

SECTION IV
Requirements for Improvements, Reservations and Design

4.1 General Improvements

(1) Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- (a) all applicable state and local statutory provisions;
- (b) the Gas City Zoning Ordinance, Building and Housing Codes, and all other applicable laws and ordinances of the appropriate jurisdictions;
- (c) the Comprehensive Plan, Official Map or Thoroughfare Plan, Public Utilities Plan, and Capital Improvements Program of the City including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted;
- (d) the special requirements of these regulations and any rules of the Health Department and/or appropriate state agencies;
- (e) the rules and regulations of the Indiana Department of Highways if the subdivision or any lot contained therein abutt a state highway or state frontage road;
- (f) the highway and drainage standards and regulations adopted by the Gas City Engineer and all boards, commissions, agencies, and officials of the City; and
- (g) all pertinent standards contained within still valid planning guides published by the Plan Commission.

(2) Plat approval may be withheld if a subdivision is not in conformity with the above guides and requirements or with the policies and purposes of these regulations established in Section 1.4 of this ordinance.

(3) Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Commission may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the Commission Attorney.

(4) Plats Straddling municipal Boundaries. Whenever access to the subdivision is required across land in another jurisdiction the Commission may request assurance from the City Attorney that such access is legally established, and from the City Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in the amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross municipal boundary lines.

(5) Boundary Improvements

(a) The subdivider shall have placed, under the supervision of a Registered Land Surveyor, concrete monuments four (4) inches square or four (4) inches in diameter and forty (40) inches long with an iron pipe cast in the center, at each corner or angle of the ultimate outside boundary. They shall be set following grading of each phase of the subdivision.

(b) The subdivider shall have placed, under the supervision of a Registered Land Surveyor, pipes or steel rods, three-fourths (3/4) of an inch in diameter by thirty (30) inches in length at the corners of each lot. They shall be set prior to the issuance of any Building Permit.

(6) Character of the Land. Land which the Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which might reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Commission, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses permitted by the Zoning Ordinance as shall not involve any such danger.

(7) Subdivision Name. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Commission shall have final authority to designate the name of the subdivision which shall be determined at the time of primary approval.

4.2 Lot Improvements

(1) Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties for reasons of

topography or other conditions in securing building permits to build on each of the created lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on such lots from the appropriate approved street.

(2) Lot Dimensions. Lot dimensions shall comply with the minimum standards in the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve all such potential lots in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to the street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for all of the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

(3) Double Frontage Lots and Access to Lots

(a) Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide for the separation of residential development from the traffic on bordering arterials or to overcome specific disadvantages of topography and orientation affecting the subdivided lots.

(b) Access from Primary and Secondary Arterials. Lots shall not, in general, derive access from a primary or secondary arterial street. Where driveway access from a primary or secondary arterial street may be the only possible access for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards from multiple access to such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on primary or secondary arterials.

(4) Soil Preservation, Grading and Seeding

(a) Soil Preservation and Final Grading. No certificates of occupancy shall be issued until final grading has been completed in accordance with the approved construction plans and the lot precovered

with top soil having an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.

- (b) Lot Drainage. Lot shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area. Drainage shall be designated so as to avoid the accumulation of storm water on any one or more lots from adjacent lots. It shall be the responsibility of the lot owner to maintain the lot grade, as it applies to drainage, as provided for in the approved construction plans.
- (c) Lawn-grass Seed and Sod. Lawn-grass seed shall be sown at not less than four (4) pounds to each one thousand (1000) square feet of land area. The seed shall be sown between March 15 and September 30. The seed shall consist of a minimum of ten percent (10%) rye grass by weight and a minimum of ninety percent (90%) of permanent bluegrass and/or fescue grass by weight. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All lots shall be seeded from the road side edge of the unpaved right-of-way back to a distance of twenty-five (25) feet behind the principal residence on the lot. No certificate of occupancy shall be issued until respreading of soil and seeding of lawn has been completed; except that between October 15 and March 15 and between May 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and property owner, with a copy to the Building Permit Official, that respreading of soil and seeding of the lawn will be done during the immediately following planting season as set forth above in this section, and leave a cash escrow for performance in such amount as shall be determined by the Building Permit Official. Sod may be used to comply with any requirement of seeding set forth herein.

