

ORDINANCE NO. 2024 - 3

AN ORDINANCE AMENDING SECTIONS 154.01 THROUGH 154.70 OF THE TOWN OF EDINBURGH'S SUBDIVISION CONTROL ORDINANCE

WHEREAS, a proposal to repeal the existing Ordinance 1993-8, Subdivision Control Ordinance (including all amendments) of the Town of Edinburgh, Indiana, and replace it with a new Subdivision Control Ordinance, was heard at a public hearing on January 16, 2024 by the Edinburgh Plan Commission, and;

WHEREAS, the Edinburgh Plan Commission held a public hearing on the new Subdivision Control Ordinance and gave a favorable recommendation to the Edinburgh Town Council that the existing Subdivision Control Ordinance and all amendments be repealed and that a new Subdivision Control Ordinance be adopted; and

WHEREAS, the Town Council has accepted the recommendation of the Edinburgh Plan Commission;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Edinburgh, Indiana;

Section 1. The Edinburgh Town Council hereby amends Ordinance No. 1993-8, entitled "Subdivision Control Ordinance" repealing Sections 154.01 through 154.70 and replacing with "Exhibit A" as attached below.

Section 2. The exhibit attached and marked as Exhibit "A" is the text of the Subdivision Control Ordinance of the Town of Edinburgh and it is hereby adopted as such.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

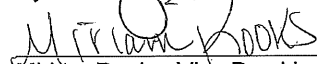
Section 4. Effective Date. This ordinance shall be in full force and effect after its passage by the Town Council and publication according to I.C. 5-3-1.

ADOPTED this 11 day of March 2024.

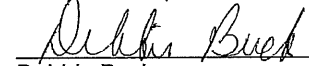
EDINBURGH TOWN COUNCIL



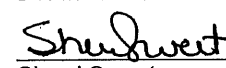
Ryan Piercefield, President



Miriam Rooks, Vice President



Debbie Buck



Sherri Sweet

Michael Bryant

ATTEST:



Rhonda Barrett, Clerk-Treasurer

**TOWN OF EDINBURGH, PLAN COMMISSION RESOLUTION # 2024-01
TO THE EDINBURGH TOWN COUNCIL FOR CONSIDERATION**

**AMENDMENT TO SUBDIVISION CONTROL
ORDINANCE**

PLAN COMMISSION DOCKET NUMBER:

2013-12

RESOLUTION

WHEREAS, the Plan Commission of the Town of Edinburgh has given careful consideration to the comprehensive plan; current conditions and the character of current structures and uses within Edinburgh's jurisdiction; the conservation of property values throughout the jurisdiction; and responsible development and growth relative to the enactment of an amendment to the Subdivision Control Ordinance; and

WHEREAS, the Plan Commission has considered an amendment to Chapter 154 of the Subdivision Control Ordinance that consists of the repeal Sections 154.01 through 154.70 and replacement with new sections as more particularly described in Exhibit "A" attached hereto; and

WHEREAS, after proper notice, as outlined in the Plan Commission Rules and Procedures and Indiana Code, a public hearing was held in the Edinburgh Town Hall at 107 South Holland Street, Edinburgh, Indiana 46124, on the 16th day of January 2024, with the Commission having heard all objections and criticisms and having given careful study and consideration to said Amendment.

NOW THEREFORE BE IT RESOLVED THAT THE EDINBURGH PLAN COMMISSION HEREBY FORWARDS A FAVORABLE RECOMMENDATION TO THE EDINBURGH TOWN COUNCIL THAT:

1. Chapter 154 of the Edinburgh Subdivision Control Ordinance be amended as set forth in attached Exhibit "A"
2. On behalf of the secretary, the staff of the Plan Commission is hereby directed to forward a copy of this resolution to the Edinburgh Town Council.
3. A copy of this Resolution forwarded to the Town Council shall be accompanied by the proposed Ordinance amending the Subdivision Control Ordinance for the consideration of the Town Council at its meeting.

Resolved by the Edinburgh Plan Commission this 16th day of JANUARY 2024.

PLAN COMMISSION OF THE TOWN OF EDINBURGH, INDIANA

Keith Sells

Keith Sells, Chairman

Attest:

Stephanie Taylor

Stephanie Taylor, Secretary

EXHIBIT "A"
Amended Subdivision Control Ordinance



Town of
Edinburgh

**Town of Edinburgh, Indiana
Subdivision Control Ordinance**

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SECTION 1. GENERAL PROVISIONS AND DESIGN PRINCIPLES.

- 1.1 Title; Effective Date. This Ordinance shall hereinafter be known and cited as "Town of Edinburgh Subdivision Control Ordinance," and hereinafter referred to as the "Ordinance." This Ordinance shall become effective on the date of passage and adoption by Edinburgh Town Council as provided by law;
- 1.2 Statutory Authority. This Ordinance is adopted pursuant to the authority contained in Indiana Code § 36-7-4 et seq. Whenever any provision of this Ordinance refers to or cites a section of the Indiana Code and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section;
- 1.3 Jurisdiction. This Subdivision Control Ordinance shall apply to all incorporated land within the jurisdiction of the Town of Edinburgh, Indiana and hereinafter referred to as the "Town" as defined by description or map in the County Recorder's Office in accordance with I.C. 36-7-4-700 Series of the State of Indiana, and all amendments thereto. All ordinances or parts thereof in conflict with this Ordinance or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect;
- 1.4 Classification and Compliance. All land to be divided shall be categorized and platted as either a minor subdivision or major subdivision, consistent with the definitions in this Ordinance. No lot in a subdivision shall be sold; no permit to erect, alter or repair any building upon land in a subdivision shall be issued; and no building shall be erected in a subdivision, unless and until the improvements required by the Plan Commission in connection therewith have either been constructed or guaranteed, as herein provided;
- 1.5 Waiver of Requirements. The Plan Commission is hereby authorized to waive any or all requirements of this Ordinance when a literal enforcement of the Ordinance would result in unnecessary hardship and when such waiver will not be contrary to the public interest;
- 1.6 General Provisions. In determining whether an application for approval shall be granted, the Plan Commission shall review all plans to determine whether the plat is in accordance with the Comprehensive Plan and conforms to the standards and requirements in this Ordinance. Whenever the applicable requirements of this Ordinance or the requirements of any other applicable governmental unit or agency are higher or more restrictive, the higher or more restrictive requirements shall be controlled. Nothing in this Ordinance shall be construed as a rule or regulation that would prevent or restrain the complete use of any material resources by the owner. Due consideration shall be given to the preservation of natural features, including large trees, forests, waterways, scenic and historic points of interest and other community assets. Land subject to flooding or otherwise uninhabitable shall not be platted for any use or in any manner that has the tendency to increase the likelihood of danger or harm to the public health, safety, or welfare;
- 1.7 General Guidelines and Design Principles. The quality of design of the built environment of the Town is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the Town. Therefore, the

design of each subdivision shall be prepared in accordance with the principles established by the Comprehensive Plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

- (a) It is intended that the Town shall be designed as a group of integrated residential neighborhoods and appropriate commercial and industrial and public facilities. The neighborhood, as a planning unit, is intended as an area principally for residential use. Space for religious, recreational and educational facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood;
- (b) The size of lots and blocks and other areas for residential, commercial, industrial and public uses should be designed to provide adequate light, air, open space, landscaping and off-street parking and loading facilities;
- (c) The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved. The system of sidewalks and roadways and the lot layout should be designed to take advantage of visual qualities of the area;
- (d) Circulation within and connections to the Town's existing street network shall be provided in accordance with the following design criteria:
 - (i) Each subdivision should provide for the continuation of all arterial streets and highways;
 - (ii) Arterial streets should be located on the perimeter of a residential neighborhood;
 - (iii) Minor streets should be designed to provide access to each parcel of land within a subdivision or development, to adjoining undeveloped tracts, and in a manner that will encourage connectivity with the existing street network but discourage heavy use by through traffic. They should be planned so that future expansion will not require the conversion of minor streets to arterial routes;
 - (iv) Collector streets should be designed to provide a direct route from other minor streets to the major street system. Each subdivision shall provide for the continuation of collector streets;
 - (v) Ingress and egress to residential properties should be provided only to minor and collector streets;
 - (vi) Pedestrian ways should be separated from roadways used by vehicular traffic and to provide anticipated pedestrian traffic within all residential building sites with access to neighborhood facilities, such as schools, parks and playgrounds, churches and shopping centers. Any internal trail systems shall be designed to connect common areas to the public sidewalks within the subdivision as well as to connect to perimeter sidewalk and trail systems.

- (e) Minimum standards for development are contained herein, elsewhere in this Ordinance, and in the applicable building code; provided, however, the Comprehensive Plan expresses policies designed to achieve an optimum quality of development in the Town. If only the minimum standards are followed, a standardization of development will occur, which will produce a monotonous built environment. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the Comprehensive Plan and in this Ordinance rather than be limited to the minimum standards required herein.

SECTION 2. BLOCKS

- 2.1 The lengths, widths, and shapes of blocks shall be determined with due regard for the following:
 - (a) To ensure a well-connected street network that considers future development;
 - (b) To avoid super blocks with limited connectivity and that discourage pedestrian activity, contribute to street congestion, and increase driving distance that can negatively impact emergency services;
 - (c) To provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion; and
 - (d) To promote safe, direct and convenient pedestrian, bike, and vehicular access.
- 2.2 Blocks used for residential use shall not be longer than a thousand 1,000 feet as measured along the centerline of the block. The Plan Commission may require a dedicated common area easement the length of the block;
- 2.3 Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth;
- 2.4 Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

SECTION 3. LOTS

- 3.1 Subdivision lots shall be adequate for the type of development and land use proposed and shall be in conformity with applicable provisions of this Ordinance;
- 3.2 The lot size, width, depth and shape, grade, location, and orientation shall be in proper relation to street and block design and to existing and proper topographical conditions and must comply with the Zoning classification requirements;
- 3.3 Where a primary structure spans multiple lot lines, for the purposes of development standard application, the outermost lot lines shall be considered for the assessment of front, side, and rear yard measurement;
- 3.4 Every lot or parcel shall have sufficient frontage and access to a public street designated, designed, and improved in accordance with the terms of this

Ordinance; provided, however, the Plan Commission may modify this requirement to include a private street. Frontage for lots facing a cul-de-sac turnaround shall be as approved by the Plan Commission;

3.5 Flag lots are expressly prohibited;

3.6 As a general principle:

- (a) Side lot lines shall be approximately at right angles or radial to street lines;
- (b) Corner lots shall be of sufficient size to permit required building setback and orientation to both streets;
- (c) Excessive lot depth in relation to width, or more than a proportion of three point five (3.5) to one (1), shall be avoided;
- (d) Lot driveways shall be so located, designed, and constructed as to provide a reasonable sight distance at intersections;
- (e) Where difficult problems of driveway curvature and excessive grades are likely to be present, the developer shall submit for Plan Commission approval the details of driveway location and grade before lot lines and building sites are finally determined.

SECTION 4. EASEMENTS AND DEDICATIONS

- 4.1 Where alleys are not provided, easements not less than twenty (20) feet in total width shall be provided along each rear lot line, and along side of lot lines where necessary, for use by public and private utilities where it is deemed necessary. Larger easements may be required for storm or sanitary sewer lines;
- 4.2 A minimum ten feet (10') wide common area strip along the right-of-way at the entrance of each subdivision shall be provided to accommodate appropriate buffers and easements.

