SUBDIVISION CONTROL ORDINANCE

City of Michigan City, Indiana

Plan Director – John W. Pugh
Attorney – Steven Hale

This Ordinance Adopted by the Common Council of the City of Michigan City on April 5, 2011

FILED

MAR 04 2011

THOMAS F. FEDDER
CITY CLERK
CITY OF MICHIGAN CITY

MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. 4138

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA REPEALING THE SUBDIVISION CONTROL AND COMDOMINIUM DIVISION STANDARDS ORDINANCE OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA, BEING ORDINANCE NO. 2738 IN ITS ENTIRETY, INCLUDING ALL AMENDMENTS, AND ESTABLISHING SUBDIVISION CONTROLS AND REGULATIONS FOR MICHIGAN CITY, INDIANA, PROVIDING FOR THE ADMINISTRATION AND PENALTIES FOR VIOLATION THEREOF, AND REPEALING ALL CONFLICTING ORDINANCES

WHEREAS, the Plan Commission of the City of Michigan City, Indiana has the responsibility, in accordance with Indiana Code 36-7-4-701 to recommend proposals for an entirely new, replacement subdivision control ordinance after repealing the entire current subdivision control ordinance, including all amendments, in its entirety; and,

WHEREAS, the Plan Commission of the City of Michigan City, Indiana and the Common Council of the City of Michigan City, Indiana have previously adopted a comprehensive plan for the City of Michigan City, Indiana under Indiana Code 36-7-4-500 et seq; and,

WHEREAS, the Plan Commission of the City of Michigan City, Indiana previously recommended and the Common Council of the City of Michigan city, Indiana previously adopted a new zoning ordinance for the City of Michigan City, Indiana under Indiana Code 36-7-4-600 et seq.; and,

WHEREAS, in considering the proposal to adopt an entirely new, replacement subdivision control ordinance, the Plan Commission of the City of Michigan City, Indiana and the Common Council of the City of Michigan City, Indiana have each considered and paid reasonable regard to:

(1) the Comprehensive Plan of the City of Michigan City, Indiana;
(2) the current conditions and the character of current land and land uses in the entire City of Michigan City;
(3) the most desirable uses for which all property in the City of Michigan City is adapted;
(4) the need to conserve property values throughout the City of Michigan City; and
(5) whether the proposed new subdivision ordinance is consistent with the responsible development and growth in the City Michigan City, Indiana; and,

(6) the need to provide for adequate transportation, water, sewage, schools, parks, playgrounds and other public facilities; and,

(7) the need to adopt adequate procedures and standards for the division of larger tracts of land into smaller parcels of land; and,

(8) the best ways to provide appropriate standards for the width, depth, area and improvement of lots and public ways, so as to promote the public safety and welfare; and

(9) to provide for appropriate air and light; and,

WHEREAS, upon notice having been duly published and a public hearing having been held on February 23, 2011, pursuant to Indiana code 36-7-4-604, the Plan Commission of the City of Michigan City, Indiana approved a proposal to adopt an entirely new, replacement subdivision control ordinance after repealing the entire current subdivision control ordinance, including all amendments, in its entirety, and the Plan Commission of the City of Michigan City, Indiana certified a favorable recommendation to said proposal as evidenced by Resolution No. 1-11 of the Plan Commission certified to the Common Council of the City of Michigan City, Indiana; and,

WHEREAS, upon notice having been duly published, a public hearing was held before the Common Council of the City of Michigan City, Indiana on March 15, 2011; and,

WHEREAS, the Common Council has reviewed Resolution No. 1-11 of the Plan Commission of the City of Michigan City, Indiana, the Findings of Fact submitted by the Plan Commission of the City of Michigan City, Indiana, and the related information and comments from the public it has received regarding the proposal to adopt an entirely new, replacement subdivision control ordinance after repealing the entire current subdivision control ordinance, including all amendments, in its entirety; and,

WHEREAS, the Michigan City Common Council has determined that repealing the Subdivision Control and Condominium Division Standards Ordinance of the City of Michigan City, being Ordinance No. 2738, and all of its amendments in its entirety, and adopting a new, replacement subdivision control ordinance in the form of Exhibit A, which is attached hereto and made a part hereof, is in the best interests of the City of Michigan City, Indiana and shall promote the appropriate future development of the City of Michigan City, Indiana; and,

WHEREAS, the Michigan City Common Council has agreed that the Subdivision Control and Condominium Division Standards Ordinance of the City of Michigan City, being Ordinance No. 2738, and all of its amendments, shall be repealed in its entirety; and,

WHEREAS, the Michigan City Common Council has agreed that the proposed new, replacement subdivision control ordinance, in the form of Exhibit A attached hereto and made a part hereof, shall be adopted in its entirety as described herein.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA:

Section 1. That the foregoing recitals are incorporated herein by reference.

Section 2. That, after reviewing the Plan Commission Resolution No. 1-11 and the related Findings of Fact and reviewing other information provided to the Common Council during the public hearing held on this Ordinance, and the Common Council, as required by IC 36-7-4-601 et seq., having given reasonable regard to how the proposed changes will affect or conform to: 1) the City's Comprehensive Plan; 2) the current conditions and the character of current land and land uses in the entire City of Michigan City; 3) the most desirable uses for which all property in the City of Michigan City is adapted; 4) the need to conserve property values throughout the City of Michigan City; and 5) whether the proposed change is consistent with responsible development and growth in the City of Michigan City; that, in view of all of the evidence in the record before it and using the appropriate standards to guide its determination, the Common Council finds that it has been demonstrated to be in the best interest of the City of Michigan City that the change in subdivision control as recommended by the Plan Commission in its Resolution No. 1-11 be approved by the Common Council.

Section 3. That the Subdivision Control and Condominium Division Standards Ordinance of the City of Michigan City, being Ordinance No. 2738, and all of its amendments, are hereby repealed in their entirety.

Section 4. That an entirely new, replacement subdivision ordinance, to be known as the Michigan City Subdivision Ordinance No. _____, in the exact form of the proposed subdivision control ordinance set out in the attached Exhibit A is hereby adopted in its entirety.

Section 5. That this Ordinance, after its passage by the Common Council of the City of Michigan City, Indiana, shall be effective upon approval by the Mayor of Michigan City, Indiana, publication once each week for two consecutive weeks in the Michigan City News-Dispatch, a daily newspaper of general circulation, and the filing of a certified copy of this Ordinance with the LaPorte County Recorder.

Introduced by: _____
Richard Murphy, Member
Common Council
City of Michigan City, Indiana

Co-Sponsor: _____
Pat Boy, Member
Common Council
City of Michigan City, Indiana

Adopted this 5th day of April, 2011 by the Common Council of the City of Michigan City, Indiana.

_____
Mark Espar, President
Common Council
City of Michigan City, Indiana

This Ordinance is approved by me this 6th day of April, 2011.

_____
Charles E. Oberlie, Mayor
City of Michigan City, Indiana

ATTEST: _____
Thomas F. Fedder, City Clerk
City of Michigan City, Indiana

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Article 01
Basic Provisions

Section 01.01 Preamble and Enacting Clause

AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS FOR THE CITY OF MICHIGAN CITY, INDIANA PROVIDING FOR THE ADMINISTRATION AND PENALTIES FOR VIOLATION THEREOF, AND FOR THE REPEAL OF ALL CONFLICTING ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of Michigan City, Indiana, under the authority of I.C. 36-7-4-700, et seq., as amended, that the Municipal code be amended as follows:

The Michigan City Municipal Code is hereby amended by adding a new chapter to be known and cited as the Subdivision Ordinance.

Section 01.02 Title

This Ordinance shall be known and may be cited as the "Subdivision Ordinance for the City of Michigan City," "this Ordinance," "the Ordinance," or phrased in similar fashion. In all cases, such terms and phrases shall refer to the Subdivision Ordinance for the City of Michigan City.

Section 01.03 Defined Words

Words used in a special sense in this Ordinance are defined in article 11. All other words shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

Section 01.04 Authority

This Ordinance is adopted pursuant to the authority under the laws of the State of Indiana, 36-7-4-700 et seq. to Indiana Code, 36-7-4-800, and all amendments thereto. Whenever codes cited in this Ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Indiana Code.

Section 01.05 Policy

(a) The subdivision of land and subsequent development of the subdivision plat shall be subject to the control of the county or city pursuant to the County Land Development Plan for the orderly, efficient, and economical development of the community.

(b) Land to be subdivided shall be of a character that can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

(c) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the County Land Development Plan. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes, County Land Development Plan and capital budget and program.

Section 01.06 Purpose

This ordinance is adopted for the following purposes:

(a) To protect and provide for the public health, safety, and general welfare of the county and cities;

(b) To guide the future growth and development of the county and cities in accordance with the County Land Development Plan;

(c) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land;

(d) To provide for necessary public facilities in new subdivisions, in an amount and size commensurate with the size of the subdivision and intensity of the land uses;

(e) To provide for the safety and comfort of those who occupy any new development and enjoy related open spaces;

(f) To secure suitable sites for building purposes and protect the property values for that site and other properties in the vicinity;

(g) To protect the compatibility, character, economic stability and orderliness of development through reasonable design standards;

(h) To encourage prevention of the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table;

(i) To encourage the wise use and management of natural resources throughout the county and cities in order to preserve the integrity, stability, and beauty of the community and the value of the land;

(j) To preserve the natural beauty and topography of the county and cities and to insure appropriate development with regard to these natural features;

(k) To ensure that future plats, subdivisions and dedications will be improved in accordance with established public policy;

(l) To ensure the proper arrangement of streets or highways in relation to existing or planned streets and encourage street connectivity to create a comprehensive, integrated, connected street network;

(m) To ensure that streets are designed to accommodate mobility of all users, including all ages and abilities, and accommodate all modes of transportation, including pedestrians, bicyclists, transit, trucks and automobiles;

(n) To ensure that new subdivisions will complement the context of the community;

(o) To protect agricultural areas from encroachment by uncontrolled urban sprawl;

(p) To avoid the congestion of population; and the establishment of standards for the construction of any and all improvements as required in this ordinance;

(q) To facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public facilities to support the population;

(r) To ensure adequate and convenient open spaces for traffic, utilities and access for firefighting apparatus, recreation, light and air; and

(s) To coordinate development policy with future development as determined by the County Land Development Plan through the laying out of public ways, structures, utilities and other services for the county and cities.

Section 01.07 Applicability

This Ordinance shall apply to all land within Michigan City, Indiana. This Ordinance shall apply to all land within the jurisdiction of the City of Michigan City plan commission.

(a) **Subdivision of Land.** Approval under the terms of this ordinance shall be required for any subdivision or resubdivision of any lot, tract, or parcel of land.

(b) **Streets and Utilities.** Approval under the terms of this ordinance shall be required to lay out, construct, operate, or dedicate for public use or travel any street, sanitary sewer, storm water management system, or water main. At a minimum these improvements must be in place for that part of a subdivision for which safe access to the building(s) for the occupants and emergency vehicles is needed.

(c) **Sale or Development of Lot.** No lot in a subdivision shall be sold, nor shall a permit to erect, alter, or repair any building upon land in a subdivision be issued, nor any building erected in a subdivision, unless or until a subdivision plan has been approved and recorded, and until the required improvements have either been constructed or guaranteed, as herein provided. For subdivisions recorded after a financial guarantee is posted for the improvements, no building shall be occupied until all required street and utility improvements are in place.

(d) **Redivision.** A subdivision may not be redivided unless replatted and approved by the plan commission.

(e) **Minimum Requirements.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(f) **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where provisions of this ordinance conflict with restrictions imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law, those provisions that are more restrictive or impose higher standards shall control.

(g) **Private Provisions.** These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or restrictions than the easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose more restrictive duties and obligations, or establish higher standards than the requirements of these regulations, these regulations shall not abrogate the private restrictions. However, the county and cities shall not be responsible for enforcing any private provision.

Section 01.08 Classification of Subdivisions

(a) **Classification of Subdivision.** All divided land shall be categorized into one of the following classes of land division as defined by this Ordinance:

(1) **Administrative Subdivisions.** Administrative subdivisions shall apply to the following:

a. A re-subdivision that involves only the removal of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting in fewer parcels than were contained in the original parcel (i.e. combination of lots);

b. A re-subdivision that involves only the removal or relocation of easements on the property, subject to approval of any utility authority having interest in the easement;

c. A re-subdivision that involves only the changing of notations written on the plat or correction of errors thereon;

d. A division of land pursuant to an allocation of land by court decree;

e. The division of land into cemetery plots;

f. A re-subdivision to correct errors in an existing legal description, provided that no additional building lots are created;

g. A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites are created; or

h. A division or re-subdivision of land for the acquisition by the public or by a utility for street right-of-way or easement.

(2) **Minor Subdivisions.** Minor subdivisions shall include any subdivision that meets all of the following criteria:

a. **Number of Lots.** No more than two (2) new lots may be created from a single tract of land by means of a minor subdivision. The two (2) new lots shall be in addition to the parent tract.

b. **Access.** All lots in the subdivision and adjacent land will have adequate ingress and egress without the construction of any new streets or substantial improvement to existing streets.

1. No new streets or public ways shall be provided. A major subdivision is required if a new street is necessitated to provide more efficient traffic flow or increased safety due to topography, natural or man-made features, or other conditions relating to the property.

2. Adequate ingress and egress to the remainder of the parcel and surrounding properties will be retained. Frontage on limited access streets on which driveways cannot open shall not constitute legal access. Land adjacent to the property involved in the subdivision also will have adequate access according to the criteria contained in this Section.

3. Streets must be suitable for vehicular traffic, be in good repair, and exhibit geometry suitable for the expected volume of traffic. Approval as a major subdivision shall be required if substantial improvement to existing streets is required.

4. Driveway locations will provide for adequate sight distance.

c. **Utilities and Drainage.**

1. **Sanitary Sewer.** All lots shall be served by public sanitary sewer, or other sewerage system approved by the Indiana Department of Health and the County Health Department. A major subdivision shall be required if an extension of public sewer is a feasible alternative and desirable because of soil conditions, topography, lot sizes, or other factors. Public sewer shall be required to be extended to serve any subdivision that

is within 500 feet of existing sewer service by means of public right of way or easement access.

2. **Water.** All lots shall be served by a public or quasi-public water system or shall be capable of having a well that complies with all requirements of the Indiana Department of Health and the County Health Department. Public water shall be required to be extended to serve any subdivision that is within 500 feet of existing public water service by means of public right of way or easement access.

3. **Drainage.** All lots shall be provided with drainage improvements complying with the requirements of section 06.07.

d. **Suitability.** All lots in the subdivision will provide suitable building sites for the purposes for which the land is to be used and in compliance with existing zoning requirements.

e. **Orderly Development.** The subdivision will not adversely affect the remainder of the parcel or impede orderly development of land or the provision of public services and improvements in accordance with the County Land Development Plan and zoning ordinance.

(3) **Major Subdivision.** Any subdivision that does not qualify as an administrative or minor subdivision shall be considered a major subdivision, including any subdivision that creates more than two (2) new lots (in addition to the parent tract), requires construction, or reconstruction of streets or requires construction or extension of public sewer, or water.

(b) **Determining Classification.** The enforcement official shall designate the class of subdivisions prior to application for review. The subdivider is encouraged to discuss the proposed subdivision and its classification with the enforcement official prior to filing an application.

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Article 02

Administrative Subdivision Review and Approval Procedures

Section 02.01 Applicability

The provisions of this article apply only to administrative subdivisions, as determined in section 01.08(a)(1).

Section 02.02 Review Process

All administrative subdivisions shall be reviewed according to the following process.

(a) **Application.** An application for approval shall be filed with the enforcement official together with all required materials.

(b) **Filing fee.** A filing fee, as set under the provisions of this ordinance, shall be paid at the time of the filing.

(c) **Administrative Review.** The enforcement official will first review the application for completeness and compliance with this ordinance and the lot size and setback requirements of the zoning ordinance. If the proposed application does not involve the opening of a new public way, the plat committee may approve the application for an administrative subdivision without public notice and hearing, subject to appeal to the plan commission. Within ten (10) days after any approval by the plat committee, the enforcement official shall provide due notice to interested parties of their right to appeal to the plan commission.

(d) **Written Notice.** Written notice of the application's compliance with the criteria for an administrative subdivision will be sent to the subdivider within 10 working days. If the application is deficient, the notice shall state the reasons for its rejection.

(e) **Signature.** If the subdivision complies with this ordinance the enforcement official shall sign the drawing.

(f) **Recording.** The subdivision and any deeds shall be recorded together in the county recorder's office within 120 days of approval by the enforcement official. If not recorded within this time the subdivision and certification shall be null and void.

Section 02.03 Submittal Materials

The application for an administrative subdivision shall include the following materials, unless specifically waived by the enforcement official:

(a) A completed application form signed by the owner(s) of record of all property involved in the subdivision;

(b) A sketch plan, meeting the requirements of section 02.04, showing the property, the area of each lot or parcel in square feet or acres for parcels more than one (1) acre, the configuration of the property, and any easements (prior to and after approval). This drawing is not required for the following types of applications:

(1) For removal of platted easements, provided signed and notarized letters from all parties having an interest in the easements are submitted approving the proposed action. For drainage easements any neighboring property owners affected by the easements shall be included and a certified

survey of the drainage easement shall be provided. Any vacated easement shall be noted on the plan;

(2) An explanation of the reason(s) for changes in the notations on a previously approved subdivision. The enforcement official may require approval by the plan commission if it finds that the changes have a significant effect on the subdivision;

(3) Where the purpose is to resolve a boundary dispute or to establish a mutually agreed-upon boundary line. An affidavit stating the purpose of the subdivision shall be included and signed by all affected property owners ; or

(4) Division required by court action, provided a copy of the decree for divisions required by a court is provided with legal descriptions of the divided land.