(5) Debris and Waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of

any kind shall 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 be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

(6) Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever the Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the City Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

(7) Waterbodies and Watercourses. If a tract being subdivided contains a waterbody, or portion thereof, lot lines shall be drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Commission may approve an alternative allocation of interests whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No part of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street from which it has access, provisions shall be made for installation of a culvert or other structure, of a design approved by the City Engineer.

(8) Performance Bond to Include Lot Improvement. The performance bond shall include an amount to guarantee completion of all requirements contained in Section 4.2 of these regulations including, but not limited to, soil preservation, final grading, lot drainage, lawn-grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the Commission. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond, the City may enforce the provisions of the bond where compliance with the provisions of this section or any other applicable law, ordinance, or regulation has not occurred.

4.3 Streets

(1) General Requirements

(a) Frontage on Improved Streets. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there is not an Official Map, unless such a street is:

(i) an existing state, county, or township highway, or

- (ii) a street shown upon a plat approved by the Commission and recorded in the office of the County Recorder. Such street or highway must be suitably improved as required by the highway rules, regulation specifications, or orders, or be secured by a performance bond required under these regulations, with the width and right-of-way required by these regulations or as indicated on the Official Map or Thoroughfare Plan. Whenever the area to be subdivided is to use an existing street frontage, such street shall be suitably improved as provided herein above.

(2) Grading and Improvement Plan. Streets shall be graded and improved and conform to the city construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to secondary approval.

(3) Topography and Arrangement

- (a) Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided. Specific standards are contained in the design standards of these regulations.
- (b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map or Thoroughfare Plan, and/or Comprehensive Plan.
- (c) All arterials and collector streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers, to population densities, and to the pattern of existing and proposed land uses.
- (d) Minor or Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.

- (e) Rigid, rectangular "gridiron" street patterns are generally to be avoided, and the use of casually curvilinear streets, cul-de-sacs, or loop streets shall be encouraged where such use will result in a more desirable lay-out and relate better to the existing topography. On flat land, innovative, varying geometrical street patterns shall be encouraged where they are likely to enhance visual interest and a sense of order for those using them (e.g., non-grid rectilinear, trapezoidal, polygonal, or other geometric patterns).
- (f) Proposed streets shall, where appropriate, be extended to the boundary lines of the tract to be subdivided unless this is prevented by topography or other physical conditions, or unless in the opinion of the Commission such extension(s) is/are not necessary or desirable for the coordination of the layout of the subdivision under consideration with the existing street layout or for the most advantageous future development of adjacent tracts (see paragraph 11(a) below).
- (g) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, bikeways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.

(4) Blocks

- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial streets, railroads, and waterways.
- (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand six hundred (2,600) feet nor be less than four hundred (400) feet in length. Blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length.
- (c) In long blocks the Commission may require the reservation of easements through the block to accommodate utilities, drainage facilities, or

pedestrian traffic. Pedestrianways or crosswalks not less than ten (10) feet wide, may be required by the Commission through the center of blocks more than eight hundred (800) feet long or at other appropriate locations and at the ends of the cul-de-sacs where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined to be suitable by the Commission for the intended use.

(5) Access to Collector Streets. Where possible, lots in single family residential subdivisions fronting on collector streets shall be avoided and lots at the corners of intersections between local and collector streets shall front on the local street and have driveway access to it only and not to the collector street. In multiple family residential areas entrances to group parking lots shall have access only to collector streets (where possible) and such entrances shall be widely spaced.