SECTION 5. STREETS

- 5.1 The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the current INDOT Standards & the elements of the Design Standards and the following:
 - (a) Major streets and collector streets shall be planned to conform with the INDOT Design Standards;
 - (b) Whenever a subdivision abuts or contains an existing or proposed major street, the Plan Commission may require the streets to be connected and service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. The Plan Commission may require trails along abutting streets or within the subdivision in conformance with the Comprehensive Plan;

- (c) Residential and cul-de-sac streets shall be laid out so that their use by through traffic will be discouraged;
- (d) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard for the requirements of approach grades and future grades separation structures;
- (e) Easements providing access to streets shall be prohibited except where their control and maintenance is defined in a manner approved by the Plan Commission;
- (f) Where the plat to be submitted includes only part of the tract owned or intended for development by the party that is subdividing, a preliminary plan of a proposed future collector street system for the unsubdivided portion shall be prepared and submitted;
- (g) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate subdivision, with provision for adequate utility easements and connections for such re-subdivision;
- (h) Street intersections shall not be closer than one hundred and fifty (150) feet centerline to centerline. This provision does not apply to frontage roads;
- (i) For subdivisions of fifty (50) lots or more, two (2) means of public access need to be provided;
- (j) Street right-of-way widths shall be in accordance with the Design Standards with the following standards intended as minimum guidelines (actual street right-of-way widths may be greater). Where not designated in the Design Standards, street right-of-way widths, shall be not less than the following:
 - (i) Major Streets:
 - 1) Highways – minimum determined by the State of Indiana;
 - 2) Primary Arterial – one hundred thirty (130) feet minimum;
 - 3) Secondary Arterial – one hundred (100) feet minimum.
 - (ii) Minor Streets:
 - 1) Collector – seventy (70) feet minimum;
 - 2) Residential Service – fifty (50) feet minimum;
 - 3) Cul-de-sac – sixty-five (65) feet minimum.

- (k) The grades of all streets shall not exceed the following, except in the opinion of the Plan Commission where unusual topographic conditions justify a modification of these standards. The minimum street grade shall not be less than zero-point five percent (0.5%);

| Major Street Maximum Grades (longitudinal) | |
|--------------------------------------------|----|
| Highways | 5% |
| Primary Arterial | 5% |
| Secondary Arterial | 7% |

| Minor Street Maximum Grades (longitudinal) | |
|--------------------------------------------|-----|
| Collector | 10% |
| Residential Service | 10% |
| Cul-de-Sac | 10% |

- (l) The horizontal alignment for all streets shall conform to the following:

| Major Street Horizontal Alignment (center line radius, 40 mph design speed) | |
|-----------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Highways | Refer to Indiana Design Manual (IDM) Chapter 43 "Horizontal Alignment" |
| Primary Arterial | |
| Secondary Arterial | |

| Minor Street Horizontal Alignment (center line radius, 40 mph design speed) | |
|-----------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Street | <i>Minimum Radius (no super)</i> |
| Collector | Refer to Indiana Design Manual (IDM) Chapter 43 "Horizontal Alignment" |
| Local | 150 feet |
| Cul-de-sac | 100 feet |

- (m) The vertical alignment for all streets shall conform to the following (sight distance for vertical alignment shall be determined by measuring from a point four point zero (4.0) feet above the roadway surface along a line of sight to a point four point zero (4.0) inches above the roadway surface):

| Major Street Vertical Alignment | | | |
|---------------------------------|--------------|------------------------------|--------------------------------|
| Street | Design Speed | Sag Vertical Curve (k-value) | Crest Vertical Curve (k-value) |
| Highways | 40 mph | 64 | 61 |
| Primary Arterial | 40 mph | 64 | 61 |
| Secondary Arterial | 40 mph | 64 | 61 |

| Minor Street Vertical Alignment | | |
|----------------------------------------|-------------------------------------|---------------------------------------|
| Street | Sag Vertical Curve (k-value) | Crest Vertical Curve (k-value) |
| Collector | 49 | 44 |
| Local | 26 | 19 |
| Cul-de-sac | 26 | 19 |

- (n) The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the facility. Lane widths (not including curbs) for streets shall be as follows:

| Street Lane Widths | | | |
|---------------------------|------------------------------|------------------------------|-------------------------------------------------------------------------|
| Street | Lane Width (Min. Ft.) | Lane Width (Max. Ft.) | Lane Width for Parallel Parking or Emergency Stopping (Min. Ft.) |
| Major Street | 11 | 12 | 10 |
| Minor Street | 11 | 12 | 8 |

- (o) A cul-de-sac street shall not exceed six hundred (600) feet in length, measured from the entrance to the center of the turnaround. The right-of-way radius of the cul-de-sac shall be a minimum of sixty-five (65) feet. The paved area (not including curbs) of the cul-de-sac shall have a minimum radius of forty-five (45) feet;
- (p) The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The Plan Commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties or to facilitate future improvement or expansion of streets in accordance with the Comprehensive Development Plan;
- (q) Permanent dead-end streets shall be prohibited. When permitted, stub streets shall have approved barricades & signs. Right-of-way shall be dedicated to allow for future cul-de-sac turnaround to comply with Town of Edinburgh Street Standards. Design Standards for streets are illustrated on the Standard Detail Sheets adopted by the Plan Commission;
- (r) Vehicular traffic shall be protected from bodies of water on both public and private property and from topographic or geologic hazards, including, but not necessarily limited to, streams, lakes, detention ponds, ditches, ravines, rock outcrops, hillsides, or walls by one of the following:
- (i) "W" Beam guardrail to be installed per Indiana Department of Transportation specifications;

- (ii) Steel Backed Timber Guardrail per U.S. Department of Transportation Federal Highway Administration Federal Lands Highway Office Standards listed in Section 617 of the Federal Highway Administration Website or approved equal as supplied by the Cor-Tenn Company of Knoxville, Tennessee;
- (iii) Mounding of Dirt at least eight (8) feet in height with maximum slopes of 3:1.

SECTION 6. ALLEYS

6.1 Alleys shall be of the following minimum dimensions:

| Dimensions | <i>Two-Way Traffic Width (Min. Ft.)</i> | <i>One-Way Traffic Width (Min. Ft.)</i> |
|-------------------|----------------------------------------------------|----------------------------------------------------|
| Pavement | 22 | 10 |

- 6.2 Alley intersections and sharp changes in alignment shall be avoided, but where unavoidable, the corners shall be a minimum twenty-five (25) foot radius;
- 6.3 Permanent dead-end alleys shall be prohibited, but if unavoidable shall be provided with adequate turnaround facilities at the dead-end, as determined by the Plan Commission;
- 6.4 Alley pavement cross-section shall meet or exceed minimum standards and specifications for a residential public street. Performance guarantees and an inspection agreement shall be required. Maintenance guarantees shall not be required for privately owned and maintained alleys;
- 6.5 Sufficient area shall be provided by either right-of-way or easement along both sides of alleys to allow safe and sufficient maneuvering of vehicles and maintain a clear area of visibility.

SECTION 7. INTERSECTIONS

- 7.1 Street curbs shall be rounded by radii of sufficient length to permit the smooth flow of traffic, but in no case shall said curb radii be less than fifteen (15) feet for minor streets, or a minimum of twenty-five (25) feet for major streets and subdivision entrances;
- 7.2 Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees;
- 7.3 Street intersections shall be designed to avoid the simultaneous intersection of more than two streets carrying traffic from more than four directions.

SECTION 8. SIGHT DISTANCE AT INTERSECTIONS.

- 8.1 The following paragraphs shall be required as a provision of the covenants of all secondary plats:

(a) No fence, wall, hedge, tree or shrub planting or other similar item which obstructs sight lines at elevation between two point five (2.5) and eight (8) feet above the street, shall be permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersection of said street lines (thirty-five (35) feet for minor streets and fifty (50) feet for arterial streets), or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended;

(b) The same sight line limitations shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within seventy (70) feet of the intersection of two street centerlines. If the available distance is less than seventy (70) feet, the driveway shall be located at the greatest distance from the intersection of street centerlines.

SECTION 9. SIDEWALKS

9.1 Sidewalks shall be labeled upon the improvement plans and installed by the developer in subdivisions, as follows:

| <i>Residential Subdivisions</i> | <i>Required on Both Sides of Street</i> | <i>Required in Mid-Block</i> | <i>Required Along Existing Street Bordering Subdivision</i> | <i>Width (Min. Ft. Clear)</i> | <i>Required Grass Strip Between Sidewalk and Curb</i> | <i>Curb Bump-Outs Required</i> |
|---------------------------------|-----------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------|
| Sidewalks | Yes | In Plan Commission discretion | In Plan Commission discretion | Residential Perimeter: 6 ft. Residential Internal: 5 ft. Commercial & Industrial: 6 ft. Trails: 10 ft. | Yes | Yes, where on-street parking spaces are provided |

9.2 The Plan Commission may waive the requirements of this Sub-Section in instances where a park, railroad, extreme topographical conditions, or other unusual conditions make sidewalk and pathway installation difficult on both sides of the street;

9.3 All perimeter sidewalks shall be in the right-of-way;

9.4 Sidewalks shall connect to all building entrances from the front right-of-way.

SECTION 10. WALK OR TRAIL SYSTEMS

10.1 All proposed subdivisions shall provide for walk or trail systems at two levels:

- (a) Internal walks & trail system within the subdivision to link common areas with the public sidewalk system and to link to perimeter or abutting regional trails;
- (b) Regional walk or trail systems that abut or traverse the subdivision in conformance with the Comprehensive Plan. Although easements across private property may be necessary in some instances, the preferred locations for walks & trails are common areas, public rights-of-way, or easements abutting/paralleling such areas;
- (c) All perimeter walks & trails shall be in the right-of-way.

SECTION 11. PUBLIC SITES

11.1 All proposed subdivisions submitted for Plan Commission approval under the provisions of this Ordinance shall allocate adequate common areas for parks, recreational areas and other public and semi-public sites, wherever necessary in order to conform with the Comprehensive Plan, or as required by the Plan Commission in planned unit development plans. The location, shape, extent and orientation of such areas shall be consistent with existing and proposed topographical and other conditions, and public and semi-public needs created by said proposed subdivision.

SECTION 12. DRIVEWAYS

12.1 All driveways within a residential subdivision shall meet the following standards:

| Residential Subdivisions | Length (Min. Ft.) | Width (Max Ft.) | Triangular Taper (Max. Ft.) | Length Between Edge of Street and Garage (Min. Ft.) |
|----------------------------------------------------------------------|-------------------|------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------|
| Driveways | 20 | 20, excluding turning radii unless otherwise approved by Town Engineer | 3 on either side of driveway at curb | 18 |
| *Driveway width may be reduced with a waiver from the Town Engineer. | | | | |

12.2 For non-residential subdivisions, the maximum width and location for a driveway providing ingress and egress for a non-residential use (office, commercial, industrial, multi-family) shall be determined by the Planning Department during the time of review of the plats or the site development plans. The Town will consider the type and volume of traffic anticipated, traffic signals required, thoroughfare classification, and other pertinent information regarding each specific location. Any driveway approach that will be used by semi-trucks/trailers or large box trucks shall have a fifty (50) foot minimum radius.