(c) A legal description, drawing and additional materials shall be submitted under the following circumstances with an application for changes to an approved administrative subdivision:

(1) A certification by a registered land surveyor that monuments have been set to indicate the relocated property lines. If land involved in the subdivision has not been previously monumented, then no monumentation is required.

(2) An application for the addition and division requested as a result of a sale or exchange of adjoining land where one or both affected parcels are platted.

(3) Where the purpose is to resolve a boundary dispute or to establish a mutually agreed-upon boundary line, an affidavit signed by all affected property owners, stating the purpose of the subdivision, shall be included.

(4) An application shall include quitclaim or warranty deed(s) containing the legal description for each parcel of property for which ownership is transferred within and by the administrative subdivision.

(5) For corrections of legal descriptions, an affidavit signed by the affected owners shall be submitted, stating that the description was in error. A corrected legal description shall also be provided and recorded. An appropriate notation shall be placed on the recorded plat.

(6) A legal description dedicating or granting easements for purposes other than access. The easements shall be recorded, and an appropriate notation shall be placed on the recorded plat.

(7) A legal description and a drawing showing the parcels and the location of the right-of-way or easement shall be included for dedicated rights-of-way or access easements. In addition, for right-of-way dedication, certification shall be provided by a registered land surveyor that monuments have been set indicating the relocated property lines.

(8) For combination of interior lots, a legal description of the property and new lot number(s);

(9) For a cemetery, a cemetery plan shall be submitted showing the layout of the cemetery including private drives, parking areas, and the sizes of burial lots. The plat shall comply with the requirements of I.C. 23-14-8 and any amendment thereto;

Section 02.04 Administrative Subdivision Requirements

Requirements below apply for monumentation, certificates and drafting.

(a) Subdivisions may be drawn on standard size white paper not smaller than 8½" x 11", at a scale of not more than 400 feet to one inch (1" = 400'). The drawing shall contain a vicinity map, scale, and north arrow, and the name of the owner(s) and drafters of the subdivision.

(b) Monumentation

(1) For previously platted areas, a note shall be added to the most recent recorded plat indicating that a change has been made and a drawing indicating the change shall be recorded. The plat must contain a certification by a registered land surveyor that monuments have been or will be set to indicate relocated property lines.

(2) If the land involved in the subdivision has not previously been monumented, no monumentation is required. In this case, the source of the property description shall be indicated in the surveyor's certificate.

(c) The plat shall contain a legal description of property to be added to or subtracted from each lot involved.

(d) The submitted application shall include a quitclaim or warranty deed(s) containing the legal description for each parcel of property for which ownership is transferred within and by the subdivision.

(e) Any lot included in an administrative subdivision must meet the minimum lot size and setback requirements of the zoning district in which it is located.

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Article 03

Minor Subdivision Review and Approval Procedures

Section 03.01 Purpose

The purpose of a minor subdivision is to permit a simplified procedure for certain subdivisions of land, as determined in section 01.08(a)(2). Any resubdivision or replat that meets the conditions of minor subdivisions shall also be considered under the terms of this article.

Section 03.02 Concept Plan Review

Prior to submitting any of the materials required by this ordinance, the subdivider or their representative is encouraged to discuss the nature of the proposed land division with the enforcement official. The enforcement official may provide the subdivider a preliminary opinion as to the classification of the subdivision and shall inform the subdivider as to the application and review procedure.

Section 03.03 Primary Plat

(a) **Application and Fees.** The application and supporting material, as listed in section 03.08, shall be filed with the enforcement official. The fee, as set under the provisions of this ordinance, shall be paid at the time of the filing.

(b) **Administrative Review.** The enforcement official will review the application for technical conformity with the standards specified in this ordinance. The enforcement official shall request a review of the plat by any departments deemed necessary under the circumstances to review the plat including, as applicable, but not limited to, the county highway engineer, or city engineer, county surveyor, fire department, health department, water department, and sewer department. Prior to the plat being considered by the plan commission, all technical requirements required of the departments must be addressed. The enforcement official will send a copy of its written analysis of the proposal, along with the recommendations from other departments, based upon compliance with the requirements of this ordinance, to the plan commission and subdivider.

(c) **County Plat Committee Review.** For a minor subdivision located in an unincorporated area of the county outside of a city, the subdivision shall be reviewed by the county plat committee. Prior to the plat being considered by the plan commission, all technical requirements required by the plat committee must be addressed. After the plat committee is satisfied that all technical requirements of the plat have been met, the plat committee shall make a recommendation to the county plan commission, based upon compliance with the requirements of this ordinance. For a minor subdivision located in the cities of La Porte or Michigan City, the subdivision shall be submitted directly to the city plan commission.

(d) **Plan Commission Review.** The plan commission shall conduct a public hearing, upon due public notice, and review the primary plat. The plan commission shall review the plat for compliance with this ordinance, and may, by majority vote of the membership, take one of the following actions:

(1) Approve the application upon a determination that the application complies with this ordinance; or

(2) Approve the application subject to certain modifications that would bring the application into compliance; or

(3) Deny the application on the grounds that the application does not comply with this ordinance.

(e) **Compliance with Standards of Ordinance.** The plan commission shall determine if the subdivision plat qualifies for primary approval under the standards prescribed by this ordinance, including standards for:

(1) Minimum width, depth, and area of lots in the subdivision;

(2) Adequacy of existing public way widths, grades, and curves; and

(3) The availability of any necessary water, sewer, and municipal services.

(f) **Conditions of Approval.** As a condition of primary approval of a plat, the commission may specify:

(1) Provision for water, sewage, and other utility services;

(2) Provision for lot size, number, and location;

(3) Provision for drainage design; and

(4) Provision for other services as specified in this ordinance.

(g) **Action.** The action taken by the plan commission and the reasons for that action shall then be transmitted by the enforcement official to the subdivider.

Section 03.04 Status and Length of Primary Approval

Primary approval shall be valid for 120 days. The approval shall become null and void if the plat does not meet all the requirements for and receive secondary approval within that time.

Section 03.05 Secondary Plat

(a) **Application.** An application for secondary review may be filed with the enforcement official on forms provided, together with any supporting documents to demonstrate that all conditions of primary approval have been satisfied.

(b) **Determination of Conformance.** The enforcement official will review the application to determine if the subdivision complies with the primary approval and all conditions. If the enforcement official finds that the subdivision does not comply, his decision can be appealed to the plan commission

(c) **Signature and Seal.** Secondary approval shall be given by the enforcement official after the enforcement official has determined that the subdivision complies with the conditions of approval of the plan commission and all county or city departments.

Section 03.06 Secondary Plat–Length of Approval

Secondary approval of a minor subdivision shall be valid for a period of one (1) year from the date of approval.

Section 03.07 Recording of Secondary Plat

If the secondary plat is not recorded in the county recorder's office prior to the expiration date it shall be null and void.

Section 03.08 Minor Subdivision Composition

(a) The plat shall be a reproducible drawing, no larger than 36" x 24" at a scale of 50 feet to the inch or larger (1" = 50'). The subdivider shall submit the number of prints of the plat specified by the enforcement official, including the following information, prepared by a land surveyor licensed to practice in Indiana.

General
Legal description of the minor subdivision
Graphic scale, north point and date
Tax certificate
Vicinity map
Lots
Lot numbers, dimensions, location of monuments, and area for each lot. A general notation shall be provided on the plat stating that the plat complies with zoning ordinance requirements for minimum lot area, width and frontage
Existing and proposed block and lot lines
Infrastructure
Location(s) of any existing building(s) street(s), driveway(s), sidewalk(s) or utility structure(s) on or adjoining the site
Right-of-way widths as established by the master thoroughfare plan
Available community facilities and utilities
Easements (existing or proposed, including but not limited to utility easements, drainage easements, access easements, etc.), legal drains, and easements to be vacated by the subdivision with notations regarding the vacation
Natural features
Regulated drains
Subsurface conditions on the tract, location and results of soil percolation tests if individual sewerage disposal systems are proposed
Boundary lines of floodway and floodway fringe areas on each lot as scaled from the flood insurance rate map
Wetland boundaries as delineated by a professional scientist.
For subdivisions containing land with a slope of 10% or greater, as determined by the soil survey of La Porte County, the topography as shown on the USGS quad sheets. Topography may be shown on a separate print, provided it is shown at a scale no larger than 1" = 300'
Certifications
Land surveyor's certificate
Owner's certificate
Notary seal
Approval certificate
Public works department certificate when required

(b) Required certifications, as noted, are described in Appendix A.

(c) If there is a parent tract remainder that qualifies as an administrative subdivision under the terms of this ordinance, the land shall be shown on the drawing.

Section 03.09 Minor Subdivision–Supporting Data Required

In addition to the plat, the subdivider shall submit the following:

(a) One executed application, as provided by the enforcement official;

(b) The names and address of all interested parties;

(c) Evidence that a sewerage permit can be obtained from the county health department or evidence that other acceptable sewer and/or water service is available to all building lots in the subdivision;

(d) Erosion control plan to comply with the design standards of section 6.08 of this ordinance and the laws of the State of Indiana;

(e) Drainage report, to comply with the design standards of section 6.07 of this ordinance and the laws of the State of Indiana;

(f) If there is a parent tract remainder, a drawing showing the property involved in the petition and the remainder. The drawing should include average and percentage dimensions on the remainder;

(g) Any covenants or other restrictions applying to the subdivision that will run with the land;

(h) Evidence that a driveway permit can be issued by the Indiana Department of Transportation for any lot in a minor subdivision that has its access from a state highway.

Section 03.10 Minor Subdivision–Subdivision Design Principles and Standards

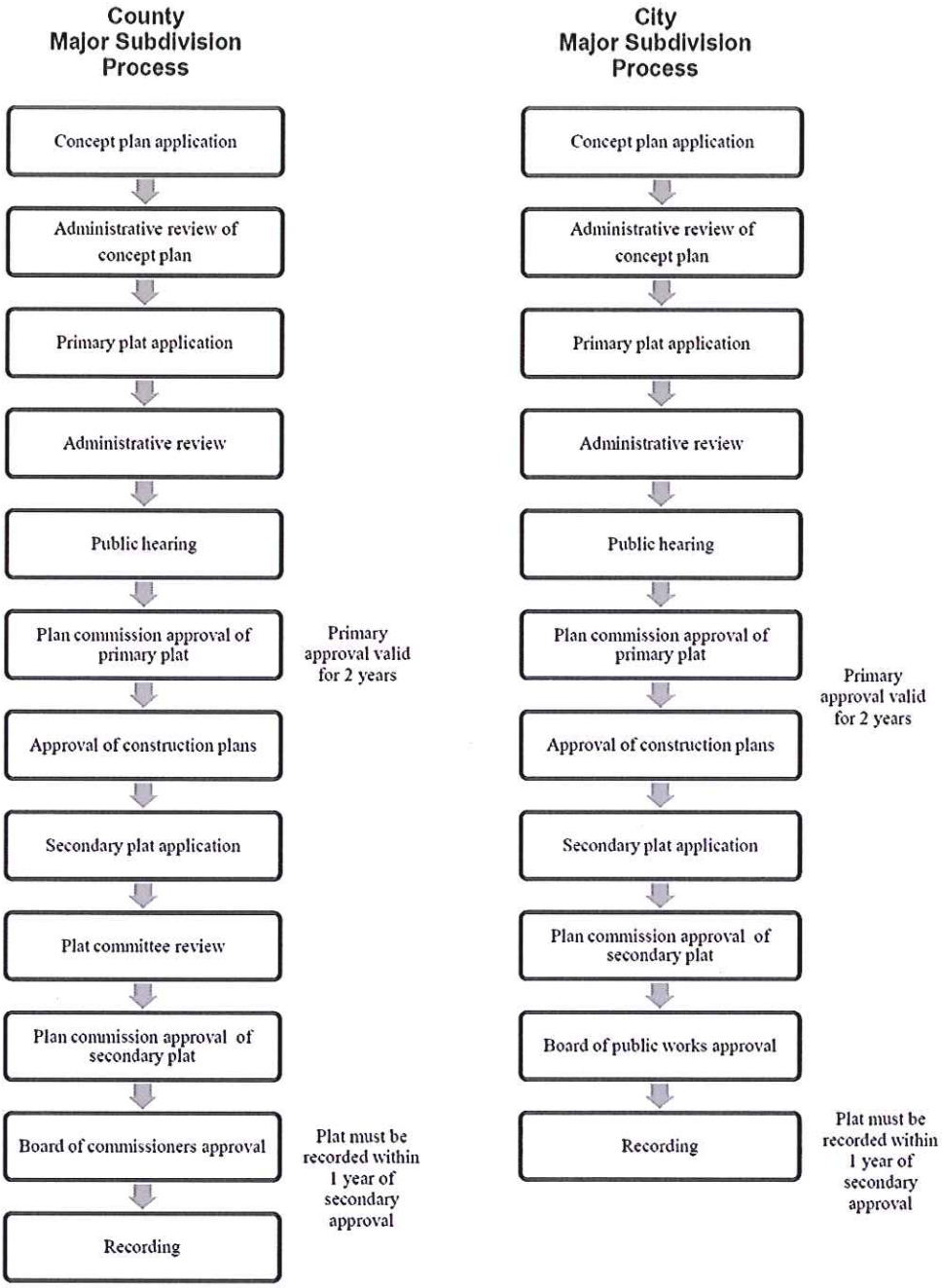
All minor subdivisions and associated improvement shall conform to the requirements and specifications of article 06.

Article 04

Major Subdivision Review and Approval Procedures

Section 04.01 Purpose

The purpose of reviewing primary plats is to allow the general public to comment on the technical merits of a major subdivision plat, as determined in section 01.08(a)(3), and to provide a formal review of the plan for development. The review process includes submission of a concept plan, primary plat, construction plans, and a secondary plat. The submission and application requirements for major subdivisions are in article 05.



Section 04.02 Concept Plan Review

The subdivider is required to submit a concept plan and consult with the enforcement official prior to the submission of a major plat. This review allows the enforcement official and plan commission to provide general comment on compliance with standards of this ordinance and to discuss alternatives prior to preparation of a detailed primary plat.

(a) **Application and Filing Fee.** The concept plan prepared in accordance with section 05.01 shall be accompanied by the required application forms, as provided by the enforcement official, along with a filing fee, as set under the provisions of this ordinance. The required number of copies of the plat shall be specified by the enforcement official.

(b) **Administrative Review.** The enforcement official will review the concept plan. The enforcement official may request comments from other departments. The enforcement official will discuss the plan and provide guidance to the subdivider as to the suitability of the land for subdivision and the design and layout of proposed lots and improvements.

Section 04.03 Primary Plat

Following submission, review, and report on the concept plan application, the subdivider may file for approval of a primary plan. This submission shall include:

(a) **Application and Fees.** The application and supporting material shall be filed with the enforcement official. The fee, as set under the provisions of this ordinance, shall be paid at the time of filing. The required number of copies of the plat shall be specified by the enforcement official.

(b) **Administrative Review.** The enforcement official will review the application for technical conformity with the standards specified in this ordinance. The enforcement official shall request a review of the plat by any departments deemed necessary under the circumstances to review the plat including, as applicable, but not limited to, the county highway engineer, or city engineer, county surveyor, fire department, health department, water department, and sewer department. Prior to the plat being considered by the plan commission, all technical requirements required of the departments must be addressed. The enforcement official will send a copy of its written analysis of the proposal, along with the recommendations from other departments, based upon compliance with the requirements of this ordinance, to the plan commission and subdivider prior to the public hearing.

(c) **Placement on the Plan Commission Agenda.** Only complete applications for primary approval will be docketed for a public hearing before the plan commission. The subdivider will be notified of the time and place of the hearing.

(d) **Public Notice.** After receiving the complete application, the enforcement official shall establish a date for a hearing before the plan commission. The petitioner shall provide public notice setting forth the time and place, given at least 10 days before the date of the hearing in a newspaper of general circulation. Notification shall also be provided by at least 10 days before the date of the hearing to all adjacent property owners with a certificate of mailing. At the public hearing, the petitioner shall provide proof that he or she has complied with this requirement.

(e) **Public Hearing.** At the public hearing, the request will be presented, and all those present will be given an opportunity to be heard regarding the proposal.

(f) **Action.** After the public hearing, the plan commission will make a decision regarding the application. The plan commission shall make findings of fact as to the compliance of the subdivision request with the terms of this ordinance. Any decision shall be signed by the enforcement official and a copy provided to the subdivider. The plan commission may take action by majority vote of the membership, which shall:

(1) Approve the application upon a determination that the application complies with this ordinance; or

(2) Approve the application subject to certain modifications that would bring the application into compliance; or

(3) Deny the application on the grounds that the application does not comply with this ordinance.

(g) **Compliance with Standards of Ordinance.** The plan commission shall determine if the subdivision plat qualifies for primary approval under the standards prescribed by this ordinance, including standards for:

(1) Minimum width, depth, and area of lots in the subdivision;

(2) Public way widths, grades, curves, and the coordination of subdivision public ways with current and planned public ways;

(3) The extension of water, sewer, and other municipal services; and

(4) Allocation of areas to be used as public ways, parks, schools, public and semipublic buildings, homes, businesses and utilities.

(h) **Conditions of Approval.** As a condition of primary approval of a plat, the commission may specify:

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

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

(3) Provision for lot size, number, and location;

(4) Provision for drainage design; and

(5) Provision for other services as specified in this ordinance.

(i) **Approval Certificate.** The enforcement official and the president and secretary of the plan commission shall sign the approved plat. However, the primary plat shall not be recorded unless and until secondary approval is obtained.

Section 04.04 Status and Length of Primary Approval

(a) **Status of Approval.**

(1) Approval of a primary plat shall serve as the approval of the lot layout, vehicular and pedestrian circulation plans and utility plans for the subdivision, as a guide to the preparation of the secondary plat. Secondary plats shall be in substantial conformance with the approved primary plat.

