

## CHAPTER 152: SUBDIVISION REGULATIONS

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#### **GENERAL PROVISIONS**

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#### **§ 152.01 TITLE.**

These regulations shall be known and cited as the Subdivision Regulations of the town.  
(Ord. 93-Z-03, passed 3-8-93)

#### **§ 152.02 AUTHORITY.**

These regulations are authorized by IC 36-7-4-700 Series.  
(Ord. 93-Z-03, passed 3-8-93)

#### **§ 152.03 POLICY.**

(A) It is declared to be the policy of the town to consider the subdivision of land and the subsequent development of the subdivided plat 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.

(B) 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, street system, schools, solid waste disposal, recreational facilities, and other elements of a viable community.

(C) 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.

(D) It shall be the policy to guide major development of land and construction by encouraging developments to achieve the following:

(1) A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards building setbacks, and area requirements.

(2) 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.

(3) 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.

(4) A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets.

(5) A development pattern in harmony with land use density, transportation facilities, and community facilities' objectives of the comprehensive plan.

(E) The subdivision of land shall only be permitted if the development will not exceed the carrying capacities of the existing sewer, water, or drainage systems, or the capacity of the wastewater treatment plant, or the carrying capacity or stability of the flow of traffic upon the street system. The capacities of any other infrastructure shall not be

allowed to be exceeded.

(Ord. 93-Z-03, passed 3-8-93; Am. Ord. 95-Z-01, passed 2-13-95)

#### § 152.04 PURPOSES.

(A) The purposes of these regulations are to protect and promote the public health, safety, and general welfare, and to provide for:

(1) Guidance of future growth and development in accordance with the comprehensive planning process.

(2) Adequate air, light, and privacy and to prevent overcrowding of the land and undue congestion.

(3) Protection of the character and the social and economic stability of all parts of the area, and to encourage the orderly and beneficial development of all parts.

(4) 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.

(5) 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.

(6) Avoidance of scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services.

(7) 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 general public.

(8) Establishment of reasonable standards and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(9) 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.

(10) 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.

(11) Protection of the carrying capacities of existing infrastructure.  
(Ord. 93-Z-03, passed 3-8-93; Am. Ord. 95-Z-01, passed 2-13-95)

**§ 152.05 JURISDICTION.**

(A) These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the jurisdiction of the town.

(B) No land shall be subdivided within these boundaries until:

(1) The subdivider or his agent shall submit a sketch of the parcel to the Plan Commission;

(2) Approval of the preliminary and final plats are obtained from the Commission; and

(3) The approved plat is filed with the County Recorder.  
(Ord. 93-Z-03, passed 3-8-93)

**§ 152.06 INTERPRETATION.**

(A) All subdivisions as defined herein shall comply with the provisions of these regulations.

(B) In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements.

(C) 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. 93-Z-03, passed 3-8-93)

**§ 152.07 COMBINING OF PERMITS.**

The Commission is required to coordinate the issuance of permits with other departments and agencies which may be required by these subdivision regulations as well as previously or subsequently adopted ordinances or regulations.  
(Ord. 93-Z-03, passed 3-8-93)

**§ 152.08 SEVERABILITY.**

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. 93-Z-03, passed 3-8-93)

**§ 152.09 REPEALS.**

All other subdivision regulations, or part thereof, in conflict with these regulations, are repealed to the extent necessary to give these regulations full force and effect. These regulations shall become effective upon passage by the Town Council.  
(Ord. 93-Z-03, passed 3-8-93)

**§ 152.10 AMENDMENTS.**

(A) 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.

(B) Public hearings on all proposed amendments shall be held by the Plan Commission.

(C) Upon recommendation of the Plan

Commission, the Town Council may then approve or deny amendment to the Subdivision Regulations. (Ord. 93-Z-03, passed 3-8-93)

#### § 152.11 RESUBDIVISION (REPLAT).

(A) For any change in a map of an approved or recorded subdivision plat, if the change affects any street layout shown on the 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, the change shall be approved by the Plan Commission by the same procedure, rules, and regulations as for a subdivision.

(B) 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 the parcel of land allow for the fixture 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. 93-Z-03, passed 3-8-93)

#### § 152.12 VARIANCES.

(A) 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 the 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:

(1) The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property.

(2) 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.

(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. Financial hardship does not constitute grounds for a variance.

(4) The variance will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Thoroughfare or Major Street Plan.

(5) 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 Commission.

(B) 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.

(C) A petition for any 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.

(D) It is not within the jurisdiction of the Board of Zoning Appeals to grant variances to these regulations.

(Ord. 93-Z-03, passed 3-8-93)

#### § 152.13 APPEALS.

(A) Every decision of the Plan Commission shall be subject to review by certiorari.

(B) 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 the decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the entry of the decision or order of the Plan Commission being challenged.  
(Ord. 93-Z-03, passed 3-8-93)

#### § 152.14 DEFINITIONS.

##### (A) *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 the words and phrases used herein, except when the context otherwise requires.

(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 masculine includes the feminine.

(c) The present tense includes the past and future tense, the singular number includes the plural.

(d) The word **SHALL** is a mandatory requirement, the word **MAY** is a permissive requirement, and the word **SHOULD** is a preferred requirement.

(e) The words **USED** or **OCCUPIED** include the words "intended, arranged, or designed to be used or occupied."

(f) The word **LOT** includes the words "plot," "parcel," and "tract."

(B) *Words and phrases defined.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires

a different meaning.

**ADMINISTRATOR.** An official, having knowledge in the principles of subdividing, who is appointed by the Commission to administer this chapter. The Building Inspector shall serve as the administrator of these subdivision regulations.

**APPLICANT.** The owner of land proposed to be subdivided or a representative. Consent shall be required from the legal owner of the premises.

**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.

**BOARD.** The Board of County Commissioners.

**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 Town Council. All bonds shall be approved by the Town Council whenever a bond is required by these regulations.

**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.

**BUILDING SITE.** An area proposed or provided by grading, filling, excavating, or other means for erecting pads, slabs, or foundations for buildings.

**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 government operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

**CARRYING CAPACITY.** The design volume that can be transported by a sewerage, water or storm drainage line or the volume of sewerage the

wastewater treatment plant was designed to treat. As related to street and road infrastructure, **CARRYING CAPACITY** shall mean service capacity which is the maximum volume of traffic that can be carried at a selected level of service upon any street or road whether off-site, adjacent or within a proposed subdivision.

**CHANNEL.** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

**COMMISSION.** The Plan Commission, appointed in accordance with the appropriate planning enabling act.

**COMMITTEE.** A technical committee established by the Town Council to assist with the technical evaluation of subdivisions, and to make recommendations to the Commission. The membership of the Committee shall include, but not be limited to, persons that are engaged in either private or public work with specific knowledge in road design and construction; sewer and water facility design and construction; solid waste; health requirements for water and sewer facilities; recreation and open space; and environmental planning criteria related to geology, vegetation, noise and water systems.

**COMPREHENSIVE PLAN.** A plan for the physical development of the community, prepared and adopted by the 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.

**CONDOMINIUM.** The individual ownership of a single unit of a multi-unit structure, together with an interest in the common land and building areas and tide underlying land.

**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 chapter as a condition of the approval of the plat.

**COUNCIL.** The Town Council.

**COVENANT.** A private legal restriction on the use of land contained in the deed to the property and otherwise formally recorded.

**CULVERT.** A drain pipe that channels water under a bridge, street, or driveway.

**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.

**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.

**DENSITY, HIGH.** Any subdivision with a density greater than six dwelling units per acre of gross land area.

**DENSITY, MEDIUM.** Any subdivision with a density of two to six dwelling units per acre of gross land area.

**DENSITY, LOW.** Any subdivision with a density less than two dwelling units per acre of gross land area.

**DEVELOPER.** The owner of land proposed to be subdivided, or a representative. Consent shall be required from the legal owner of the premises.

**DWELLING.** A fixed structure or building,

containing one or more dwelling units.

**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.

**EASEMENT.** An authorization or grant by a property owner to a specific person(s) or to the public to use land for specific purposes.

**ENGINEER.** Any person who is licensed in the State of Indiana to practice professional engineering.

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

**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 14-8-2-93 defines flood as "the water of a river, stream or lake in Indiana or upon or adjoining a boundary line of Indiana that is above the bank or outside the channel and banks of the river, stream or lake." See state law for additional definitions.

**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 floods, and the death, damage, and destruction caused thereby, and all things incidental thereto or connected therewith.

**FLOOD HAZARD AREA.** A flood plain, or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees, reservoirs, or other works approved by the Indiana Natural Resources Commission.

**FLOOD PLAIN.** The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe.

**FLOOD, REGULATORY (OR REGIONAL).** A flood having a peak discharge which can be expected to be equalled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. The 100-year frequency flood is equivalent to a flood having a probability of occurrence of 1% in any given year (a flood magnitude which has a 1% chance of being equalled or exceeded in any given year).

**FLOODWAY.** The channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any river or stream.

**FLOODWAY FRINGE.** Those portions of the flood hazard areas lying outside the floodway.

**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.

**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 1%.

**IMPROVEMENT.** Any alteration to the land or other physical constructions 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. Certain lot improvements shall be properly bonded as provided in these regulations.

**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.

**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.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM.** A septic tank, seepage tile, sewage disposal system, or any other approved sewage treatment device designed for use in a limited area.

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

**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.

**LAND.** The earth, water, and air, above, below, or on the surface, including any improvements or structures customarily regarded as land.