(6) Access to Primary Arterials. Where a subdivision borders on or contains an existing or proposed primary arterial, the Commission may require that access to it be limited by one of the following means:

- (a) the subdivision of the lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided for the primary arterial and screening shall be provided within a strip of land along the rear property line of such lots;
- (b) the series of cul-de-sacs, or loop streets entered from, and designed generally to be at right angles to an access street that is at some distance from and parallel to the arterial street, with the rear lines of their terminal lots backing onto the arterial; and,
- (c) a marginal access or service road (separated from the primary arterial by a landscaped and/or decoratively fenced grass strip and having access thereto at widely spaced suitable points).

(7) Street Names. The sketch plan, as submitted, shall indicate names of proposed streets. As part of his review the Administrator shall refer proposed street names to the local postmaster for his comments regarding duplication of names and possible confusion. After reviewing them the Administrator shall inform the subdivider of his recommendations for their possible

revision during the sketch plan review. Names shall be sufficiently different in sound and in spelling from other street names in the County or other nearby areas so as to avoid confusion. A street which is, or is planned as, a continuation of an existing street shall bear the same name.

(8) Street Regulatory Signs. The applicant shall provide and install a street sign at every street intersection within his subdivision as required by the City Engineer. The City shall inspect and approve all street signs before issuance of certificates of occupancy for any residence on the approved streets.

(9) Street Lights. Installation of street lights shall be required in accordance with design and specification standards approved by the City Engineer. Street light standards and fixtures shall also be in accordance with the visual design standards of the City Engineer.

(10) Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to it from adjacent property if such street is a local service street rather than a collector or arterial street. (See paragraphs (5) and (6) above.)

(11) Construction of Streets

- (a) Construction of Streets other than Cul-de-sacs. The arrangement of streets shall provide for the continuation of streets between adjacent subdivisions or other properties when such continuation is necessary for the convenient movement of traffic, for effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end (stub) street temporarily, the right-of-way shall be provided for all such temporary dead-end streets, with the notation on the subdivision plan that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. Temporary turnarounds must be provided at the ends of such stub streets. The Commission may limit the length of temporary dead-end streets in accordance with the design standards in these regulations.
- (b) Cul-de-sacs (Permanent Dead-end Streets). Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the Commission for access to adjoining property, its terminus shall normally not be nearer to such

boundary than fifty (50) feet. However, the Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications available from the City Engineer's office. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards in these regulations.

(12) Design Standards

- (a) General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access for police, fire-fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate street location in order to achieve a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required. (Street classifications may be indicated in the Comprehensive Plan, Thoroughfare Plan, or on the Official Map; otherwise, they shall be determined by the Commission.)
- (b) Street Surfacing and Improvements. After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface of cause the roadways to be surfaced to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the City Engineer. Adequate provision shall be made for culverts, drains and bridges. All street pavement, shoulders, drainage improvements and structures, curbs, turn-arounds, and sidewalks shall conform to all construction standards and specifications adopted by the Commission, City Engineer, or the City and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.
- (c) Excess Right-of-way. Right-of-way widths in excess of the standards designed in these regulations shall be required whenever, due to topography, additional width is necessary to provide for ade-

quate and stable earth slopes. Such slopes shall not be in excess of three to one.

- (d) Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
- (i) In residential districts a buffer strip a least 25 feet in depth in addition of the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon other than earth berms, walls, fences and other landscape screening devices approved by the Commission is prohibited."
 - (ii) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to a railroad shall, wherever practical, be at a sufficient distance therefrom to ensure a suitable depth for commercial or industrial sites.
 - (iii) Streets parallel to a railroad when intersection a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- (e) Intersections
- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Commission.

- (ii) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart.
- (iii) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (iv) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersection street.
- (v) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trimming trees) in connection with the grading of the public right-of-way to the extent deemed necessary the the City Engineer to provide an adequate sight distance.
- (vi) The cross-slopes on all streets, including intersections shall be three percent (3%) or less.
- (f) Bridges of primary benefit to the applicant, as determined by the Commission, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary

benefit to the applicant as determined by the Commission, will be fixed by special agreement between the City and the applicant. Said cost shall be charged to the applicant pro-rata as the percentage of his land developed and so served.

