guarantee - Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Plan Commission approves the final plat, including, but not limited to, performance bond, escrow agreements, or surety arrangements as approved as valid and enforceable by the City Council.

Plat - The drawing, map, or plan of a subdivision or other tract of land or a replat of such, including certifications, descriptions, and approvals.

Plat, Final - The final presentation of the map, plan or record of a subdivision and any accompanying material, as described in these regulations.

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.

Plat, Sketch - An informal sketch preparatory to the preparation of the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Plan Commission as to the form of the plat in accordance with the objectives of these regulations.

Public Sewer - A sewage disposal system which is constructed, installed, maintained, operated and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana, but shall not include a County sewer installed for the purpose of carrying surface water runoff and sub-soil drainage.

Public Utility - A firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation to the public, electricity, gas, steam, communication (including CATV), transportation, drainage, sewer and water.

Public Water - A water supply system which is constructed, installed, maintained, operated and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana.

Registered Engineer - An engineer who is licensed in compliance with the laws of the State of Indiana.

Registered Land Surveyor - A land surveyor who is licensed on compliance with the laws of the State of Indiana.

Reserve Strip - An area of land adjacent to a public right-of-way which is retained in private ownership by the subdivider for the purpose of denying access to the adjacent land or an area of land which is reserved and held in public ownership for street widening.

Right-of-Way - A strip of land appropriated for public use as a street, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other similar uses.

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.

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 a line established by the zoning ordinance that requires all buildings to be set back a certain distance from property lines.

Standards - A specific and detailed listing of materials and construction methods for subdivision improvements and standards of construction and design as adopted by the City Council.

Street - The area between the lot lines abutting upon a right-of-way, designed for vehicular traffic, whether designated as an alley, street, highway, throughway, freeway, expressway, road, avenue, boulevard, or however otherwise designated:

Arterial, Minor - Any roadway that provides for through traffic movements between areas within the County and through the County.

Arterial, Principal - Limited access highways which carry large volumes of inter-state traffic and have more importance regionally than locally. They may contain four or more moving lanes and a permit a continuous high speed traffic flow.

Collector - A street which carries traffic from local streets to arterial streets, and may include the principal entrance street of residential developments.

Cul-de-sac - A dead-end street terminated by a vehicle turn-around.

Local - Any roadway, the primary function of which is to provide direct access to residential, commercial, industrial, or other abutting real estate.

Loop Street - Any street which has its origin and termination point with the same street and forms a loop or "U" of various shapes or proportions.

Marginal Service Road - A minor road which is parallel and adjacent to a thorough-fare and which provides access to abutting properties and protection from through traffic.

Perimeter - Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Private - An access roadway that is not dedicated or accepted for public use or maintenance which provides vehicular and pedestrian access.

Subdivider - 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.

Subdivision - See Sections 1.3, 1.4, and 1.5.

## **CHAPTER 2 - APPROVAL PROCESS - MINOR/MAJOR SUBDIVISIONS**

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure for a Minor Subdivision or a Major Subdivision.

### **SECTION 2.0 - DETERMINATION FOR PLAT APPROVAL**

In determining whether to grant approval of a subdivision plat, the Plan Commission shall determine if the plat provides for: (1) establishment of minimum width, depth, and area of lots within the projected subdivision; (2) coordination of subdivision streets with existing and planned streets and highways; (3) coordination with and extension of facilities included in the comprehensive plan; (4) fair allocation of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, businesses, and industry; and (5) distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the City.

As a condition of approval of a plat, the Plan Commission may specify: (1) the manner in which streets shall be laid out, graded and improved; (2) a provision for water, sewage and other utility services; (3) a provision for schools; (4) a provision for essential municipal services; and (5) a provision for recreational facilities.

### **SECTION 2.1 - REVIEW PROCEDURE - MINOR SUBDIVISION**

The Plan Commission shall review any subdivision of a parcel of land and determine if the plan is in conformity with the Comprehensive Plan, the minimum requirements of the Zoning Ordinance and other applicable codes.

Upon request, the Commission shall review a sketch plan or preliminary plat for a Minor Subdivision by placing it on the agenda of the next regularly scheduled Plan Commission meeting. Public notice is not required for the preliminary review of a Minor Subdivision.

The Commission shall, upon the filing of an application for approval of a final plat for a Minor Subdivision by placing it on the agenda of the next regularly scheduled Plan Commission meeting. Public notice is not required for the preliminary review of a Minor Subdivision.

The Commission shall, upon the filing of an application for approval of a final plat for a Minor Subdivision, review the plat along with accompanying exhibits. If it is determined that the requirements and standards have been met, the Commission shall docket a date for public hearing at the next Commission meeting, notify the applicant and give proper public notice as required by law.

The Commission shall approve the final plat for record only after it has determined that the plat meets the minimum requirements of this ordinance and all applicable ordinances of the City.

After the Commission has granted final approval of the plat for record, the officers shall affix their signatures to the original tracing and the divider shall record the plat with the Recorder of the Marshall County within six (6) months. If not recorded within this time, the approval shall be null and void.

The Subdivider shall file with the Plan Commission two (2) prints of the recorded plat, including any recorded restrictive covenants. One (1) reproducible print of the recorded plat shall be filed and retained in the office of the County Surveyor of Marshall County. Until such prints have been filed, no building permit shall be issued for any lot shown upon PPO said plat.

## SECTION 2.2 - REVIEW PROCEDURE-PRELIMINARY PLAT-MAJOR SUBDIVISION

A subdivider shall submit to the Plan Commission a written application for preliminary plat approval for a major subdivision.