SECTION 13. STREETLIGHTS

- 13.1 Streetlights shall be installed by the developer in all proposed subdivisions. Locations and quantities of streetlights shall be determined by the Town Electric Department;
- 13.2 Streetlights shall be a standard Town approved fixture;
- 13.3 All street intersections, comers or major curves, end of cul-de-sacs, neighborhood entrances, and every three hundred to four hundred (300-400) ft on straight roads shall have a minimum of one (1) streetlight;
- 13.4 When co-located with telecommunications, streetlights shall not exceed fourteen (14) feet from the ground in commercial/industrial zones and twelve (12 feet) in other zones;
- 13.5 Subdivisions with private streets may substitute yard lights or other sufficient alternative lighting in lieu of streetlights. The Town reserves the right to require streetlights where warranted for public safety. All streetlights shall be installed and shall be operational prior to the execution of the final plat by the appropriate board or commission.

SECTION 14. TRAFFIC CONTROL DEVICES

- 14.1 Street Name Signs. The developer shall install street name signs in accordance with the Town's Standards and the Indiana Manual on Uniform Traffic Control Devices. One sign shall be installed at each intersection and at each point where street names change indicating the name of each street. Street name signs shall be installed by the developer prior to acceptance of the streets in a residential subdivision or primary buildings in a non-residential subdivision or project. The location of street name signs shall be shown as part of the primary plat submittal;
- 14.2 Regulatory Signs. Speed limit, stop, yield, and other necessary regulatory signs in accordance with the Indiana Manual on Uniform Traffic Control Devices shall be provided by the developer in the type and quantity approved as part of the development plans. Installation of regulatory signs shall be the responsibility of the developer prior to acceptance of streets in any subdivision;
- 14.3 Warning Signs and Other Devices. The Town shall be responsible for the installation of all warning signs, traffic lights, and other traffic control devices, except when warranted in industrial and commercial areas, the developer and/or owner may be required to pay the cost of traffic signal installation. Warning signs and other devices shall be in accordance with the Indiana Manual on Uniform Traffic Control Devices;
- 14.4 Building Numbering & Street Addresses. All buildings shall display street address numbers large enough to be visible from the street (minimum four inches tall). Numbers shall be clearly visible on the front wall of the house, building, or garages;
- 14.5 Bollards. Bollards shall not be installed closer than five (5) feet between bollards measured from edge to edge.

SECTION 15. STREET AND SUBDIVISION NAMES

- 15.1 Street names and numbers shall conform to the established pattern of the Town and shall be subject to the approval of the Planning Director;
- 15.2 Street names shall not duplicate or too closely resemble, phonetically or in spelling, the name of any existing street within Johnson, Shelby or Bartholomew County;
- 15.3 Streets which are logical extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat shall bear the names of such existing streets;
- 15.4 Street names shall be finalized and approved by the Planning Director prior to submission of a Secondary Plat;
- 15.5 All buildings and premises shall have street numbers clearly marked in characters not less than four inches high, on a contrasting background, clearly visible on the face of the building or on the mailbox for the building. When the numbers of a building or of each individual occupancy within a building are not visible from the street or when more than one (1) building is on site or uses an access driveway, provision shall be made to clearly identify which driveway serves the appropriate address, and a sign shall be provided at the street indicating the numbers of the premises served;
- 15.6 Subdivision or project names shall not duplicate or too closely resemble, phonetically or in spelling, the name of an existing subdivision or development project in the Town where the subdivision is located. Subdivision names shall be finalized and approved by the Planning Director prior to submission of a Secondary Plat.

SECTION 16. COMMON AREAS

- 16.1 All developments are required to have open space, detention, retention, and/or drainage ways;
- 16.2 All development that electively has amenities in the development, the developer shall designate those areas as common area on the Primary Plat, Land Alteration Permit, or within a Planned Unit Development District;
- 16.3 Where a common area is designated in a Planned Unit Development, a plat, or a Development Plan, an owner's association shall be formed and shall be required to provide necessary maintenance to said common areas. Neighborhood signage shall be located within land controlled by the owner's association;
- 16.4 The following features shall not count toward the minimum open space requirement, unless they are preserved as conservation areas:
 - (a) The floodway of any stream, regulated drain, river or other water body;
 - (b) The one hundred (100) year floodplain of any stream, regulated drain, river or other water body;
 - (c) Any area with slopes exceeding a twenty-five percent (25%) grade;

- (d) Any wetlands on the development site.

SECTION 17. UNDERGROUND UTILITIES

- 17.1 All proposed installations for the transmission of water, sewage, gas, electricity, telecommunications, and stormwater and similar facilities providing service to and used by the public shall be installed underground unless otherwise authorized by the Town or applicable law.

SECTION 18. STORMWATER

- 18.1 Storm sewers and drainage shall be provided in accordance with the specifications of the Town of Edinburgh Construction Standards;
- 18.2 The Plan Commission may choose to reject any or all improvements not complying with Town of Edinburgh Construction Standards.

SECTION 19. SANITARY SEWERS

- 19.1 The developer shall install sanitary sewers as determined by the Town;
- 19.2 Sanitary sewers shall be installed in compliance with the standards and specifications adopted by the Town, in the Ordinance, and written policies of the Edinburgh Sanitation Department. The Plan Commission may choose to reject any or all improvements not complying with Town of Edinburgh Standards.

SECTION 20. FIRE PROTECTION

20.1 Fire Hydrants:

(a) General:

- (i) Fire hydrants shall be installed as per the requirements of the Town's water utility, the quantity and location of hydrants to be determined by the Fire Chief or his/her designee;
- (ii) Fire hydrant(s) shall be placed on eight inch or larger water main and outlets eighteen (18) inches above finished grade;
- (iii) Fire hydrants shall be located not more than eight (8) feet from the edge of pavement;
- (iv) If a temporary water system is to be used, prior approval shall be given by the Town's water department & the Fire Chief or his/her designee;
- (v) Fire hydrants out of service shall be covered with a bag indicating "Out of Service";
- (vi) Fire hydrants shall only be used for Fire Protection, or as so directed by the Town's water utility;

- (vii) Fire hydrants shall be kept clear and accessible at all times. There shall be no obstructions of any kind within a four (4) foot radius of any fire hydrant;
 - (viii) Fire hydrants shall be in service prior to any issuance of an improvement location permit for the structure.
- (b) Multiple Family, Commercial and Industrial Development. Fire hydrants shall be installed no more than three hundred (300) feet apart on a public or private road. When any portion of a building being protected is in excess of one hundred and fifty (150) feet from a water supply on a public or private road, there shall be provided on site, mains and hydrants capable of supplying the required fire flow as required by the Fire Chief or his/her designee. Required fire flow shall be calculated in accordance with National Fire Protection Association Standard 1231;
 - (c) Single Family Residential Development. Fire hydrants shall be installed no more than four hundred (400) feet apart on a public or private road;
 - (d) Sprinkler Systems or Standpipes. Fire hydrants installed to service sprinkler systems or standpipes shall be installed within one hundred (100) feet of Fire Department connection or as required by the Fire Chief or his/her designee;
 - (e) Public and Private Fire Hydrants. Public fire hydrants shall be painted SAFETY YELLOW in accordance with the regulations of the Edinburgh water utility. Private fire hydrants shall be painted per NFPA 291 (Fire Flow Testing and Marking of Hydrants). Barrel to be painted Red for private hydrants. The top portion (bonnet) and nozzle caps to be painted with the following color scheme to indicate flow capacity;

| <u>Class</u> | <u>Capacity</u> | <u>Color</u> |
|--------------|----------------------|--------------|
| Class AA | 1500 gpm or greater | Blue |
| Class A | 1000 gpm to 1500 gpm | Green |
| Class B | 500 gpm to 999 gpm | Orange |
| Class C | 499 gpm or less | Red |

- (f) The type and model of fire hydrants to be installed shall be in accordance with the requirements of the Town water utility.

20.2 Fire Department Access. A minimum of two (2) means of access shall be provided for:

- (a) Any subdivision with fifty (50) or more one- or two-family residential lots;
- (b) Any development having one or more commercial, multi family, or industrial structures, three stories or greater in height;
- (c) Any development having three or more commercial, multi family, or industrial structures of any height.

- 20.3 Fire Department Access Roads. Fire Department or emergency access roads shall be a minimum twenty (20) feet in width, with a minimum ten (10) inch sub-grade base and shall be subject to approval by the Fire Chief & Town.

SECTION 21. MINOR SUBDIVISION PROCEDURES

- 21.1 The review and approval of a minor subdivision is a one-step process that includes approval of a Primary Plat, submitted in accordance with the requirements for a Preliminary Plat for a major subdivision below, for four or fewer lots and does not involve new public rights-of-way and complies with all other requirements of this Ordinance. A minor subdivision primary plat may be approved by the Planning Director without public notice and a public hearing, subject to appeal to the Plan Commission. Within ten (10) days after the minor subdivision primary plat approval, the Department shall provide notice to interested parties of their right to appeal to the Plan Commission.

SECTION 22. MAJOR SUBDIVISION PROCEDURES

- 22.1 The review and approval processes as set forth in this Section may be performed by Town staff members or Town Consulting Engineer. Applicants shall follow rules of procedure adopted by the Plan Commission. Procedures are outlined as follows:

22.2 Primary Plat - Plan Commission;

- (a) Required Pre-filing Consultations:
- (i) Planning Director;
 - (ii) Town Consulting Engineer;
 - (iii) Fire Department; and
 - (iv) Stormwater Board.
- (b) File application, primary plat plans (including preliminary drainage plans and calculations) and supporting documents per published schedule deadline, both digitally and on paper (the Planning Commission reserves the right not to docket incomplete submittals);
- (c) Outside consultant review is to be billed to & paid by the developer;
- (d) Technical Review Committee meeting;
- (e) County Drainage Board having jurisdiction if it affects a legal drain;
- (f) Miscellaneous agency approvals/notifications; and
- (g) Plan Commission public hearing - Primary Determination. Plan Commission's Primary Determination of Approval is required prior to filing secondary application. Indiana Code requires a minimum ten (10) day period between primary and secondary approvals. Submission deadlines shall be pursuant to Plan Commission Rules of Procedure.

22.3 Secondary Plat – Plan Commission;

- (a) File application, secondary plat plans (including final drainage plans and calculations) and supporting documents per published schedule deadline, both digitally and on paper (the Planning Department reserves the right not to docket incomplete submittals);
- (b) Outside consultant review, to be paid by the developer.
- (c) Technical Review Committee meeting (street names shall be submitted for review and approval before this meeting occurs);
- (d) Submit six (6) copies of final revised secondary plat and development plans to Plan Commission office along with an electronic copy; and
- (e) Plan Commission or Designated Official-- Secondary Determination.

22.4 Secondary Plat – Planning Director

- (a) File following documents with Town Planning Director;
 - (i) Secondary Plat with rights-of-ways, easements, covenants;
 - (ii) Performance Guarantees;
 - (iii) Off-site easements if applicable;
 - (iv) Inspection/Testing agreement(s).
- (b) Acceptance of performance guarantees and inspection/testing agreements by Plan Commission or its designee. Posting of performance guarantee for erosion control shall be mandatory prior to issuance of a land alteration permit.