**LAND SURVEYOR.** Any person who is licensed in the State of Indiana to practice professional land surveying.

**LEVEL OF SERVICE.** The level of highway service is a qualitative measure which describes the operating conditions that occur on a given lane or roadway under various traffic volumes as defined by the Highway Capacity Manual, Highway Research Board, Washington, D.C. Special Report 87, 1965 as amended. Tables 5 and 6 in the appendix to this chapter shall be used to determine level of service.

**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 chapter and the existing zoning chapter.

**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 TYPES.** Terminology used in this ordinance with reference to different types of lots is as follows:

(a) **CORNER LOT.** A lot located at the intersection of two or more streets, the interior angle of such intersection not exceeding 135°.

(b) **INTERIOR LOT.** A lot with only one frontage on a street.

(c) **THROUGH LOT.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

(d) **REVERSED FRONTAGE LOT.** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**MOBILE HOME.** A structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported, after fabrication, on its own wheels. The minimum length for such structure shall be not less than 50 feet excluding the hitching tongue.

**MOBILE HOME PARK.** An area of land upon which two 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.



**MODEL HOME.** A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

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

**OFF-SITE (OFF PREMISES).** Any premises or structure not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

**OPEN SPACE.** A public or private outdoor area expressly set aside for the use and benefit of the public.

**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.

**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.

**PACKAGE SEWERAGE SYSTEM.** A sewerage system including collection and treatment facilities established by the developer to serve a new subdivision or development in an outlying or generally rural area.

**PERFORMANCE BOND.** An amount of money or other negotiable security paid by the subdivider or his surety to the Town Clerk, which guarantees that the subdivider will perform all actions required by the Town Council 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.

**PLANNED UNIT DEVELOPMENT.** A subdivision designed as a combination of residential, commercial, and/or industrial uses planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, whether fronting on private or dedicated streets, which may include two or more principal buildings.

**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 and formal 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 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 Administrator as to the form of the plat and the objectives of these regulations.

**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.

**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.

**RECREATIONAL VEHICLE (RV).** A vehicle primarily designed as temporary living quarters for recreation, camping, or travel, either with its own motor power or mounted on or towed by

another powered vehicle.

**RESERVE STRIP.** A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street widening.

**RESUBDIVISION (REPLAT).** A change in a map for an approved or recorded subdivision plat if the 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.

**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 the right-of-way is established.

**RIGHT-OF-WAY WIDTH, STREET.** The distance between property lines measured at right angles to the center line of the street.

**ROAD.** See **STREET**.

**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.

**SAME OWNERSHIP.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated associations, in which a stockholder, partner, or associate, or a member of a family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**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 chapter.

**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 chapter that requires all buildings to be set back a certain distance from property lines.

**SETBACK, FRONT.** The distance between a building and the street right-of-way line nearest thereto as established by the zoning chapter.

**STABLE FLOW.** The service volume which is the maximum volume which can be carried at a selected level of service and is calculated based on the Average Daily Traffic (ADT) or Design Hour Volume (DHV) and using the Trip Generation Rates shown in Table 6 of the appendix to this chapter.

**STANDARD SPECIFICATIONS.** The specifications as provided in this chapter or as officially adopted by and for the town.

**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 terms. The recommended usage is: **HIGHWAY** or **STREET** in urban areas; **HIGHWAY** or **ROAD** in rural areas.

(a) **ALLEY.** A street intended to provide secondary access to the rear or side of lots or to buildings in urban areas and not intended for the purpose of through vehicular traffic.

(b) **ARTERIAL.** A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The arterial system is stratified into principal (or major) and minor categories.

1. **PRINCIPAL OR MAJOR.** Serves corridor traffic movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel, or connects major population centers in rural areas or serves major centers of activity and highest traffic volume corridors with the longest trip desires in urban areas.

2. **MINOR.** Links other cities, towns, and traffic generators, and provides a substantial amount of interstate and intercounty service in rural areas; or interconnects and augments with the principal arterials to provide service to trips of moderate length for intra-community continuity in urban areas.

(c) **COLLECTOR.** A system of streets and roads which generally serve travel of primarily intra-area and intra-county importance with approximately equal emphasis to traffic circulation and land access service. The collector system is generally further stratified into **MAJOR** and **MINOR** categories. The system collects and distributes traffic between the arterial and local systems.

(d) **CUL-DE-SAC.** A local street open at one end only and with a special provision for a vehicle turn-around.

(e) **DEAD-END.** A local street open at one end only and without a special provision for a vehicle turn-around.

(f) **FRONTAGE OR SERVICE ROAD.** A local street or road auxiliary, and parallel to, an arterial for service to abutting property and adjacent areas, and for control of access. (Sometimes also called a marginal access street.)

(g) **HIGHWAY.** A term applied to streets and roads that are usually under the jurisdiction of the Indiana State Highway Commission.

(h) **LOCAL.** A system of streets and roads which primarily provides local access service and access to higher order systems.

(i) **LOOP.** A local street with both terminal points on the same street of origin.

(j) **PARTIAL (HALF-STREET) ROAD.** A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

(k) **PERIMETER ROAD.** Any

existing street to which the parcel of land to be subdivided abuts on only one side.

(l) **PRIVATE ROAD.** A local street that is not dedicated or accepted for public use or maintenance which provides vehicular and pedestrian access.

(m) **PUBLIC ROAD.** A street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.

**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 chapter. The subdivider need not be the owner of the property; however, the subdivider shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

**SUBDIVISION.** Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, or other recorded instrument. However, 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 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.

**SUBDIVISION, MAJOR.** All subdivision not classified as minor subdivisions, including but not limited to subdivisions of four or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

**SUBDIVISION, MINOR.** Any subdivision containing not more than three lots fronting on an existing street, not including any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel for adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Thoroughfare Plan, Zoning Chapter, or these regulations.

**SUBDIVISION PLAT.** The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Commission for approval and which, if approved, may be submitted to the County Recorder for filing.

**TERRAIN CLASSIFICATION.** For purposes of these regulations and to guide the application of geometric design criteria, terrain has been classified as follows:

(a) **LEVEL.** That condition where street sight distances, as governed by both horizontal

and vertical restrictions, are generally long or would be made to be so without construction difficulty or major expense.

(b) **ROLLING.** That condition where the natural slopes consistently rise above and fall below the street grade line and where occasional steep slopes offer some restriction to normal horizontal and vertical street alignment.

(c) **HILLY.** That condition where longitudinal and transverse changes in the elevation of the ground with respect to a street are abrupt and where the roadbed is obtained by fragment benching or side hill excavation.

**THOROUGHFARE PLAN.** A plan and maps established by the Town Council 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.

**TOWN.** The town, which has jurisdiction of the parcel of land under consideration.

**TRAFFIC CONTROL DEVICES.** All signs, signals, markings and devices placed or erected by authority of a Town Council or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

**TRAVEL TRAILER.** A vehicle or other portable structure less than 35 feet in length designed to move on the highway, not under its own power, and designed or used as a recreational dwelling.

**UTILITIES.** Installations for transmission of water, sewage, gas, electricity, telecommunications, storm water, and similar facilities providing service to and used by the public.

**VARIANCE.** A modification of the strict terms of the relevant regulations of this chapter where the 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 chapter would result in unnecessary and undue hardship.

**VICINITY MAP.** A small inset map showing the location of a tract of land in relation to a larger area.  
(Ord. 93-Z-03, passed 3-8-93; Am. Ord. 95-Z-01, passed 2-13-95)

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

#### **§ 152.30 GENERAL PROCEDURE.**

(A) Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Plan Commission.

(B) No improvement or building shall be made on the property until preliminary approval of the plat is given.

(C) 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 bond. No final plat shall be filed with the County Recorder until the plat has been approved by the Plan Commission.

(D) No improvement, building, or driveway permits shall be issued until the approved plat is filed with the County Recorder.

(E) Depending on whether the proposed subdivision is a minor or major subdivision, the applicant is required to follow either a basic two or three step procedure:

(1) *Minor subdivision.* Sketch plat and final plat.

(2) *Major subdivision.* Sketch plat, preliminary plat, and final plat  
(Ord. 93-Z-03, passed 3-8-93)

#### **§ 152.31 SKETCH PLAT.**

Before preparing the preliminary plat for a subdivision, the applicant should 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, carrying capacity of infrastructure, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. 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 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. 93-Z-03, passed 3-8-93; Am. Ord. 95-Z-01, passed 2-13-95)

#### **§ 152.32 PRELIMINARY PLAT.**

(A) *Discussion of requirements.* If the proposed subdivision is classified as a major subdivision, the applicant shall file an application for approval of a preliminary plat. No preliminary plat application is required for subdivisions classified as minor. The applicant may proceed to file for a final plat approval for minor subdivision development.

(B) *Application.* The subdivider shall file an application with the Administrator for approval of the preliminary plat. The application shall:

(1) Be made in duplicate and presented at least ten days prior to a regular meeting of the Commission.

(2) Be made on forms available at the office of the Administrator.

(3) Be accompanied by a fee of \$10 plus \$5 per lot.

(4) Include all land which the applicant proposes to subdivide and all land immediately

adjacent extending one lot or 300 feet, whichever is greater, therefrom, or of that directly opposite thereto, extending one lot or 300 feet, whichever is greater, from the street frontage of the 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.

(5) Be accompanied by a minimum of six copies of the preliminary plat as described in these regulations.

(6) Be accompanied by a minimum of three copies of construction plans, as described in these regulations.

(7) Comply generally with the sketch plat.