The Commission shall, upon receiving an application for preliminary plat approval for a major subdivision, review the plat along with the accompanying exhibits. If it is determined that the requirements and standards of this ordinance have been substantially met, the Commission shall docket a date for public hearing at the next Commission meeting, notify the applicant and give notice of public hearing as required by law. If the Commission determines that the preliminary plat does not meet the requirements, and standards have not been substantially met, the application for preliminary plat approval shall not be docketed for hearing, but immediately returned to the subdivider with the reasons noted.

Following the public hearing, the Commission may then approve the preliminary plat, approve it subject to conditions, or request additional information on specific technical matters, or disapprove it. The Commission may require such changes or revisions as are deemed necessary in the interest and needs of the community.

Approval of a preliminary plat for a major subdivision shall not constitute approval of a final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat, and act as a guide in the preparation of the final plat. Approval of the preliminary plat will terminate two years from the date of said approval unless further extended by the Commission upon written request of the subdivider.

Upon approval of the preliminary plat for a major subdivision, the Commission will indicate upon each copy that it has been approved. One copy shall be returned to the subdivider along with a written statement indicating the action taken by the Commission. If approved with conditions, a written copy of the conditions shall be attached to each copy of the approved plat and the plat shall be marked as having "conditional approval".

If disapproved, the Commission shall return to the subdivider one copy of the plat marked "Disapproved by the City Plan Commission" along with a written statement indicating the reason or reasons for its disapproval.

If the reason for disapproval is correctable, such changes may be made by the subdivider and the preliminary plat returned to the Plan Commission for reconsideration. Notice of public hearing shall be given prior to reconsideration of the preliminary plat.

## SECTION 2.3 - REVIEW PROCEDURE - FINAL PLAT - MAJOR SUBDIVISION

The Commission shall, upon the filing of an application for a major subdivision final plat approval, review the final plat along with the accompanying data and determine whether or not the final plat meets all minimum requirements and standards of this ordinance and of all other applicable ordinances of the City.

The Commission shall then take one of the following actions on the final plat within thirty days after its submission or a mutually agreed upon extension:

1. If the Commission determines that upon the satisfactory completion of one of more specified conditions, consistent with the requirements, standards, and specifications of this ordinance, said final plat would comply with the terms of this ordinance, the Commission may give conditional approval to said plat.

Conditional approval of a final plat may include a construction agreement which is acceptable to the Commission and would permit the subdivider to proceed with the installation of improvements prior to recording. Written notice of such conditional approval shall constitute formal authorization to the subdivider to construct and install all or a part of the required improvements, subject to inspection and acceptance procedures required by this ordinance. The subdivider shall furnish sufficient evidence to the Commission of the satisfactory completion of such conditions before said plat will be deemed to have final approval for record.

2. The Commission shall approve the final plat for record only after it has determined that the final plat meets the minimum requirements of this ordinance and all applicable ordinances in the City and that sufficient financial guarantees have been submitted in accordance with this ordinance.
3. If for any reason the Commission disapproves the final plat, written notice of such action, together with reasons therefore shall be transmitted to the subdivider. Such action shall also be entered on the official records of the Commission; provided, however, that nothing contained therein shall prejudice the subdivider's ability to make reapplication for final plat approval according to the terms of this ordinance.

If approved with conditions, a written copy of the conditions shall be attached to each copy of the plat and the subdivider given a written statement indicating the action taken.

Upon unconditional approval of the final plat, the Commission shall give a written statement to the subdivider indicating the action taken by the Commission.

After the Commission has granted unconditional final approval of a major subdivision plat for record, the officers shall affix their signatures to the original tracing and the subdivider shall record the plat with the Recorder of Marshall County within twelve months. If not recorded within this time, the approval shall be null and void.

The subdivider shall pay the recording fee and file with the Plan Commission four (4) prints of the subdivision, including restrictive covenants, as recorded. One reproducible print of the final plat, as recorded, shall be filed and retained in the office of the County Surveyor of Marshall County. Until such recorded prints have been filed, no building permit shall be issued for any lot shown upon said plat.

Final approval of a plat for a major subdivision shall not be construed as an acceptance of the offer of dedication of any street improvement, utility improvement, or open space improvement, within such areas shown upon the plat unless such acceptance is endorsed by the Board of Works upon the original tracing of the final plat.

## SECTION 2.4 - FINANCIAL GUARANTEES

Financial guarantees shall be prerequisite to the Plan Commission action on the application for final plat approval. The Commission shall approve the final plat for record only after notice has been received from the Board of Works that there has been filed with and approved by said Board one of the following:

1. A certification to the effect that the streets, sewers, water, monuments and other utilities and facilities required as a precedent to approval, have been installed in accordance with the specifications of this ordinance and have been accepted for maintenance; or
2. A performance bond is posted with the Board of Works which shall:
  - a. Run to the City of Plymouth, Indiana.
  - b. Be in an amount equal to one hundred percent (100%) of the cost as estimated by the Board of Works, of all improvements and installations as required by this ordinance, excluding, however, the cost of any said required improvements and installations already constructed, installed and completed in compliance with the requirements of this ordinance, for which sufficient written proof of such construction, installations and completion has been furnished by the Board of Works. The Board may require the estimated cost to be prepared by a registered engineer and paid for by the subdivider.
  - c. Be with surety satisfactory to the Board of Works of Plymouth, Indiana.
  - d. Run until and terminate sixty (60) days after the filing with the Commission of the completion affidavit obtained from the Board of Works; or
3. Cash bond or other negotiable securities acceptable and assigned to the City of Plymouth is posted with the Board of Works in lieu of the performance bond.
4. Acceptance of said improvements is conditional and is based upon the posting of a maintenance bond with said Board of Works, the period of time to be determined by said Board of Works, but not less than one year, with the subdivider or some other person satisfactory to the Board as principal, which shall:
  - a. Run to the City of Plymouth, Indiana.
  - b. Be in an amount equal to twenty-five percent (25%) of the estimated cost of all improvements and installations as required by Chapter 5 of this ordinance. The estimated cost shall be prepared by a registered engineer, and the cost of preparing the estimate shall be paid by the subdivider.
  - c. Be with surety or other negotiable security satisfactory to the Board of Works of Plymouth, Indiana
  - d. Warrant the workmanship and all materials used in construction, installation and completion of said improvements and installations to be of good quality and to have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this ordinance and previously approved plans and specifications.
  - e. Provide that for a period of not less than three years after said installations and improvements have been completed or are accepted for public maintenance by the Board of Works, the applicant will, at his own

expense, make all repairs to said improvements and installation, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including damage to said improvements and installations resulting from forces or circumstances beyond the control of said applicant or occasioned by the inadequacy of the standards, specifications, or requirements of this ordinance.