22.5 Land Alteration Permit - Plan Commission;

- (a) Submit one copy of inspection/testing agreement(s) executed with the Town Planning Department;
- (b) Land Alteration permit - authorization to commence work, per the process set forth in this Ordinance. A copy of the Land Alteration Permit and stamped approved final plans shall be kept on site during the course of construction.

22.6 Installation and Acceptance of Improvements - Plan Commission- The developer shall install the associated infrastructure improvements (public and private) and gain the Town's acceptance before recording the Secondary Plat for a residential subdivision. The developer shall have the option of posting performance guarantees with the Plan Commission and recording the Secondary Plat prior to the installation of the associated infrastructure improvements;

- (a) Install infrastructure improvements;

- (b) Inspection & Testing results of installed improvements as required by the Ordinance are to be provided by the Developer;
- (c) Prepare and submit As-Built Record Drawings of improvements per the Town Guidelines;
- (d) Post maintenance guarantees and submit original final plat;
- (e) Plan Commission acceptance of improvements, release of performance guarantees, and acceptance of three (3) year maintenance guarantees;
- (f) Plan Commission signatures on recordable plat and acceptance of other easements and dedications.

22.7 Plan Commission Designated Official – Plat Recording & Submittal;

- (a) Submit plat with Plan Commission members' signatures to the Designated Official for final signatures;
- (b) Record secondary plat in the appropriate County's Recorder's Office;
- (c) Submit one (1) electronic copy and one (1) reproducible, legible, recorded secondary plat to the Planning Department;
- (d) Eligible for building permit application

22.8 Re-subdivision of Multi-family, Industrial and Commercial Plats. Land zoned for multi-family, industrial, or commercial use may initially be platted into blocks, with the understanding that these blocks may eventually be re-subdivided into lots, and recorded, without completing a new primary plat. If, in the opinion of the Plan Commission, there are indications that such future re-subdivision will occur, including the presence of parcels containing more than one (1) acre of land, the Plan Commission may require that the initial plat allow for the future opening of streets and the ultimate extension of adjacent streets. Easements or rights-of-way providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 23. SUBMITTAL AND CONTENTS OF PLAT AND PLANS

- 23.1 Initial Consultation/Conceptual Plan. The applicant's first step shall be to consult with the staff of the Town Planning Department, the Fire Department and to provide general information concerning the proposed plat, as well as to familiarize the applicant with the procedures and requirements of the Plan Commission and applicable Town ordinances, rules, and regulations;
- 23.2 Drainage Plan Review. Drainage plan review shall be performed by the Town's Engineer, at the cost of the developer. The General (Preliminary) Drainage Plan shall be incorporated into the Primary Plat Plans. The Detailed (Final) Drainage Plan shall be incorporated into the Secondary Plat Plans;
- 23.3 Utility Service Clearance. The applicant shall obtain written approval from the Town that the utility has adequate access and capacity to serve the proposed subdivision;

23.4 Submittal of Plats and Development Plans. The applicant shall comply with Plan Commission's Rules and Procedure for "Primary Approval" when filing the required documents. All submittals are subject to a cursory review. Applicants with incomplete submittals will not be granted a place on the public hearing docket. Prior to or at the meeting of the Technical Review Committee, the applicant shall file with the Town's Planning Director or the County Drainage Board Report, if needed (Preliminary);

23.5 Licensed Professional Required. All plats and development/construction plans shall be prepared by a qualified professional engineer licensed in the state of Indiana;

23.6 Contents of Primary Plat. As set forth herein, plats and plans shall be submitted under the seal and signature of a professional licensed engineer or surveyor on forms approved by Plan Commission, if applicable. All sheets for plats and development/construction plans shall be 24" x 36" size drawn to scale at a minimum 1"=50' and a maximum 1"=10' with the exception of the maps on Sheet One, unless otherwise approved by the Town Engineer or Planning Director. Each sheet of the plat plans shall be sealed and signed. Plans submitted for review shall observe the following format:

- (a) All sheets shall contain the following information (at a minimum):
 - (i) The proposed name by which the project shall be legally and commonly known;
 - (ii) Date of survey, scale, and north point;
 - (iii) All lots or out lots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes;
 - (iv) Public / Private parks, common areas, or excluded parcels shall be designated as such and clearly labeled on the plans;
 - (v) Such other information as may be deemed necessary for proper review of the primary plat by the Town Engineer, or Planning Director;
 - (vi) All necessary reference points tying the subject property to the appropriate section corners;
 - (vii) Each sheet shall be sealed and signed by the professional preparing the drawings;
 - (viii) All sheets shall be tied to state plane coordinates for horizontal and vertical controls.
- (b) Sheet One (Title Sheet). The following information (at a minimum) shall be submitted as part of Sheet One:
 - (i) Full legal description with sufficient reference to section corners and boundary map of the subject project, including appropriate benchmark references;
 - (ii) Name of the Project;

- (iii) Name and address of the owner, developer, and person who prepared the plans;
 - (iv) Total acreage within the project and the number of residential dwelling units or the gross square footage of non-residential buildings whichever is applicable;
 - (v) Existing zoning of the subject land and all adjacent lands;
 - (vi) Boundary lines of adjacent tracts of land, showing owners of record;
 - (vii) A key or vicinity map at a scale of one (1) inch equals four hundred (400) feet or less, showing the boundaries of the proposed project and covering the general area within which it is to be located;
 - (viii) A statement of the proposed uses, stating the type and size of residential and non-residential buildings, and the type of business, commercial or industry, so as to reveal the effect of the project on traffic, fire hazards, or congestion of population;
 - (ix) Proposed covenants, restrictions, by-laws, or articles of incorporation affecting property owners and/or homeowners associations; and
 - (x) Statement of proposed starting and completion dates for the project, including any proposed phasing and sequencing.
- (c) Sheet Two (Existing Site Conditions): Note that the General (Preliminary) Drainage Plan information must be incorporated onto this sheet. The following information shall be submitted as part of Sheet Two:
- (i) Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the Desing Standards, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and the locations of all existing stormwater facilities. Storm drains, manholes and other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Show the direction of flow, elevation of inverts, gradient, materials, and size of existing storm drains. Other data may be added which is considered pertinent by the commission or the administrator for the subject land. Existing site conditions shall include all land within three hundred (300) feet of the proposed project;
 - (ii) Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
 - (iii) Existing contours based in U.S.G.S. datum with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and

not more than two (2) feet where the slope is less than ten percent (10%). Off-site watershed boundary maps can be submitted at an appropriate contour interval sufficient to depict drainage areas and slopes. A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), and elevations shall be based on sea level datum; and

(iv) The water elevation at the date of the survey of lakes, streams, or designated wetlands within the project or affecting it, as well as the approximate high and low water elevation of such lakes, streams, or designated wetlands. The plan shall also show the contour line of the regulatory flood (one hundred (100) year flood) elevation and the contour line for the floodway fringe boundary. All elevations shall be based on sea level datum.

(d) Sheet Three (Proposed Site Conditions): Note that the General (Preliminary) Drainage Plan information must be incorporated onto this sheet. The following information shall be submitted as part of Sheet Three:

(i) Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the Plan Commission or the administrator for the subject land, and within three hundred (300) feet of the proposed project;

(ii) Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;

(iii) Building setback lines, showing dimensions;

(iv) Full description and details, including engineering calculations, for provisions of stormwater drainage plans and facilities, including basin mapping. The standard for drainage detention is that the run-off rate of a one hundred (100) year post-development event cannot exceed the rate for a ten (10) year pre-development event;

(v) Internal and perimeter sidewalk & trail system or pedestrian circulation plan; and

(vi) Proposed contours with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%). The plan shall also show the contour line for the floodway fringe boundary.

- (e) Sheet Four (Erosion Control Plan) - not required with this submittal; erosion control plan shall be required as part of secondary plat submittal;
- (f) Sheet Five (Landscape Plan) - not required with primary plat submittal; landscape plan shall be required as part of secondary plat submittal;
- (g) Sheet Six (Plat-like dedication sheet, if necessary) - not required with this submittal; plat-like dedication sheet shall be required as part of secondary plat submittal;
- (h) Sheet Seven (Storm Plan and Profile) - not required with this submittal; storm plan and profile shall be required as part of secondary plat submittal;
- (i) Standard Detail Sheets - not required with this submittal; standard detail sheets shall be required as part of secondary plat submittal;
- (j) Plat Provisions – the following provisions shall be included verbatim on all Plats:
 - (i) The streets and rights of way shown hereon, subject to construction standards and acceptance, are hereby dedicated to public use, to be owned and maintained by the governmental body having jurisdiction over them;
 - (ii) There are strips of ground as shown on the Plat marked "D&U.E." (drainage and utility easement). These strips are reserved for public utilities, not including transportation and wires subject to all times to the proper authorities and to the easements herein reserved. No permanent or other structure of any kind are to be erected or maintained upon said strips of ground. Owners of lots in this subdivision shall take their titles subject to the rights of the public utilities and the rights of the owners of other lots in this subdivision;
 - (iii) Any field tile or underground drain which is encountered in construction of improvements within this subdivision shall be perpetuated and not cut off or blocked and shall comply with the Ind. Code § 36-9-27;
 - (iv) Drainage swales (ditches) along the roadways and within the right of way and on dedicated easements are not to be altered, dug out, filled in, tilled or changed otherwise without the written permission of the Plan Commission. Property owners must maintain these swales as sodded grass ways or other non-eroding surfaces. Water from roofs or parking areas must be contained on the property long enough to that said drainage swales (ditches) will not be damaged by such water. Driveways must be constructed over these swales or ditches only when appropriate structures have been permitted by the Plan Commission;
 - (v) Any property owner altering, changing, or failing to maintain these drainage swales (ditches) will be held responsible for such action and will be given ten (10) days' notice by certified mail to repair said damage, after which time if no action is taken by the owner, the Plan

Commission will cause such repairs to be accomplished and the costs for such repairs will be the burden of the owner of the property. Failure to pay will result in a lien against the property;

- (vi) There are strips of ground, shown on the plat, marked "No Access Easement" (N.A.E.) which prohibit ingress/egress across said strip. No drives are to be constructed across said strip;
- (vii) The strips of ground shown on the Plat and marked "Sanitary Sewer, Drainage, and Utility Easement" (S.S.D. & U.E.) are reserved for the use of the public utilities for the installation of water mains, poles, ducts, lines and wires, and the drainage facilities, said strips are also reserved for the Town for the installation and maintenance of sanitary sewer mains and appurtenances subject at all times to the property authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land; but owners of the lots in this subdivision shall take their titles subject to the rights of the public utilities and the rights of the owners of other lots in this subdivision;
- (viii) Where sanitary discharge can enter into a public sanitary sewer system by gravity flow, the lowest floor elevation where a plumbing fixture or floor drain is installed must be a minimum of twelve (12) inches above the top of the lowest downstream or upstream manhole casting nearest to the subject lateral connection. Where the discharge cannot enter a system by gravity flow the effluent shall be directed into a tightly covered and vented sump from which the effluent shall be lifted and discharged into the system a minimum of twelve (12) inches above the top of the lowest downstream or upstream manhole casting nearest to the subject lateral connection;
- (ix) The sanitary sewer, and the connection thereto, shall be used only for and as a sanitary sewer system. No stormwater, run-off water, downspouts, footing drains (perimeter drains), or sub-soil drainage shall be connected to the sanitary sewer system. All sump pumps to be installed on any lot of this development must be directed to a defined stormwater drainage swale;
- (x) No fence, wall, hedge, tree or shrub planting or other similar item which obstructs sight lines at elevation between two point five (2.5) and eight (8) feet above the street, shall be permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points feet from the intersection of said street lines, thirty-five (35) feet for minor streets and fifty (50) feet for arterial streets, or in the case of a rounded property corner, from the intersection of the street right-of- way lines extended;
- (xi) The same sight line limitations shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement. No driveway shall be located within seventy (70) feet of the intersection of two (2) street centerlines. If the available

distance is less than seventy (70) feet, the driveway shall be located at the greatest distance from the intersection of the street centerlines;