(C) The Administrator shall refer the proposed preliminary plat and construction plans to the Technical Committee for its review, recommendations, and report. The report of the Committee shall be submitted in writing to the Plan Commission at the time of the next regular meeting of the Commission.

(D) *Notice of public hearing.* Upon receipt of formal application and all accompanying material, the Administrator shall:

(1) Call a public hearing for the next scheduled meeting of the Plan Commission providing the submittal of the application is in compliance with division (B).

(2) Require the applicant to submit a notice for publication in one newspaper of general circulation in the county 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 the applicant 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 days prior to the public hearing. The Commission may require the applicant to bear the cost of the public notice.

(E) *Preliminary approval.* After the Plan Commission has reviewed the preliminary plat, construction plans, reports received from the Technical Committee and other agencies, and heard testimony submitted at the public hearing, the applicant shall be advised of any required additions. The Commission shall approve, conditionally approve, or disapprove the preliminary plat.

(F) *Conditions of preliminary approval.* As a condition of preliminary approval of a plat, the following may be specified by the commission, however, when related to infrastructure the specification shall be with carrying capacities and not adversely impact the stable flow of traffic:

(1) The manner in which public ways shall be laid out, graded, and improved;

(2) A provision for water, sewage, and other utility services;

(3) A provision for lot size, number, and location;

(4) A provision for drainage design;

(5) A provision for other services as specified in the subdivision control ordinance; and

(6) 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.

(G) The Administrator shall return one 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.

(H) *Public improvements and performance bond.*

(1) Subsequent to preliminary approval but before the final plat is signed by the President and Secretary of the Commission, all applicants shall be

required to complete all the streets, curbs, sidewalks, sanitary and storm sewers, waterlines, street signs, and other public improvements on the individual lots of the subdivision as required in this chapter, specified in the final subdivision plat, and as approved by the Commission.

(2) The 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 Town, 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 §§ 152.70-152.75 of this chapter. The estimated cost of completion shall be done by a certified professional engineer and shall be based on construction bids received by the applicant or developer.

(3) In lieu of a bond, the developer may submit a certified check made payable to the town in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in §§ 152.70-152.75. Any check shall be held by the Clerk-Treasurer.

(4) In lieu of a bond, the developer may submit irrevocable letters of credit on behalf of the developer and securable by the town in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in §§ 152.70-152.75. In the event an irrevocable letter of credit is utilized, it shall be written for a maximum length of one year and the Commission shall after a period of ten months 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 letter of credit, or at the discretion of the Commission to grant an extension for a period fixed by the Commission, not to exceed one year,

and the subdivider filing with the Commissioner a new letter of credit for the period so fixed.

(5) In lieu of such a bond the subdivider may submit a certificate of deposit made out to the town 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 §§ 152.70-152.75.

(6) The performance bond 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 chapter. The period within which required public improvements must be completed shall be specified by the Commission in the resolution approving the preliminary subdivision plat and shall be incorporated into the bond and shall not in any event exceed two years from date of final approval, except as provided for in the irrevocable letter of credit. The bond shall be approved by the participating jurisdiction as to amount. The Commission may, upon proof of difficulty, grant an extension of the completion date set forth in the bond for a maximum period of one additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Commission may at any time during the period of the bond accept a substitution of principal or sureties on the bond.

(I) *Effective period of preliminary approval.* Unless extended, the approval of a preliminary plat shall be effective for a period of one year for subdivisions of 20 lots or fewer and two years for subdivisions of greater than 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 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.

(J) *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 regulations which would otherwise render the plat non-conforming as to size, shape, or use.

(K) *Grading of site prior to final plat approval.* Subsequent to final approval of the preliminary plat, the developer may apply for an earthwork (topsoil and excavation) permit from the Administrator or another agency as the Governing Body has designated, and upon receipt of the permit may commence construction to the grades and elevations required by the approved preliminary plat.

(L) *Model homes.* For the purpose of allowing the early construction of model homes in a subdivision, the Commission, in its discretion, may permit a portion of a major subdivision involving no more than two lots to be created in accordance with the procedures for minor subdivisions, provided that the portion derives access from an existing public street, and provided that no future road or other improvement are anticipated where the lots are proposed. The subdivision plat for the "minor" portion shall be submitted to the Commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to the preliminary approval, the model home(s) may be constructed, subject to additional requirements that the Commission may require.

(Ord. 93-Z-03, passed 3-8-93; Am. Ord. 95-Z-01, passed 2-13-95)

### § 152.33 FINAL PLAT.

(A) *Discussion of requirements.* Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major subdivision, 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.

(B) *Application.* The application shall:

(1) Be made in duplicate forms available at the office of the Administrator.

(2) Be presented to the Administrator at least ten days prior to a regular meeting of the Commission to provide sufficient time for staff and technical committee review, and the legal ten days notice if required locally.

(3) Be accompanied by a minimum of three copies of the final plat which shall comply substantially with the sketch plat or preliminary plat, as approved, whichever is applicable, depending upon the classification of the subdivision.

(4) Be accompanied by a minimum of three 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.

(5) 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 a representative, irrevocably offers for dedication to the town all the streets, local government uses, easements, parks, and required utilities shown on the subdivision plat and construction plans.

Signature \_\_\_\_\_

Date \_\_\_\_\_

(6) Be accompanied by a general warranty deed to all lands offered for dedication in proper form for recording.

(7) 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 (See § 152.32 (E) of this section). 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.

(C) *Endorsements by other public authorities.* The final subdivision plat shall be properly endorsed by appropriate authorities to assure the Commission that the plat is in compliance with all rules, regulations, and requirements of local and state authorities.

(D) *Approval procedure.* Upon receipt of formal application and all accompanying material, the Administrator shall:

(1) 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 division (B)(2), above, two weeks after the date of the application.

(2) Maintain file copies of the plat and construction plans for public review prior to the meeting.

(E) *Consideration and determination.*

(1) At the meeting the Commission will give an opportunity to any interested persons to examine or comment upon the plat and construction plans.

(2) 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.

(F) *Submission for final review.*

(1) Subsequent to the approval of the Plan Commission, three paper copies of the construction plans, three copies of the subdivision plat on tracing doth, reproducible mylar, or sepia paper, and two

copies of the subdivision plat on paper shall be submitted to the Commission for the required signatures. The permanent copies, with signatures, will be made available to the County Recorder, Plan Commission, and applicant. All copies shall be of a size as acceptable for filing in the office of the County Recorder, but shall not be larger than 18 x 24 inches.

(2) No final approval shall be endorsed on the plat until a review has indicated that all requirements of Commission approval have been met.

(G) *Vested rights.*

(1) 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.

(2) All requirements, conditions, or regulations adopted by the 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.

(3) Where the 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.

(H) *Signing of plat.*

(1) 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 Town Council, and all the conditions of the approval pertaining to the plat have been satisfied.

(2) 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.

(I) *Recording of plat.* The President and Secretary will sign the reproducible mylar, tracing cloth, or sepia prints of the subdivision plat and return two copies to the applicant, one of which is to be recorded with the County Recorder. A signed copy of the construction plans shall also be returned. It shall be the responsibility of the subdivider to file the plat with the County Recorder within 30 days of the date of signature. Simultaneously with the filing of the plat, the subdivider shall record the agreement of dedication together with the legal documents required to be recorded by the Town Attorney.

(J) *Sectionalizing of plats.*

(1) Subsequent to granting preliminary approval of a major subdivision plat, the 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 Commission may require that the performance bond or other instrument be in an amount 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.

(2) 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 the sections, subject to any conditions imposed by the Commission, shall be granted final approval.

(3) In the event of approval of sectionalizing, the sections authorized by the Commission shall be filed with the County Recorder. The sections must contain at least 10% of the total number of lots contained in the entire plat.

(4) 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 Commission, all fees paid, all instruments and offers of dedication submitted,

and performance bonds approved and actually filed with the County Recorder within two years of the date of preliminary approval of the subdivision plat unless extended by the commission. (See § 152.32 (G) of this subchapter).  
(Ord. 93-Z-03, passed 3-8-93)

**PROVISIONS FOR COMPLETION  
AND MAINTENANCE OF IMPROVEMENTS**

**§ 152.50 ASSURANCE FOR COMPLETION.**

(A) As provided in § 152.32 (F), 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 the improvements.

(B) *Posting of performance bond.* 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.

(C) *Completion of improvement.*

(1) 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 town a separate suitable bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

(2) 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.

(3) 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 town 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.

(D) *Inspection of improvements.*

(1) The Plan Commission shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion.

(2) 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 the 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.

(E) *Acceptance of dedication offers.*

(1) Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by official action of the Town Council.

(2) 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 the plat) acceptance of dedication plats.

(F) *Release or reduction of performance bond.*

(1) The Town Council shall not accept dedication of required improvements, nor release nor reduce a performance bond, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's 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, and are 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.

(2) 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 10% of the principal amount.

(Ord. 93-Z-03, passed 3-8-93)

**§ 152.51 ASSURANCE FOR MAINTENANCE.**

(A) *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 improvements by the Town Council.

(B) *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 five years after the date of their acceptance by the Town Council and dedication of same to the local government.

(Ord. 93-Z-03, passed 3-8-93)

**§ 152.52 DEFERRAL OR WAIVER OF IMPROVEMENTS.**

(A) *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.