Any funds received from the financial guarantees required by this ordinance shall be used only for the purposes of making the improvements, installations or repair for which said guarantees were provided, in accordance with the standards, specifications and requirements of this ordinance.

Upon the acceptance of said improvements and installations by the Board of Works of Plymouth, the applicant shall obtain a completion affidavit from said Board stating the required improvements and installations have been installed in compliance with the specifications of this ordinance and have been accepted for public maintenance by said Board, subject to the terms of the maintenance bond provided by the applicant. The completion affidavit shall be filed with the Plan Commission.

### **CHAPTER 3 - PLATTING REQUIREMENTS - MINOR/MAJOR SUBDIVISION**

Subdividers of land under the control of the Plymouth Plan Commission will be expected to familiarize themselves with the procedures for subdivision of land. It is deemed to be the responsibility of the subdivider to allow adequate lead time for the proper review procedures and approval process. Minor and major subdivision platting requirements are outlined in this chapter.

#### **SECTION 3.1 - MINOR SUBDIVISION PLAT REQUIREMENTS**

In accordance with the definition of "Subdivision" in Section 1.3 of this ordinance, the division of any parcel of land fronting on an existing dedicated street or road shall be by means of a minor subdivision plat providing such division creates no more than five (5) lots counting the balance of the original parcel as one of the five (5), and further providing that the subdivision of said parcel shall not involve the creation of any new street either public or private. The balance of the parcel of land, or any lot created within the minor subdivision, shall be further subdivided only as a major subdivision with this provision also being applicable to any subsequent change in ownership.

##### **...Sketch Plan**

Prior to the submission of the actual plat, the subdivider shall submit a sketch plan and a soils report from the Marshall County Soil and Water Conservation District Soil Survey Publication indicating degree of soil limitation and consult informally with the Plan Commission. This will enable the subdivider to become familiar with the general requirements and conditions affecting the subdivision and avoid unnecessary revisions. The sketch plan should be in a tentative form with sufficient detail for informal review and comment.

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

Although a preliminary plat approval for a minor subdivision is not required, a preliminary plat may be submitted to the Plan Commission with a request for such approval. The Plan

Commission approval of a preliminary plat is to serve only as a further guide for preparation of the final plat. Public notice for a minor subdivision plat will be given at the time an application for final plat approval is submitted.

#### ...Final Subdivision Plat Requirements

The original drawing shall be on a 24 x 36-inch vellum, linen or mylar film at a scale of 1 inch equals 50 feet or 1 inch equals 100 feet. Four copies shall be submitted to the Plan Commission. The drawing shall show the following:

1. Name of the proposed subdivision;
2. Complete legal description of the subdivision;
3. Lot dimensions in feet and hundredths thereof, angles and/or bearings expressed in degrees, minutes and seconds;
4. Lots numbered;
5. Building setback lines dimensioned;
6. Easements dimensioned and labeled as to their specific use with final elevations;
7. Right-of-way lines dimensioned, including existing right-of-way; and any dedication required for the widening of an existing street;
8. Name, address, registration number and certification of the registered land surveyor preparing or certifying the subdivision;
9. Deed of Dedication;
10. Owners Certification;
11. Scale, graphic scale bar, north point and date.

Supporting data and drawing(s) will be required to show the following information:

1. Legal description and tract boundary drawing;
2. Physical features such as wooded areas, swamps, wet lands and marshes;
3. Existing topographic contours at vertical intervals of five (5) feet or less from available data - Geological Survey data may be used;
4. Access plans for the entire parcel if additional subdividing is probable in the future;
5. Adjacent road(s), showing both the width of the right-of-way and of the improved surface area;
6. Soil information from the Marshall County Soil and Water Conservation District indicating degree of soil limitation;
7. Scale, graphic bar scale, north point and date;
8. Source of water supply and sewerage disposal indicated;
9. Proof of ownership of the property being subdivided.
10. Names and addresses of all property owners of record within a radius of 300 feet from all plat boundary lines.

## SECTION 3.2 - MAJOR SUBDIVISION PLAT REQUIREMENTS

Subdivision of a parcel of land into six (6) or more lots, counting the balance of the original parcel as one of the six (6) shall require platting as a major subdivision. Regardless of the number of lots involved, creation of any new street in the division of land shall also be by means of a major subdivision plat. In addition, a major subdivision plat shall be required when any parcel of land previously divided as a minor subdivision is further divided.

### ...Sketch Plan

Prior to the submission of a preliminary subdivision plat, the subdivider shall submit a sketch plan and soils report from the Marshall County Soil and Water Conservation District Soil Survey Publication indicating degree of soil limitation and consult informally with the Plan Commission. This will enable the subdivider to become familiar with the general requirements and conditions affecting the subdivision, thus avoiding unnecessary and costly revisions. The sketch plan may be in a very tentative form. However, it should provide adequate information and sufficient detail for intelligent review and comment.

### ...Preliminary Plat

A preliminary plat and an application shall be submitted to the Plan Commission for a major subdivision. Preliminary plat approval by the Plan Commission shall be given only after a legally advertised public hearing has been held.