(13) Street Dedications and Reservations

- (a) New Perimeter Streets. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required right-of-way width within his own subdivision's boundaries.
- (b) Widening and Realignment of Existing Streets. Where a subdivision borders an existing narrow street or when the Comprehensive Plan, thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the applicant at his own expense to the full width required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying the yard or area requirements of the Zoning Ordinance.

4.4 Drainage and Storm Sewers

(1) General Requirements. The Commission shall not recommend for approval any subdivision plat which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Commission and the City Engineer, and a copy of the design computations shall be submitted along with the plans. (The "Rational Method is described in Chapter 3 of the County Storm Drainage Manual by Christopher B. Burke, Project for Indiana Counties and Cities, School of Civil Engineering, Purdue University, West Lafayette, May 1981, hereinafter referred to as Drainage Manual.) Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter or when the

encroachment of storm water into the street disrupts traffic (Drainage Manual, p.5-27). When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

(2) Nature of Storm Facilities

- (a) Location. The applicant may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the City's construction standards and specifications.
- (b) Accessibility to Public Storm Sewers
 - (i) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance adequate provision shall be made for the disposal of storm water, subject to the specifications of the City Engineer. However, in subdivisions containing lots of less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of facilities shall be conducted by the City Engineer.
 - (ii) If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Commission, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision(s) for such connection(s) shall be incorporated by inclusion in the amount of the performance bond or equivalent required for the subdivision plat.
- (c) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall determine the necessary size of

the facility, based on the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

- (d) Effect on Downstream Drainage Areas. The City Engineer shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County and City drainage studies together with such other studies as may be available and appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission may withhold secondary approval of the subdivision until provision (such as a storage facility) has been made for the improvement of said potential condition in such sum as the Commission shall determine. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate drainage water course or facility.
- (e) Areas of Poor Drainage. Areas which are not in the Flood Plain but contain soils which are subject to flooding may be approved for subdivision by the Commission, provided that the subdivider fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two (2) feet above ponding levels.
- (f) Areas of High Seasonal Water Tables. In areas characterized by soils having a high seasonal water table as determined by the Grant County Soil and Water Conservation District, lots shall be limited to a slab type construction unless the Commission determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.
- (g) Floodway Areas. If a subdivision of land is proposed within the Flood Plain, Floodways shall be preserved and not diminished in capacity by filing or obstruction, except as approved by the Natural Resources Commission in writing. No residential building site may be located within the Floodway.
- (h) Floodway Fringe Areas. Where a subdivision is proposed within an area of the Flood Plain designated as a Floodway Fringe, the Commission may approve such subdivision provided that: all streets are elevated sufficiently to be above the Regulatory

Flood elevation; all lots for residential usage have a Flood Protection Grade two (2) feet above the Regulatory Flood elevation; where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by, flood water; and, approval to fill the area from the Natural Resource Commission has been obtained in writing. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.

- (i) Flood Plain Areas. Where a subdivision is proposed within an area of the Flood Plain for which Floodway and Floodway Fringe designations have not been made, the Commission shall not approve such a subdivision unless all streets are raised sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade of two (2) feet above the Regulatory Flood elevation; where provided, public water and sanitary sewer facilities are constructed to eliminate contamination of or by flood water; and, filling to achieve the above will not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream. All filling in the Flood Plain must be approved in writing by the Indiana Natural Resources Commission. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
- (j) Recording of Plats in the Flood Plain and Floodway Fringe. All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn, on the final plat for recording.

(3) Dedication of Drainage Easements

- (a) General Requirements. Where a subdivision is traversed by a drainage course, drainageway channel, or stream, a storm water easement or drainage right-of-way shall be provided, granted or dedicated to the city conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(b) Drainage Easements

- (i) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
- (ii) The applicant shall dedicate, either in fee or by drainage or conservation, easement land on both sides of existing watercourses of a width to be determined by the Commission and, in the case of legal drains, the County Drainage Board.
- (iii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (iv) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures nor for computing the area requirement for any individual lot.