(B) *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 the improvements upon demand of the local government. (Ord. 93-Z-03, passed 3-8-93)

### IMPROVEMENT STANDARDS

#### § 152.70 GENERAL REQUIREMENTS.

(A) *Plats.* In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:

- (1) All applicable statutory provisions.
- (2) The local zoning ordinances, building and housing codes, and all other applicable laws.
- (3) The official Comprehensive Plan, Thoroughfare Plan, and Capital Improvements Program, including all public facilities, open space, and recreation plans, as adopted.
- (4) The rules and regulations of the State Board of Health, the Natural Resources Commission, Aeronautics Commission and other appropriate state agencies.
- (5) The rules, regulations and standards of the Indiana State Highway Commission if the subdivision or any lot contained therein abuts a state highway.

(6) All applicable planning and regulatory guideline, including access control or driveway manuals, parking and traffic control ordinances, and other applicable guides published by the local governmental units.

(7) The Indiana Manual on Uniform Traffic Control Devices for installation of traffic control devices. (See § 152.91)

(8) The Highway Capacity Manual, Highway Research board, Washington, D.C.

(B) *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:

(1) It shall be the responsibility of the subdivider of every proposed subdivision to have a complete set of construction plans prepared by an engineer including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities and other facilities.

(2) 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.

(3) Construction plans shall be prepared in accordance with the local government's standards and specifications.

(C) *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 State Highway Standard Specifications for material and construction control, except when different specifications are explicitly described in these regulations, or adopted by the Town Engineer and approved by all appropriate boards, commissions, agencies, and officials of the local government.

(D) *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:

(1) Whenever access to the subdivision is required across land in another local government, the 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.

(2) 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.

(E) *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:

(1) The applicant shall place permanent reference monuments in the subdivision in accordance with §§ 152.90-152.93 and as approved by a registered Land Surveyor.

(2) All streets and alleys shall be constructed in accordance with the standards and specifications of §§ 152.90-152.93 and as adopted and approved by the Town Council.

(3) Bicycle pathways shall be provided within all subdivisions, as part of the public right-of-way or separate easement, if such facilities have been specified in an overall bicycle plan as adopted by the Town Council.

(4) All bridges and culverts shall be constructed in accordance with applicable engineering standards as approved by the Town Engineer. Design loading shall not be less than H-15 for local streets and cul-de-sacs and H-20 for minor collectors.

(5) All driveways, and, when approved or required, all median openings and auxiliary lanes, shall be constructed as specified in the local regulations covering the construction of such elements of the streets.

(6) Underground installation of communication and electric utilities is encouraged and may be required subject to the adopted policies of the Plan Commission.

(7) All public water supply and sewer systems shall be constructed in accordance with the adopted local plans and specifications.

(8) The placement of fire hydrants and water mains for adequate fire protection shall be in

accordance with the appropriate fire district standards.

(9) *Street name signs.*

(a) Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards.

(b) Nonstandard, decorative-type street signs may be approved; however, the costs for installation and maintenance shall be the responsibility of the developer or a homeowner's association within the subdivision.

(10) Pedestrian walkways, when required, shall have easements at least ten feet in width, and shall include a paved walk at least four feet in width along local streets and at least five feet in width along collector and arterial streets, and shall be placed one 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.

(11) 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.

(12) *Street lights.*

(a) 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. When the distance between street intersections exceeds 600 feet, such lights shall be provided at the midpoint between the street intersections.

(b) Any street lights other than Cobra-type street lights will be acceptable; however, the costs of installation and maintenance of the lights shall be the responsibility of either the developer or a homeowner's association within the subdivision. (Ord. 93-Z-03, passed 3-8-93; Am. Ord. 94-Z-13, passed 7-11-94; Am. Ord. 95-Z-01, passed 2-13-95)

### § 152.71 SUBDIVISION AND LOT LAYOUT.

(A) *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:

(1) When a Thoroughfare Plan or Comprehensive Plan has been adopted, subdivision streets shall conform generally to the plans.

(2) Local streets shall be so arranged as to discourage their use by through traffic.

(3) The arrangement of streets in new subdivisions should be such that the streets extend to the boundary line of the tract to make provisions for the future extension of the streets into adjacent areas.

(4) Local streets shall be arranged in proper relation to topography in a manner which results in usable lots, safe streets, and acceptable gradients without unnecessary destruction of drainage courses, trees, and other natural features of land.

(5) Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off-street loading and unloading. Dead-end alleys shall be prohibited.

(6) 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 other treatment 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.

(6) No intersection shall be constructed with more than four approach legs and the development of three legged T-intersections is encouraged due to the increased safety of the intersections.

(7) Half-streets shall be prohibited except where unusual circumstances make 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.

(8) Whenever a proposed subdivision borders an existing street, the Commission may require the reconstruction or widening of the street as a condition of plat approval. Additional dedication of right-of-way may also be required.

(9) When there is a situation of unusual physical conditions or a controlled design environment in evidence and it can be satisfactorily demonstrated to the Commission that a private street is the only feasible solution, the private streets may be authorized, provided pavement construction standards shall be the same as the minimum public standard, and adequate covenant provisions are made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability, and maintenance of the private streets at no expense to the town.

(10) No subdivision of land shall be permitted if the demands of the projected traffic to be generated by the development will decrease the service levels of the adjacent street system below "C" as determined by Table 5 in the appendix to this chapter. Demand to be generated on the current street system shall be calculated based on Table 6 in the appendix to this chapter.

#### (B) *Lot arrangements.*

(1) 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 chapter and other regulations and in providing safe driveway access to buildings on the lots from an approved street.

(2) Lot dimensions shall comply with the minimum standards of the zoning ordinance.

(3) Double frontage and reversed frontage lots shall be discouraged except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

(4) 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 in order to limit possible traffic hazards on such street.

(5) 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.

(6) Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches of cover on the lots and at least four inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.

(7) 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.

(8) Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system.

(9) Property which is zoned R-2 or R-3 under the Town Zoning Ordinance shall not be subdivided for use as single-family, detached dwellings.

(C) *Block arrangements.*

(1) Blocks shall have sufficient width to provide for two 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.

(2) Whenever practical, blocks along arterials and major collector streets shall not be less than 1,000 feet in length. As a general rule, blocks in other residential areas shall not be more than 1,000 nor less than 400 feet in length.

(3) In long blocks the Plan Commission may require an easement through the block to accommodate utilities, drainage facilities, or pedestrian walkways.

(4) Where blocks are developed along arterial streets and/or highways that shall contain alleys, those alleys shall run parallel to the arterial and not perpendicular or radial to it so as to create an intersection between the arterial and alley.

(D) *Subdivision and street names.*

(1) 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.

(2) 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.

(3) The Plan Commission shall have final authority to name all streets (in case of conflict) upon recommendation of the Technical Committee at the time of preliminary plat approval.

(E) *Public sites and open spaces.*

(1) 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 years of plat recording, the purchase is not agreed on, the reservation shall be cancelled or shall automatically cease to exist.

(2) 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. 93-Z-03, passed 3-8-93; Am. Ord. 95-Z-01, passed 2-13-95; Am. Ord. 2006-Z-02, passed 4-25-06)

§ 152.72 **STREETS AND ROADS.**

(A) *General.* In order to provide for streets of suitable location, width, and improvement to accommodate expected traffic and afford satisfactory access to police, firefighting, 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. In furtherance of the comprehensive plan and good planning principles, no subdivision of land shall be permitted that adversely affects the carrying capacity or stability of traffic flow on the adjacent street system.

(B) *Principles of design.*

(1) 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 Tables 1 and 2 and Figure 1 in Appendix for average dimensions by Functional Classifications). In designing and approving subdivision streets, the following factors shall receive consideration:

(a) Safety for both vehicular and pedestrian traffic;

(b) Efficiency of service for all users;

(c) Livability or amenities as affected by traffic elements in the circulation system;

(d) Economy of both construction and use of land.

(e) Carrying capacity of the street system.

(2) Design of major collector and arterial streets shall require special design and approval of the Town Engineer and the following design guidelines are therefore specifically intended for streets within the subdivision (for example, minor collectors and locals).

(C) *Interpretation of design tables.*

(1) Tables 1 and 2 and Figure 1 represent average conditions and are included in these regulations to illustrate the hierarchy of functional classification. Tables 3 and 4 represent specific design standards for minor collectors and local streets respectively. Design variation or control is based on terrain classification and development density as described below:

(a) Definitions of **TERRAIN** classifications are:

1. **LEVEL.** Cross slopes range of 0% to 8%.

2. **ROLLING.** Cross slopes range of 8.1% to 15%.



3. **HILLY.** Cross slope of over 15%.

(b) Definitions of **DENSITY** classification in terms of net land area (for example, land area excluding public rights-of-way and easements) are:

1. **LOW.** Two or less dwelling units per acre.

2. **MEDIUM.** 2.1 to 6.0 dwelling units per acre.

3. **HIGH.** Over 6.0 dwelling units per acre.

(2) In the case of areas zoned for office, commercial, or industrial uses, the high density residential classification shall be followed.

(D) *Design traffic volumes.* The design hourly volume, DHV, or average daily traffic, ADT, is the accepted basis for design. Projected traffic volumes shall be determined using the DHV or ADT traffic

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volumes as the base and the number of trips generated calculated from Table 6 in the appendix to this chapter. However, the traffic volume usually is not a major criterion in determining the geometric values to be used in designing low volume residential local and minor collector streets. Traffic volumes are a major factor to be considered and the Town Engineer and Commission are required to give special attention to the determination of future volume as it impacts carrying capacity and stability of traffic flow on the town's street system.

(E) *Design speed.* Design speeds are not a major factor for urban residential local and minor collector design. The sight distances and curve radii in Tables 3 and 4 are commensurate with average acceptable design speeds.