The preliminary plat shall be on a 24 x 36-inch sheet at a scale clearly legible and in no case shall it be less than 1 inch equals 100 feet. The following information shall be provided on the plat:

1. Name of proposed subdivision;
2. Complete legal description;
3. Name and address of subdivider (owners and developers);
4. Name, address and registration number of surveyor;
5. Scale, graphic bar, north point and date;
  
6. Dimensioned boundary line of proposed subdivision;
7. Layout of all proposed and existing lots appropriately dimensioned, including setback lines;
8. Street layout, proposed rights-of-way, easements, common areas, and dedications.
9. Location, width and names of existing streets, easements, section and corporate lines;
10. Existing topographic contours at vertical intervals of five feet or less. United States Geological Survey data may be used unless unusual characteristics exist which would require greater detail.

Supporting data shall include the following:

1. All existing permanent features, natural or man-made that may influence the design of the subdivision, such as water courses, tree groves, swamps, outstanding natural topographic features, power transmission towers, sewers, water mains, utility lines and fire hydrants. Where underground utilities exist within or adjacent to the tract, the location, size, and direction of flow shall be indicated;
2. A soils report from the Marshall County Soil and Water Conservation District, indicating the degree of limitation on the soil of the proposed subdivision. The report shall indicate degree of limitation with respect to road construction, drainage, sewage disposal, erosion control and such other information helpful to the review of the plat;
3. Existing street pattern for the area adjacent to the subdivision and a plan showing the manner in which the streets within the proposed subdivision can be tied in with existing streets;
4. A drainage plan showing the natural watercourse, marshes, etc.; existing

- drainage facilities, culverts, etc.; proposed contours and grading plan; and the proposed drainage plan for the subdivision and an analysis of existing drainage facilities to nearest watercourse, showing culverts, retention ponds, etc.;
5. All land contiguous to the proposed subdivision owned by or under the control of the subdivider;
  6. An engineering feasibility report including the following:

The feasibility of connecting to an existing sewerage system and water supply. This portion of the study shall include the distance to the nearest public sewer, its capacity and present load, and its capacity to handle the additional sewage load created by the subdivision. The same information shall be submitted for the water supply.

A study of the storm water drainage for the area, a method of dispersion or retention and adequacy of downstream facilities. This study shall give consideration to both water entering the subdivision from adjacent land and water within the boundaries of the subdivision.

7. Names and addresses of all property owners of record within a radius of 300 feet from all plat boundary lines.

...Final Plat

#### Application

Application for the final approval of a subdivision plat shall not be filed until the preliminary plat and supporting data has received final Plan Commission action and the preliminary plat amended in accordance with and to meet all requirements and conditions.

#### Phasing of a Plat

If a subdivision is to be constructed in Phases or Sections, the subdivider may request final plat approval for that portion of the approved preliminary plat that is scheduled for initial construction. However, no Phase or Section shall contain less than 10% of the total number of lots in the approved preliminary plat.

Submission of a final plat with a request for Phase or Section final approval shall be closely studied and considered as to the effect it may have on the continuity of roads, utilities and services. Final plat approval shall not be granted on any single Phase or Section of a plat that cannot stand alone should the balance of the approved preliminary plat not be constructed as originally presented.

A plat approved for such Phase or Section construction shall clearly indicate the Phase or Section number or letter designation as a part of the name of the subdivision title. A Phase or a Section of a plat shall be filed with the County Recorder and meet all requirements the same as if the entire plat were being filed at one time.

#### Plat Requirements

The subdivider shall submit the original drawing on a 24 x 36-inch vellum, linen, or mylar film at a scale no less than 1 inch equals 100 feet.

The final plat shall include:

1. Name of subdivision;
2. Complete legal description;

3. Certification of land surveyor;
4. Approval of Plan Commission;
5. Scale, graphic bar, north point and date;
6. Owners certification;
7. Boundary of plat, based on an accurate traverse, with angular and lineal dimensions;
8. Lots numbered and dimensions in feet and hundredths;
9. Location, width and name of streets within the plat, utility easements and any other ground that will be dedicated for public purposes;
10. Building setback lines accurately shown in accordance with the Zoning Ordinance of the City of Plymouth.
11. True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat. Also, the locations of the subdivision cornerpoints and the location of the elevation benchmarks as well as accurate location of all monuments;
12. Radius and angle of intersection, tangent length, length of curve, P.C.'s and P.T.s, radii, internal angles, points and curvatures, tangent bearings and length of all arcs.

Restrictive covenants regulating the use and development of the lots may be lettered on the final plat or made a part thereof, subject to the approval of the Plan Commission.

The owners acknowledgement of the subdividing of the real estate; the dedication of streets and other public areas; and the reserving of easements for public utility purposes and drainage facilities shall be shown on the plat or separately and made a part thereof to the approval of the Plan Commission.

## **CHAPTER 4 - DESIGN PRINCIPLES AND STANDARDS**

### **SECTION 4.0 - DESIGN CRITERIA**

In addition to the criteria for plat approval determination provided in Chapter 2, Section 2.0, the Plan Commission shall further determine if the plat conforms to the principles and standards of this ordinance, which shall be deemed to be minimal.

In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourse, or similar conditions, which if preserved, will add to the aesthetics and value of the development. Consideration shall be given to the prevention of air and stream pollution and to the elimination of any other blighting characteristics. The layout of the subdivision shall be of such a nature as to protect the health, safety, and general welfare of the City and its residents.

### **SECTION 4.1 - PRINCIPLES OF STREET DESIGN**

The subdivider shall be guided by the following principles in laying out the street system within the subdivision:

All parcels shall have adequate and safe vehicular and pedestrian access and street systems shall be designed to minimize through traffic movement. However, connections into and from adjacent areas may be required by the Plan Commission where it will not substantially increase through traffic. The design shall provide reasonable direct access to the primary circulation system and not conflict with the efficiency of bordering arterial routes.