- (xii) This subdivision has been designed and is to operate under the Town's Storm Water Standards (SWS) that must be maintained upon the activation of the homeowners' association. The SWS is currently maintained by the developer; however, upon the activation of the homeowners' association, the SWS must be continued and shall become the responsibility of said association subject to all fees and other Town requirements. Prior to obtaining final drainage approval, the developer shall agree to include the following language on the final plat as a covenant: "The maintenance of the storm drainage system for this subdivision by the Homeowners' Association shall include but not be limited to the maintenance of all detention areas, storm inlets, open ditches, and swales. The costs and expenses of maintaining these items shall be assessed as part of the general assessment against the owners of all lots in this subdivision as provided in the Declaration and shall be secured by a lien against all lots in this subdivision. The Town of Edinburgh Council does not maintain detention areas, storm inlets, open ditches, and swales."
- (xiii) Sump pump lateral and underdrain pipes for sump pump laterals to hook into, shall be located within drainage easements, and are to be privately owned and maintained by the homeowners' association, individual sump pump laterals are to be maintained by individual lot owners;
- (xiv) Storm sewers and tile drains twelve (12) inch or larger within designated drain easements are extensions of the Town's Stormwater Drainage System and are the responsibility of the Town. Drainage swales, detention and retention ponds, and post construction stormwater quality measures shall be the responsibility of the owner or homeowners' association. If no homeowners' association exists or a homeowners' association dissolves, owners of each lot shall be equally responsible for maintenance. In the event the property owner(s) or the association fails to exercise its obligation, the Town may perform the required maintenance and shall have the right to assess each lot in the subdivision a proportionate amount of the associated costs. If necessary, a Notice of Lien shall be filed against the affected lots. The lien shall be enforced in the same manner as a mortgage lien under Indiana Law and, therefore, shall include reimbursement of attorney's fees, title expenses, interest, and costs of collection.

SECTION 24. REVIEW AND APPROVAL PROCESS

- 24.1 Technical Review Committee. At such time as the documents required in Section 23 have been submitted in proper form and numbers, the applicant will be notified of the time and date of meeting with the Technical Review Committee. For Primary Plats, the Technical Review Committee shall meet prior to the Plan Commission meeting at which the subdivision plat or other development plan is to have a "Primary Hearing." For secondary plats, the Technical Review Committee shall

meet prior to action being taken by the Plan Commission or designated official. The Technical Review Committee shall review the design and construction aspects of the proposed development or subdivision with emphasis placed on public improvements, utilities, drainage, and related standards of this Ordinance. The Technical Review Committee shall then submit its review comments in writing to the Plan Commission, or the designated official, where applicable. For Primary Plats, the applicant may make the recommended revisions to the plans before said plans are submitted to the Plan Commission at the primary public hearing, however, such revisions are considered voluntary. For Secondary Plats, if the Plan Commission, or designated official (where applicable), adopts the recommendations of the Technical Review Committee, all revisions must be made to the secondary plat before final approval is granted;

24.2 "Primary" Public Hearing. The Plan Commission shall hold the primary public hearing for a subdivision as provided in I.C. 36-7-4-700 Series as amended, and its rules of procedure, following proper submittal by the applicant. After the Plan Commission has reviewed the primary plan, Technical Review Committee report, other agency reports, and heard testimony submitted at the public hearing, the Plan Commission shall then advise the applicant of its findings;

24.3 Written Finding of Facts -- Primary Plat;

- (a) If "primary approval" of the plat is granted, then the Plan Commission shall:
 - (i) Render its findings and decision in writing on the Notice of Determination form and it shall be signed by the "Designated Official";
 - (ii) It shall include any and all written commitments required for the primary plat and/or plat vacation, whichever is appropriate.
- (b) If approval is denied at primary hearing, then the Plan Commission shall:
 - (i) State its finding in writing on the Notice of Determination form, citing the reasons for denial, and the findings must be signed by the "Designated Official," and presented to the applicant.
- (c) If primary approval is denied, the applicant shall correct all deficiencies noted by the Plan Commission prior to re-submitting for primary approval.

24.4 Primary Approval Expiration:

- (a) "Primary approval" of a subdivision plat shall be valid for a minimum period of three (3) years from the date the primary application was filed. Upon expiration of said three (3) year period the "Primary approval" shall be deemed null and void unless:
 - (i) the Plan Commission has granted a time extension not to exceed two (2) years; or
 - (ii) the secondary plat application has been filed with the Plan Commission.

- (b) The Plan Commission shall not grant more than one (1) extension for "primary approval" (not to exceed two (2) years).

24.5 Period of Remonstrance. "Secondary" approval may be granted by the Plan Commission no sooner than fifteen (15) calendar days following official notice of primary approval. During such period, an applicant or other interested party may appeal to the Plan Commission the primary approval or disapproval of a plat or the imposition of a condition on primary approval. The primary approval or disapproval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission that may be appealed to the County Circuit Court having jurisdiction.

24.6 Prerequisites for Filing Secondary Application. Following primary approval by the Plan Commission, and prior to applying for secondary approval, the applicant shall complete the following requirements and obtain the following approvals, and submit same along with the secondary application:

- (a) Submit the signed contractor's agreements or an engineer's estimate for the financial guarantees amounts for the public (and private when applicable) improvements;
- (b) Submit to the Town Planning Director the proposed dollar amounts for the financial guarantee for the required public improvements;
- (c) Satisfy any other conditions of primary approval as required by the Plan Commission;
- (d) Submit written documentation of the following, when applicable:
 - (i) Utility encroachment approvals;
 - (ii) Approval of the General (Preliminary) Drainage Plan by the Town Engineer;
 - (iii) Other local, state, and federal approvals, including other Town boards, commissions, or departments;
 - (iv) Outside reviews as required by the Town.

24.7 Contents of Secondary Plat. The secondary plat shall show all items required for the primary plat, as listed in Section 23;

24.8 Contents of Final Development and Construction Plans. All final development and construction plans shall be submitted under the seal and signature of a qualified professional licensed in the state of Indiana. All sheets shall be 24" x 36" size drawn to scale at a minimum 1"=50' and a maximum 1"=10' with the exception of the maps on Sheet One, unless otherwise approved by the Town Engineer. Plans submitted for review shall observe the following format:

- (a) All sheets shall contain the following information:
 - (i) The proposed name by which the project shall be legally and commonly known;

- (ii) Date of survey, scale, and north point;
 - (iii) All lots or out lots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes;
 - (iv) Private parks, common areas, or excluded parcels shall be designated as such and clearly labeled on the plans;
 - (v) Such other information as may be deemed necessary for proper review of the primary plat by the administrator, Town Engineer, or commission;
 - (vi) All necessary reference points tying the subject property to the appropriate section corners;
 - (vii) Each sheet shall be sealed and signed by the professional preparing the drawings;
 - (viii) All sheets shall be tied to state plane coordinates for horizontal and vertical controls.
- (b) Sheet One (Title Sheet). The following information shall be submitted as part of Sheet One:
- (i) Full legal description with sufficient reference to section corners and boundary map of the subject project, including appropriate benchmark references;
 - (ii) Name of the Project;
 - (iii) Name and address of the owner, developer, and person who prepared the plans;
 - (iv) Total acreage within the project and the number of residential dwelling units or the gross square footage of non-residential buildings whichever is applicable;
 - (v) Existing zoning of the subject land and all adjacent lands;
 - (vi) Boundary lines of adjacent tracts of land, showing owners of record;
 - (vii) A key or vicinity map at a scale of one (1) inch equals four hundred (400) feet or less, showing the boundaries of the proposed project and covering the general area within which it is to be located;
 - (viii) A statement of the proposed uses, stating the type and size of residential and non-residential buildings, and the type of business, commercial or industry, so as to reveal the effect of the project on traffic, fire hazards, or congestion of population;
 - (ix) Statement of proposed starting and completion dates for the project, including any proposed phasing and sequencing.

(c) Sheet Two (Existing Site Conditions): (Note that the Detailed (Final) Drainage Plan information must be incorporated onto this sheet). The following information shall be submitted as part of Sheet Two:

- (i) Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the Thoroughfare Plan, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and the locations of all existing stormwater facilities. Storm drains, manholes and other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Show the direction of flow, elevation of inverts, gradient, materials and size of existing storm drains. Other data may be added which is considered pertinent by the commission or the administrator for the subject land. Existing site conditions shall include all land within three hundred (300) feet of the proposed project;
- (ii) Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
- (iii) Existing contours based in U.S.G.S. datum with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%). Off-site watershed boundary maps can be submitted at an appropriate contour interval sufficient to depict drainage areas and slopes. A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), and elevations shall be based on sea level datum; and
- (iv) The water elevation at the date of the survey of lakes, streams, or designated wetlands within the project or affecting it, as well as the approximate high and low water elevation of such lakes, streams, or designated wetlands. The plan shall also show the contour line of the regulatory flood (one hundred (100) year flood) elevation and the contour line for the floodway fringe boundary. All elevations shall be based on sea level datum.

(d) Sheet Three (Proposed Site Conditions): Note that the Detailed (Final) Drainage Plan information must be incorporated onto this sheet. The following information shall be submitted as part of Sheet Three:

- (i) Location, widths, grades and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the

commission or the administrator for the subject land, and within three hundred (300) feet of the proposed project;

- (ii) Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
- (iii) Building setback lines, showing dimensions;
- (iv) Full description and details, including engineering calculations, for provisions of stormwater drainage plans and facilities, including basin mapping. The standard for drainage detention is that the run-off rate of a one hundred (100) year post-development event cannot exceed the rate for a ten (10) year pre-development event;
- (v) Internal and perimeter sidewalk system/pedestrian circulation plan; and proposed contours with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%). The plan shall also show the contour line for the floodway fringe boundary;
- (vi) Street plans shall include proposed locations for street name signs, traffic regulatory signs, streetlights, and traffic signals as deemed necessary by the Town.