(2) Additional approvals will be required for the detailed improvement plans pertaining to water supply, storm drainage, sewerage, grading and gradients, roadway widths and surfaces.

(b) **Length of Approval.**

(1) The primary plat approval shall be valid for two (2) years after the date of approval by the plan commission. If the primary plat expires, then a new primary plat application must be submitted for public hearing by the plan commission and review as a new application.

(2) The enforcement official may approve a single one (1) year extension of primary plats upon a written request from the property owner, provided that the proposal complies with any ordinance provisions adopted after primary plat approval.

(3) The primary plat shall remain in effect with no expiration when both of the following occur:

a. The public improvements in the subdivision have been completed and approved or financial guarantees have been provided; and

b. A secondary plat has been recorded for the first phase of the development.

Section 04.05 Approval of Construction Plans Prior To Secondary Plat Approval

(a) **Submission Procedure and Requirements.** Approval of the secondary plat shall only be given following approval of construction plans. Application for review of construction plans shall be filed with the enforcement official prior to any work on improvements approved in the primary plat. The application shall be filed on a form provided by the enforcement official, along with three (3) sets of detailed construction plans and applicable specifications for the improvements.

(b) **Review Process.** The enforcement official will refer the plans and specifications to the applicable engineering and utility departments and all other affected agencies for their review and comment.

(c) **Performance Bonds.** Copies of required performance bonds to guarantee completion of all required subdivision and off-site public improvements shall accompany the application, in a form satisfactory to the county or city attorney, such as a bond, cash deposit or certified check. The amount of the bond shall be established by the plan commission upon recommendation of the county highway engineer or city engineer. The performance bond must be provided prior to commencing construction.

(d) **Installation of Improvements.** Inspection of improvements shall be under the direction of the county highway engineer, or city engineer and the water and sewer departments.

Section 04.06 Secondary Plat

(a) **Secondary Plat.** After receiving approval of the primary plat, the subdivider shall request secondary plat approval. The secondary plat shall substantially conform to the approved primary plat and shall incorporate all required changes.

(b) **Phasing.** The secondary plat may consist of all or any portion of the approved primary plat. The plan commission shall consider the effect of secondary platting a portion of the entire development and may require additional areas to be included in the secondary plat.

(c) **Application and Fees.** The application and supporting material, as listed in section 05.06, shall be filed with the enforcement official. The fee, as set under the provisions of this ordinance, shall be paid at the time of filing. The required number of copies of the plat shall be specified by the enforcement official.

(d) **Review.** The enforcement official shall review the plat for compliance with the primary plat and conditions, if any. The enforcement official shall request a review of the plat by any departments deemed necessary under the circumstances including, as applicable, but not limited to, the county highway engineer, or city engineer, county surveyor, fire department and water and sewer departments. If the submission is complete and conforms to this ordinance, the enforcement official shall place the application on the plan commission agenda and provide a recommendation for secondary approval.

(e) **County Plat Committee Review.** For a subdivision located in an unincorporated area of the county, the subdivision shall be reviewed by the county plat committee. The plat committee shall make a recommendation to the county plan commission, based upon compliance with the requirements of this ordinance. For a subdivision located in the cities of La Porte or Michigan City, the subdivision shall be submitted directly to the city plan commission.

(f) **Plan Commission Approval.** The plan commission shall make findings of fact as to the compliance of the secondary plat with the primary plat and the terms of this ordinance. Any decision shall be signed by the enforcement official and a copy provided to the subdivider. The plan commission may take action by majority vote of the membership, which shall:

(1) Approve the application upon a determination that the application complies with the primary plat and this ordinance; or

(2) Approve the application, subject to certain modifications that would bring the application into compliance; or

(3) Deny the application on the grounds that the application does not comply with the primary plat or this ordinance.

(g) **County Board of Commissioners' Approval.** For a subdivision located in an unincorporated area of the county, the subdivision shall be forwarded to the county board of commissioners for approval following plan commission approval. County board of commissioners' approval shall be based upon the findings of the plan commission and conformance with the primary plat and the terms of this ordinance.

(h) **City Board of Public Works' Approval.** Any land dedication, public or utility easement, or similar dedication for public use shall be forwarded to the Michigan City Board of Public Works for approval following plan commission approval of any subdivision. The Michigan City Board of Public Works' approval or rejection shall be based upon the findings of the plan commission and the conformance with the primary plan and the terms of this ordinance.

Section 04.07 Public improvement Installation Guarantees

Guarantees that all required improvements will be constructed according to approved plans, in accordance with article 07, shall be a prerequisite to the recording of a secondary plat. Approval of a secondary plat shall be subject to the improvements being constructed and accepted for dedication or the appropriate financial guarantee being posted with the county or city, in accordance with article 07, before recording. Copies of these agreements shall be on file at the treasurer's office.

Section 04.08 Secondary Plat–Length of Approval

The secondary plat shall be approved for a period of one (1) year from the date of approval of the plan commission or county commissioners. Any approved secondary plat that is not recorded within that one (1) year period shall be void and not be entitled to recording without re-approval by the plan commission. Re-approval shall follow the same procedures as new application.

Section 04.09 Recording of Secondary Plat

(a) **Signatures.** The enforcement official and the plan commission shall sign the reproducible mylar, plus two (2) prints, of the subdivision plat. Upon being signed, the prints shall be returned to the subdivider and their engineer or surveyor.

(b) **Digital.** In addition to the plat prepared for recording, the subdivider shall submit a computer-readable file, in a form specified by the county or city, which shall provide a true and complete display of the recorded secondary plat, excepting the surveyor's seal or signature. Files shall be consistent with the La Porte County geographic information system (GIS) coordinate system and as-built prints must be provided on CD in PDF file format.

(c) **Recording.** It shall be the responsibility of the subdivider to file the plat with the county recorder within one (1) year from the date of secondary approval. Failure to record the plat within this time frame will result in expiration of the plat approval, as provided in section 04.08.

Section 04.10 As-Built Plans

After completion of all public improvements and prior to the release of the performance bond on the improvements, the subdivider shall provide as-built plans in accordance with section 07.05.

Article 05

Major Subdivision Plat Composition Requirements

Section 05.01 Concept Plan

The subdivider shall submit a concept plan for discussion prior to requesting primary approval. The subdivider shall submit the number of prints specified by the code administrator. The concept plan shall have an approximate scale no larger than one inch equals 200 feet (1"=200'), with approximate 10-foot contours and include the following information:

General
Proposed name of the subdivision
North arrow and date
Site boundary
Existing land use and zoning on the site and in the surrounding area within one-half mile of the perimeter of the site
Subdivision
Areas proposed for development, proposed uses, areas reserved for future development, and tentative street layout. This drawing shall show all contiguous land holdings of the owner with an indication of the portion that is proposed to be subdivided
Areas reserved for open space or recreation
Infrastructure
Existing traffic and circulation pattern
Natural features
Soil classifications and existing drainage patterns
Any significant natural, cultural or other features of the site as defined in article 22 of the zoning ordinance, such as streams, ponds, wetlands, floodplains, wooded areas, historic sites, existing utilities or structures

Section 05.02 Primary Plat

(a) **Primary Plat Composition.** The subdivider shall submit the primary plat drawn to a scale of 50 feet to one inch (1" = 50'), or 100 feet to one inch (1" = 100'). The enforcement official may approve a smaller scale if the resulting drawing would be over 36 inches in the shortest dimension. The subdivider shall submit the number of prints specified by the code administrator. The plat shall, at a minimum, include the following information:

General
Proposed name of subdivision
Location by township, range and section, and legal description
Name and address of subdivider
Name and address of surveyor
Scale, north point and date
Boundary line of subdivision
Boundary lines of adjacent tracts showing ownership
Section and municipal corporation lines
Existing zoning of proposed subdivision and adjacent tracts
Subdivision
The layout to scale of all proposed and existing lots, numbered in sequential order, with appropriate dimensions and the minimum area in square feet for each lot and proposed front, side and rear yard setback lines
Delineation of the phases, if any, of the development, indicating the lots and improvements to be included in each phase
Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property

owners in the subdivision
Infrastructure
All existing permanent fixtures that may influence the design of the subdivision, such as: existing buildings, power transmission towers, sewers, water mains, storm sewers, county ditches or drains, dry wells, utility lines and fire hydrants. The location and pipe size of any water mains, sanitary sewers, storm sewers and natural gas mains that exist on the site shall be noted in their approximate location. The direction of the flow shall be noted for sanitary sewers and storm sewers
Locations, dimensions and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures within and adjoining the proposed plat
Layout, dimensions and proposed materials of all proposed streets, sidewalks, non-motorized paths, crosswalks, easements and rights-of-way;
The proposed location, size and grade of all sanitary sewers and the location of all manholes and service connections;
The proposed location and size of all water mains and the location of all fire hydrants and valves;
The proposed location and size of all storm sewers, drainage structures and stomwater management facilities.
Typical street cross-sections for each proposed street type in the subdivision;
Natural features
Topographic contours at vertical intervals of two (2) feet, if the general slope of the site and adjacent roadways is less than 10%. Topographic contours at vertical intervals of five (5) feet will be permitted where the general slope is greater than or equal to 10%;
All existing natural fixtures that may influence the design of the subdivision, such as: water courses, regulated drains, tree groves, wetlands, floodplains, outstanding natural topographic features, scenic or historic areas
Certifications
All applicable certificates and notations as required in Appendix A.

(b) **Primary Plat Supporting Data.** In addition to the primary plat, the subdivider shall submit the following:

(1) The names and addresses of all interested parties as defined by this ordinance, keyed to a map;

(2) A description of the protective or private restrictions or covenants to be incorporated in the plat of the subdivision that will run with the land;

(3) A landscape plan, specifying the type, size and location of all plants and other landscape materials;

(4) Specifications for any required improvements to existing roads;

(5) Erosion control plan;

(6) Sewage disposal plan;

(7) Water supply plan;

(8) Stormwater management plan;

(9) Street lighting plan;

(10) A plan for the provision, ownership, maintenance and financing of improvements or systems that are to be owned and/or maintained by the home owners association;

(11) An identification of the nearest public water and sewer mains and an analysis of the estimated cost and feasibility of connecting to public water and sewer

(12) Sewage system approval:

a. If the development is to contain individual subsurface disposal systems, the subdivider must show that the design criteria in Article 06 are met, and that each lot has a certificate from the county health department indicating that a system can be installed on the property and

detailing any required conditions. These conditions shall be recorded as part of the approved subdivision.

b. If the development is to be served by a public or community sewer system, the subdivider must provide evidence that the system has the capacity and capability to serve the development and guarantee a sufficient number of hook-ups to serve all lots in the subdivision.

c. If the development is to be served by a private system, the subdivider must provide evidence that the system design has been approved by the Indiana Department of Environmental Management, that there are guarantees to ensure continued operation and maintenance of the system and that the system has or will have sufficient capacity and number of hook-ups to serve all lots in the subdivision.

(13) Land suitability summary, containing the following information:

a. For lots that will be served by individual subsurface sewerage disposal systems, the number of acres or square feet of contiguous land with limitations for septic systems in accordance with the Indiana State Board of Health 410 IAC Rule 8.1.

b. The number of acres or square feet of land located in a floodway, floodway fringe, flood zone A district (with each type of flood hazard area calculated separately), and the amount of land that is not located in a flood hazard area.

(14) A stormwater management plan for the drainage of the parcel to be subdivided shall be submitted showing:

a. The delineation of the drainage area in which the subdivision is located and the location of drainage courses and surface water flow within the drainage area.

b. The existing on-site drainage facilities and a plan for storm water drainage for the parcel showing a method of dispersion or retention in accordance with section 06.07.

c. Plans must show all off-site upstream watershed contribution. Drainage facilities shall be provided to allow drainage of water runoff from all of the upstream drainage area and from all areas within the proposed subdivision to a place adequate to receive such runoff. All upland stormwater must be accounted for in terms of rates and volume and plans must demonstrate that downstream water conveyances within the watershed are hydraulically adequate to accept the designed stormwater release rates to the ultimate outlet.

Section 05.03 Construction Plans

The subdivider shall submit construction plans drawn to a scale of 50 feet to one inch (1" = 50'). The subdivider shall submit the number of prints specified by the code administrator. The construction plans shall, at a minimum, include the following information:

Title page
The subdivider shall provide a title page showing the following:
Subdivision name
Location of the subdivision in reference to county roads
Physical features such as wooded areas, swamps, wetlands, and marshes
Future access plans of the entire property which is being subdivided
Existing elementary and high schools, parks, and playgrounds serving the area proposed to be subdivided, and other community facilities
Title, scale, north point, and date
Location of any existing recorded subdivision plats within one mile of the proposed subdivision

Names and lengths of proposed roads
Name and address of subdivider
Name and stamp of registered land surveyor
Plan and profile
A detailed plan and profile of all proposed roads and drainage improvements shall be filed along with the primary plat, showing the layout and gradients, on standard plan and profile sheets, with a plan scale of 20 feet to one (1) inch and a profile scale of five (5) feet to one (1) inch, or on computer generated sheets to match these scales. Plan sheets shall include:
North arrow
Curve data for all curves (horizontal and vertical)
Lot lines and numbers
Street names
Easement dimensions and locations
Right-of-way lines
Monument locations
Scale
Sign type and location
All water supply, storm, and sewage piping
Water supply and sewage disposal report
The subdivider shall provide a water supply and sewage disposal report showing the following information:
Distance and location of existing public sewer and water mains if these facilities exist within a 2 mile radius of the proposed subdivision
Natural Resource Conservation Service soil information with soil boundaries, soil identification codes, and soil names, clearly marked on the primary plat
Types of public or private water supply systems to be used
Types of public or private sewage disposal systems to be used
Watershed map
The subdivider shall provide a watershed map showing the following information:
Location of the subdivision within the watershed
Intermediate streams, drainage courses, and reaches within the total watershed
Delineation of the watershed flowing into the proposed subdivision and the number of acres within the watershed
Delineation of the watershed flowing out of the proposed subdivision and the number of acres within the watershed
Floodplains and floodways as shown on maps published by the Federal Emergency Management Administration
Wetland maps of the site, as delineated by a professional wetland scientist.
Design calculations for piping and basins
If the subdivision falls within a designated flood hazard area, the staff shall forward the proposal to the Department of Natural Resources for review and comment. The staff shall review the proposal to assure that it is consistent with the need to minimize flood hazards; that all public utilities and facilities are located, elevated, and constructed so as to minimize or alleviate flood damage; and that adequate drainage is provided so as to reduce hazards
Roadway design calculations
Using latest American Association of State Highway and Transportation Officials (AASHTO) methods, design calculations shall be shown for road pavement or show minimum section used

Section 05.04 Secondary Plat

(a) The subdivider shall submit the application for secondary plat approval drawn at a maximum scale of 50 feet to one (1) inch. When necessary, the secondary plat may be on several sheets. The particular number of the sheet shall be clearly indicated by a small key map on each sheet. All sheets shall be 24

inches by 36 inches. The subdivider shall submit the number of prints specified by the code administrator. The following minimum information shall be shown:

General
Name of the subdivision
Name and address of the owner and subdivider
North point, scale and date
Vicinity map
Restrictions of all types that will run with the land and become covenants in the deeds for lots
Source of title of the subdivider to the land as shown by the last entry in the books of the county records
Subdivision
Boundary lines, with dimensions and angles, or bearings that provide a legal description of the tract, closing with an error of no more than one (1) foot in 10,000 feet
Distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat
Distances and angles or bearings from an established monument or property corner to the subdivision benchmark(s)
Lot numbers, dimensions and size in square feet
Dimensions for any property to be dedicated or reserved for public, semi-public or community use
Location, type, material and size of all monuments and lot markers
Streets and easements
Locations of all existing and recorded streets intersecting the boundaries of the tract
Street lines with accurate dimensions to hundredths of feet, with angles, or bearings, to street, alley and lot lines
Complete curve notes for each curve including the following: delta, radius, tangent distance, arc length and chord distance
Street names
Locations of easements for utilities, drainage, regulated drains, and any limitations on semi-public or community use
Certifications
Certification by a registered land surveyor;
Owner's certificate;
Approval certificate;
Certificate for approval by the public works department;
County treasurer's certificate;
Recording notations;

(b) All certificates required under the laws of the State of Indiana, 36-7-4 et seq. shall appear on all plats as listed in Appendix A.

Section 05.05 Phased Subdivisions

Secondary plats shall be submitted for each phase as the improvements are completed.

(a) **Phases.** A secondary plat and construction plans for a subdivision to be developed in phases shall indicate improvements to be completed with each phase and that each phase shall be capable of operating independently.

(b) **Improvements.** The improvements in each phase shall be adequate to serve the lots to be developed in that phase. Right-of-ways or easements may need to be dedicated on land intended for future phases to ensure that infrastructure can be completed to function independently of future phases.

(c) **Non-completion of subdivision.** The plan commission shall attempt to ensure that each phase of the subdivision will conform to this ordinance in the event that some future phases are not completed.

Section 05.06 Surveys

All surveys conducted and graphically represented under the terms of this ordinance shall comply with the minimum standards contained herein.

(a) **Positional Tolerance.** The true horizontal distance between any 2 points whose positions are stated relative to each other shall be in accordance with State of Indiana surveying standards.

(b) **Point of Beginning.** The point of beginning shall be called out in the description and on the drawing.

(c) **Source of Bearing System.** The source of the bearing system shall be stated in the description by the bearing on the face of the plat.

(d) **Area of Tract.** The calculated area of the tract in square feet or acres shall be included in the description.

(e) **Ties.** All surveys of unplatted ground shall be tied to at least 2 section corners on file in the La Porte County Surveyors Office. Surveys of platted ground shall be tied to previously platted and monumented points.

Article 06
Design Standards

Section 06.01 Intent

(a) The subdivision design standards set forth in this article are conditions for approval of minor or major plats.