(F) *Vertical grades.* Drainage design may become critical where grades exceed 4%. For this reason, grades lower than the suggested values in Tables 3 and 4 are encouraged. Commercial and industrial streets shall be held to a maximum grade of 4%. Residential streets shall in no case exceed the tabular values. In order to provide for proper drainage the minimum grade should be held to 1%. The maximum grade on the approach leg of any intersection shall not exceed 5% in hilly terrain and 2% in level terrain.

(G) *Superelevation.* Superelevation is usually not required in residential areas. It should be considered in commercial and industrial areas and for collector streets where operating speeds may exceed 30 to 35 MPH. Where superelevation is used, street curves should be designed for a maximum superelevation rate of: Urban, 0.04 to 0.06 foot per foot.

(H) *Horizontal alignment.* Minimum centerline radii for horizontal curves and the minimum stopping sight distance shall be as specified in Tables 3 and 4. The minimum tangent distance between reverse curves shall be:

- (1) Residential Local . . . . . 100 feet
- (2) Residential Minor Collector . . . 150

(3) Commercial/Industrial Collector 200

(I) *Vertical alignment.* All vertical crest and sag curves shall conform to the formula L-50A.

(J) *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 local Town Engineer or the Technical Committee may 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°. 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 15 feet and at residential collector streets 20 feet. The desirable radius is 25 and 30 feet respectively. On commercial and industrial streets the radius shall be 30 feet except where traffic conditions may warrant a smaller radius. The use of three-centered curves may be required in commercial and industrial areas to accommodate the largest vehicles expected.

(K) *Cul-de-sacs.* The maximum length of a residential local street cul-de-sac shall be 600 feet. Wherever a minor collector street serves exclusively an industrial or commercial area, a cul-de-sac may be allowed and the length may be increased to 1,000 feet. This special provision shall be allowed only in areas which have a difficult access or are otherwise unsuitable for normal subdividing. However, a 48-foot pavement width shall be required in all cases under this special provision. The minimum radii for cul-de-sacs shall be as follows (refer to figure 2):

- (1) *Local.* Right-of-way or outside, radius of 50 feet; back-to-back of curb, radius of 38 feet.
- (2) *Commercial/industrial.* Right-of-way or outside, radius of 60 feet; back-to-back of curb, radius of 50 feet.

(L) *Auxiliary lanes.* The Town Engineer shall require construction of parking and turning lanes and transitional tapers where warranted.

(M) *Sidewalks.* Sidewalks shall be provided along both sides of streets used for pedestrian access, such as to schools, parks, or commercial areas. In medium density residential areas, the Commission may allow for a sidewalk on one side only. 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 inches thick, and four feet wide or five feet wide, as specified in Tables 3 and 4, and placed one foot from the street property line.

(N) *Subgrades and pavements.*

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

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

(a) *Pavement thickness.*

1. Six inches on local streets with low and medium density residential development.

2. Eight inches on local streets with high density residential development and collector streets with residential development.

3. Ten inches on local or minor collector streets with office, commercial, or industrial development.

4. Special design on all major collector and arterial streets, but not less than ten inches.

(b) *Contraction joints.*

1. Placed at a spacing of 20 feet or less.

2. Placed at every catch basin and manhole in line of pavement.

3. Extend throughout side strips and curbs to fill width of pavement.

(c) *Expansion joints.*

1. With approved dowel bar assembly, shall be placed at street intersections.

2. Where shown on plans.

(3) Flexible pavements may be used. The minimum pavement thickness shall be:

(a) Local and minor collector residential streets: 8-inch waterbound macadam, 2-inch bituminous coated aggregate, and 1½-inch asphaltic concrete.

(b) Local and minor collector nonresidential collector streets: 8-inch waterbound macadam, 2-inch bituminous coated aggregate, and 2-inch asphaltic concrete.

(c) Special design on all major collector and arterial streets, but not less than the above.

(3) In lieu of fill depth asphalt construction, other flexible pavement types may be used, provided however, that these designs meet the requirements of the Town Engineer. In no case shall the maximum lift exceed three inches.

(O) *Curbs.* Only barrier (vertical) curbs are permitted and shall be required for all roadways. The typical two-foot curb and gutter section appears in Figure 2 in the Appendix.

(Ord. 93-Z-03, passed 3-8-93; Am. Ord. 95-Z-01, passed 2-13-95)

#### § 152.73 DRAINAGE FACILITIES.

(A) *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, where required, shall be designed according to the methods recommended by the Town Engineer, 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 15-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.

(B) *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 specifications of the Town Engineer. Where conditions exist that would require a sewer size larger than what is normally required for a particular size subdivision, the Town shall bear the additional cost for the oversized facility, over and above what would be required for the subdivision alone. If the 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 sewerage system at the time the plat receives final approval. Provision for the connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

(C) *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 the subdivision to an elevation as determined by the

Town Engineer.

(D) *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.

(E) *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 the watercourse, and of a width and construction as will be acceptable to the Town Engineer. The easement shall be adequately monumented, and whenever possible, it is desirable that the drainage be maintained by open channel with landscaped banks. (Ord. 93-Z-03, passed 3-8-93)

#### § 152.74 WATER FACILITIES.

(A) *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.

(B) *Individual wells and central water system.* 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.

(C) *Fire hydrants.* Fire hydrants shall be required for all subdivisions except those coming under § 152.74 (B) of this chapter. 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-inch mains. In making a determination of adequate fire protection requirements, the Plan Commission may seek advice from the Chief of the Clarksville Fire Department, the Town 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. 93-Z-03, passed 3-8-93)

**Cross-reference:**

*Fire Prevention and Protection, see Chapter 93*

**§ 152.75 SEWERAGE FACILITIES.**

(A) *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. Where conditions exist that would require a sewer size larger than what is normally required for a particular size subdivision, the town shall bear the additional cost between what would normally be required for the subdivision and the oversized facility.

(B) *High-density residential and nonresidential districts.* 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.

(C) *Low and medium-density residential*

*districts.* Sanitary sewer systems shall be constructed as follows:

(1) 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.

(2) Where public sanitary sewer systems are not reasonably accessible but will become available within a reasonable time not to exceed 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 the plans and ready for connection to the fixture sewer mains.

(3) Where sanitary sewer systems are not reasonably accessible and will not become available within an estimated 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 15 years, require that the applicant install all sewer lines, laterals, and mains in conformance with the plans and ready for connection to the public sewer mains.

(D) *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 the sewer for the purpose of disposing of waste. It shall be unlawful for any owner or occupant to maintain upon the property an individual sewage disposal system.

(Ord. 93-Z-03, passed 3-8-93)

**§ 152.76 NONRESIDENTIAL SUBDIVISIONS.**

(A) *General.* If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to the land shall make a 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 Commission. A nonresidential subdivision shall also be subject to all the requirements of these regulations, as well as additional standards required by the Commission, and shall conform to the proposed land use and standards established in the Comprehensive and other plans of local government.

(B) *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:

(1) Each nonresidential area or parcel shall be shown and marked on the plat as to its intended use.

(2) Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.

(3) Special requirements may be imposed by the town with respect to street, curb, driveway, and sidewalk design and construction.

(4) 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.

(5) Special requirements may be imposed by the town with respect to the installation of public utilities, including water, sewer, and storm water facilities.

(6) 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.

(7) Truck routes shall be established so as to prevent industrial traffic from encroaching into adjacent residential areas.

(8) 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. 93-Z-03, passed 3-8-93)

### ***SPECIFICATIONS FOR DOCUMENTS***

#### **§ 152.90 SKETCH PLAT.**

Prior to submission of a Preliminary Subdivision Plat, any subdivider proposing a subdivision or resubdivision of a tract of land of five 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.

(A) *General.* The following items are required for the Pre-Platting (sketch plan) conference:

(1) *Location and description of property.*

(a) 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 township range and section (metes and bounds).

(b) Size of tracts in acres or of existing lots, if any, in square feet.

(2) *information as to ownership.*

(a) Name, address, and telephone number of the legal owner or agent of property.

(b) Description of any existing legal right-of-ways or easements affecting the property.

(c) Listing of any existing covenants on the property.

(B) *Drawing showing existing features.* A handdrawn sketch at a scale of approximately 200 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 300 feet, whichever is greater, which will include:

(1) A general layout of streets, blocks, and lots for the entire tract under control of the subdivider.

(2) Identification of any general area to be set aside for schools, parks, or other community facilities.

(3) Identification of sites for uses other than single-family dwellings.

(4) General indications of how the subdivision is to be provided with water service, sanitary sewers, access from adjacent street systems, and storm drainage.

(C) *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.

(1) The boundary of the property and its true relationship to the right-of-way of the existing road(s) upon which it may border.

(2) The location and name of all adjacent subdivisions, if any, and names of owners of adjacent unsubdivided property.

(3) Present zoning classification.

(4) The location, width, and project volume of traffic to be generated by the development, 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.

(5) Approximate location of any existing underground utilities, such as sewers, water mains, stormdrains, gas or oil transmission lines, and the like, within the property or immediately adjacent thereto, with approximate pipe size and directions of slope.

(6) Existing topography with suitable contour intervals, giving bench marks, not greater than five feet, together with drainage channels, streams, springs, 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. 93-Z-03, passed 3-8-93; Am. Ord. 95-Z-01, passed 2-13-95)

#### § 152.91 PRELIMINARY PLAT.

(A) *General.* The preliminary plat shall be prepared by a licensed land surveyor or engineer at a scale of not more than one inch equals 100 feet. It may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one 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 18 x 24 inches. The map prepared for the preliminary plat may be drawn on tracing cloth or reproducible mylar.