(e) Sheet Four (Erosion Control Plan). The following information shall be submitted as part of Sheet Four:

- (i) Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the commission or the administrator for the subject land, and within three hundred (300) feet of the proposed project;
- (ii) Proposed contours with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%);
- (iii) Details of terrain and area drainage, including the identity and location of watercourses, intermittent and perennial streams, receiving waters, and springs, and the total acreage of land that will be disturbed;
- (iv) The direction of drainage flow and the approximate grade of all existing or proposed streets;
- (v) Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other

protective devices to be constructed with, or as part of, the proposed project, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated runoff of the area served by the drains;

- (vi) A description of the methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site;
 - (vii) Measures for soil erosion and sediment control which must meet or exceed the methods and standards adopted by the Indiana Department of Natural Resources and/or set forth in the Indiana Handbook for Erosion Control in Developing Areas and which must comply with the design principles, performance standards, and requirements set forth in this chapter;
 - (viii) A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, including the total area of soil surface that is to be disturbed during each stage, the anticipated starting and completion dates, and a schedule for the maintenance of such measures;
 - (ix) Include the following notes on the sheet:
 - 1) "All erosion control practices shall be in accordance with the IDNR "Indiana Handbook for Erosion Control in Developing Areas" dated October 1992, and its updates and amendments, as published by the Indiana Department of Natural Resources, and the SCS "Field Office Technical Guide," and its updates and amendments;
 - 2) "The Town Engineer has the right to require additional erosion control measures in the field as conditions warrant."
 - (x) Copies of the letter of intent and response from the Edinburgh Storm Water Board using the Construction Stormwater General Permit (CSGP) when required;
 - (xi) Any other information reasonably required by the commission or administrator to properly evaluate the plan.
- (f) Sheet Five (Landscape Plan). A landscape plan shall conform to the following requirements:
- (i) It is recommended that the landscape plan be prepared by a landscape architect, or other professional experienced in landscape design and the installation and care of plant materials. The name and address of the plan preparer shall be included on the plan;
 - (ii) All plans shall show the entire lot to scale;

- (iii) Show the location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines and easements, freestanding structural features, and other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas;
 - (iv) The location, quantity, size, and name - both botanical and common - of all proposed planting materials;
 - (v) The location, size and common name of existing trees and individual shrubs, areas of dense trees or shrubs, and other natural features, indicating which are to be preserved and which are to be removed;
 - (vi) The approximate location and generic identification of existing structures and plant materials within the yard of adjoining properties;
 - (vii) Existing and proposed grading of the site, including proposed berms, indicating contours at no more than two (2) foot intervals;
 - (viii) Specification of the type and boundaries of all proposed vegetative ground cover;
 - (ix) Design of fences and other significant accessory structures;
 - (x) The location of barriers to be placed at or beyond the drip line of any trees to be preserved, and the type of material to be used for the barrier;
 - (xi) Planting and installation details as necessary to ensure conformance with all required standards;
 - (xii) Details indicating specific grading measures or other protective devices where trees are to be preserved in areas of cut and fill; and
 - (xiii) A tabulation clearly displaying the relevant statistical information necessary for the Plan Commission to evaluate compliance with the provisions of this Ordinance.
- (g) Sheet Six (Plat-like dedication sheet, if necessary). The following information shall be submitted as part of Sheet Five if a plat-like dedication document for easements and rights-of-way is deemed necessary by the Plan Commission or its authorized designee:
- (i) Parcels of land proposed to be dedicated or reserved for public use, or reserved for common use of all property owners within the project, with the proposed conditions and maintenance requirements, if any, shall be designated as such and clearly labeled on the plans;
 - (ii) Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings; and

- (iii) Accurate location of all survey monuments erected, corners and other points established in the field in their proper places. Markers shall consist of galvanized or wrought iron pipe or steel bars at least thirty (30) inches in length, and not less than one-half (1/2) inch in diameter.
- (h) Sheet Seven (Storm Plan and Profile). For all pipe, a storm drain plan and profile shall be submitted. The plan shall be shown on the upper portion of the drawing. The plan, generally, shall be drawn on a scale that is clear and legible and not greater than 1"=50'. The plan shall show appropriate right-of-way and easement limits. The profile shall be shown under the plan and shall extend a sufficient distance downstream of the outlet to allow any pertinent information concerning the outfall channel to be shown. All invert elevations and pipe slopes shall be listed. For each pipe, the length, size, material and class shall be annotated on the profile sheet near the dimension line. Detail title and/or number references shall be called out on the profile plan;
 - (i) The storm drain and inlet profile shall generally be drawn on a scale of 1"=50' horizontal and 1"=5' vertical. Where a storm drain is located inside the limits of an existing or proposed pavement or shoulder, the centerline grade of the road shall be shown. Where a storm drain is located outside pavement or shoulder, the existing ground over the storm drain with proposed grading shall be shown. If the storm drain is to be constructed on fill, the profile of the undisturbed earth, at the storm drain location shall be shown. All utility locations at intersections with the storm drain shall be shown;
 - (ii) Storm Plan and Profile shall include:
 - 1) Size of pipe or channel cross-section.
 - 2) Pipe or channel invert's slope in percent.
 - 3) Material and roughness coefficient.
 - 4) Flowing velocities in feet per second.
 - 5) Design capacity in cubic feet per second.

24.9 Standard Detail Sheets. Standard detail sheets as adopted by the Plan Commission shall be included as part of the submittal.

SECTION 25. SECONDARY APPROVAL

25.1 The Plan Commission or its "Designated Official" may grant secondary approval and issue a Notice of Determination of Secondary Plat/Plan Approval only after the following requirements have been satisfied:

- (a) Conditions and requirements set forth by the Plan Commission for primary approval;
 - (i) Submittal of the final revised secondary plat in which contents and form comply with this Ordinance;

- (ii) General development plans; and
 - (iii) Final construction plans.
- (b) The required performance agreement, performance guarantees and inspection/testing agreement have been submitted and approved by the Plan Commission. Posting of performance guarantee for erosion control shall be mandatory prior to issuance of a land alteration permit;
 - (c) Detailed (Final) Drainage Plans have been submitted to and written approval obtained from the Planning Department. The Plan Commission shall establish in its written Rules of Procedure the manner in which Secondary Approval is to be administered.

25.2 Secondary Approval Expiration. Secondary approval of a subdivision plat and plans shall be valid for a minimum period of three (3) years from the date of secondary application was filed. Upon expiration of said three (3) year period the "secondary approval" shall be deemed null and void unless:

- (a) The Plan Commission has granted a time extension not to exceed two (2) years; or
- (b) A Land Alteration permit has been obtained and installation of infrastructure improvements has commenced. The Plan Commission shall not grant more than one time extension for "secondary approval" (not to exceed two (2) years).

SECTION 26. APPLICABILITY TO PUD

26.1 Following adoption of an ordinance by the Town Council providing for a Planned Unit Development, the procedure for platting within such districts or zones shall be the same as that prescribed for subdivisions in this Division and in compliance with the procedures and regulations set forth in this Division.

SECTION 27. LAND ALTERATION PERMIT

27.1 A Land Alteration Permit to begin site development may be granted by the Planning Department office provided that:

- (a) The applicant has fulfilled all requirements of Section 25.8 and received Secondary Approval from the Designated Official;
- (b) The applicant has filed with the Planning Department office copies of the final revised secondary plat, and final development and construction plans.

27.2 Model Homes/Sales Offices, Conditional ILP (Improvement Location Permit).

- (a) After secondary approval of the plat and plans, and prior to recording of the plat, the Plan Commission and/or its duly authorized representative(s) may conditionally authorize the issuance of conditional ILPs for show models. The conditional ILPs shall be valid for a period of one (1) year; however, the Plan Commission may choose to renew the ILPs at one (1) year intervals. A final

Certificate of Occupancy will not be issued for the ILP until the Model Home is sold and becomes an occupied home.

- (b) A model home shall serve as temporary sales office only for homes sold within the subdivision in which it is located. A model home shall not be used as a real estate sales office for properties located outside the boundaries of the Primary Plat of the subdivision in which it is located;
- (c) Two ILPs shall be required initially. A standard ILP shall be required for construction of the dwelling. A one (1) year permit for use as a model home/sales office shall be required and may be renewed on an annual basis;
- (d) The number of show model permits issued (per primary plat) shall be limited to the following:
 - (i) Single-Family Dwelling Subdivision: maximum of four (4) dwellings;
 - (ii) Two-Family Dwelling Subdivision: maximum of four (4) dwellings (two (2) buildings);
 - (iii) Multi-Family Dwelling Subdivision: maximum of four (4) dwelling units. Multi-Family dwellings may have more than four (4) units in a single building, but no more than four (4) units may be used as show models;
- (e) Prior to issuance of a permit for a model home, one of the following conditions shall be met:
 - (i) Stabilized access surface and stone base for streets, and Town water with fire hydrant in service shall be in place or;
 - (ii) Applicant shall provide the Town with writing verification of indemnification/hold-harmless provision provided by applicant's insurance coverage.
- (f) A show model shall not be occupied until the subdivision plat has been recorded.

SECTION 28. COMPLETE INSTALLATION OF IMPROVEMENTS

- 28.1 Residential Subdivisions. Infrastructure improvements, whether public or private, including but not limited to streets, curbs, manholes, catch basins, swales, storm and sanitary sewers, off-site or area drainage, street names signs, traffic regulatory signs, street lights, traffic signals, survey monumentation, and park and recreation facilities, shall be installed and accepted by the Town along with the appropriate financial guarantees, prior to the recording of the Secondary Plat or issuance of Improvement Location Permits (Building Permits) for single-family or two-family residential subdivision. Erosion control measures need to be in place but need not be green and growing if installed outside the normal growing season. Erosion control shall be covered by a performance guarantee until such time that eighty-five percent (85%) of the lots have been built upon;
- 28.2 Withholding of Final Permits: No Building Permit shall be issued for the last ten percent (10%) of lots in a final recorded subdivision plat or section thereof of if ten

percent (10%) be less than two (2), for the last two (2) lots of a subdivision or section thereof, until all public improvements required by the Town for the plat (with the exception of sidewalks) have been fully completed and accepted for maintenance guarantee by the appropriate jurisdiction;

- 28.3 Commercial or Industrial Subdivisions. For commercial or industrial subdivisions, the developer shall have the option of posting performance guarantees with the Plan Commission and recording of the Secondary Plat prior to the installation of the associated infrastructure improvements.

SECTION 29. PROVISIONS FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.

29.1 Financial Guarantees;

- (a) The developer shall submit separate financial guarantees for each public or private improvement and may not include any land that is not under development at the time the financial guarantees is required, such as sections of adjacent or contiguous land that remained undeveloped, except to the extent that the land not then under development is used to access the site or provide utilities or other necessary services to the land that is under development.
- (b) Financial guarantees shall be in the amount of an engineer's estimate or an actual signed contract amount, if available, to complete the portion of the area or improvement of the project, or the designated section in the project being bonded; provided, the amount may be in excess of the full value of the engineer's estimate or actual contract amount, as appropriate, and such an excess amount shall be based upon a reasonable adjustment for the estimated cost of inflation of materials and labor encompassed within the subject matter of the financial guarantees;
- (c) Once the form and amounts of a financial guarantees have been officially approved by the Planning Department, partial releases will not be approved. The authority for administration and enforcement of said financial guarantee and performance agreement shall then lie with the Plan Commission;
- (d) The following types of performance guarantees may be approved by and filed with the Plan Commission:
 - (i) An insurance bond securable to the Town in the amount equivalent to one hundred and twenty percent (120%) of the estimated cost of completion of the required public or private improvements;
 - (ii) An irrevocable letter of credit on behalf of the applicant and securable to the Town in an amount equivalent to one hundred and twenty percent (120%) of the estimated cost of completion of the required public or private improvements, written for a maximum length of one (1) year but automatically renewed for additional one (1) year periods not to exceed four (4) years.