To function effectively and safely, the circulation system within a subdivision shall be designed with the least number of interruptions possible, and further, to discourage excessive speeds and minimize pedestrian-vehicular points of conflict. The streets shall be related to topography and shall minimize space devoted to streets and intersections.

All dedicated rights-of-way shall conform to the following minimum widths:

Arterial Streets . . . . .	120 feet
Major Collector Streets . . . . .	100 feet
Minor Collector Streets . . . . .	70 feet
Local Residential Streets . . . . .	60 feet
Cul-De-Sacs . . . . .	60 feet*
Crosswalks . . . . .	10 feet
Utility Easements . . . . .	20 feet

\*Radius

The following criteria in street design shall be observed in laying out streets in a new subdivision:

Street jogs with centerline offsets of less than 125 feet shall not be permitted.

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

To insure adequate sight distance, when the street centerlines deflect more than 10 degrees, connections shall be made by horizontal curves. The minimum centerline radius for local residential streets shall be 200 feet and for all other residential streets, 400 feet.

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

The maximum vertical grade for arterial streets shall not exceed 7.5 percent; for collector streets, 10 percent; and for local streets, 12 percent; provided, however, that within 200 feet of a street or railway intersection, the maximum grade permitted shall be 50 percent of the maximum grade specification.

The maximum length for cul-de-sac streets shall be 500 feet measured along the centerline from the intersection at origin through the center of the circle to the end of the right-of-way. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of 120 feet, unless an equally safe and convenient form of space as approved by the Plan Commission.

Only one street, or point of vehicle access shall be permitted from a subdivision onto a major collector street or an arterial street or road. Two or more streets, or points of vehicle access onto a minor collector street may be permitted by the Plan Commission only if they are definitely needed to improve the safety and traffic circulation in the area.

No street names may be used which will duplicate or be confused with names of existing streets. Streets which are logical extensions or continuations of existing streets shall bear the names of such existing streets.

Right-of-way for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to adjacent properties unless such

extension is not feasible because of topography or other physical conditions, or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the advantageous development of adjacent tracts. No subdivisions shall be designed so as to create or perpetuate the land-locking of adjacent undeveloped land.

Temporary dead-ended streets shall be permitted only when a street is proposed and should logically be extended, but is not yet constructed. An adequate easement for a turn-around shall be provided for all temporary dead-ended streets which extend 200 feet or more in length. Such easement shall be automatically vacated to abutting property owners when the street is extended.

In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by this ordinance, the subdivider shall dedicate additional width along either one or both sides of such streets so as to bring them up to standards, provided the area to be used for widening is owned or under the control of the subdivider.

No driveway shall be located within 70 feet of the intersection of two street lines.

#### SECTION 4.2 - BLOCK STANDARDS

Block length and width shall be such as to accommodate and provide for convenient access, circulation control, and safety of traffic. Blocks that are unreasonable large or small will not be approved. Maximum block length shall be 1200 feet. The Plan Commission may require pedestrian crosswalks at a point useful to facilitate pedestrian circulation to a school, park, recreation area, or significant neighborhood destination.

Residential blocks shall normally be of sufficient depth to accommodate two tiers of lots, except where lots border a freeway, arterial street or flood plain and are designed as through lots.

Blocks must fit easily into the overall plan of the subdivision and evidence consideration of lot planning, traffic flow, and public areas.

#### SECTION 4.3 - LOT STANDARDS

Lot arrangement 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 on compliance with the Zoning Ordinance. Provisions shall be made for driveway access to all lots from an approved street at a proper distance from intersecting streets.

Lot dimensions shall comply with the minimum requirements of the Zoning Ordinance. Lot size, width, depth, shape, grade, location and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.

Through lots shall be avoided where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

A subdivider shall be required to furnish and install fences wherever the Plan Commission determines a hazardous condition may exist. The type of fencing material and height shall be noted on the final plat.

A no-access screened buffer strip of ten feet shall be provided along lot lines adjoining an adverse influence or an arterial street or highway, if required by the Plan Commission. This requirement shall be noted on the final plat.

Corner lots shall be sufficiently larger than interior lots to allow proper setback from both streets. Side lines of lots shall be approximately at right angles to the street lines.

Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area and drainage shall be designed so as to avoid concentration of storm water drainage from one lot to adjacent lots. Where possible, drainage should be contained on each lot or parcel.

#### SECTION 4.4 - EASEMENTS

Adequate areas of suitable size and location shall be allocated for utility easements. As a general principle, such easements shall be a minimum of 30 feet in width, and shall provide reasonable continuity from block to block. They shall be located at rear lot lines whenever possible and along side and front lines only when deemed necessary.

Where subdivision is traversed by a watercourse, drainage way, channel or stream, adequate areas for storm water or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said watercourses in accordance with the requirements of the County Drainage Board.

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

#### SECTION 4.5 - COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

Commercial and industrial subdivisions face unique problems of lot design not encountered in residential subdivisions. For this reason, the emphasis of the Plan Commission consideration shall be upon street layout and block arrangement. The procedural requirements shall be basically as outlined in this ordinance, with the exception being the subdivider need show only tow lots along with the street and block layout.

As lots are sized to the specifications of the prospective purchaser, the owner shall submit an amendment to the previously approved recorded subdivision plat for Plan Commission consideration. Regular procedural requirements for a final subdivision plat shall then apply.

Streets that have been built to the specifications of previously approved plans on the recorded plat shall not have to be rebuilt because of the adoption of new criteria by the City. This shall also apply to storm drainage facilities within said subdivision unless run-off characteristics have been changed by the newly proposed improvements or by unauthorized existing improvements.