(b) No plat shall be approved unless the plan commission finds that all of the conditions described in this article exist or will exist on or before the date that land in the proposed development will be occupied.

(c) The design standards contained in this article are minimum requirements; the plan commission may impose higher standards where conditions warrant or where recommended by the plat committee. These conditions include, but are not limited to, topography, traffic volumes, traffic patterns and drainage. When the plan commission imposes a higher standard, it shall state the reasons for doing so.

Section 06.02 Blocks

(a) **Configuration.** The lengths, widths and shapes of blocks shall be determined with due regard to the provision of building sites suitable to the needs of the use contemplated, and the zoning ordinance requirements as to lot sizes and dimensions.

(b) **Length.** Blocks shall be no longer than 1,300 feet, and no shorter than 500 feet. Wherever practical, blocks along major thoroughfare and collector streets shall not be less than 1,000 feet in length.

(c) **Width.** Blocks shall have sufficient width to provide for two (2) tiers of lots in appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads and waterways.

(d) **Shape.** Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the plan commission if properly designed and located and if the maintenance of interior public places is assured by agreements.

(e) **Nonresidential Blocks.** In addition to all of the above, blocks intended for business and industrial use should be specifically designed for such purposes with adequate space set aside for off-street parking and loading facilities.

Section 06.03 Lots

(a) **Arrangement.** The lot arrangement and design shall provide satisfactory building sites, properly related to topography and the character of surrounding development. Each lot shall be capable of providing safe, useable driveway access.

(b) **Lot Area.** Lot dimensions and areas shall be no less than required by the zoning ordinance for the zoning district where the subdivision is located. Where the lots in a subdivision will rely on either a private water or sewer system and the use of such system(s) requires additional area, those lots shall have sufficient area to accommodate a private water system and/or sewer system.

(c) **Street Frontage.** Each lot shall have its full frontage on a dedicated public street. The minimum frontage shall be as specified in the zoning ordinance. Lots shall have a front-to-front relationship across all streets where possible.

(d) **Depth to Width Ratio.** The depth-to-width ratio of a lot shall be a maximum of three to one (3:1). This ratio shall not apply to unusable area of the rear portion of a lot occupied by wetland or floodplain.

(e) **Shape.** Lots shall be designed to provide suitable building sites and related yard areas. Irregularly shaped lots may be permitted by the plan commission where it deems the pattern to be more appropriate to the site conditions than regular shapes.

(f) **Side Lot Lines.** Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

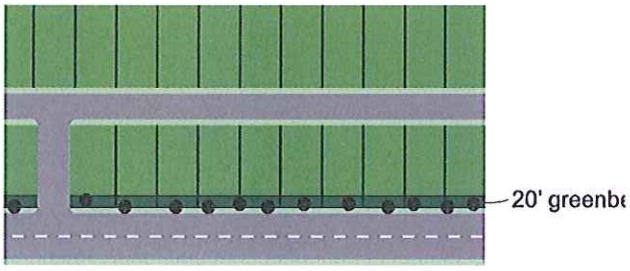
(g) **Corner Lot.** Corner lots in single-family plats shall be provided with an additional 10 feet of width beyond the minimum required by the zoning ordinance to permit the maintenance of the minimum front building setback lines on both the front and side street lines. Access for corner lots shall be from the lesser traveled roadway.

(h) **Double Frontage Lots.**

(1) **Residential Lots.** The creation of double frontage residential lots with frontage on two (2) parallel streets shall be avoided, except where lots back up to a major thoroughfare or collector road. In such case, a restriction shall be recorded for the lot that prohibits direct driveway access to the major thoroughfare or collector road and a landscape buffer strip shall be provided in accordance with subsection (i) below.

(2) **Nonresidential Lots.** Nonresidential lots with frontage on 2 parallel streets are acceptable. In order to accommodate a landscape buffer that creates a visual screen and prevents vehicular access, the plan commission may require a 10-foot deep strip along one of the street frontages.

(i) **Major Thoroughfare, Limited Access Highway and Railroad Right-of-Way Treatment.** Where a proposed major subdivision with residential lots backs up to a major thoroughfare, limited access highway or railroad right-of-way, the design shall provide for at least an additional 20 feet of depth to accommodate a planting strip adjacent to the major thoroughfare, highway or railroad, in addition to the normal lot depth. A landscape buffer area shall be provided in the planning strip to create a visual screen, in accordance with section 6.12. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "this strip is reserved for the planting of trees and shrubs; buildings, parking or structures are prohibited." Where this condition exists, the minimum building setback for that yard, as specified in the zoning ordinance, shall be increased by the added 20 feet.



(j) **Lots Fronting Major Thoroughfare or Collector Roads.**

(1) Whenever possible, a major subdivision that abuts major thoroughfare, or collector roads shall be designed so all lots are provided access through interior local subdivision streets and not directly to the abutting major streets.

(2) Where driveway access from the major thoroughfare or collector road is the only possible means of access to several adjoining lots, the plan commission may require that the lots be served by a combined marginal access street or shared driveway in order to limit the possible traffic hazards from multiple access to the streets. Access points shall be spaced in accordance with Indiana Department of Transportation standards.

(3) The plan commission may require that driveways be designed and arranged to avoid the necessity of vehicles backing into traffic or maneuvering on major thoroughfare or collector streets.

(k) **Lots Fronting Watercourse.** Lots abutting upon a watercourse, lake, drainageway, channel, or stream shall have an additional depth or width, as required by the plan commission, in order to provide acceptable building sites.

(l) **Submerged Land.** Where a subdivision plat that contains lakes, the area of the lakes below the average normal water level or, where not established, then the ordinary high water mark shall not be included in any portion of a platted lot, nor calculated as a portion of the minimum lot area or density required by the zoning ordinance.

(m) **Setbacks.** All setbacks and building lines shall be in accordance with the zoning ordinance requirements for the district where the subdivision is located.

Section 06.04 Streets

All streets shall conform to the standards of design set forth in this section. The arrangement, character, extent, width and location of major thoroughfares or highways shall conform to the thoroughfare plan for the county or city and the provisions of these regulations. All subdivision streets shall be designed to accommodate all modes of transportation, including automobile, pedestrians and bicyclists.

(a) **Improvements.**

(1) **New Streets.** When subdividing property that involves the construction of new streets, the subdivider shall be required to install all improvements specified by the plan commission in accordance with this ordinance.

(2) **Existing Streets.**

a. When a subdivider proposes to subdivide property on one (1) side of an existing street, the subdivider shall be required to install improvements specified by the plan commission, in accordance with this ordinance, for that half of the street and right-of-way width. As an alternative, the petitioner may post a bond for the street improvements to the city or county, which shall hold the bond until such time as additional subdivision development along street allow for a coordinated improvement to the street.

b. The plan commission may require additional improvements it deems necessary to make the existing street suitable for the safe movement of traffic to be generated by the proposed subdivision.

(b) **Arrangement.**

(1) **Natural Topography.** Grades of streets shall conform, as closely as possible, to the original topography to minimize grading and land changes and to allow for efficient drainage and utility systems. Where appropriate to the topography, streets shall be arranged so as to provide building sites that are at or above the grades of the streets to the maximum practical extent. Minimum and maximum street grades shall be in accordance with the Indiana Department of Transportation Design Manual.

(2) **Integrated with the Thoroughfare System.** All streets shall be properly integrated with the existing and planned thoroughfare system.

(3) **Collector Streets.** Collector streets shall be provided for in larger subdivisions or subdivisions containing uses that generate large volumes of traffic as follows:

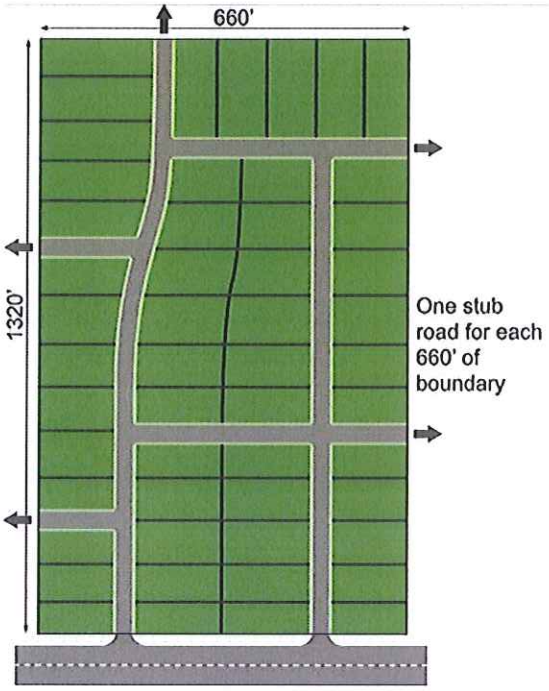
a. In a residential subdivision containing more than 100 lots;

b. In any subdivision where an existing or planned collector street in an adjacent subdivision will be extended; and

c. In any subdivision containing industrial, commercial, office or institutional uses.

(c) **Connections.**

(1) **Connections Between Subdivisions.** Streets shall be designed to provide connections between neighboring subdivisions. The plan commission shall require appropriate streets to be extended to the property boundary line to facilitate future connections. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless the plan commission determines the further extension of that street is unlikely to occur due to excessive topography, wetlands, existing land uses, or other relevant factors affecting the adjoining land.



(2) **Future Extensions.** When an adjoining parcel is not platted, the new streets shall be extended to the boundary line of the tract to make provision for the future connections, unless waived by the plan commission in accordance with section 6.04(b)(4). The subdivider shall demonstrate that the proposed stub street is in a reasonable location for extension into the adjacent lands, in consideration of factors such as grades, water bodies, wetlands and lot configuration.

(3) **Number of Extensions.** For new subdivisions bordering an un-subdivided parcel at least one (1) stub street shall be constructed for each 660 feet of boundary where required to provide adequate access to adjoining un-subdivided parcels. The plan commission may increase spacing to not less than one (1) stub road for each 1,320 feet where adjacent land uses, natural features or the configuration of parcel do not allow for closer spacing of street connections.

(4) **Temporary Turn-Around.** A temporary cul-de-sac shall be provided unless the stub street only abuts one lot on either side. A hammerhead turn around may be permitted where the stub street abuts no more than five (5) lots. A sign shall be placed at the end of the stub-street or cul-de-sac with a sign face on both sides stating "future street extension."

(5) **Connection to Extensions.** Land subdivided adjacent to tracts where extensions have been provided shall have street patterns which connect to these extensions.

(d) **Right-of-Way and Streets.** The minimum right-of-way of all proposed streets shall be as specified by the city or county thoroughfare plan; or if no width is specified therein, the minimum right-of-way widths shall conform to the requirements of Table 06.04(d). It shall be the property owner's responsibility to dedicate any additional right-of-way needed for street widening, continuance or alignment to comply with the minimum standards for right-of-way where that property is to be subdivided along an existing street. The street pavement widths shall meet the minimum requirements of Table 06.04(d).

Table 06.04 (d)
Minimum Right-of-way and Street Width

Type of Street (2)	ROW Width	Pavement Width (1)	Parking
Commercial streets and major thoroughfares			
Major thoroughfares (3)	110 feet	In accordance with Indiana Department	
Secondary thoroughfares (3)	90 feet	of Transportation Design Manual	
Frontage roads (not in thoroughfare ROW)	40 feet	24 feet	No parking
Collector streets	80 feet	48 feet	Parking on both sides
		41 feet	Parking on one side
		34 feet	No parking
Minor/local streets	60 feet	28 feet	Parking on one side
Alleys	25 feet	24 feet	No parking
Residential streets			
Collector streets	72 feet	34 feet	Parking on both sides
		28 feet	Parking on one side
Minor/local streets	50 feet	24 feet	Parking on one side
Cul-de-sac streets (4)	50 feet	24 feet	Parking on one side
Low density residential/PUD (5)	50 feet	22 feet	No parking
One-way residential streets(6)	40 feet	18 feet	Parking on one side
Alleys	20 feet	12 feet	No parking

(1) Pavement width dimensions are measured between outer edges of pavement, not including curb and gutter. Curb and gutter required under section 06.04(k) shall be in addition to width specified in the table.

(2) If the subdivision is determined to create additional traffic and change the existing road classification, the new classification will govern the amount of right-of-way required.

(3) Greater minimum right-of-way widths for major and secondary thoroughfares that are federal, state or county roads shall be provided, if required by governmental authorities having jurisdiction.

(4) Cul-de-sacs shall have a circular terminus meeting the requirements of subsection (e) below.

(5) The street pavement width may be reduced to 22 feet wide, plus curbing or gravel shoulder as required by subsection (k), for minor residential streets and cul-de-sacs in any one of the following instances:

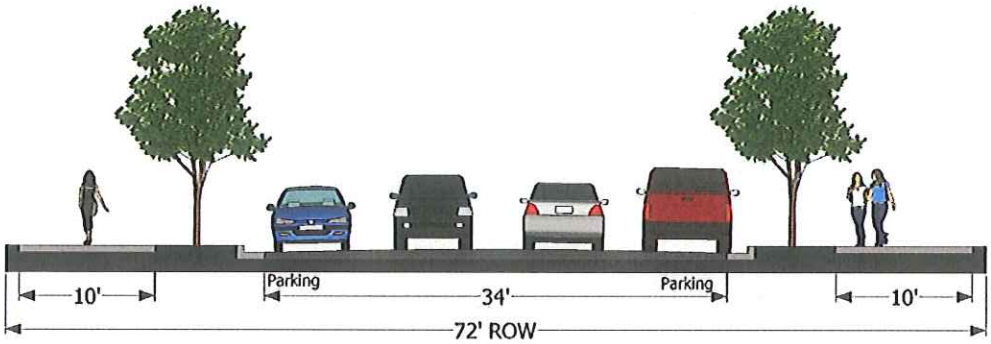
a. Low density residential developments where all lots are at least 24,000 square feet in area or the overall subdivision density is less than 1.8 dwelling units per acre;

b. Residential developments where garages are access by rear alleys; or

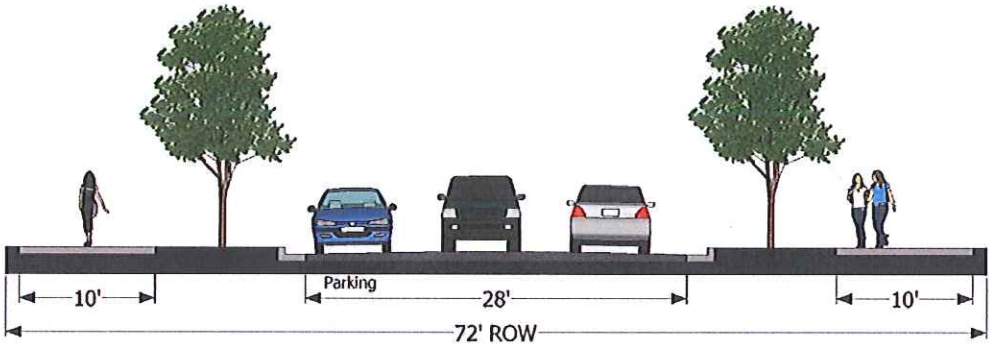
c. Planned unit developments (PUDs).

(6) Only permitted by action of the plan commission based upon existence of conditions that do not allow for development of a two-way street.

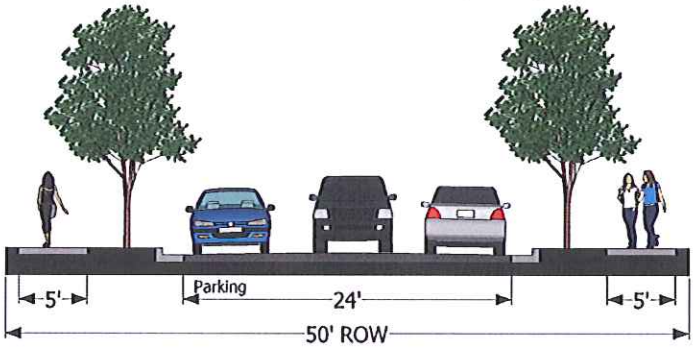
Typical Residential Street Cross Sections



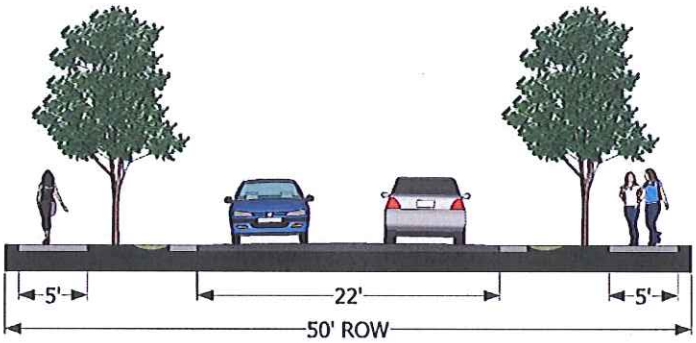
Residential collector streets with parking on both sides