(B) *Name.*

(1) Name of subdivision if property is within an existing subdivision.

(2) Proposed name, if not within a previously platted subdivision.

(C) *Ownership.*

(1) Name and address, including telephone number, of legal owner(s) or agent of property.

(2) Citation of any existing legal rights-of-way or easements affecting the property.

(3) Existing covenants on the property, if any.



(4) 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.

(D) *Description.* Location of property by lot or section, township, range and county (metes and bounds). Graphic scale, north arrow, and date shall be included.

(E) *Features.*

(1) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, and existing wooded areas or trees eight inches or more in diameter, measured four feet above ground level; location, width, and names of all existing or platted streets or other public ways within the tract.

(2) 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.

(3) Location, size, invert elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and existing permanent buildings and utility poles on the tract.

(4) Approximate topographic contours shown at five foot intervals in rolling or hilly terrain and two foot intervals in level terrain, referenced to sea level datum and an established bench mark.

(5) The approximate location and width of proposed streets.

(6) 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. The location and width of both the pavement and right of way of adjacent streets. The projected traffic volume to be generated by the development.

(7) The approximate location, dimensions, and areas of all proposed or existing lots.

(8) 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.

(9) The location of temporary stakes to enable the local officials to find and appraise features of the proposed layout in the field, if needed.

(10) 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 one inch equals 200 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.

(11) 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. 93-Z-03, passed 3-8-93)

#### § 152.92 FINAL PLAT.

(A) *General.* The final plat shall be prepared by a registered land surveyor or engineer at a scale of not more than one inch equals 100 feet. It shall be prepared in pen and ink and the sheets shall be numbered in sequence if more than one sheet is used. All sheets shall be of a size acceptable for filing in the office of the County Recorder, but shall not be larger than 18 x 24 inches. The map prepared for the final plat shall be drawn on tracing cloth or reproducible mylar.

(B) *Features.* The final plat shall show the following:

(1) The dimensions of all boundary lines of the property expressed in feet and hundredths of a foot, the bearings of all lines to a minimum of ½ minute.

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(2) 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.

(3) 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.

(4) 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 a minimum of 1/2 minute.

(5) 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.

(6) 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.

(7) The date, north arrow, and scale.

(8) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of lines for reproduction of the lines upon the ground.

(9) The location of all proposed and existing monuments.

(10) Name of the subdivision.

(11) Indication of the use of any lot (single-family, two-family, multi-family, and the like) and all uses other than residential proposed by the subdivider.

(12) Lots shall be consecutively numbered, and blocks shall be lettered in alphabetical order.

(13) The plat should include the following notations:

(a) Explanation of drainage easements (if any).

(b) Explanation of site easements (if any).

(c) Explanation of reservations (if any).

(c) Endorsement of owner with date and signature.

(14) A block or space shall be set aside on the final plat in the following form for endorsement by the Commission President:

Approved by Resolution of the Plan Commission.

\_\_\_\_\_  
President

\_\_\_\_\_  
Date

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

(15) 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. 93-Z-03, passed 3-8-93)

### § 152.93 CONSTRUCTION PLANS.

(A) *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 50 feet to the inch, and map sheets shall be of the same size as the preliminary plat.

(B) The following shall be shown:

(1) 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 100 feet of the intersection, shall be shown, plus approximate radii of all curves, lengths

of tangents, and central angles on all streets.

(2) The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at 100 foot stations shall be shown at five points as follows: on line at right angles to the center line of the street; each property line; and, points 25 feet inside each property line.

(3) 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, stormwater drains, 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.

(4) 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.

(5) Topographic at the same scale as the preliminary plat with a contour interval of two feet, referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

(6) All specifications and references required by the local government's construction standards and specifications, including a site-grading plan for the entire subdivision.

(7) Title, name, address, and signature of Registered Engineer and Land Surveyor, and date.  
(Ord. 93-Z-03, passed 3-8-93)

**§ 152.98 VIOLATIONS.**

(A) The Administrator shall enforce these regulations and bring to the attention of legal counsel any violations or lack of compliance herewith.

(B) No owner, or agent of the owner, of any

parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of the subdivision has been approved by the Plan Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.

(C) 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.

(D) 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.

(E) Legal counsel shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of these regulations.  
(Ord. 93-Z-03, passed 3-8-93)

**§ 152.99 PENALTY.**

Any person, firm, or corporation who violates any of the provisions of this chapter shall be guilty of causing a common nuisance and, upon conviction, shall be fined not less than \$100 and not more than \$2500, 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. 93-Z-03, passed 3-8-93)

Clarksville - Land Usage

Block	Area	Usage	Notes
100	...	...	...
101	...	...	...
102	...	...	...
103	...	...	...
104	...	...	...
105	...	...	...
106	...	...	...
107	...	...	...
108	...	...	...
109	...	...	...
110	...	...	...
111	...	...	...
112	...	...	...
113	...	...	...
114	...	...	...
115	...	...	...
116	...	...	...
117	...	...	...
118	...	...	...
119	...	...	...
120	...	...	...
121	...	...	...
122	...	...	...
123	...	...	...
124	...	...	...
125	...	...	...
126	...	...	...
127	...	...	...
128	...	...	...
129	...	...	...
130	...	...	...
131	...	...	...
132	...	...	...
133	...	...	...
134	...	...	...
135	...	...	...
136	...	...	...
137	...	...	...
138	...	...	...
139	...	...	...
140	...	...	...
141	...	...	...
142	...	...	...
143	...	...	...
144	...	...	...
145	...	...	...
146	...	...	...
147	...	...	...
148	...	...	...
149	...	...	...
150	...	...	...

**APPENDIX: THOROUGHFARE PLAN TABLES AND FIGURES**

Section

1. Table 1 - Clarksville Thoroughfare Plan Urban Geometric design Standards by Functional Classification
2. Table 2 - Clarksville Thoroughfare Plan Characteristics of Arterial Construction Types
3. Table 3 - Clarksville Minor Collector Street Standards
4. Table 4 - Clarksville Local Street Standards
5. Table 5 - Basic Characteristics of Levels of Service
6. Table 6 - Trip Generation Rates
7. Figure 1 - Arterial Construction Type Cross Sections
8. Figure 2 - Combined Curb and Gutter

**§ 1. TABLE 1 - CLARKSVILLE THOROUGHFARE PLAN URBAN GEOMETRIC DESIGN STANDARDS BY FUNCTIONAL CLASSIFICATION.**

<i>Functional Class</i>	<i>Major Arterial<sup>(a)</sup></i>	<i>Minor Arterial<sup>(a)</sup></i>	<i>Major Collector<sup>(a)</sup></i>	<i>Minor Collector</i>	<i>Local</i>
Design Hour Volume, DHV	Over 2,000	Less than 2,000	900-1,800	Less than 900	Generally less than 500
Operating speed, mph	35-45	25-35	20-30	20-30	20-30
No. of traffic lanes and width, ft.	4 or 6@12 <sup>(b)</sup>	4@12 <sup>(b)</sup>	3@12 <sup>(b)</sup>	2@18 <sup>(b)</sup> to 4@12 <sup>(b)</sup>	2@12 <sup>(b)</sup> to 3@12 <sup>(b)</sup>
Median width, ft.	14 ft. Min. to 30 ft. Des.	None	None	None	None
Min. right-of-way, ft.	120-220	100	70	60-100	50-70
Gradient, max. percent	4	4	5	4-8	4-10
Min. centerline radius, ft.	575	350	250	150-275	115-200
Min. stopping sight dist., ft.	275 <sup>(c)</sup>	275	275	150-275	115-200
Curbing	Barrier	Barrier	Barrier	Barrier	Barrier

## Clarksville - Land Usage

<i>Functional Class</i>	<i>Major Arterial<sup>(a)</sup></i>	<i>Minor Arterial<sup>(a)</sup></i>	<i>Major Collector<sup>(a)</sup></i>	<i>Minor Collector</i>	<i>Local</i>
Min. intersection angle, deg.	75	75	75	75	75
Min. street jog, ft.	N/A	N/A	N/A	N/A	150
Min. width of sidewalks, ft.	5	5	5	4-5	4-5
Max. cul-de-sac length, ft.	N/A	N/A	N/A	1000 <sup>(e)</sup>	600
Min. cul-de-sac length, ft.	N/A	N/A	N/A	50 <sup>(e)</sup>	40
Access control	None	None	None	None	None

- (a) Refer to arterial designations of the Thoroughfare Plan and Table 2. In the case of Major Collector (Type C) facilities located in high density residentially zoned areas or areas with industrial, commercial, or office zoning, the Town Engineer may require the Minor Arterial design standards be followed.
- (b) Through traffic lanes only. Auxiliary lanes, including parking, are not included. Auxiliary lanes for right- or left-turn are 12 ft. in width except undivided arterials where left-turn lanes are 14 ft. Lanes widths exclude 2 ft. curb and gutter section.
- (c) 325 feet desirable.
- (d) 20 ft. radius for residential areas only. For industrial, commercial, or office areas, the radius is a minimum of 30 ft.
- (e) Cul-de-sacs allowed for industrial-commercial areas only to encourage development in otherwise unsuitable plats.

(Ord. 93-Z-03, passed - - )

§ 2. TABLE 2 - CLARKSVILLE THOROUGHFARE PLAN CHARACTERISTICS OF ARTERIAL CONSTRUCTION TYPES.