4.5 Water Facilities

(1) General Requirements

- (a) The applicant shall take all actions necessary to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing for domestic water use and fire protection.
- (b) Where a public water main is accessible the subdivider shall install adequate water facilities (including fire hydrants) conforming to the

requirements and specifications of the State or local authorities. All water mains shall be at least six (6) inches in diameter.

- (c) Water main extensions shall be approved by the officially designated agency of the State or City.
- (d) To facilitate the above, the location of all fire hydrants, water supply improvements, and the boundary lines of proposed districts indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.
- (e) The design of all water facilities shall conform to or exceed the standards described in the latest edition of Recommended Standards for Water Works as published by Health Education Service, Inc., Albany, New York.

(2) Individual Wells and Central Water Systems

- (a) In low-intensity zoning districts, if a public water system is not available, at the discretion of the Commission, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water sample test results shall be submitted to the Health Department for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. These approvals shall be submitted to the Commission.
- (b) If the Commission requires that a connection to a public water main eventually provided as a condition for approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives secondary approval. Performance or cash bonds may be required to insure compliance.

(3) Fire Hydrants. Hydrants should be provided at each street intersection and at intermediate points between intersections as recommended by the state Insurance Services Office and the local fire department. Generally, hydrant spacing may range from 350 to 600 feet depending on the nature of the area being served as determined by the City Engineer.

4.6 Sewerage Facilities

(1) General Requirements. The subdivider shall install sanitary sewer facilities in a manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the City Engineer, Health Department, and other appropriate State and Federal agencies. In addition, the design shall meet or exceed the minimum standards described in the latest edition of Recommended Standards for Sewage Works as published by the Health Education Service, Albany, New York and plans shall be approved by all state and federal agencies where required by those agencies.

(2) Sanitary Sewerage System Requirements. Where provided, sanitary sewerage facilities shall connect with public sanitary sewerage systems, and shall be installed to serve each lot to grades and sizes required by approving officials and agencies. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Health Officer, participating jurisdiction, and appropriate State agency.

(3) Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and any ordinance of any participating jurisdiction (where applicable) establishing lot areas for individual sewerage disposal systems.

(4) Selected Design Criteria

(a) Alignment. All sewers shall be laid with a straight alignment between manholes, unless otherwise directed or approved by the City Engineer.

(b) Manhole Location. Manholes shall be installed at the end of each line, and at distances not greater than 400 feet for sewers 18 inches in diameter and larger.

(c) Manholes. The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches where required to match crowns. The use of drop manholes requires approval by the City Engineer. The minimum inside diameter of the manholes shall conform to those specified by the City Engineer. Inside drop manholes will require special consideration; however, in no case shall the minimum clear distance be less than that indicated herein. The relationships between intersection sewer lines shall meet the standards required by the City Engineer. (See(a) above.)

- (d) Sewerage Locations. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. Where sewer lines in private easements cross public street or alley rights-of-way a manhole shall be provided in such rights-of-way where possible. Imposed loading shall be considered at all manhole locations. Not less than six (6) feet of cover shall be provided over the top of pipe in street and alley rights-of-way or three (3) feet in all other areas.
- (e) Cleanouts. Cleanouts will not be permitted.
- (f) Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable water system. Sewers shall be kept removed from water supply wells or other water supply sources and structures.
- (g) Relation of Sewers to Water Mains. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water line is at least two (2) feet above the sewer line.

4.7 Sidewalks

(1) Required Improvements

- (a) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way of all streets as shown in Table 4-1.
- (b) Concrete curbs are required for all streets where sidewalks are required by these regulations or required at the discretion of the Commission.
- (c) A grassed or landscaped median strip at least two (2) feet wide shall separate all sidewalks from adjacent curbs. The median strip shall be improved according to Section 4.2(4) of these regulations.

(2) Pedestrian Accesses. In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Commission may require perpetual unobstructed easements at least twenty (20) feet in width. Such easements shall be indicated on both the preliminary and final plats.