Residential collector streets with parking on one side



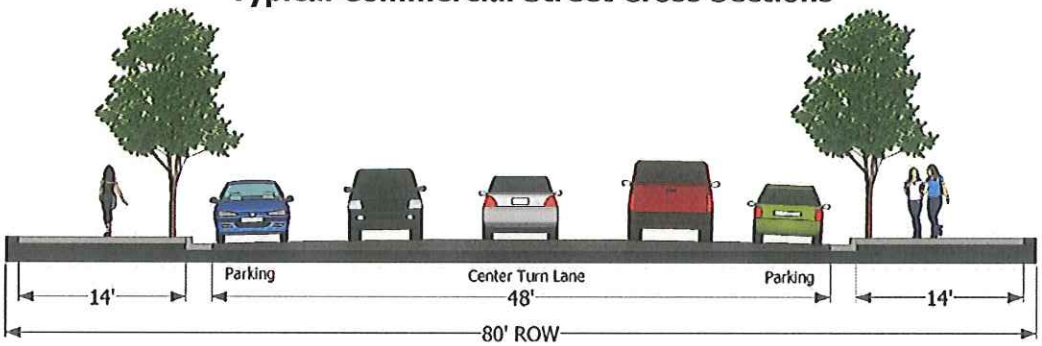
Minor residential streets & cul-de-sacs



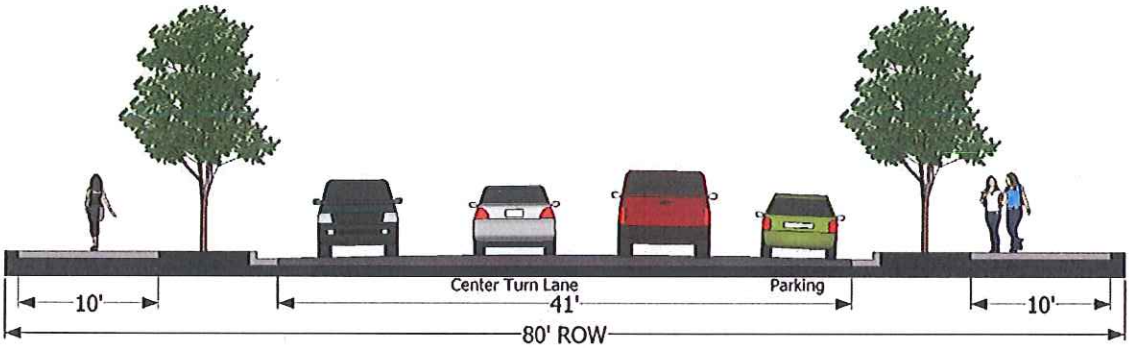
Low density residential streets

Pavement dimensions do not include curb and gutter

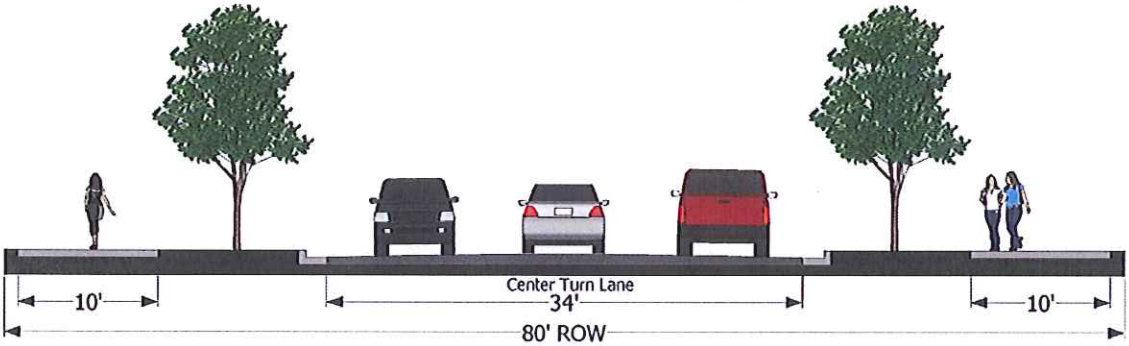
Typical Commercial Street Cross Sections



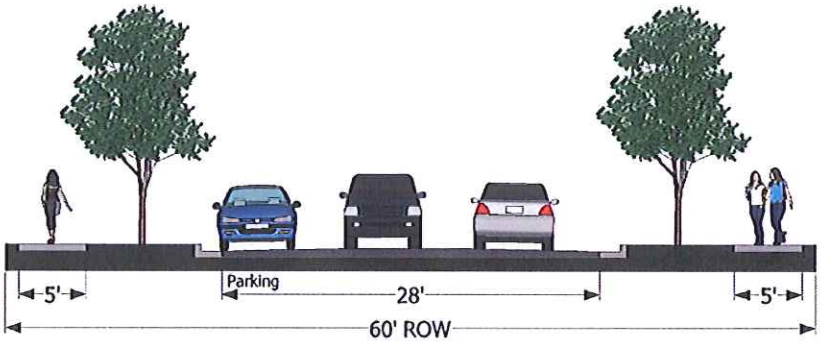
Commercial collector streets with parking on both sides



Commercial collector streets with parking on one side



Commercial collector streets with no parking



Minor commercial streets

Pavement dimensions do not include curb and gutter

(e) **Cul-de-Sac Turn-Around.** Permanent dead-end streets shall not be permitted. Cul-de-sacs shall be required at the ends of all roads.

(1) **Maximum Length.** The maximum length of a cul-de-sac or other single point of access road shall be 600 feet. This may be increased to a maximum of 1300 feet where there are no more than 20 lots or dwelling units fronting on the cul-de-sac.

(2) **Outside Radius.** The minimum outside radius and approach radius of the cul-de-sac turnaround area shall be 50 feet, measured from the back of the outside of curb or outside edges of roadway pavement. The minimum outside radius of the right-of-way at the turnaround shall be 60 feet.

(3) **Temporary Turn-Around.** Temporary dead-end streets with temporary turn-arounds shall be permitted only as part of a continuing street plan, as provided for in section 06.04(c)(4) above. The minimum outside radius of a temporary turn-around shall be 50 feet.

(f) **Horizontal curves. Horizontal visibility** on curved streets and vertical visibility on all streets shall be in accordance with the current edition of the Indiana Department of Transportation Design Manual, Part 5, Road Design

(g) **Street Grades.** Gradients of streets shall be in accordance with the current edition of the Indiana Design Manual, Part 5, Road Design.

(h) **Alleys.** Alleys may be developed as secondary access to lots, particularly in traditional urban neighborhoods, high-density residential or commercial areas. Alleys may also be developed in commercial and industrial districts for off-street loading and service access.

(1) Alleys shall be designed to accommodate refuse disposal vehicles, including adequate turning radii.

(2) Dead-end alleys shall not be approved.

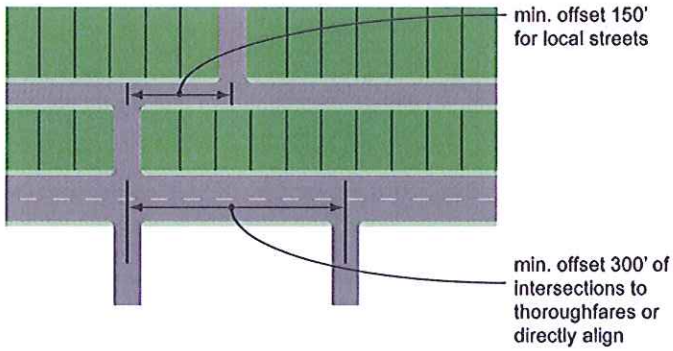
(3) Alleys shall not connect directly to a major thoroughfare.

(i) **Intersection Design.**

(1) The center lines of streets should intersect as nearly at right angles as possible; in no instance shall an acute angle of less than 70 degrees be accepted.

(2) The number of streets converging at one (1) intersection shall be no more than two (2).

(3) Street jogs with centerline offsets of less than 150 feet shall be prohibited except where natural features or the configuration of existing streets or parcels necessitate a lesser offset.



(4) Minor streets intersecting thoroughfares or collector streets shall be directly aligned with streets on the opposite side of the thoroughfare or collector street or be offset at least 300 feet of each other, measured along the centerline of the thoroughfare or collector street.

(5) When subdivision streets intersect with collector or major thoroughfare streets, the subdivider may be required to install deceleration and/or passing lanes or other improvements along the major street.

(j) **Pavement Construction.** Minimum pavement requirements for streets shall be as follows:

(1) Streets and alleys (where provided) shall be completed to grades shown on plans, profiles, and cross-sections that are in accordance with the standard specifications of the Indiana Design Manual, except as otherwise specified by this ordinance.

(2) The streets and alleys shall be surfaced, and improved to the specifications stated in the city or county engineering standards and in Michigan City, all streets shall meet or exceed the standards set out in Appendix B.

(3) Prior to placing the street and alley surfaces, an adequate drainage conveyance system, as recommended by the county highway engineer or city engineer, shall be installed.

(k) **Curbs and Gutters.**

(1) Combined concrete curb and gutter shall be constructed along all roads within a subdivision, except as follows:

a. For residential streets, the requirement for a vertical or sloping curb may be replaced with a concrete ribbon curb where part of an overall low impact development stormwater management plan for the subdivision.

b. For minor residential streets and cul-de-sacs in residential developments where all lots are at least 24,000 square feet in area and the proposed streets will not intersect with existing streets with curb and gutter, the curb and gutter requirement may be waived and gravel shoulders with engineered drainage swales may be allowed. Ribbon curbs shall be provided along the outside edges of the pavement in accordance with paragraph a above.

c. The requirement for curb and gutter shall not apply to roads in existence prior to the development of a subdivision.

(2) The curb and gutters shall be of the construction type specified in the Indiana Design Manual.

(l) **Half Streets.** Half streets shall be prohibited, except where the plan commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, such as where a subdivision boundary follows a section line.

(1) The width of a half street shall be one-half the required right-of-way width of the street.

(2) A roadway pavement not less than 20 feet in width shall be installed, in accordance with standards herein. The plan commission may allow the subdivider to provide a financial guarantee to construct half of the roadway when the other half is subdivided.

(3) Wherever an existing dedicated half street abuts a tract to be subdivided, the other half of the street shall be platted within the subdivision.

(4) A half street shall be graded in accordance with cross section design standards and profile grades applicable to the entire street width. When the other half of an existing half street is developed, it shall conform to such established cross section design and profile grades.

(m) **State Highways.** If any subdivision abuts a state highway, evidence of compliance with all applicable regulations of the Indiana Department of Transportation shall be required.

(n) **Major Thoroughfare and Highway Protection.** Whenever the proposed subdivision contains or is adjacent to a major thoroughfare or highway, the subdivision shall be designed to provide adequate protection of residential properties, limit vehicular access and separate through and local traffic by the use of reversed frontage lots, with screen planting contained in a "no-access" strip along the rear of the property line, or by the installation of frontage roads paralleling the major street.

(o) **Traffic Control.** All traffic control devices, including regulatory, warning and guide signs, and pavement markings (if necessary) shall conform to the most recent edition of the Indiana Manual on Uniform Traffic Control Devices.

(p) **Private Roads.** All roadways within subdivisions shall be publicly dedicated streets. The city or county may allow subdivisions being developed as PUDs to have private roads where all of the following are met:

(1) The plan commission shall determine that dedication of the road as a public street is not necessary for continuity in the public street system and will not be necessary to offer access to adjacent undeveloped land. Private roads shall provide for connections to adjacent streets and parcels in accordance with section 6.04(c). The terms of the private road easement shall provide that the city or county may require that future abutting private roads or public streets be connected to the private road and shall provide for cross access easements with adjacent developments.

(2) Private roads shall be designed and constructed to meets the requirements of section 6.04, except the plan commission may permit modifications from the requirements of section 6.04, based upon the recommendation of the city engineer or county highway engineer. Any modifications shall be consistent with the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design of Streets and Highways."

(3) Continued maintenance of private roads shall be the responsibility of the property owners served by the road. A private road maintenance agreement shall be filed with the County Recorder that addresses all of the following prior to issuance of improvement location permits for development of any lots served by the private road:

a. The maintenance agreement shall acknowledge that the road surface and easement are privately owned and therefore all construction improvements and maintenance within the easement will be contracted and paid for by the signatories to the agreement.

b. Private roads shall be maintained in a condition suitable for travel at the design speed and passable for emergency vehicles. The maintenance agreement shall outline a maintenance schedule indicating intervals for road inspection.

c. The maintenance agreement shall describe the method by which maintenance and improvement costs will be apportioned among the owners.

Section 06.05 Sidewalks and Nonmotorized Systems

(a) **General.** Sidewalks shall be required in all subdivisions except administrative and minor subdivisions or where not required in accordance with Article 08.

(b) **Requirement.** Sidewalks shall be installed in the following locations:

(1) Along all public and private street frontages within the incorporated boundaries of cities;

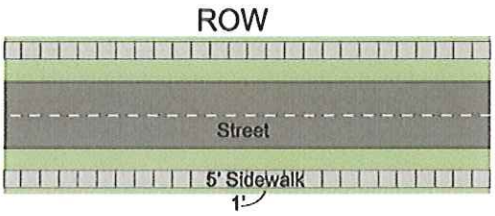
(2) Along all public and private street frontages within the unincorporated areas of the county when the subdivision lies within two (2) miles of the borders of the cities of La Porte and Michigan City and the subdivision has lots that are less than 24,000 square feet in area.

(c) **Sidewalks.** Sidewalks shall be a minimum of five (5) feet wide.

(d) **Multimodal Pathways.** Ten (10) foot wide multi-modal pathways may be required along major thoroughfare and collector streets where they will connect to existing or planned multi-modal pathways or where the plan commission determines that there will be bicycle traffic. A combination

of five (5) foot wide sidewalks and five (5) foot wide bike lanes on both sides of the street may be provided instead of 10 foot wide pathways.

(e) **Location.** All sidewalks and pathways shall be located in the street right-of-way with the edge of the sidewalk approximately one (1) foot from the right-of-way line, but may meander within the right-of-way. Where the applicable road agency determines that there is not sufficient right-of-way for sidewalks, the sidewalks shall be installed in pedestrian easements adjacent to the right-of-way.



(f) **Construction Materials.** All sidewalks shall be constructed of Portland Cement Concrete or pervious concrete meeting applicable construction standards and be a minimum of four (4) inches in thickness, except at driveway and alley crossings where they shall be six (6) inches thick. The county highway engineer or city engineer may approve alternative materials such as rubber pavement systems that are of equal durability and comply with accessibility requirements. Multi-modal pathways may be constructed of asphalt or concrete meeting the above thickness specifications or as specified by the county highway engineer or city engineer.

(g) **Parkway.** A landscaped parkway strip at least four (4) feet in width shall be provided between the sidewalk and curb or pavement edge. Street trees planted within this area shall be of a variety appropriate to their locations, considering factors such as presence of and effects on utility lines, effect on visibility, resistance to environmental conditions (such as road salt), and effect of root systems on pavements. The area between the sidewalk and curb or pavement edge shall be maintained by the adjacent property owner as a landscaped area. Commercial streets with on-street parking may have sidewalk up to the road curb with street trees provided in tree grates or planting areas.

(h) **Accessibility.** All public sidewalks shall comply with state and federal accessibility requirements. Ramps meeting Americans with Disabilities Act standards shall be provided at all corners and any other locations where sidewalks intersect with streets.

Section 06.06 Flood Hazard Area

No subdivision of lots located in a flood hazard area shall be approved unless all of the following requirements are met:

(a) The 100 year flood elevation is shown on the plat;

(b) Improvement plans are submitted detailing the required lowest floor elevations;

(c) All requirements of the floodplain regulations contained in article 21 of the zoning ordinance, the Indiana Department of Natural Resources (IDNR) and the Federal Emergency Management Administration (FEMA) are met; and

(d) If necessary, a permit is obtained from the Indiana Department of Natural Resources to construct. Subdivisions in flood hazard areas shall include a notation on the face of the plat indicating that the subdivision includes floodplain area and the base flood elevation.

Section 06.07 Stormwater Management

All subdivisions shall make provision for the installation and maintenance of an adequate storm water drainage system for the management of all storm and surface water drainage and the control of flood runoff to provide for the proper drainage of the subdivision. All such facilities are to control peak flow

rates and volume of stormwater discharge associated with specified design storms and shall be designed and constructed in accordance with Article 20 of the Zoning Ordinance.

(a) A drainage plan shall be submitted, along with all computations and backup data describing the storm drainage system. The following items shall be provided:

(1) Name, address and contact information of property owner and subdivider (if different).

(2) A description of the proposed development activity.

(3) Location of the proposed development activity sufficient to accurately locate property and structure in relation to existing roads, streams, wetlands and other waterbodies;

(4) A legal description of the property.

(5) A site development plan showing existing site conditions, existing and proposed building and structure locations, existing and proposed land grades, proposed impervious surface, structural stormwater management and sediment control facilities, and potential or proposed impact to natural resources.

(6) Photographs of the proposed project site showing the existing condition.

(7) Soils information, including depth to ground water and permeability information, if available. If the proposed control measures are dependent upon the hydrologic properties of the soils, then a detailed soils report shall be submitted.

(8) Elevation of the 100 year flood, and floodplain and floodway boundaries (if applicable) at the project site.

(9) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88

(10) Elevation (in NAVD 88) to which any non-residential structure will be floodproofed;

(11) Narrative description of the project including extent to which the site will be altered or impacted as a result of proposed development and noting all grading, filling and vegetation removal proposed by the development plan.

(12) Sufficient engineering analysis in the form of a technical report showing that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with the requirements of the applicable jurisdiction. The analysis and calculations shall be prepared and sealed by a professional engineer or surveyor registered in the State of Indiana. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms. Such calculations shall include:

a. description of the design storm frequency, intensity and duration,

b. time of concentration,

c. soil curve numbers or runoff coefficients,

d. peak runoff rates and total runoff volumes for each watershed area,

e. infiltration rates, where applicable,

f. BMP capacities,

g. flow velocities,

h. data on the increase in rate and volume of runoff for the design storms referenced in the design manuals or other ordinances, and

i. documentation of sources for all computation methods and field test results.

(13) Description of construction sequencing and timetable for proposed activities, including a description of future phases of the project.

(14) Copy of prepared Rule 5 NOI permit application forms from IDEM.

(15) Draft Copy of Operation & Maintenance Plan agreement.

(16) Copy of Proposed Maintenance easements.