A non-residential subdivision shall also be subject to all requirements set forth in the Zoning Ordinance. Site plan approval and non-residential subdivision plat approval may proceed simultaneously at the discretion of the Plan Commission.

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, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.

#### ...Specific Considerations

Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon. Special requirements may be imposed by the Plan Commission with respect to street, curb, gutter, sidewalk design and construction as well as installation of public utilities, including water, sewer and storm water drainage.

Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.

Streets carrying non-residential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.

#### SECTION 4.6 - RESERVE STRIPS

The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to said street.

### **CHAPTER 5 - SPECIFICATIONS - IMPROVEMENTS AND INSTALLATIONS**

#### SECTION 5.0 - IMPROVEMENTS

Subdivision improvements shall be designed, furnished and installed by the subdivider in accordance with the requirements of this chapter, State, County, and City specifications, when applicable. The higher or more restrictive requirements shall prevail.

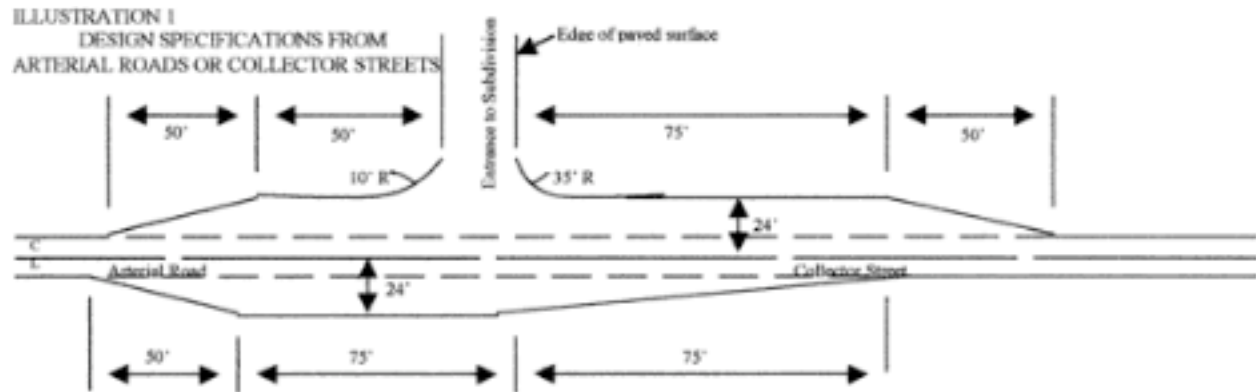
No subdivision plat shall be approved by the Plan Commission unless the following improvements have been completed as herein specified and required, or the subdivider provides a financial guarantee therefore, as specified in Chapter 2, Section 2.3, of this ordinance.

After Commission approval of the preliminary plat and prior to any construction in the subdivision, the subdivider shall submit copies of the construction drawings for streets, sewers, water lines, and drainage facilities for review by the Board of Works a minimum of 45 days before construction is proposed to begin. Supervision and inspection of construction of all required improvements shall be under the direction of the City Board of Works.

#### SECTION 5.1 - STREET IMPROVEMENTS

Improvements for streets shall be performed to meet the following minimum standards and requirements. At the intersection of a subdivision collector street with an arterial or major

collector street or road, the Commission may require the subdivider to install deceleration and passing lanes along the arterial or collector street in accordance with the graphic specifications in Illustration 1.



Required Pavement Width - Local and Cul-de-sac Streets

- Width with curb and gutter . . . . . 31' - back to back of curb
- Width without curb and gutter . . . 24'
- Residential cul-de-sac . . . . . 50' - radius
- Radius at intersections . . . . . 35'

Required Pavement Width - Industrial and Commercial Streets

- Width with curb and gutter . . . . . 38' - back to back of curb
- Width without curb and gutter . . . 28'
- Cul-de-sac . . . . . 50' - radius
- Radius at intersections . . . . . 35'

Required Pavement Width - Collector Streets

- Width with curb and gutter . . . . .38' - back to back of curb
- Width without curb and gutter . . 26'
- Radius at intersections . . . . . 35'

SECTION 5.2 - PAVEMENT CONSTRUCTION

Local and Cul-de-sac Streets

Local and cul-de-sac streets shall be constructed of the following minimum thickness of sub-base, base course, and pavement:

- a. A six (6) inch plain concrete pavement on a six (6) inch compacted aggregate sub-base; or
- b. A three (3) inch hot asphalt concrete base pavement on a six (6) inch compacted aggregate sub-base, with a two (2) inch hot asphalt concrete binder and a one (1) inch hot asphalt concrete surface.

### Collector, Industrial, and Commercial Streets

Collector, industrial, and commercial streets shall be constructed of the following minimum thickness of sub-base, base course, and pavement:

- a. A six (6) inch reinforced (6x6x6 mesh) plain concrete pavement on a six (6) inch compacted aggregate sub-base; or
- b. A four (4) inch hot asphalt concrete base pavement on a six (6) inch compacted aggregate sub-base, with a two (2) inch hot asphalt concrete binder and a one (1) inch hot asphalt concrete surface.

### Materials Specifications

All material used to construct streets shall conform to the current State Highway Commission's standard specifications.

### Street Improvement Timetable

Street improvements shall be installed in an approved subdivision according to the following timetable in that portion of the subdivision that is being developed and building permits have been issued:

- a. Grading and aggregate base to be installed within six (6) months of final plat approval.
- b. Base Asphalt to be installed within twelve (12) months of final plat approval.
- c. Concrete or deep strength Asphalt streets to be completed within twelve (12) months of final plat approval.
- d. Final or finish coat Asphalt to be installed within eighteen (18) months of final plat approval.