Table 4-2: REQUIRED SIDEWALKS IN URBAN CROSS SECTION

STREET TYPE	STANDARD WIDTH
All RESIDENTIAL: Place, Local Street, Collector, Arterial	4ft.
NON-RESIDENTIAL: Local Street, Collector	4ft.
ARTERIAL	6ft.

4.8 Utilities

(1) Location. All utility lines, including but not limited to gas, electric power, telephone and CATV cables shall be located underground throughout the subdivision. Wherever existing lines are located above ground, except on public roads and rights-of-ways, they shall be removed and placed underground. All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or sketch plan in the case of a minor subdivision. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership intended to be developed for the same primary use.

(2) Easements

- (a) Easements centered on rear lot lines shall be provided for utilities (private and municipal). Such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the coordination of utility easements with those established in adjoining properties.
- (b) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobserved easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. All easements shall be indicated on preliminary and final plats.

4.9 Public Uses

(1) Parks, Playgrounds, and Recreation Areas

(a) Recreation Standards. The Commission shall require that land be reserved for parks and playgrounds or other recreational purposes in locations designated on the Comprehensive Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the Commission. The area shall be shown and marked on the plat: "Reserved for Park and/or Recreational Purposes". When recreation areas are required, the Commission shall determine the number of acres to be reserved from the following table, which has been prepared on the basis of providing three (3) acres of recreation area for every one hundred (100) dwelling units. The Commission may refer such proposed reservations to the local government official or agency in charge of parks and recreation for recommendation. If approved by such official or agency, the developer shall dedicate all such recreation areas to the local government as a condition of secondary approval.

(i) Recreation Requirements are shown in Table 4-3

TABLE 4-3: RECREATION REQUIREMENTS

SINGLE-FAMILY LOTS SIZE OF LOT	PERCENTAGE OF TOTAL LAND IN SUBDIVISION TO BE RESERVED FOR RECREATION PURPOSES
80,000 & greater SF	1.5 per cent
50,000 SF	2.5 per cent
40,000 SF	3.0 per cent
35,000 SF	3.5 per cent
25,000 SF	5.0 per cent
15,000 SF	8.0 per cent

(ii) Minimum Size of Park and Playground Reservations. In general, land reserved for

recreation purposes shall have an area of at least four (4) acres. When the Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two (2) acres be reserved for recreational purposes where it is impractical or impossible to secure additional lands in order to increase its area. When recreational land in any subdivision is not reserved, or the land reserved is less than the percentage indicated in Section 4.9 (1)(a), the provisions of Section 4.9 (1)(d) shall be applicable.

- (b) Recreation Sites. Land to be reserved for recreation purposes shall be of a character and location suitable for use as playground, play field, or other active recreation purposes and shall be relatively level and dry. It shall be improved by the developer to the standards required by the Commission and the cost of the improvements shall be included in the amount of the performance bond. Passive recreation areas along stream valleys may be accepted by the Commission as part of the required area if adequate flat land is also provided for space-consuming recreation activities. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet except for stream-valley and other linear passive recreation areas which shall at no point be narrower than fifty (50) feet. The Commission may refer any subdivision intended to contain a dedicated park to the local government official, department, or agency in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the City for park purposes shall have the prior approval of the City and shall be shown as a plat as "Reserved for Park or Recreation Purposes".
- (c) Applicability to Land Using Average Density Provisions. Any subdivision plat in which the principal of flexible zoning has been used shall not be exempt from the provisions of this section except as to any portion of the land area which is actually dedicated to the City for park and recreation purposes. If no additional area, other than the area to be reserved through averaging, is required by the Commissions, the full fee shall be

paid as required in Section 4.9(1)(d). If further land is required for reservation, apart from the reserved by averaging, credit shall be given as provided by Section 4.9(1)(d).