(b) A stormwater management approval shall be obtained and Storm Water Pollution Prevention Plan (SWP3) plan submitted in compliance with Section 20.13 of the Joint Ordinance

Section 06.08 Soil Erosion

Since considerable soil erosion can take place during the subdivision construction, development plans shall contain proposed erosion and sediment control measures. These measures shall be incorporated into the secondary plan and final construction drawings. The measures shall apply to all features of the construction site, including street and utility installations, as well as to the protection of individual lots. Measures shall also be instituted to prevent or control erosion and sedimentation during various stages of development. Practical combinations of the following measures shall be used to provide effective erosion protection and sediment control:

(a) General: No changes shall be made in the contour of the land, nor shall grading, excavating, removal, or destruction of the topsoil, trees, or other vegetative cover of the land be commenced, until a SWP3 and Operation and Maintenance agreement have been approved by the enforcement official.

(b) The SWP3 shall meet the requirements of the MS4 Construction Activity Erosion and Sediment Control Program in accordance with Phase II Version of 327 IAC 15-5. (Rule 13)

(c) The SWP3 shall be reviewed concurrently with the development plan and become a part thereof, except that an Erosion Control Plan may be filed and reviewed prior to any development or earth moving activity.

(d) Any development over one (1) acre shall be reviewed by IDEM Rule 5. A copy of submittal for approval shall be provided to the enforcement official.

Section 06.09 Water System

A water distribution system, providing water for all lots in the proposed subdivision, shall be designed and constructed by the subdivider. The distribution system shall be connected to the public water system unless otherwise authorized by the plan commission. The flow and pressure provided shall be adequate for domestic service and fire protection service.

(a) **Public Water Systems.** If the subdivision is within 500 feet of a public or municipal water system, by means of public right of way or easement access, the subdivider shall install a complete water distribution system to the specifications of the water utility that will serve the subdivision and/or with all applicable county and city engineering standards. The water system shall include all required hydrants.

(b) **Public Distribution System.** Plans for a public distribution system must be approved by the county or city engineer. Plans for a distribution system (public or private) may also require approval by the Indiana Department of Environmental Management.

(c) **System flows.** The water system shall provide flows acceptable to the local fire department.

(d) **Improvement Plans.** Improvement plans for a permanent water system shall show pipe line sizes, type of pipe, location of hydrants and valves and, if applicable, supply facilities, booster pumps, elevated or ground level storage tanks and other appurtenances. All plans shall be in accordance with the applicable county or city engineering standards.

(e) **Private Systems.** When a public or municipal water supply is not required under subsection (a) above, the subdivider shall provide one of the following:

(1) A complete community water supply system to be provided in accordance with the minimum requirements of IDEM Drinking Water Guidance Manual for Small and Medium Indiana Water Systems. The plans for the installation of a water main supply system shall be provided by the subdivider and approved and permitted by IDEM in accordance with 327 IAC 8-3-3. Upon completion of the water supply installation, the plans for the system, as built, shall be filed with the county or city engineer.

(2) An individual water supply on each lot in the subdivision in accordance with the minimum requirements of IDNR.

Section 06.10 Sanitary Sewage Disposal

(a) **Design.** A sanitary sewage disposal system, providing adequate sewage service for all lots in the subdivision, shall be designed and constructed by the subdivider.

(b) **Sanitary Sewer System.** The subdivider shall provide the subdivision with a complete sanitary sewer collection system which shall connect with an existing approved sanitary sewer outlet. When an approved outlet is not available within 500 feet of the subdivision, by means of public right of way or easement access, one of the following methods of sewage disposal shall be used:

(1) A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider, in accordance with the minimum requirements of the state board of health and/or the state stream pollution control commission and state department of environmental management;

(2) Decentralized cluster or community systems, on site wastewater treatment (OSWWT), or ecological treatment systems (ETS) including constructed wetlands and subsurface flow media filters, are the desirable choice for sites where sewer infrastructure is lacking or inadequate, and where an alternative to traditional septic systems is sought or required; or.

(3) Provisions for individual private sewage disposal system to be developed by individual lot owners, consisting of a septic tank and tile absorption field or other approved sewage disposal system, on individual lots when laid out in accordance with the minimum standards of the Indiana State Board of Health (ISDH) 410 IAC Rule 6-8.1 regarding septic tank sewage disposal systems. .Permitting of individual non-discharging residential OSWWT systems takes place through the local health department. The complete requirements for permit applications can be found through the La Port County website : Http://www.laportecounty.org. Additional information is also available on the ISDH website: Http://www.in.gov/isdh/.

(c) **Improvement Plans.** Plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the state board of health. Improvement plans for a permanent sewage system shall show pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, service line locations, and the location, type and size of all lift or pumping stations. All plans shall be in accordance with the applicable county or city engineering standards. Upon completion of the sanitary sewer installation, the plans for these systems, as built, shall be filed with the plan commission.

(d) **Private Systems.** For properties unable to be served by public sewer collection systems, provisions must be made for each lot to be served by an individual disposal system of sufficient size to accommodate the wastewater generated by the uses permitted on the property. A primary and replacement sanitary drainfield location shall be identified for each lot. An on-site soil evaluation by a qualified soil scientist shall be used as a basis for determining land suitability for subsurface disposal systems The evaluations shall include, at a minimum, one (1) soil boring per three (3) lots for lots one-half acre or less in size, and one (1) soil boring per lot for lots over one-half acre in size. Additional borings and/or additional depth of borings may be required at the discretion of the local department of health. If the subdivided area is planned or scheduled to be served by a public or community sanitary sewer system in the future, the plan commission may require the subdivider to provide facilities for future connection, including, but not limited to, pumping stations, capped mains and laterals for each lot in the subdivision. Public sewer shall be required to be extended to serve any subdivision that is within 500 feet of existing sewer service, by means of public right of way or easement access.

Section 06.11 Easements and Utilities

Adequate areas of suitable size and location shall be allocated for all required easements.

(a) **Easements.** Easements for utilities shall have minimum widths of 12 feet, and where located along lot lines, one-half the width shall be taken from each lot. Where alleys are provided, a two (2) foot easement shall be required on each side of an alley to accommodate utilities.

(b) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of the watercourse, and any added width that will be adequate for construction purposes. The 100 year flood elevation shall be shown on the plat and an easement 10 feet beyond the 100 year floodplain shall be provided that includes all inlet and outlet structures associated with stormwater management facilities.

(c) **Utility Location.**

(1) Before determining the location of easements, the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of services. All electric, telephone, television and other communication lines, both main and service connections, shall be placed underground. Main lines shall be located within appropriate easements.

(2) Lots that abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. Should a road widening or an extension of service or other similar condition occur as a result of the subdivision and necessitate the replacement or relocation of utilities, the replacement or relocation shall be underground.

(d) **Street Lights.**

(1) Street lights shall be provided for any subdivision located within the boundary of a city, in accordance with standards and specifications of the city.

(2) Street lights may be required within the unincorporated areas of the county at intersections and other location where the plan commission determines that lighting is necessary for traffic or pedestrian safety.

(3) Where required, street lighting shall be provided and reviewed in accordance with the following:

a. Street lights shall be provided at all street intersections and pedestrian crosswalks. Along longer blocks street lights shall be provided at mid-block locations such that they are spaced no more than 600 feet, or as otherwise determined by the plan commission.

b. Street light styles shall be approved by the plan commission.

c. Where street lights are required, street intersections and crosswalks shall be illuminated to a level ranging between two (2) and six (6) footcandles.

(4) The process for approving the street lighting plan shall be as follows:

a. At the time the primary plat is filed for review by the plan commission, it shall include a street lighting plan showing the location of street lights and the wattage of the proposed street lights along with a photometric grid showing the areas of the plat to be illuminated by each street light in footcandles.

b. The primary plat shall be submitted by the subdivider to the electric utility company for comments and recommendations prior to submission of the primary plat for secondary approval.

c. The lighting plan, as displayed on the primary plat, shall be accompanied by a letter from the subdivider's engineer or architect setting forth all data and technical specifications.

d. The subdivider may petition the county board of commissioners or city common council to establish the subdivision as a special assessment district for the purpose of paying electrical costs for street light operation and maintenance.

Section 06.12 Landscaping and Greenbelts

(a) **Landscaping Required.** Landscaping shall be provided in all residential major subdivisions and in all non-residential subdivisions. It shall be designed to preserve natural features, enhance the identity of the subdivision, and provide necessary buffering from neighboring uses.

(b) **Landscaping Requirements.** All living landscape material planted to satisfy the requirements of this section must meet the landscaping size and planning requirements set forth in article 17 of the zoning ordinance. Invasive species shall not be used.

(c) **Street Trees.**

(1) Street trees are required in residential subdivisions at a minimum rate of one (1) tree per lot.

(2) Street trees may be placed in the public right-of-way or in a landscape easement along the lot frontage. Street trees must be so located as not to interfere with utilities or sidewalks.

(3) Tree species selected shall be appropriate to their location. Factors to consider in tree selection include but are not limited to soil and weather conditions, effects on sight distance, depth and spread of roots and effects on utility lines and pavement (both street and sidewalk).

(d) **Landscape Greenbelts.** Landscaping shall be provided, in accordance with section 06.03(j), around the outside perimeter of a major subdivision where it adjoins existing major thoroughfares where the lots do not have access to the major thoroughfare.

(1) The greenbelts shall be a minimum of 20 feet deep and may be a common area or landscape easement on the lots, but shall not be included in any dedicated right-of-way.

(2) The greenbelt shall be landscaped with one (1) deciduous tree, one (1) evergreen tree, one (1) ornamental tree, and six (6) shrubs for every 40 linear feet of frontage. Plant materials shall be

creatively dispersed around the perimeter of the property and should be clustered and staggered to add interest and effectiveness.

(3) Landscape greenbelts may be used for distributed stormwater management, but stormwater detention or retention ponds shall be located outside of the required 20-foot greenbelt area.

(4) Within the cities, the greenbelt requirement may be modified where alternate method of screening is provided; or where the building facades facing the major thoroughfare are designed to have the appearance of a front façade and provide pedestrian access from the building to the sidewalk along the major thoroughfare.

(e) **Detention and Retention Ponds.**

(1) Plantings shall be provided at a rate of one (1) deciduous shade or evergreen tree and 10 shrubs per 50 linear feet of pond perimeter, as measured along the top elevation of the pond bank. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material. A majority of the deciduous shade trees shall be located on the southern side of the pond to provide shade and regulate water temperatures.

(2) To the extent possible, pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a natural formed 'free form' depression or distributed storage dry basins and shall be part of the natural landscape and open space system of the site.

(f) **Entranceway Design.** Subdivision entrances shall include entranceway landscaping and subdivision identification signs meeting the sign regulations of the zoning ordinance. The entranceway may include other features such as ornamental lighting, masonry walls or ornamental fencing. Open, ornamental gateways may be permitted where they provide adequate clearance from the road and do not pose a roadside hazard; however, closable gates that restrict access to the subdivision shall be prohibited. A detail of the entranceway landscape plan shall be submitted with the primary plat.

(g) **Timing of Installation.**

(1) Any required landscaping in common areas or along perimeter greenbelts shall be installed prior to occupancy of the first principal building in the subdivision.

(2) Street trees along the frontage of individual lots shall be installed prior to a certificate of occupancy being issued for the building on that lot.

(3) Temporary occupancy may be granted for use of a structure prior to the installation of the landscaping required by this section for up to six (6) months, provided a financial guarantee has been submitted to the county or city. The financial guarantee for the landscaping shall be refunded upon completion of the required landscaping.

Section 06.13 Grading and Seeding

(a) **Grading.** All lots and other land included within a subdivision shall be graded in accordance with the approved construction plans. Except for land covered by buildings, included in streets, or where the grade has not been changed and natural vegetation not seriously disturbed, the land shall be covered with topsoil.

(b) **Seeding.** Seeding and planting shall be completed for all areas disturbed during grading and construction. Temporary seeding shall be applied in accordance with the approved SWP3.

(c) **Debris and Waste.** Cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste material shall not be buried in any land, or left or deposited on any lot or street at the time of occupancy within

a subdivision, nor shall any material be left or deposited in any area of the subdivision at the time of expiration of the performance guarantee or dedication of public improvements.

Section 06.14 Open Spaces and Public Sites

(a) **Required Recreation Area.**

(1) All residential subdivisions containing more than 40 lots shall provide an active recreational area, which shall contain a common park area equal in size to 1,000 square feet per lot in the subdivision.

(2) The required recreation area shall be exclusive of required setbacks, buffers, greenbelts, individual lots, public rights-of-way, private road easements and stormwater management areas.

(3) The recreational park area shall be well drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the plan commission.

(4) Recreational facilities such as playscapes, athletic fields, trails, picnic tables or other suitable recreation facility shall be provided within the recreation area to meet the needs of the residents.

(5) Reservation of the recreational area shall be achieved through deed restrictions as a private park for the use and enjoyment of the residents of the subdivision. The recreation area required under this section shall be dedicated to a subdivision homeowner's association or similar group for maintenance and shall not be required to be dedicated to the county or city. However, nothing herein shall prevent the voluntary dedication of open space to a public entity; provided the decision to accept or not accept the open space shall be at the sole discretion of the public entity.

(b) **Public Sites.** Where sites for parks, schools, playgrounds, or other public uses are located within the subdivision area, as shown on the County Land Development Plan, the commission may request a dedication for these purposes, or a reservation for a period of one (1) year following the date of the secondary approval of the plat. In the event an affected governmental agency passes a resolution expressing its intent to acquire the land or reserve it, the reservation period shall be extended for an additional six (6) months.

Section 06.15 Street Names

The names of streets shall not duplicate or closely resemble, phonetically or in spelling, the name of any existing street name in the city in which the subdivision is located, or where not located within a city then La Porte County. Streets that 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 the existing streets. Street names and street numbering shall comply with the applicable requirements of the city or county.

Section 06.16 Street Signs

The subdivider shall be required to install county or city street name signs, at their cost, at the intersections of all streets, wherever streets change names and at any other locations deemed appropriate by the plan commission. Other traffic control signs shall be installed by the subdivider based upon the requirements of the county, city and the Indiana Manual on Uniform Traffic Control Devices.

Section 06.17 Monuments and Markers

Monuments and markers shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is nearly level with the surface of the surrounding ground after grading.

(a) **Monuments.** Monuments shall be set at the following locations:

(1) At points where the outside boundary lines of the subdivision intersect with existing and proposed street right-of-way lines;

(2) At the intersections of all lines forming angles in the boundary of a subdivision;

(3) At the beginning and ending of all curves along street right-of-way lines and at the intersection of street right-of-way lines; and

(4) Those points falling in paved roadway may be represented by road nails or railroad spikes provided a witness monument is set.

(b) **Markers.** Markers shall be set at the following locations:

(1) At the beginning and ending of all curves along street property lines;

(2) At all points where lot lines intersect curves, either front or rear;

(3) At all angles in property lines or lots;

(4) At all other lot corners not established by a monument;

(5) At all required points in minor subdivisions;

(6) At the intersection of street right-of-way lines;

(7) At all section corners;

(8) At all lot corners not otherwise described herein; and

(9) Those points falling in paved roadway may be represented by road nails or railroad spikes provided a witness marker is set.

(c) **Specifications.** Monuments and markers shall be in accordance with 865 IAC 1-12-18.

Section 06.18 Benchmarks

One benchmark shall be set in each subdivision containing up to 100 lots. One additional benchmark will be required for each additional 100 lots, or fraction thereof. The location of the benchmark(s) shall be approved by the county surveyor or city engineer.

(a) **Elevation Deviation.** The subdivider's land surveyor shall establish elevation deviation by a closed level circuit from the nearest USGS benchmark if within one (1) mile, or virtual reference station (VRS) and a verifying high accuracy network (HARN) monument for the VRS data taken the day establishing the benchmark.

(b) **Benchmark Location.** Each benchmark shall be installed behind the curb line at an intersection so that the top thereof is level with the top of the curb, unless otherwise excluded by the county highway engineer or city engineer. Standard details are on file with the county surveyor or city engineer.

(c) **Benchmark Requirements.** The benchmarks shall meet the specifications of the county surveyor or city engineer.

Section 06.19 Additional Standards for Non-Residential and Multifamily Subdivisions

(a) **General.** Any proposed subdivision containing land that is zoned or otherwise intended to be used for commercial, industrial, or multifamily uses is subject to the design standards contained in this section, in addition to those standards applying to all subdivisions of land.

(b) **Arrangement of Lots and/or Blocks.** Proposed commercial, industrial, or multifamily parcels shall be laid out to provide safe access; harmonious arrangements of land uses; separation of differing modes of transportation; areas for drainage runoff and, where applicable, retention areas; parking; landscape buffers; and utilities. Lots will be configured to meet the requirements of the zoning ordinance in terms of lot area, width, setbacks, parking and landscape greenbelts.

(c) **Streets.** If access will be required for large trucks and/or heavy loads, the plan commission may increase the construction and design requirements upon the recommendation of the county highway engineer or city engineer. Roads serving primarily nonresidential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent tracts used or zoned for residential purposes, nor shall primarily residential roads by used for access to industrial subdivisions.

Article 07
Improvements

Section 07.01 Construction

(a) **Preparation.** Plats and surveys shall be prepared and certified by a registered land surveyor who shall be responsible for the required monumentation.

(b) **Commencement of Construction.** No construction or installation of improvements shall commence in a proposed subdivision until the primary plat has been approved by the plan commission.

(c) **Plans.** All plans and accompanying construction specifications required by articles 05 and 06 shall be provided to the plan commission before authorization of construction or installation of improvements:

(d) **Improvements According to Plan.** Improvements shall be constructed in accordance with plans and specifications prepared by a licensed engineer or land surveyor and approved by the plan commission. Unless otherwise specified in the subdivision agreement, the licensed professional who prepared the improvement drawings shall be responsible for the stakeout, inspection and certification of completion in accordance therewith. No work on the improvements shall commence until a subdivision improvement agreement has been duly executed.

Section 07.02 Subdivision Improvement Agreement

A subdivision improvement agreement shall be executed between the subdivider and the county or city prior to the commencement of work on any subdivision. The agreement shall set forth the improvements to be completed, which shall include, but are not limited to, grading, street construction, sanitary sewers, storm sewers, sidewalks, drainage, landscaping and erosion control. It also shall set forth the terms and conditions under which the work is to be performed.