## SECTION 5.3 - CURB AND GUTTER

Subdivisions within the corporate limits of Plymouth and the 2-mile jurisdictional area shall be required to have curb and gutter in the street improvements unless otherwise waived by the Plan Commission. Consideration of waiving this requirement will be made based upon existence of curb and gutter in previously developed areas of the same subdivision, or density of less than three (3) lots per acre of land platted.

Residential areas may be combination curb and sidewalk (Illustration 2), standard curb (Illustration 3), or combination curb and gutter (Illustration 4).

\*All areas other than residential shall be 6" vertical face standard curb or combination curb and sidewalk. Construction shall be of 6 bag concrete.

Illustration 2  
Combination Curb & Sidewalk

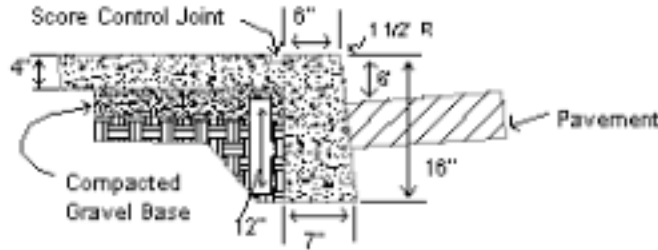


Illustration 3  
Standard Curb

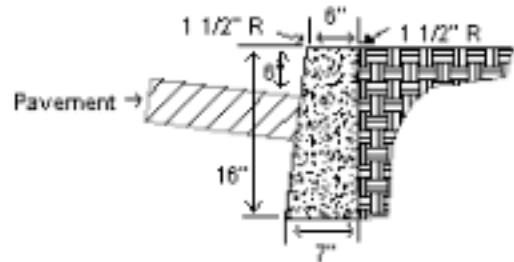
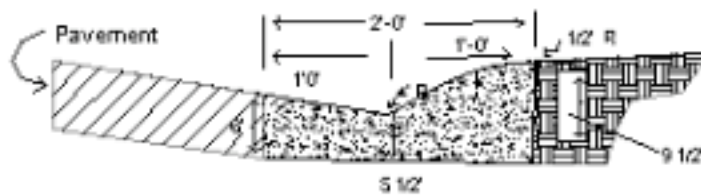


Illustration 4  
Combination Curb & Gutter



## SECTION 5.4 - SIDEWALKS

Whenever a proposed subdivision lies adjacent to or in close proximity of other developed areas having sidewalks, or when any proposed subdivision contains more than three lots per acre of land platted into lots, the subdivider shall provide sidewalks in the subdivision. Sidewalks shall be at least four (4) feet wide and four (4) inches thick, sloped 1/4 inch per foot toward the street. All public sidewalks shall be constructed on the public right-of-way and should preferably be located one foot off the private property line.

## SECTION 5.5 - ROADSIDE SWALES

Streets not having curb and gutter shall provide the following:

1. Side ditch swales measuring 12 inches deep at a point five (5) feet inside the right-of-way line.
2. A culvert at all driveways sized according to storm water flow.
3. Culverts under the roadway where necessary. Size of culvert to be according to storm water flow, but not less than 12 inches. All culverts shall extend at least five (5) feet beyond either edge of the paved roadway.
4. Relief of side ditches and swales along the roadway through the use of off-street retention basins or existing public drainage channels.

## SECTION 5.6 - STREET IDENTIFICATION SIGNS AND TRAFFIC SIGNS

It shall be the responsibility of the subdivider to provide and install street identification and traffic signs at all street intersections within the subdivision prior to the construction of any permanent improvements other than those specifically set forth by this ordinance. Said signs and posts shall conform to the following standards or be of a design approved by the Plan Commission after appropriate consideration has been given to future maintenance.

Each sign post shall consist of materials and design as currently being used in the City or County and shall be approved by the Street Superintendent or Highway Superintendent as appropriate.

All signs shall be located within the street right-of-way, but no closer than six (6) feet from the edge of the traveled portion of the street and with a ground clearance to the bottom of the sign of not less than seven (7) feet.

## SECTION 5.7 - DRAINAGE

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water in the subdivision and the drainage area of which it is a part. The system shall be constructed and installed in accordance with plans and specifications approved by the City Engineer for subdivisions in the corporate limits of Plymouth, and by the County Surveyor for subdivisions in the 2-mile jurisdictional area. In designing a drainage system, the subdivider shall be guided by the following standards:

All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters and storm sewers or side ditches and culverts as determined by the Plan Commission.

Street drainage shall serve as the primary drainage system and shall be designed to carry at least the street, adjacent land, and house storm water drainage.

Whenever the evidence available to the Commission indicates the natural surface drainage is inadequate, the subdivider shall provide the subdivision with an adequate storm water sewer system. When the surface drainage is adequate, easements for surface drainage shall be provided.

When topsoil has been removed on a slope where erosion will cause a displacement of loose materials, the subdivider shall be required to seed or provide other means to prevent the wash from damaging adjacent property. The erosion control measures shall be in accordance with standards and specifications on file in the Marshall County Soil and Water Conservation District office.

In order to insure the maintenance of a properly designed and installed drainage system, the following paragraphs shall be required as a provision of the restrictive covenants of all final plats:

Drainage swale ditches along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without written permission of the Board of Works. Property owners must maintain these swales as sodded grassways or other non-eroding surfaces.

Water from roofs or parking areas must be contained on the property long enough so that

said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriate sized culverts or other approved structures have been approved by the City Street Department.

Any property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for such action and will be given ten (10) days notice by registered mail to repair said damage, after which time, if no action is taken, the City will cause such repairs to be accomplished, and the bill for such repairs will be sent to the affected property owners for immediate payment.

## SECTION 5.8 - SANITARY SEWAGE SYSTEM

A subdivision plat shall not be considered for final approval until the construction plans for the sewage system have been submitted to and approved by the Sanitary Board of Trustees.