- (e) The Planning Department shall, after a period of twelve (12) months, determine if the public improvements have been accepted for maintenance by the Town. If they have not been accepted, the Planning Department shall notify the developer of its intent to secure the funds and then commence procedures to secure the funds pledged by letter of credit. At its discretion the Plan Commission may grant an extension for such a period, not to exceed one (1) year. In which case the developer shall file with the Planning Department a new letter of credit for the period so fixed in accordance with the requirements for letters of credit herein.
- (f) A performance guarantee by insurance bond shall be deemed by the Town to be in full force and effect until such time said guarantee is released by official action and written notice by the Planning Department. Any public improvements must be completed and accepted within two (2) years of secondary approval (the date the Notice of Determination of Secondary Approval is issued), unless an extension of time is granted by official action of the Plan Commission. Failure to complete improvements within said time limits may result in forfeiture of financial guarantee without additional notice to financially responsible party to secure completion of said improvements;
- (g) Performance Guarantee Released & Maintenance Guarantee Received;
 - (i) Upon completion of the public improvements within a subdivision or development (or sections thereof) with submittal of as-built drawings, in an electronic form, and video of any sanitary or storm sewer, the developer shall request inspection of construction improvements and release of performance guarantee by the Plan Commission. Upon receipt of such a request the Plan Commission shall instruct the Town Engineer and other appropriate Town representatives to inspect said improvements and submit recommendations to the Plan Commission. Any deficiencies found in the design and workmanship of public improvements shall be corrected by the developer prior to release of the performance guarantee. At such time as the public improvements are acceptable to the Plan Commission, it shall release the performance guarantee in lieu of the three (3) year maintenance guarantee. The amount of the maintenance guarantee shall be equal to or greater than twenty-five percent (25%) of the corresponding performance guarantee;
 - (ii) Performance guarantee for erosion control shall remain in full force and effect until such time that eighty-five percent (85%) of the lots to which that performance guarantee pertains have been built upon
- (h) As a condition for release of a performance guarantee, the developer shall submit to the Town Planning Director two (2) complete sets of record drawings of all public improvements covered by said guarantee along with a video of any storm sewers. Final record drawings shall not be accepted until the Town Planning Director accepts the improvements. Record drawings shall be initially submitted as paper copies, while the final record drawings shall be submitted as original mylar copies, and in an electronic format compatible with the Town's database;

- (i) Maintenance guarantees shall be of a form deemed acceptable by the Plan Commission for financial guarantees above;
- (j) At least sixty (60) days prior to the expiration date of a maintenance guarantee it shall be the responsibility of the developer to make a written request to the Planning Department for final inspection and full acceptance of responsibility of the public;
- (k) Construction and maintenance of a public improvement shall be deemed as the full responsibility of the developer until said public improvement is accepted by official action and written notice by the Planning Department. Expiration of a maintenance guarantee does not relieve a developer from the responsibility of having the public improvements meet Town standards and specifications prior to official acceptance by the Town.

29.2 General Inspection Procedures;

- (a) Execution of Contractual Agreement. As a condition for secondary approval the developer shall enter into a contractual agreement with and as prescribed by the Planning Department to provide for the inspection and testing services in accordance with the standards and procedures of this Ordinance, and subject to terms, conditions, and amendments as may be imposed by the Town Council;
- (b) Duties and Powers of Inspectors. The Town Manager, Planning Director or Town Engineer or a designated representative shall be responsible for adequate inspection and review of all public improvements constructed within the jurisdiction of the Town. Private improvements (including, but not limited to, drainage, streets, grading, erosion) are also subject to inspection when they have the potential to impact adjacent property. The inspector shall perform, but not necessarily be limited to, the following duties:
 - (i) monitor work being performed to ensure that it complies with the standards and specifications of this Ordinance;
 - (ii) maintain an accurate log of his inspections and findings;
 - (iii) issue directives or stop-work orders when necessary to assure compliance with this Ordinance; and
 - (iv) make reports to the Plan Commission when necessary or when requested.
- (c) Installation and Inspection of Improvements. Improvements shall be installed per approved plans. The developer shall be responsible for notifying the Town Engineer for inspection of all improvements at least two (2) working days in advance;
 - (i) Street Sub-Grade. When the sub-grade has been graded to proper elevation and compacted in compliance with Town specification, the developer shall request inspection by a Town representative. The

developer shall not proceed with any stoning or paving until having received approval to proceed from the inspector;

- (ii) Street Sub-Base. When the stone sub-base has been graded and compacted in compliance with Town specifications the developer shall request inspection by a Town representative. The developer shall not proceed with any paving until having received approval to proceed from the inspector;
- (iii) Street Paving. When ready to begin paving the developer shall give the Town representative at least forty-eight (48) hours' notice so that the inspector may be present during the time of paving;
- (iv) Drainage Roughed-In. When the land has been cut to grade and properly sloped in compliance with the approved plans, then the developer shall request an inspection by a Town representative;
- (v) Open Trench Storm Sewer Rough-In. When all conduits or storm sewer structures that are to be at or below grade level are in place in the open trench, the developer shall call for an inspection by a Town representative;
- (vi) Open Trench Sanitary Sewer Rough-In. When all conduits or sanitary sewer structures that are to be at or below grade level are in place in the open trench, the developer shall call for an inspection. In addition, the developer shall be responsible for providing the Town Planning Department with documentation for the appropriate tests and certification as required in this Ordinance for sanitary sewers;
- (vii) Block or Street Sections of Sidewalks. If the developer installs sidewalks in relatively large sections such as sections of blocks or streets involving several lots, the developer shall notify the Town representative for inspection at such time as a given section of sidewalk has been poured and all forms removed. The developer shall not proceed with backfilling or grading until having received approval to proceed from the inspector;
- (viii) Sidewalks on a Lot-By-Lot Basis. If the developer installs sidewalks on a lot-by-lot basis he may perform all work necessary for complete installation of the sidewalk, including backfilling. The Town representative may make periodic inspections of such sidewalks to assure compliance with standards and specifications. The developer may request a one-time reduction in the amount of the performance guarantee posted, in relation to the amount of sidewalk that has been completed, so long as at least fifty percent (50%) of the total sidewalks have been installed at the time of the request. The Plan Commission shall rely on the recommendation of the Town Planning Department for a one-time when considering this request;
- (ix) Final. When all work for said improvements, in a given subdivision or development (or section thereof), has been completed, along with record drawings, videos and test results of any storm & sanitary

sewers have been submitted, the developer shall then request a final inspection. Failure to comply will result in immediate forfeiture of guarantee. Upon receipt of such a request the Planning Department shall instruct the Town one-time and other appropriate representatives to inspect said improvements and submit recommendations to the Town Council. Any deficiencies found in the workmanship or materials shall be corrected by the developer prior to release of the maintenance guarantee. At such time as the improvements are acceptable to the Town Planning Department, the Town Council shall release the maintenance guarantee and the Town thereby assumes full and permanent responsibility for maintenance of the public improvement.

SECTION 30. DEFINITIONS

30.1 ADMINISTRATOR:

The officer appointed by and/or delegated the responsibility for the administration of this Ordinance by the Council. This term shall be construed to mean those planning staff members working under the direction of the Administrator in the exercise of his/her responsibilities in regard to the processing of this Ordinance;

30.2 APPLICANT:

The owner of land proposed to be subdivided, or his agent or legal representative;

30.3 BLOCK:

Property abutting one side of the right-of-way of a street and lying between the two nearest intersecting streets or nearest intersecting street and railroad right-of-way or waterway or the end of a dead-end street. Block length is measured between the two intersections along the centerline of the street;

30.4 BOND:

Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission;

30.5 BUILDING:

Any structure designed, built, and used for the shelter, protection, or enclosure of persons, animals, or property, and which is permanently affixed to the land. A building is also a structure, as defined in this Ordinance;

30.6 BUILDING CODE:

The Indiana RESIDENTIAL BUILDING CODE AS ADOPTED BY THE STATE OF INDIANA, establishing and controlling the standards for construction of buildings, utilities, mechanical equipment, and all forms of structures and permanent installations within the Town;

30.7 BUILDING PERMIT:

A certificate issued by the Administrator of the Commission permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done;

30.8 COMMON AREA:

Land or an area of water, or combination thereof, within a subdivision that is not individually owned or dedicated to the public, but which is designed and intended for the use of the residents within that subdivision or other specific area. The common area may include complementary structures or other improvements;

30.9 COMPREHENSIVE PLAN:

The inclusive physical, social, and economic plans and policies, in graphic and verbal statement forms, for the development of the Town, prepared and adopted by the Commission pursuant to State law, and including any part of such plan and/or policies separately adopted, and any amendment to such plan and/or policies, or parts thereof;

30.10 CONSTRUCTION PLANS:

The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance as a condition of the approval of the plat;

30.11 DESIGNATED OFFICIALS:

Those officials of the Commission designated in this Ordinance as required signatories for the execution of final plat approval;

30.12 DEVELOPER:

The owner of land proposed to be subdivided, or his agent or legal representative. Consent for making application for development approval shall be required from the legal owner of the premises;

30.13 DRAINAGE BOARD:

The Town Drainage Board or the County Drainage Board if it involves Legal Drains;

30.14 DRIVEWAYS:

Vehicular ways, which are paved and wholly within private property, except those portions within public rights-of-way;

30.15 EASEMENT:

An authorization granted by a property owner for the use by another of any designated part of his property for a clearly specified purpose;

30.16 FINAL PLAT:

The map, drawing, or plan of a subdivision described in this Ordinance and any accompanying material submitted to the Commission for final approval, and which, if approved and signed by the designated officials, shall be submitted, by the developer, to the Recorder of the County where the subdivision is located for recording;

30.17 FLOOD PLAIN:

The area adjoining the river or stream which has been, or may hereafter be, covered by flood water from the Regulatory Flood;

30.18 FLOODWAY FRINGE:

Those portions of the Flood Hazard Areas lying outside the floodway shown on the Flood Boundary Maps of the Federal Insurance Administration;

30.19 FLOODWAY:

The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Flood Boundary Maps of the Federal Insurance Administration;

30.20 FOUNDATION:

The supporting member of a wall or structure;

30.21 FRONTAGE:

That side of a lot or tract abutting a street and ordinarily regarded as the front of a lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots shall be considered to front on both intersecting streets. (No access for any one lot is permitted to more than one street and that street will generally be the one calculated to have lower traffic volumes and less frequent intersections.);

30.22 FRONTAGE STREET:

A local or auxiliary street parallel to an arterial, established for control of access and providing access to abutting property and adjacent areas. Also called a marginal access street;

30.23 GRADE:

The slope of a street or other public way, and other applicable development features, specified in percentage (%) terms;

30.24 HIGHWAY, LIMITED ACCESS:

A freeway or expressway providing through-traffic to which owners or occupants of abutting property or lands, and other persons, have no legal right of access to or from

the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such a highway;

30.25 IMPROVEMENTS:

See 'Lot Improvement' or 'Public Improvement';

30.26 INDIANA CODE:

The Indiana Statutes Code Edition (abbreviated as IC herein) which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws currently in force and applicable;

30.27 INTERESTED PARTIES:

Those owners of property to whom notice of a proposed subdivision must be given;

30.28 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 building development.