Section 07.03 Inspection

(a) **Preconstruction.** Prior to beginning any work within the subdivision, the person or persons designated in the subdivision improvement agreement to be responsible for the installation of improvements shall meet on the site with representatives of the city or county as specified in the agreement. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the enforcement official to provide for inspection in accordance with subsection (c) below.

(b) **Construction.** The county or city representatives designated in the subdivision improvement agreement shall inspect and require that the installation of all improvements take place in accordance with plans approved by the plan commission. The county or city representatives shall have authority, as specified in the subdivision improvement agreement, over the schedule of construction, materials used, methods of construction, and workmanship to ensure compliance with the approved plans and terms of the agreement.

(c) **Inspection.** Inspection of the construction of all roads and utilities shall be made by at least one (1) of the following people: the county highway engineer or city engineer, enforcement official, county surveyor, county building commissioner or utility inspector. The contractor shall notify the county highway engineer or city engineer 24 hours prior to each phase of work. Inspection shall be made of:

(1) Installation of water and sanitary sewer;

(2) Subbase preparation;

(3) Base aggregate placement;

(4) Each asphalt course;

(5) Curb placement; and

(6) Sewer pipe placement.

(d) **Subgrade Inspection.** Prior to placing the base aggregate, the subgrade of the pavement must be proof rolled with a 10-ton triaxial dump truck in the presence of the city engineer or county highway engineer. Failing the proof roll will require additional undercutting, additional aggregate or additional asphalt, as recommended by the subdivider's engineer and approved by the city engineer or county highway engineer.

(e) **Consulting Engineer.** The local jurisdiction may contract with an independent third party consulting engineer to do inspections. The subdivider shall be responsible for paying the cost the cost associated with the consulting engineer.

Section 07.04 Public Improvement Installation

(a) All road or street signs in a subdivision must be in place prior to the issuance of any building permits. It is the responsibility of the developer to provide for and pay the cost of all signs. All signs must be in conformity with the county or city requirements.

(b) Upon completion of all roadways, a maintenance bond must be provided to the county or city in the amount of 30% of the total cost of the roadway or street for a minimum period of three (3) years. The amount of the roadway maintenance bonds shall be based upon the recommendation of the county highway engineer or city engineer. The bond is to insure against damage to the roadway or street during the construction of buildings for each lot within the subdivision. This bond must be in existence until all lots are developed in the subdivision phase or three (3) years, whichever occurs first. Bonds may be extended for an additional period of time, as deemed appropriate by the county highway engineer or city engineer.

(c) The acceptance of a subdivision plat by the county or city involves the acceptance and dedication of the streets and roadways contained therein as laid out and approved in the primary plat. Final acceptance by the county or city of the streets or roadways into the public road systems is based upon the recommendation of the county highway engineer or city engineer that the roadway meets all the requirements of this ordinance and that the county or city will be maintaining the streets as a public responsibility, subject to any further bonding conditions as provided herein.

(d) Developers should endeavor to insure that future subdivision phases are developed with other means of access for construction equipment in lieu of using accepted roads. Otherwise, additional bonds shall be required during the continued development phases to protect the county or city in the event of damage to those roadways, subject to recommendation by the county highway engineer or city engineer.

Section 07.05 As-Built Plans

After completion of all public improvements and prior to the release of the performance bond on the improvements, the subdivider shall provide drawings showing the actual location of all installed street improvements, sanitary and storm sewer improvements, water mains, fire hydrants, valves and stubs, monuments and markers, drainage facilities and other installed permanent improvements. As-built plans shall be certified by an engineer or land surveyor registered in the State of Indiana. As-built electronic plans shall be consistent with the La Porte County geographic information system (GIS) coordinate system and as-built prints must be provided on CD in PDF file format.

Section 07.06 Acceptance of Improvements

Upon completion of construction, the subdivider may file a written request to the enforcement official for acceptance of all public improvements.

(a) **Request Contents.** A request for acceptance of public improvements shall be accompanied by the financial guarantee for maintenance and as-built plans, as required by this ordinance.

(b) **Final Inspection.** The water, and sewer departments shall refer a request for acceptance of public improvements to the county highway engineer or city engineer who shall make a final inspection and shall make a recommendation to the water, and sewer departments based on compliance with all requirements of this ordinance, other applicable standards and regulations and conformance with the approved subdivision plan.

(c) **Letter of Recommendation.** Acceptance of the roads and improvements by the county or city requires a letter of recommendation signed by the county highway engineer or city engineer that all roads and improvements have been completed in accordance with the requirements of this Title and engineering standards of the jurisdiction.

(d) **Public Works Department Action.** After the county highway engineer or city engineer determine that all utilities have been installed in accordance with the requirements of this Title and engineering standards of the jurisdiction, the water, and sewer departments shall accept the improvements.

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Article 08
Modifications and Waivers

Section 08.01 Modifications

The plan commission is authorized to grant modifications to the design and improvement standards of this ordinance that will not be contrary to the public interest, where owing to extraordinary conditions, fully demonstrated on the basis of the facts presented, strict compliance with specific provisions of this ordinance would result in extreme practical difficulties or undue misuse of property.

Section 08.02 Modification Criteria

(a) **Determination.** In the exercise of this section, the plan commission shall grant the modification only upon the determination that:

(1) The modification will not be detrimental to the public, health, safety and general welfare of the county or city;

(2) Adjacent property will not be adversely affected;

(3) The modification is justified because of exceptional topographic or other physical conditions unique to the property involved, as opposed to mere inconvenience or financial disadvantage;

(4) The modification is consistent with the intent of this and other applicable ordinances and the County Land Development Plan;

(5) Modification to the design and engineering standards of this ordinance shall be based upon the recommendation of the city engineer or county highway engineer and based upon supporting engineering data;

(6) The modification will not conflict with the requirements of the zoning ordinance, including but not limited to lot area, frontage, width, depth and setback(s) unless variances have been obtained under the zoning ordinance;

(7) The condition necessitating the modification was not created by the owner or subdivider; and,

(8) The modification will not conflict with the powers and duties of the board of zoning appeals, as defined by the zoning ordinance.

(b) **Request for Modification.** A request for a modification shall be submitted, in writing, to the enforcement official and specify the grounds for the request. If the modification involves any design or engineering standards, then the application shall first be submitted to the city engineer or county highway engineer who shall make a recommendation to the plan commission based upon supporting engineering data.

(c) **Placement on the Plan Commission Agenda.** Following review of any application for modification, the enforcement official shall, if it is complete and in the appropriate form, place it on the agenda for a public hearing before the plan commission. The subdivider will be notified of a time and the place of such hearing. The plan commission, may, by rule, establish appropriate forms, notice requirements and procedures for all such applications.

(d) **Public Notice.** The petitioner shall provide pubic notices setting forth the time and place, given at least 10 days before the date of the hearing in a newspaper of general circulation. Notification shall also be provided by at least 10 days before the date of the hearing to all adjacent property owners with

a certificate of mailing. At the public hearing, the petitioner shall provide proof that he or she has complied with this requirement.

(e) **Public Hearing.** At the public hearing, the request will be presented, and all those present will be given an opportunity to be heard regarding the proposal.

(f) **Action.** After the public hearing, the plan commission will make a decision regarding the application. The plan commission may take action by majority vote of the membership, which shall:

(1) Approve the application upon a determination that the application complies with each of the criteria set out in Section 08.02(a) above; or

(2) Approve the application subject to certain modifications that would bring the application into compliance; or

(3) Deny the application on the grounds that the application does not comply with each of the criteria set out in Section 08.02(a) above.

(g) **Findings.** In approving or denying a modification request, the plan commission shall make specific findings on each of the criteria in this section. If the plan commission approves a modification request, it may impose conditions it deems necessary and proper to carry out the intent and purposes of this ordinance. If approved, the minutes of the plan commission shall reflect the decision and the findings related to the decision.

Section 08.03 Planned Unit Development

The standards of design and requirements of this ordinance may be modified in the case of a planned unit development (PUD) based upon the PUD standards and procedures specified in the zoning ordinance.

Article 09

Re-Subdivision and Vacation of Plats

Section 09.01 Re-Subdivision of Land

(a) **Procedure for Re-Subdivision.** Whenever a land owner desires to re-subdivide an already approved major subdivision plat, the land owner shall apply for the re-subdivision using the same procedure prescribed for a major subdivision.

(b) **Consent of Existing Owners.** For any re-subdivision where the proposed changes may have an impact on the existing subdivision, the application shall include the signed consent of 75% of the owners of property in the existing subdivision. The changes include the following:

(1) Any change in street circulation pattern or other significant change in a public improvement;

(2) The addition of one or more buildable lots;

(3) Any change in the amount of land reserved for public use or the common use by lot owners;

(4) Any other change that would have an adverse effect on the use and enjoyment of property in the existing subdivision.

(c) **Determination by Enforcement Official.** The enforcement official shall make a determination as to whether a proposed change will have a significant impact, as defined in section 11.1(b), above. The decision by the enforcement official may be appealed to the plan commission.

(d) **Waiver.** The plan commission may waive the requirement for the consent of 75% of the property owners in the subdivision if it finds that the proposed change will not have a significant impact on the existing subdivision. The plan commission, after receiving an application for re-subdivision that includes an express request for waiver, shall consider the request after a public hearing. Notice of the hearing shall be given to interested parties as defined in the rules of procedure.

(e) **Covenants.** Any new lots created by a re-subdivision shall be subject to all covenants and restrictions that applied to the original subdivision plat. The county or city shall not be responsible for enforcement of any private covenants and restrictions and action to approve or deny a re-subdivision of land shall be based solely on this and other applicable ordinances.

(f) **Reserved Land or Parcels.** This section shall not apply to land or parcels shown and clearly labeled on the primary or secondary plat as reserved or intended for future development.

Section 09.02 Vacation of plats

(a) Application Procedures

(1) The owners of land in a subdivision plat desiring to vacate all or part of that plat shall apply for approval of a vacation of the plat or part of the plat with the enforcement official. An instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated and terminates all public right in public ways and public grounds described in the plat as part of the plat.

(2) At least 10 working days prior to the plan commission meeting at which the request will be heard, a petition requesting the vacation of the plat or part of the plat shall be filed with the enforcement official, accompanied by a fee as established under this ordinance. The petition shall be filed in triplicate and include the names and addresses of adjacent property owners and other interested parties.

(3) The petition for vacation of the plat or part of the plat will be scheduled for a public hearing review by the plan commission.

(b) **Public Hearing.** The plan commission shall hold a public hearing on the proposed vacation of the plat or part of the plat after ensuring due notice has been given to all interested parties. The petitioner is required to notify all adjacent property owners and other interested parties by with a certificate of mailing.

(c) **Final Decision.** The plan commission shall forward its recommendation to the legislative body of the jurisdiction, which shall make the final decision. The plan commission shall consider the following when making a recommendation to the legislative body:

(1) Whether the vacation of the plat or part of the plat abridges or destroys public rights in any of the public uses, improvements, utility easements, streets, or alleys; or

(2) Whether the vacation of the plat or part of the plat would adversely affect the general policy and pattern of the development as set out in the County Land Development Plan.

(d) **Plat Vacation; Record.** A copy of the vacated plat or part of the plat shall be filed in the office of the plan commission and enforcement official, after recording, so accurate subdivision maps are maintained.

Article 10
Administration and Enforcement

Section 10.01 Plat Approval Authority

(a) **County.** This ordinance shall be administered by the county enforcement official and county plan commission for subdivisions located in the unincorporated areas of the county outside of the municipal boundaries of cities.

(b) **Cities.** This ordinance shall be administered by the plan director and the plan commission of the city in which a proposed subdivision is located. The plan commission for each city shall have exclusive control over the approval of plats and replats of land within the jurisdictional area of the municipality.

(c) **Administrative Subdivisions.** The plan commission of each jurisdiction may delegate approval of administrative subdivisions to the enforcement official.

(d) **Staff.** The duties of the enforcement official specified in this ordinance may be delegated to staff working under the direction of that official.

Section 10.02 Amendments to Ordinance

Amendment to this ordinance may be initiated by the plan commission, common council, board of county commissioners, or by a citizen petition in accordance with state statutes. Any proposed amendment shall be referred to the plan commission for review and recommendation to the legislative body.

Section 10.03 Interpretation

It is the intent of this ordinance that any interpretation of this ordinance shall be rendered by the plan commission.

Section 10.04 Plat Validity

(a) No plat of any subdivision of land, as defined by this ordinance, shall be entitled to be recorded in the county recorder's office or have any validity until approval is granted under the terms of this ordinance.

(b) Any plat not properly approved shall not be entitled to an improvement location permit or a building permit.

Section 10.05 Revision of Plat after Approval

No changes, erasures, modifications or revision shall be made in any plat of a subdivision after approval has been given by the plan commission and endorsed in writing on the plat, unless the plat is first resubmitted to the plan commission.

Section 10.06 Record of Plats

All subdivision plats, upon approval according to this ordinance, shall be recorded in the office of the county recorder within one (1) year of approval by the plan commission, unless an extension is granted. Copies of the recorded plat or drawing shall be provided to the office of the enforcement official.

(a) The county auditor's office shall not accept a deed for property to be entered for taxation unless the property complies with the requirements of this ordinance. Within 14 days after the plat is recorded, the subdivider shall provide the county recorder with a black line on white paper photographic reproduction of the plat that is 18" x 12" in size for inclusion in the official record books.

(b) Administrative subdivisions may be drawn on any standard paper size up to 18" x 12", and black line copies shall be recorded in the appropriate book in the recorder's office.

Section 10.07 Sale of Land within Subdivisions

No owner or agent may sell any land within a subdivision before the plat has been approved and recorded in the manner prescribed in this ordinance.

Section 10.08 Fees

The City of Michigan City plan commission shall establish a schedule of fees for filing applications described herein for subdivisions under the local jurisdiction of the Michigan City plan commission. These fees shall be proportioned to the cost of checking, verifying and advertising the proposed plat and shall be sufficient to cover all administrative, engineering and inspection costs, including any third party consultants.

Section 10.09 Effect of Conflicting Provisions

All ordinances or part of ordinances in conflict with the provisions of this ordinance shall not be repealed by the passage of this ordinance, except where the repeal is specifically designated by ordinance; provided the ordinance with the more restrictive provisions shall apply.

Section 10.10 Appeal

(a) **Filing of an Appeal to The Plan Commission.** Any final decision of the enforcement official may be appealed to the plan commission within 10 days of that decision. The appeal may be initiated by the petitioner or an adjacent property owner affected by the final decision. The appeal shall be directed to the plan commission and shall be filed with the enforcement official.

(b) **Appeal to Court.** A final decision of the plan commission may be appealed to the circuit court of appropriate jurisdiction in La Porte County, Indiana. The appeal shall be through a petition for writ of certiorari filed with the clerk of the appropriate court within 30 days after the date of the final decision. The petition shall, in all respects, conform to Indiana law.

Section 10.11 Violation, Remedies and Enforcement

(a) **Declared a Common Nuisance; Fine.** Any land within La Porte County or the cities of La Porte and Michigan City that is subdivided in violation of this ordinance is declared to be a common nuisance. Failure, by any person, to abide by any provision of this ordinance shall be deemed a violation of this ordinance and shall be considered a class C infraction which, upon conviction, shall carry a fine of not less than $100.00 and not more than $300.00 per violation, and for each day that the violation continues unabated a separate offense shall be deemed to have been committed.

(b) **Enforcement Official Powers.** The enforcement official shall be responsible for the enforcement of the terms of this ordinance and is authorized to do all things and take all action necessary and prudent,

under the circumstances, to enforce the provisions hereof. For and on behalf of the Michigan City plan commission, the enforcement official may institute, in a court of appropriate jurisdiction, causes of action against any person who violates any of the terms of this ordinance, seeking among other things, the imposition and collection of a fine, abatement of, and damages in compensation for, a nuisance, and enforcement of this ordinance by way of restraining order or injunction.

(c) **Failure to Record Plat.** Failure to deliver to the county recorder a copy of the plat that complies with this ordinance shall be declared a violation of this ordinance. Subdividers who fail to provide this copy within the specified time shall be guilty of an infraction, and upon conviction, shall be fined a sum not less than $25.00, nor more than $100.00 per day for each violation. Each day of violation shall constitute a separate offense.

Section 10.12 Severability

If any article, section, subsection, sentence, clause or phrase of this ordinance is judged to be void, the decision shall not affect the validity of the remaining portions of this ordinance.

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Article 11
Definitions

Section 11.01 Definitions

For the purpose of this Ordinance certain terms or words used herein shall be interpreted or defined as follows: words used in the present tense include the future tense. The term "shall" is always mandatory:

Administrative subdivision. A subdivision that is minor in nature meeting the criteria listed in section 1.08(a)(1).

Benchmark. A permanent monument of known elevation, tied to the U.S.G.S. Benchmark System, installed at ground level.

Block. A tract of land bounded by streets, public or institutionally owned lands, railroad rights-of-way, rivers and lakes, and other lines of demarcation.

Board of health. The Indiana State Board of Health.

City. The cities of La Porte and Michigan City, La Porte County, Indiana.

County Land Development Plan. The document, adopted by the La Porte County plan commission, city of La Porte plan commission and city of Michigan City plan commission, that is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community. The County Land Development Plan serves as the community comprehensive plan under the requirements of I.C. 36-7-4. County Land Development Plans shall include any community master plan, comprehensive plan or other similar plan.

County. La Porte County, Indiana.

County Surveyor. The La Porte County surveyor.

Deed Restriction. A restriction on the use of a lot or parcel of land that is set forth in the property deed and duly recorded with the County. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

Dedication. The intentional setting apart of land or interests in land for use by the La Porte County, the city of La Porte or the city of Michigan City.

Drainage system. Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of this ordinance.