Sanitary sewer disposal systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning reports. Sewer capabilities should be adequate to handle the anticipated maximum hourly quantity of sewerage together with allowance for infiltration and other extraneous flow.

### ...Design and Construction

A sanitary sewer system shall be designed and constructed by the subdivider. Sewers shall be installed to serve all lots, to grade and size required by the City. All plans shall be in accordance with local regulations and are subject to specific written approval from the Sanitary Board of Trustees prior to the start of construction. Such approval shall be by the affixing of the Board's signature on the cover sheet of the final construction prints.

It shall be required that each developer provide two copies of "As-built" prints to the City no later than six months after completion of said construction. The "As-built" prints shall be certified to be correct by the developer's engineer.

A permanent sanitary sewerage collection system including all pipes and manholes shall be provided and said collection system shall be connected (extended to connect, if necessary) with an existing public sanitary sewerage system when available.

The design and construction of the sewers shall be in accordance with "Ten States Standards", the Recommended Standards for Sewage Works by the Great lakes - Upper Mississippi River Board of State Sanitary Engineers.

### ...Connection Requirements

A Minor or Major Subdivision shall be required to connect to the municipal system if it is within 300 feet of an available, adequate connecting point.

### ...Private Sewerage System

In the event an area proposed to be platted is not so located as to permit connection into the municipal sewerage system, a private sewage disposal system for each lot shall be designed in accordance with the minimum requirements of the County Health Department and in accordance with all rules and regulations set forth by the Indiana State Board of Health.

In no case will any part of the private system, including seepage field or leaching field, be located closer than 10 feet to a property line or within 75 feet of a private well.

If individual septic systems are proposed for the subdivision, it shall be required that a percolation test be done for each and every proposed lot in the subdivision. Certification of test results on each proposed lot shall be submitted with the request for approval of the private system.

The Sanitary Board of Trustees shall not approve the use of any private sewer system until written assurance and approval of said system has been received from the County Health Department and/or the Indiana State Board of Health, as may be applicable.

The Plan Commission shall not consider final approval of a plat until advised by the Sanitary Board of Trustees that all applicable approvals have been received and are on file. Copies of such approvals shall be made a part of the Plan Commission's file on said plat.

## SECTION 5.9 - WATER SYSTEM

A water distribution system shall be designed and constructed by the subdivider to provide adequate water service for all lots in the proposed subdivision.

A subdivision plat shall not be considered for final approval by the Plan Commission until improvement plans for a water system have been submitted and approved by the Water Works Board of Trustees. Such approval shall be indicated by the Board affixing their signatures to the cover sheet of the construction plans.

### ...Design and Construction

A permanent water distribution system, including all pipes, fire hydrants, valves, and other appurtenances shall be provided for in the plans. If the system contains 2,500 feet or more of pipe, or would serve 5% or more of the City population, the plans must be approved by the Indiana Department of Environmental Management prior to approval by the Water Works Board.

All design and construction shall meet the current standards as set forth by the American Water Works Association and the current standards of the Water Works Board of Trustees.

### ...Private Water Supply

In the event the area proposed to be platted is not so located with regard to such adequate public or group water supply system, before any structure on any lot therein is occupied, an individual water supply system for such lot shall be constructed and installed in accordance with the satisfactory plans and specifications therefore. In no case will any part of the private water system be located closer than 10 feet to a property line or within 50 feet of a private sewage disposal system.

The subdivider shall provide certified information to the Water Works Board of Trustees that safe potable water can be obtained from private wells and the approximate depth at which an adequate vein of potable water can be expected to be found.

## SECTION 5.10 - MONUMENTS

Monuments and markers shall be installed by the subdivider so that the top thereof is 3 to 6 inches below the proposed finished grade adjoining it, and the cross marker or other designation thereon shall coincide exactly with the intersecting or other lines marked and designated. Permanent monuments shall also contain elevation controls. Permanent concrete markers measuring 6 inches by 6 inches by 30 inches with iron pipe cast in the center shall be required at a minimum of at least two (2) points on the exterior boundary of the plat. United States, State, County, or other official monuments may substitute for the required two (2) concrete monuments where they already exist and where coordinates are provided for these existing monuments.

Permanent markers consisting of 1/2 inch diameter pipe or 1/2 inch diameter iron pins 24 inches in length shall be installed at:

1. The intersection of all street and alley right-of-way lines within the proposed plat.
2. The beginning and ending of all curves in street right-of-way lines including corner easements having a radius of 50 feet or less.
3. All points where lot lines intersect street or alley right-of-way lines.
4. All angles formed by intersection of lot lines.
5. All other lot corners not established by a monument.
6. All points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined.

All United States, State, County, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

## SECTION 5.11 - STREET LIGHTING

Street lighting shall be required for subdivisions within the corporate limits of the City of Plymouth. Standards for such street lighting shall be determined by the Board of Public Works upon review of the subdivision plat. Street lighting shall be bonded or financially guaranteed along with the street and drainage improvements. Installation of street lighting shall be completed within one (1) year after approval of the final plat.

NOW, THEREFORE, be it ordained that this Ordinance amending and restating the Subdivision Control Ordinance of the City of Plymouth, Indiana, containing regulations, requirements, design standards, specifications, procedures, fees and penalties, shall be in full force and effect from and after its passage and due publication by the Common Council of the City of Plymouth, Indiana.

Passed by the Common Council of the City of Plymouth, Marshall County, Indiana, this 11th day of December, 1989.

COMMON COUNCIL OF THE  
CITY OF PLYMOUTH, INDIANA

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William A. Satorius, Mayor  
City of Plymouth, Indiana

ATTEST:

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Beverly J. Curtis, Clerk-Treasurer