30.29 LOT, CORNER:

A lot located at the intersection of two or more streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees. A lot abutting a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than one hundred thirty-five (135) degrees in front of the lot. The required setback on all sides bounded by a street, excluding alleys, shall equal the front building setback of the district in which the lot is located. On a corner lot, the rear lot line shall be opposite the side of the house considered by the Department of Planning and Zoning to be the front;

30.30 LOT, FLAG:

A lot approved with a lesser lot width adjacent to a public right-of-way than is typical, where a narrow panhandle access corridor leads to the bulk of the lot located behind those lots or parcels with greater lot width adjacent to the right-of-way;

30.31 LOT IMPROVEMENT:

Construction of any building, structure, 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 Town land development regulations;

30.32 LOT LINE, FRONT:

The lot lines abutting a street right-of-way; or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained;

30.33 LOT LINE, REAR:

A lot line or connected lines between the ends of the side lot lines, and which typically is or are parallel to, or approximately parallel to, the front lot line;

30.34 LOT LINE, SIDE:

A lot line or connected lot lines commencing at an end of a front lot line and terminating either at an intersection with an end of the rear lot line or at an intersection with the opposite side lot line, no portion of which is parallel to, or approximately parallel to, the front lot line;

30.35 LOT WIDTH:

The horizontal distance between side lot lines, measured at the established front setback line and at right angles to the lot depth;

30.36 MAJOR SUBDIVISION:

See 'Subdivision, Major';

30.37 MAP:

A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated;

30.38 MARKER:

A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes;

30.39 MINOR SUBDIVISION:

See 'Subdivision, Minor';

30.40 MODEL HOME:

A dwelling unit, used initially for display purposes, which typifies the kind of units that will be constructed in a major subdivision;

30.41 MONUMENT:

A physical structure which marks the location of a corner or other survey point;

30.42 OFF-SITE:

Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval;

30.43 OFFICIAL MAP:

The map(s) established by the Town Council, pursuant to law, showing the existing and proposed streets, highways, parks, drainage systems, and setback lines

therefore laid out, adopted, and established by law, and any amendments or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent recording of such approved plats;

30.44 ORDINANCE:

Any legislative action, however denominated, of the Town Council which has the force of law, including any amendment or repeal of any ordinance;

30.45 OWNER:

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in, the land sought to be subdivided under this Ordinance;

30.46 PARCEL:

A part or portion of land having a legal description formally set forth in a conveyance, together with the boundaries thereof, in order to make possible its easy identification;

30.47 PLAN COMMISSION:

The Town's Advisory Plan Commission, as established in accordance with Indiana law, IC 36-7-1-2, as amended and often referred to herein simply as the 'Plan Commission';

30.48 PLAT:

A map indicating the subdivision or re-subdivision of land, filed or intended to be filed for record with the appropriate County Recorder;

30.49 PRELIMINARY PLAT:

The preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval, with or without conditions imposed, in a public hearing complying with standards prescribed in this Ordinance (per IC 36-7-4-700 series);

30.50 PRINCIPAL BUILDING:

A building in which the principal use of the lot or parcel is conducted. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist;

30.51 PUBLIC AGENCY:

An agency or government department acting under the aegis of, and representing, an elected or appointed council, commission, or other policy-making or advisory body of Federal, State, or local government to whom it is responsible;

30.52 PUBLIC IMPROVEMENT:

Any drainage ditch, street, highway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the Town Council may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the Town Council' responsibility is established. All such improvements shall be properly bonded;

30.53 REGISTERED LAND SURVEYOR:

A land surveyor properly licensed and registered, or through reciprocity permitted to practice, in the State of Indiana;

30.54 REGISTERED PROFESSIONAL ENGINEER:

An engineer properly licensed and registered, or through reciprocity permitted to practice, in the State of Indiana;

30.55 RESTRICTIVE COVENANTS:

The limitations of various kinds imposed on the usage of lots within a subdivision by the subdivider. Such restrictive covenants are not enforceable by the Town Council or the Plan Commission;

30.56 RE-SUBDIVISION:

A change in a map of an approved or recorded subdivision plat if such change affects any lot line or street layout on such map, or area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions;

30.57 RIGHT-OF-WAY:

A strip of land occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, landscaping, or other special use. The usage of the term 'right-of-way' for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening, or landscaping, or any other use involving maintenance by the Town Council, shall be dedicated to public use by the subdivider on whose plat such right-of-way is established;

30.58 SALE OR LEASE:

Any immediate or future transfer of ownership, or any possessor interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map lease, devise, interstate succession, or other written instrument;

30.59 SETBACK:

A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures may be erected, as prescribed in the Zoning Ordinance;

30.60 SEWAGE SYSTEM:

The Town's public sewer system, including collection and treatment facilities, established by the developer to serve a new subdivision;

30.61 SOIL SURVEY:

The National Cooperative Soil Survey prepared by the U.S. Department of Agriculture, Soil Conservation Service, in cooperation with Purdue University;

30.62 STATE LAW:

Legislative acts of the State of Indiana as they affect this Ordinance;

30.63 STREET:

The space or area between lot lines, abutting a right-of-way and designed as a way for vehicular traffic, however designated, and which shall include, but not be limited to, those types illustrated in the Comprehensive Plan. For the purpose of this Ordinance, streets shall be classified as follows:

- (a) Principal Arterials are limited access highways which carry large volumes of interstate traffic and have more importance regionally than locally. They often contain four (4) or more moving lanes and permit continuous, high-speed traffic flow. These highways have a high order of design and construction requirements;
- (b) Minor Arterials are those Federal and State roads of regional importance. These are high-capacity highways moving traffic at a high rate of speed. They provide good continuity between distant points and are constructed to high standards. Arterial highways provide two (2) to four (4) traffic lanes and should have a median strip when possible. Crossing traffic from other roads and access to abutting properties are often controlled, or partially so;
- (c) Major Collectors have less regional importance than arterial highways and more Town or inter-Town significance. They are medium-capacity highways moving traffic at relatively high rates of speed. They include State designated routes and Town roads and provide two (2) traffic lanes;
- (d) Minor Collectors are moderate-capacity thoroughfares designed to accommodate relatively low-speed traffic. They should, however, provide a smooth flow of traffic. Two (2) moving lanes, unseparated, but wider than local street lanes, are required;

- (e) Local Streets are low-capacity and low-speed roads whose function it is to provide direct access to homes and property. Through-traffic and heavy use of these roads is discouraged. To the extent possible, residential driveways and ingress and egress points to other uses or structures should be oriented to local streets rather than to arterials or collectors;
- (f) Cul-de-sac Streets are local streets with only one (1) outlet, having a paved, circular turnaround area at the closed end for the safe and convenient reversal of traffic movement, including public safety vehicles;
- (g) Alleys are minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street;

30.64 STREET CLASSIFICATION:

For the purpose of providing for the development of the streets, highways, and rights-of-way in the governmental unit, and for their future improvement, reconstruction, re-alignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the respective zoning districts of the Town, its present and estimated future traffic volume, and its relative importance and function as specified in the Comprehensive Plan. The required improvements shall be measured as set forth in this Ordinance for each street classification on the Official Map;

30.65 STREET RIGHT-OF-WAY WIDTH:

The distance between property lines measured at right angles to the centerline of the street;

30.66 STRUCTURE:

Anything constructed or erected that requires location on or in the ground or is attached to something having a location on or in the ground;

30.67 SUBDIVIDER:

Any person who, having a proprietary interest in land, (a) causes it, directly or indirectly, to be divided into a subdivision; or (b) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or (c) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development any interest, lot, parcel, site, unit, or plat in a subdivision; and (d) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing;

30.68 SUBDIVISION:

The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests, for the purpose of offer, sale, lease, or development, either on the installment plan or on any and all other plans, terms, and conditions, including re-

subdivision. Subdivision includes the division or development of land zoned for residential and non-residential uses, whether by deed, metes and bounds, description, devise, intestacy, lease, map, plat, or another recorded instrument;

30.69 SUBDIVISION, EXEMPT:

Subdivisions of lots of record which meet any of the following conditions:

- (a) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
- (b) A division of land for the acquisition of street right-of-way or easement;
- (c) A division of land separated by public road right-of-way;
- (d) A division of land for the sale or exchange of tracts between adjoining landowners, provided that no additional building lots are created by the division;
- (e) A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building lots are created by the division;
- (f) Final survey corrections of property lines for townhouses and other attached dwellings, after construction, when the perimeter boundaries of the affected parcels are in conformance with the previously recorded plan;
- (g) Consolidation of more than one parcel into a single parcel, provided that prior easements are vacated when such easements were recorded along property lines to be eliminated;
- (h) A division which is proposed to be legally effectuated by eminent domain proceedings.

30.70 SUBDIVISION, MAJOR:

Any subdivision, not classified as a Minor Subdivision, Minor Roadside Subdivision, or Exempt Subdivision, as defined herein, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street (not simply dedication of additional street right-of-way), extension of the local governmental facilities, or creation of any public improvements;

30.71 SUBDIVISION, MINOR:

The division of a single lot, tract, or parcel of land, or part thereof, into no more than four (4) lots, tracts or parcels of land, including the remainder of the parent tract, any one of which is less than ten (10) acres, any one of which does not include recorded dedication of street right-of-way sufficient in width to meet Town Comprehensive Plan requirements; each of which shall have a minimum street frontage on an existing public right-of-way at least equal to the minimum required frontage for the zoning district in which the parcel is located, and which does not require any new streets or new off-site public water or sewer facilities other than single lot service lines, for the purpose, whether immediate or future, of transfer of ownership, or construction for

residential, commercial, or industrial purposes; provided, however, that this definition shall not include divisions of land for agricultural purposes only, not involving any new street, drive cut, or easement of access;

30.72 TECHNICAL REVIEW COMMITTEE:

A committee, appointed by the Commission, comprised of persons with technical knowledge of various Town, State, and Federal regulations and standards regarding development, responsible for working with subdividers in reviewing technical aspects of plans and other development projects and making technical findings for the Commission for their consideration in reviewing said plans. The Committee shall be composed of such Commission members or other persons as the Commission deems appropriate;

30.73 THOROUGHFARE PLAN:

See the Comprehensive Plan;

30.74 TOWN COUNCIL:

The Town Council of the Town of Edinburgh, Indiana;

30.75 TOWN ENGINEER:

The licensed engineer designated by the Town to furnish engineering assistance for the administration of this Ordinance;

30.76 WATER SYSTEM:

The Town's water supply system, including new and existing wells, and/or surface water sources and intakes, treatment facilities, and distribution lines established by a developer to serve a new subdivision;

30.77 YARD:

A space on the same lot with a principal building, such space being open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory structures are expressly permitted;

30.78 YARD, FRONT:

A yard as defined herein, extending the full width of the lot between any building and the front lot line and measured from the building foundation at its closest point to the front lot line. Corner lots shall be considered to front on both intersecting streets, with matching front setbacks; however, the 'front yard' of a corner lot shall be that yard abutting the street to which the front of the structure faces;

30.79 YARD, REAR:

A yard, as defined herein, extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at

the closest point to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard;

30.80 YARD, SIDE:

A yard, as defined herein, extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building;

30.81 ZONING ORDINANCE:

That Town ordinance setting forth the regulations controlling the use of land in the unincorporated areas of the Town and in those Municipal Corporations within the Town not controlling land use through their own Zoning Ordinances.