TABLE 2 - CLARKSVILLE 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.  
 (Ord. 93-Z-03, passed - - )

## § 3. TABLE 3 - CLARKSVILLE MINOR COLLECTOR STREET STANDARDS.

<i>TERRAIN CLASSIFICATION</i> <sup>(a)</sup>	<i>LEVEL</i>			<i>ROLLING</i>			<i>HILLY</i>		
	Low	Med.	High <sup>(c)</sup>	Low	Med.	High <sup>(c)</sup>	Low	Med.	High <sup>(c)</sup>
Development Density <sup>(b)</sup>	Low	Med.	High <sup>(c)</sup>	Low	Med.	High <sup>(c)</sup>	Low	Med.	High <sup>(c)</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	Barrier								
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 - two 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.

(Ord. 93-Z-03, passed - - )



§ 4. TABLE 4 - CLARKSVILLE LOCAL STREET STANDARDS.

<b>TERRAIN CLASSIFICATION<sup>(a)</sup></b>	<b>LEVEL</b>			<b>ROLLING</b>			<b>HILLY</b>		
	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 (0=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 - two 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

(Ord. 93-Z-03, passed - - )

## § 5. TABLE 5 - BASIC CHARACTERISTICS OF LEVELS OF SERVICE

**TABLE 5**  
**BASIC CHARACTERISTICS OF LEVELS OF SERVICE<sup>(a)</sup>**

Level A	Free flow with low volumes and speeds controlled by speed limits, geometrics, etc. Very little interaction between vehicles.
Level B	Stable flow with speeds beginning to be restricted by traffic conditions.
Level C	Stable flow with moderate speed restriction caused by traffic. Most drivers feel restricted in their selection of speed and freedom to pass.
Level D	Approaching unstable flow, with considerable restriction in speed. Operating speeds are tolerable, but comfort and convenience are low.
Level E	Unstable flow with volume less than capacity and low operating speeds. Momentary stoppages of traffic.
Level F	Forced flow with volume less than capacity and low operating speeds. Stoppages may be short or long duration with great delays.

- (a) Source data: Highway Capacity Manual - 1965, Special Report 87 of the Highway Research Board, and Handbook of Highway Engineering - 1982.

(Ord. 95-Z-01, passed 2-13-95)

§ 6. TABLE 6 - TRIP GENERATION RATES

Land Use	Density Unit	Number	TRAFFIC GENERATION RATE				
			Number Per Acre		Number Per Unit		
			Range	Typical	Unit	Range	Typical
Residential Low density (single-family homes)	Dwelling units / acre	1-5	5-65	40	Dwelling unit	7-12	9
Medium density (patio houses, duplexes, townhouses)		6-15	40-150	75		5-8	7
High density (apartments)		16-60	85-400	180		3-7	8
Commercial Retail commercial Neighborhood retail (supermarket)	Acres	10	800-1,400	1,000	1,000 sq. ft. F.A.	70-240	130
Community retail (junior dept. store)		10-30	700-1,000	900		60-140	80
Regional retail (regional shopping center)		30	400-700	600		30-50	40
Central area retail	High density		700-1,300	900		10-50	40
Highway-oriented commercial (motels, service stations)	Low density		100-300	240		4-12	10
Service commercial (office buildings) Single-story bldg. with surface parking	FAR <sup>(a)</sup>	0.5:1	120-1,200	300	1,000 sq. ft. F.A.	6-60	14
Two-story bldg. with surface parking		1:1	240-2,400	600		6-60	14
Three- to six-story bldg. with deck parking		2:1	360-6,000	1,200		6-60	14
Three- to six-story bldg. with surface parking		5:1	1,200-12,000	2,600		6-60	14

## Clarksville - Land Usage

Land Use	Density Unit	Number	TRAFFIC GENERATION RATE					
			Number Per Acre		Number Per Unit			
			Range	Typical	Unit	Range	Typical	
High-rise office bldg. (more than 10 stories) with structure parking		10:1	2,400-20,000				6-60	14
Industrial Highly automated industry; low employee density (refinery, warehouse)	Employees per acre	5	2-8	4	1,000 sq. ft. F.A.		0.2-1.0	0.6
Light service industry single-lot industry (lumber yard)		5-20	6-30	16			0.4-1.2	0.8
Industrial tract (5 acres) (machinery factory)		20-100	30-160	70			0.6-4.0	2.0
Office campus: research and development (research industry)		100	150-200	170			3-8	4
Mixed central industry; small industrial plants		Varies	10-100				1-4	
Public & semipublic uses Schools & colleges	No. of students	Varies	7-600 college	60	Students		0.4-1.0	0.8
Places of public assembly (theater, stadium, convention center)	No. attending				4 seats (stadia)			2
Administration facilities (city hall, state offices, post offices)	FAR <sup>(a)</sup>		70-600	200	1,000 sq. ft. F.A.		10-60	20
Recreation facilities (park, zoo, beach, golf course)			1-10 (parks)	4	Acre (golf course)		2-10	8

<i>Land Use</i>	<i>Density Unit</i>	<i>Number</i>	<i>TRAFFIC GENERATION RATE</i>				
			<i>Number Per Acre</i>		<i>Number Per Unit</i>		
			<i>Range</i>	<i>Typical</i>	<i>Unit</i>	<i>Range</i>	<i>Typical</i>
Terminals (bus terminal, airport)			3-30	15	Based (aircraft) <sup>(b)</sup>	6-12	8
Hospitals	No. of beds		16-70	40	Bed <sup>(c)</sup>	6-16	10

- (a) Floor area ratio.
- (b) Local airport.
- (c) Person-trip ends.

**SOURCES FROM:**

1. Highway Research Board, Washington, D.C., Protection of Highway Utility, NCHRP Report 121
2. Baker, Robt, Handbook of Highway Engineering, Krieger Publishing Co., Malabar, FL, 1982

(Ord. 95-Z-01, passed 2-13-95)

§ 7. FIGURE 1 - ARTERIAL CONSTRUCTION TYPE CROSS SECTIONS.