Easement. An authorization or grant by a property owner for right of access or passage for limited use of private land by another person or for a defined public or quasi-public purpose.

Enforcement official. The Michigan City Plan Director, or his designee, shall be the enforcement official and shall be responsible for administering the terms of this ordinance and supporting the functions of the plan commission for all areas under the jurisdiction of the Michigan City plan commission.

Erosion. The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Erosion control measure. A practice or a combination of practices to control erosion and resulting sedimentation.

Erosion control plan. A written description of pertinent information concerning erosion control measures designed to meet the requirements of this title as submitted with a site plan or subdivision application.

Fire Department. The fire departments of the county or city in which the subdivision is located.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source. Definitions related to "flood" are as follows:

(a) ***FEMA:*** Federal Emergency Management Agency

(b) ***Floodplain:*** The channel proper and the areas adjoining any wetland, lake or watercourse that has been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts. Floodplains are generally relatively flat lowlands next to a watercourse. For the purposes of this document, all SFHAs are considered floodplains, defined by the 100-year flood as delineated on FEMA Flood Insurance Rate Maps.

(c) ***Floodway:*** The channel of a river, stream or other watercourse and the land areas of the floodplain adjoining the channel that are reasonably required to efficiently carry and discharge the flood water or flood flow of a river or stream and must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(d) ***Floodway Fringe:*** The portions of the floodplain lying outside of the floodway.

(e) ***National Flood Insurance Program (NFIP):*** A program managed by FEMA, to identify and map flood hazard areas, assist with community floodplain management programs, and to provide flood insurance to participating communities that are located within a SFHA.

(f) ***Ordinary High Water Mark (OHWM):*** Uppermost elevation on bank or shore influenced by prolonged contact with surface water, evidence of which is found in distinctive marks left by surface water. Such marks can include water lines on trees, erosion scour line, debris deposits, destruction of terrestrial vegetation, transition point from wetland to terrestrial vegetation.

(g) ***Regulatory Flood:*** In La Porte County, the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Natural Resources Commission and the FEMA.

(h) ***Riparian:*** Lands adjacent to waterways and lakes, that are influenced by the adjacent water body by overbank flooding and changes in elevation of the water table. In this article, riparian refers to areas adjacent to rivers and streams, but not lakes.

(i) ***Special Flood Hazard Area (SFHA):*** The land area covered by the floodwaters of the regulatory flood on NFIP maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO and AH. The SFHAs of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by the FEMA and dated June 4, 1996.

Grading. Any stripping, cutting, filling, stockpiling or any combination thereof and shall include the land in its cut or filled condition.

Improvement plans or drawings. The maps, drawings and text accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the plat.

Lot. A legally described parcel of land occupied, or intended to be occupied, by a building or a group of buildings, or utilized for the principal and accessory uses, together with such yards and open spaces as are required under the provisions of this ordinance. For purposes of meeting the dimensional standards of this ordinance, a lot does not include public rights-of-way or private road easements, but does include access easements for a service drive.

Lot frontage. All of the property of the lot fronting on a street, road, or highway as measured between the side lot lines and as measured along the front lot line unless a public right-of- way easement exists, then along the easement line of the parcel or lot.

Lot width. The horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines.

Major subdivision. Any subdivisions other than those subdivisions meeting the applicability requirements set forth in section 1.08(a)(1) and (2) for administrative or minor subdivisions.

Minor subdivision/subdivision. A division of land into no more than two (2) new lots, in addition to the parent tract, fronting an existing public right-of-way, not requiring any new streets, alleys, roads or opening of a new public right-of-way, not requiring the extension of utilities and which complies with section 1.08(a)(2) and with all other requirements of this subdivision ordinance and the zoning ordinance of the county or city.

Ordinary high water mark. In wetlands, a mark delineating permanent or periodic inundation or prolonged soil saturation sufficient to create conditions that support hydrophytic vegetation and include hydric soils.

Parent tract or property. The land from which the new lot or tract of land is being taken, as recorded in the recorder's office at the time of adoption of this ordinance or appropriate previous ordinance or amendment.

Person. Includes a corporation, firm, partnership, association, organization, or any other group which acts as a unit.

Petitioner. The owner(s) of land proposed to be subdivided or his/her representative.

Plan Commission. The La Porte County plan commission, the city of La Porte plan commission and the city of Michigan City plan commission.

Plat. A map indicating the subdivision or re-subdivision of land, and intended to be recorded in the La Porte County Recorder's plat books.

Plat committee. The plan commission shall appoint a plat committee, consisting of three memnbers, at least one of whom shall be a member of the plan commission and one of whom shall be the enforcement official or other Plan Department staff member.

Primary plat. A drawing indicating the proposed manner or layout of a subdivision submitted to the plan commission for primary approval in accordance with this ordinance.

Re-subdivision or replat. Any change in a map of a recorded subdivision plat affecting any street layout, easement, area reserved for public use, lot line, or affecting any map or plan legally recorded prior to the adoption of any regulations controlling subdivision. A replat shall be considered a minor subdivision, provided, that no new streets or roads or utility extensions are required. If streets or utility extensions are required then the plat shall be considered a major subdivision of land.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a secondary plat is to be separate and distinct from the lots or parcels adjoining the right-of-way and not included within the dimensions or areas of the lots or parcels. Rights- of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency, shall be dedicated to public use by the maker of the plat(s) on which the rights-of-way are established.

Secondary plat. A drawing prepared in accordance with the provisions of this ordinance, submitted for secondary approval and intended for recording.

Street. A thoroughfare, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property. A street may also be classified according to function as follows:

(a) ***Freeways/expressways.*** Limited-access highways that carry large volumes of traffic and have more importance regionally than locally. They often contain 4 or more moving lanes and permit a continuous high-speed traffic flow. These highways have a high order or design and construction requirements.

(b) ***Major thoroughfares.*** All arterial streets, county primary roads, major city streets and state highways.

(c) ***Collector streets.*** A street designed and used to carry moderate volumes of traffic from local streets to major thoroughfare streets.

(d) ***Frontage roads.*** Local roads that are parallel to, and separated by a limited access landscape buffer strip from major thoroughfare streets and highways. These roads provide for access to abutting property on one side only.

(e) ***Minor streets.*** A local street designed to provide vehicular access between individual properties and the collector and major thoroughfare street system.

(f) ***Half streets.*** Planned streets that straddle the property line between two (2) parcels of land, often along a section line where the desire is to have the right-of-way for the new road dedicated as the parcels on both sides are subdivided.

(g) ***Cul-de-sac street.*** A street with a single common ingress and egress and with a turn-around at the end.

(h) ***Alley.*** A dedicated public right-of-way affording a secondary means of access to abutting property, not intended for general traffic circulation.

Subdivider. Any developer, person, firm, association syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for themselves or for another.

Subdivision. The division of land by deed or other recorded instrument. A subdivision shall be deemed to have occurred on any land, vacant or improved, that is divided into two (2) or more new lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease, mortgage or development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision and the granting of access easements. However, this regulation shall not apply to the following:

(a) An allocation of land by a court decree for the distribution of property;

(b) The unwilling sale of land as a result of legal condemnations as defined and allowed in the Indiana State Law.

Subdivision improvement agreement. A document that establishes the contractual relationship between the subdivider and the county or city, as applicable, for the installation of improvements in accordance with the standards and specifications set forth in this ordinance.

Subsurface drainage. A system of pipes, tile, conduit or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.

Surface drainage. A system by which the stormwater runoff is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways, yards, etc., so that the stormwater runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

Wetland. An area which: Supports predominantly aquatic or hydrophytic vegetation; contains hydric soils; is saturated with water permanently, or at least sometime during the growing season; or displays an hydrology typically associated with a wetland.

Zoning Ordinance. The ordinance and zoning map which divides the county and cities into districts, with regulations, requirements, and procedures for the establishment of the land use controls.

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Appendix A: Secondary Plat Certificates

La Porte County Secondary Plat Certificates

(a) **Commission Certificate.**

Under authority provided by I.C. 36-7-4 enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, and an ordinance adopted by the County Council of La Porte County, Indiana, this plat was given approval by the County of La Porte.
Approved by the La Porte County Plan Commission on:

_____
Date
La Porte County Plan Commission

(b) **Surveyor's Certificate.**
I, _____, hereby certify that I am a registered land surveyor, licensed in compliance with the laws of the State of Indiana, that this plat correctly represents a survey completed by me on _____, that all the monuments shown thereon will be installed in accordance with the provisions of the Subdivision Chapter, and that their location, size, type, and material are accurately shown.

SEAL
and
Signature _____

(c) **Deed of Dedication.** Each secondary plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

We, the undersigned _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided, and do thereby lay off, plat, and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as _____, an addition to _____. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yards building lines are hereby established as shown on this plat, between which line and the property line of the street, there shall be erected or maintained no building or structure.

There are strips of ground of varying width as shown on this plat and marked "easement," reserved for the use of public utilities for the installation of water and sewer mains, surface drainage, poles, ducts, lines, and wires, subject at all times to the proper 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 lots in this subdivision shall take their titles subject to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or upon the recommendation of the Commission. Important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, _____, (a twenty-five (25) year period is suggested), at which time said covenants (or restrictions), shall be automatically extended for successive periods of ten (10) years unless changed by vote of majority of the then owners of the building sites covered by these covenants or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants or restrictions, by judgment or court order, shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

Witness our hands and seals this _____day of _____, _____.
State of Indiana)

)SS:

La Porte County)

Before me the undersigned notary public, in and for the city and state, personally appeared and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.
Witness my hand and notarial seal this _____ day of _____, _____.

(d) **County Commissioner's Certificate.** This certificate is required whenever a new public right-of-way is established.

Under authority provided by I.C. 36-9-27 *et seq*., this plat was given approval by the County Commission of La Porte County, Indiana, at a meeting held on the _____ day of _____, _____.

(e) **Urban Drain Certificate.**

The La Porte County, Indiana Drainage Board has approved this subdivision's drainage system as an "Urban Drain" as specified in I.C. 36-9-27 *et seq*.
This _____ day of _____ , _____.

_____
La Porte County Surveyor

City of La Porte Secondary Plat Certificates

(a) Commission Certificate

Under authority provided by chapter 174--acts of 1974, enacted by the General Assembly of the state of Indiana, and all acts amendatory thereto, and an ordinance adopted by the Common Council of the city of La Porte of the county of La Porte, Indiana, this plat was given secondary approval by the Plan Commission of La Porte.

Approved by the La Porte Plan Commission on: _____, 20_____.

La Porte Plan Commission

_____
Signature, President

_____
Signature, Secretary

_____
Signature, Plan Director

(b) Deed of Dedication

Each final plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form;

We, the undersigned _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do thereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as _____, an addition to _____. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground _____ feet in width as shown on this plat and marked "Easement," reserved for the use of public utilities for the installation of water and sewer mains, surface drainage, poles, ducts, lines and wires, subject at all times to the proper 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 lots in this subdivision shall take their titles to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or upon the recommendation of the Commission. Important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20_____ (a twenty-five (25) year period is suggested), at which time said covenants (or restrictions) shall be automatically

extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

Witness our Hands and Seals this _____ day of _____, 20_____.

State of Indiana

_____
Signature

County of La Porte

_____
Signature

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____, _____ and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20_____.

_____
Signature

KNOW ALL MEN BY THESE PRESENTS, THAT WE, _____ as principal and as surety, are firmly bound to the city of La Porte, Indiana in the sum of $_____, lawful money of the United States of America for the payment of such sum to be made, we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, by these presents. The condition of the above obligation is such that WHEREAS, (the developer's name) has obtained, according to law and ordinances of the city of La Porte, Indiana, approval of the plat of (name of subdivision), being a Subdivision of La Porte in La Porte County, Indiana, conditioned upon:

(a) that by (date), the making of certain land improvements to-wit: _____ as more fully described in plans dated _____ and prepared by _____ and
(b) the execution and delivery of this bond.

NOW, if the said (developer) shall in a good and workmanlike manner utilize good materials according to law and ordinances of the city of La Porte, construct said improvements, THEN THIS OBLIGATION shall be null and void, otherwise the same shall remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this _____ day of _____, 20_____. All such performance bonds should run to the city of La Porte as Obligee.

_____
Principal

_____
Surety

NOTARY CERTIFICATE

STATE OF INDIANA
COUNTY OF LAPORTE

I, _____, a Notary Public in and for said County, in the State aforesaid, do hereby certify that _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledge that they signed the above instrument as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, 20_____.

_____
Notary Public

(c) **Board of Public Works and Safety Certificate (or Other Public Agency)**

State of Indiana
County of La Porte
This is to certify that this plat of _____ annexed hereto was presented to the Board of Public Works And Safety (or other public agency) of the city of La Porte, Indiana this _____ day of _____, 20_____ and that it was examined and accepted. It is expressly understood that the land dedications as sited in the subdivision are accepted for public use and administration by the signatures of this board.

_____
President

Attest:

_____
City Clerk

(d) **Surveyors Certificate**

I _____ hereby certify that i am a registered land surveyor, licensed in compliance with the laws of the state of Indiana, that this plat correctly represents a survey completed by me on _____, 20_____, that all the monuments shown thereon actually exist, and that the location, size, type and material of said monuments are accurately shown.
Table inset:

_____
Indiana Registered Professional Land Surveyor No.

City of Michigan City Secondary Plat Certificates

(a) **Commission Certificate**

Under authority provided by chapter 174--acts of 1974, enacted by the General Assembly of the state of Indiana, and all acts amendatory thereto, and an ordinance adopted by the Common Council of the city of Michigan City of the county of La Porte, Indiana, this plat was given secondary approval by the Plan Commission of Michigan City.

Approved by the Michigan City Plan Commission on: _____, 20_____.

Michigan City Plan Commission

_____
Signature, President

_____
Signature, Secretary

_____
Signature, Plan Director

(b) **Deed of Dedication**

Each final plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form;

We, the undersigned _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do thereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as _____, an addition to _____. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground _____ feet in width as shown on this plat and marked "Easement," reserved for the use of public utilities for the installation of water and sewer mains, surface drainage, poles, ducts, lines and wires, subject at all times to the proper 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 lots in this subdivision shall take their titles to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or upon the recommendation of the Commission. Important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20_____ (a twenty-five (25) year period is suggested), at which time said covenants (or restrictions) shall be automatically

extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

Witness our Hands and Seals this _____ day of _____, 20_____.

State of Indiana

_____
Signature

County of La Porte

_____
Signature

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____, _____ and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20_____.

_____
Signature

KNOW ALL MEN BY THESE PRESENTS, THAT WE, _____ as principal and as surety, are firmly bound to the city of Michigan City, Indiana in the sum of $_____, lawful money of the United States of America for the payment of such sum to be made, we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, by these presents. The condition of the above obligation is such that WHEREAS, (the developer's name) has obtained, according to law and ordinances of the city of Michigan City, Indiana, approval of the plat of (name of subdivision), being a Subdivision of Michigan City in La Porte County, Indiana, conditioned upon:

(a) that by (date), the making of certain land improvements to-wit: _____ as more fully described in plans dated _____ and prepared by _____ and
(b) the execution and delivery of this bond.

NOW, if the said (developer) shall in a good and workmanlike manner utilize good materials according to law and ordinances of the city of Michigan City, construct said improvements, THEN THIS OBLIGATION shall be null and void, otherwise the same shall remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this _____ day of _____, 20_____. All such performance bonds should run to the city of Michigan City as Obligee.

_____
Principal

_____
Surety

NOTARY CERTIFICATE

STATE OF INDIANA
COUNTY OF LAPORTE

I, _____, a Notary Public in and for said County, in the State aforesaid, do hereby certify that _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledge that they signed the above instrument as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, 20_____.

_____
Notary Public

(c) **Board of Public Works and Safety Certificate (or Other Public Agency)**

State of Indiana
County of La Porte
This is to certify that this plat of _____ annexed hereto was presented to the Board of Public Works And Safety (or other public agency) of the city of Michigan City, Indiana this _____ day of _____, 20_____ and that it was examined and accepted. It is expressly understood that the land dedications as sited in the subdivision are accepted for public use and administration by the signatures of this board.

_____
President

Attest:

_____
City Clerk

(d) **Surveyors Certificate**

I _____ hereby certify that i am a registered land surveyor, licensed in compliance with the laws of the state of Indiana, that this plat correctly represents a survey completed by me on _____, 20_____, that all the monuments shown thereon actually exist, and that the location, size, type and material of said monuments are accurately shown.
Table inset:

_____
Indiana Registered Professional Land Surveyor No.

City of Michigan City Minimum Pavement Standards for Residential Subdivision Streets

Minimum Pavements Widths

- Parking One Side: 7-foot parking lane and two 10-foot vehicular travel lanes. 27 feet face to face of curb.
- Parking Both Sides: 7-foot parking lanes each side and two 10-foot vehicular lanes. 34 feet face to face of curb.

Minimum transverse slope of pavement is ¼" per foot.

Flexible Pavement

- Geotextile woven fabric shall be installed under the aggregate base.
- INDOT #53 Compacted Aggregate Base 8"-10" (See Note)
- Hot Mixed Asphalt Intermediate, Type B, 19.00mm 2 ½"
- Hot Mixed Asphalt Surface, Type B, 9.5mm 1 ½"
- Flexible pavement shall meet the applicable requirements of INDOT Standard Specifications.

Note: The California Bearing Ratio (CBR) of the underlying soil shall determine the required thickness of the aggregate base. Soils with a CBR of 6 and less shall be 10" thick and soils with a CBR greater than 6 shall be 8" thick.

Rigid Pavement

- Geotextile woven fabric shall be installed under the aggregate base.
- INDOT #53 Compacted Aggregate Base 6"
- Portland Cement Concrete Pavement (PCCP) 7"
- PCCP shall meet the applicable requirements of INDOT Standard Specifications.