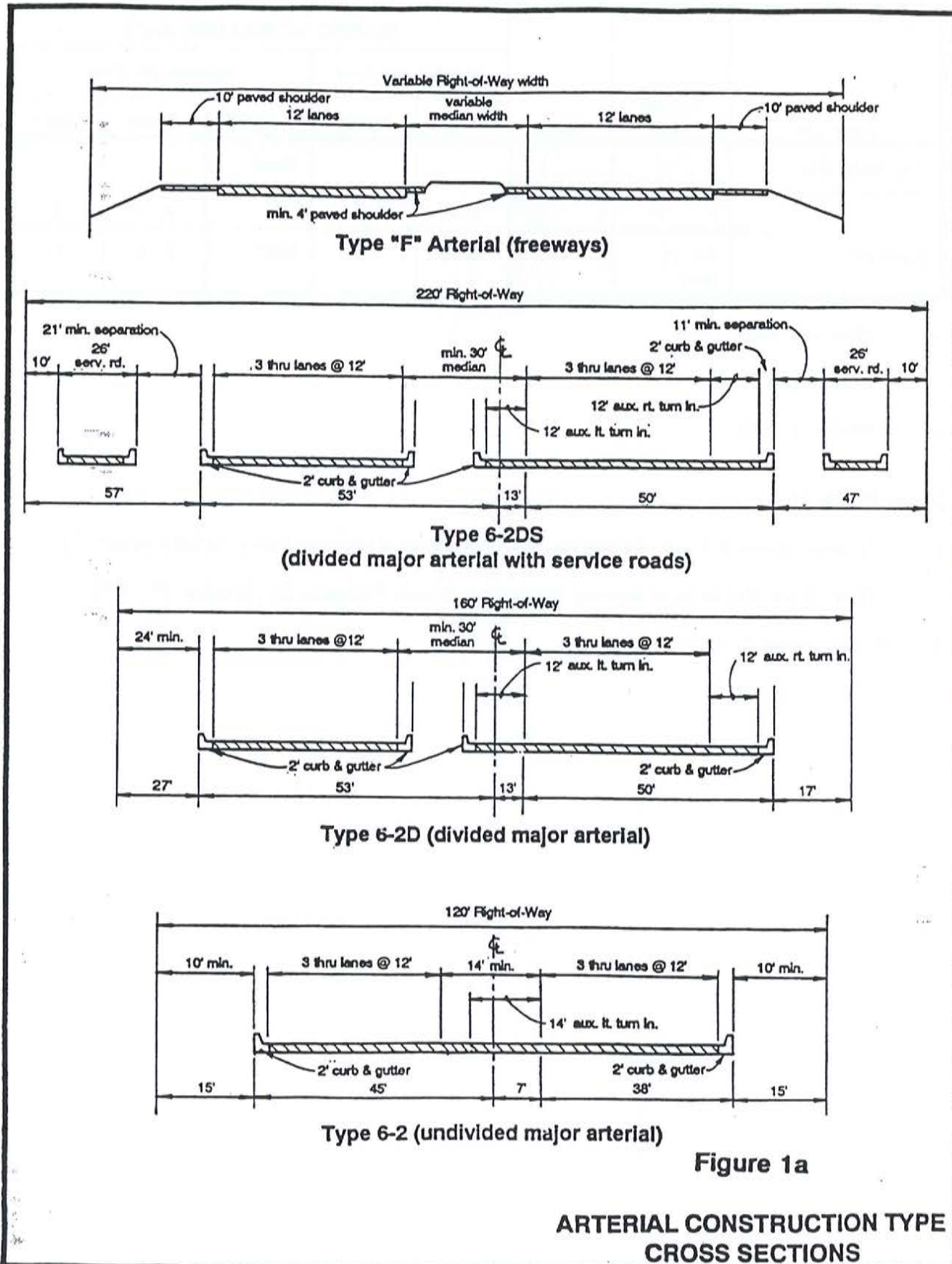


Figure 1a

ARTERIAL CONSTRUCTION TYPE CROSS SECTIONS

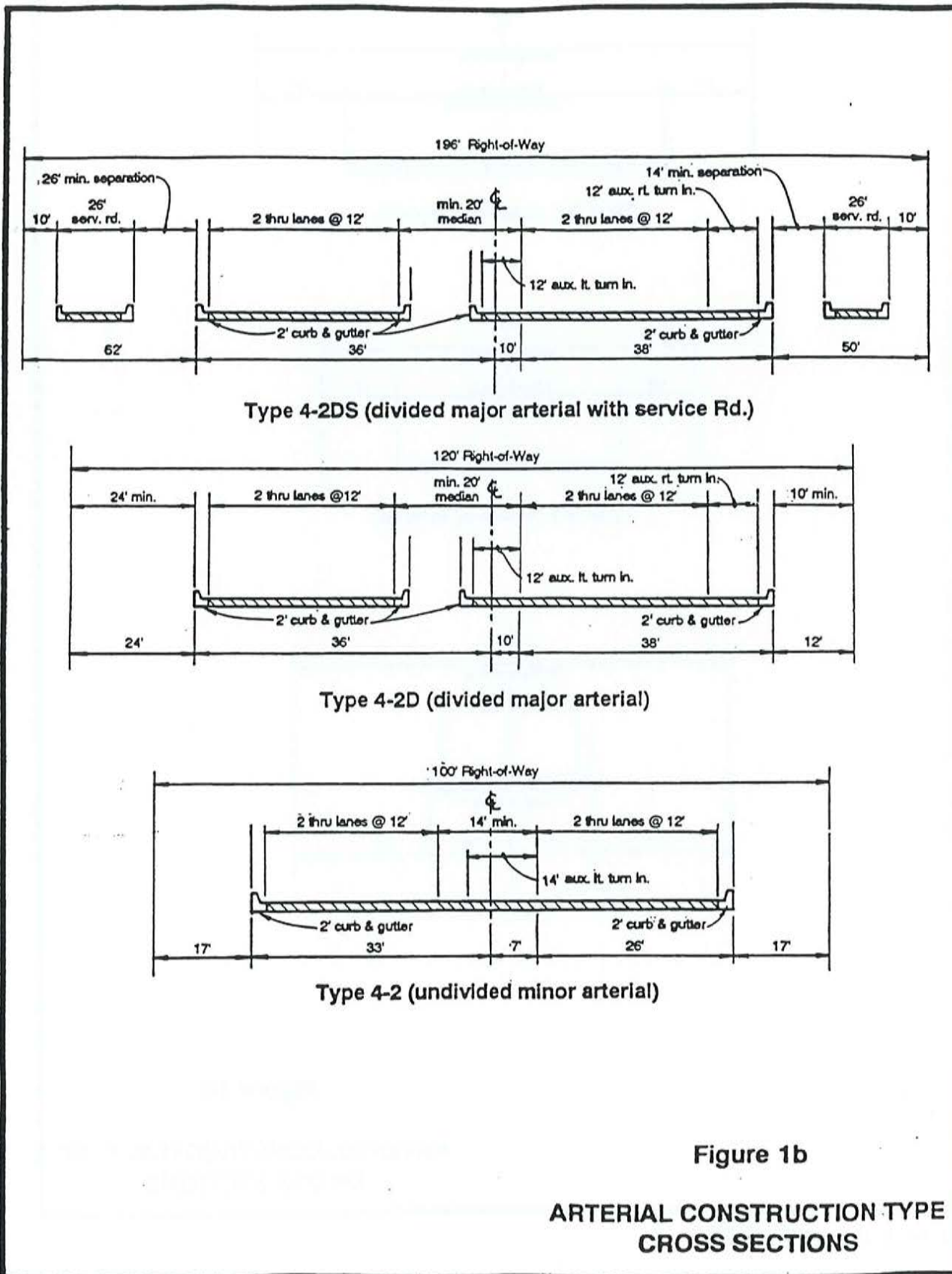
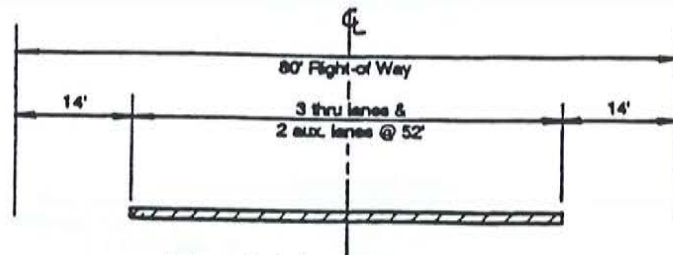
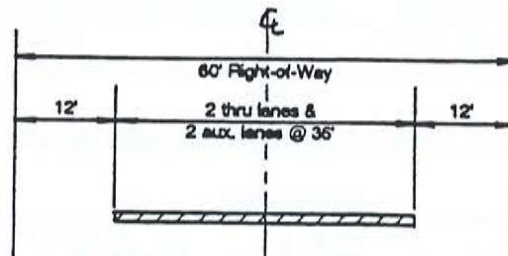


Figure 1b

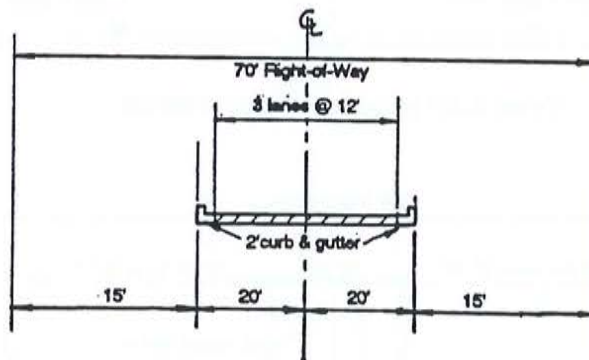
ARTERIAL CONSTRUCTION TYPE CROSS SECTIONS



Type 3-1 (one-way arterial)



Type 2-1 (one-way arterial)



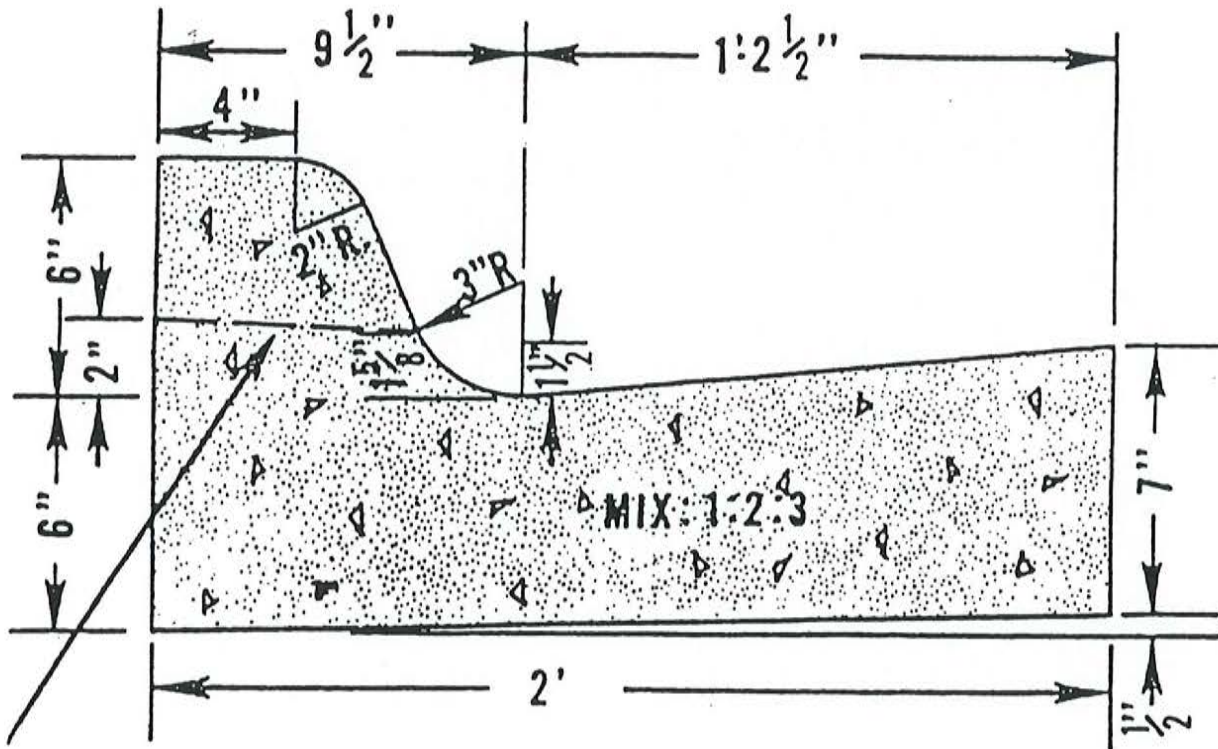
Type C (major collector)

Figure 1c

ARTERIAL CONSTRUCTION TYPE  
CROSS SECTIONS



§ 8. FIGURE 2 - COMBINED CURB AND GUTTER.



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

Combined Curb and Gutter

Source: The Corradino Group

Clarksville - Land Usage



NOTE: Land to be developed as shown by the legend  
is outlined with a dashed line

Clarksville, Tennessee

Clarksville, Tennessee