- (d) Other Recreation Reservations. The provisions of this section are minimum standards. None of the preceding subsections of this ordinance shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

(2) Other Public Uses

- (a) Plat to Provide for Public Uses. Whenever a tract to be subdivided includes a school, recreation areas, (in excess of the requirements of Subsection (1), immediately above), or other public uses as indicated on the Comprehensive Plan or any portion thereof, such space shall be suitably incorporated by the applicant into his sketch plan except when an applicant uses planned unit development procedures in which land is set aside by the developer for public use as required under those procedures in the Zoning Ordinance. After proper determination of its necessity by the Commission and the appropriate City official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats. Upon such determination by the Commission, the following shall apply:

- (i) Referral to Public Agency. The Commission shall refer the sketch plan to the public agency concerned with acquisition for its consideration and report. The Commission may propose alternate areas for such acquisition and shall allow the public agency 30 days for reply. The public agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time within five (5) years required to complete the acquisition.
- (ii) Notice to Property Owner. Upon a receipt of an affirmative report the Commission shall notify the property owner and the Administrator shall designate on the prelimi-

nary and final plats each area proposed to be acquired by a public agency.

- (b) Duration of Land Reservation. The acquisition of land reserved by a public agency on the final plat shall be initiated within five (5) years of notification in writing from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a site plan of the proposed development and a tentative schedule of construction. Failure on the part of a public agency to initiate acquisition within the prescribed five (5) years shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

4.10 Preservation of Natural Features and Amenities

1. General. Existing features which would add value to the type of intended development or to the City as a whole, such as trees, watercourses falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until primary approval of the preliminary plat has been granted. All trees on the plat which are required to be retained shall be preserved, and all trees, where needed, shall be welled and protected against change of grade. The sketch plan shall show the number and location of existing trees, as required by these regulations, and shall further indicate all those marked for retention and the location of all proposed shade trees required along the street side(s) of each lot as required by these regulations.

2. Shade Trees Planted by Developer

- (a) As a requirement for subdivision secondary approval the applicant shall plant trees on the property of the subdivision. Such trees are to be planted within five (5) feet of the right-of-way of the street or streets within and abutting the subdivision, or at the discretion of the Commission and the City Engineer, within the right-of-way of such streets. One (1) tree shall be planted for every forty (40) feet of frontage along each street unless the Commission, upon recommendation of the City Engineer, shall grant a waiver in accordance with Section 1.13. Such waiver shall be granted only if there are existing trees growing along such a right-of-way or on the abutting property which in the opinion of the Commission comply with these regulations.

- (b) New trees to be provided pursuant to these regulations shall be approved by the City Engineer shall be planted in accordance with the regulations of the City Engineer. Such trees have a minimum trunk diameter (measured twelve (12) inches above ground level) of not less than two (2) inches. Only Oak, Honey Locust, Hard Maples, Ginkgo, or other long-lived shade trees acceptable to the City Engineer and to the Commission, shall be planted.

4.11 Nonresidential Subdivisions

1. General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall meet such special provisions as the Commission finds appropriate and requires. A nonresidential subdivision shall also be subject to all the requirements set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the Commission and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance, except that where lot lines are to be established incrementally they need not be shown on the sketch plan or the preliminary plat for primary approval. All shopping centers and other nonresidential subdivisions of buildings for leasehold shall be subject to the relevant provisions of this ordinance.

2. Standards. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed for the uses anticipated and adequately take into account other uses in the vicinity. The following principles and standards shall be observed.

- (a) Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of industrial development anticipated. Proposals for incremental lot by lot subdivision must be made clear in a statement on the preliminary plat which is satisfactory to the Commission.
- (b) Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic to be generated thereupon.

- (c) Special requirements may be imposed by the Commission upon recommendation of the City with respect to street, curb, gutter, and sidewalk design and construction.
- (d) Special requirements may be imposed by the Commission with respect to the installation of public utilities, including water, sewer, and storm water drainage and preprocessing of sewage. Special requirements may also be imposed regarding the storage and disposal of toxic materials.
- (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing onto existing or potential residential development and provision of a permanently landscaped buffer strip where necessary.
- (f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

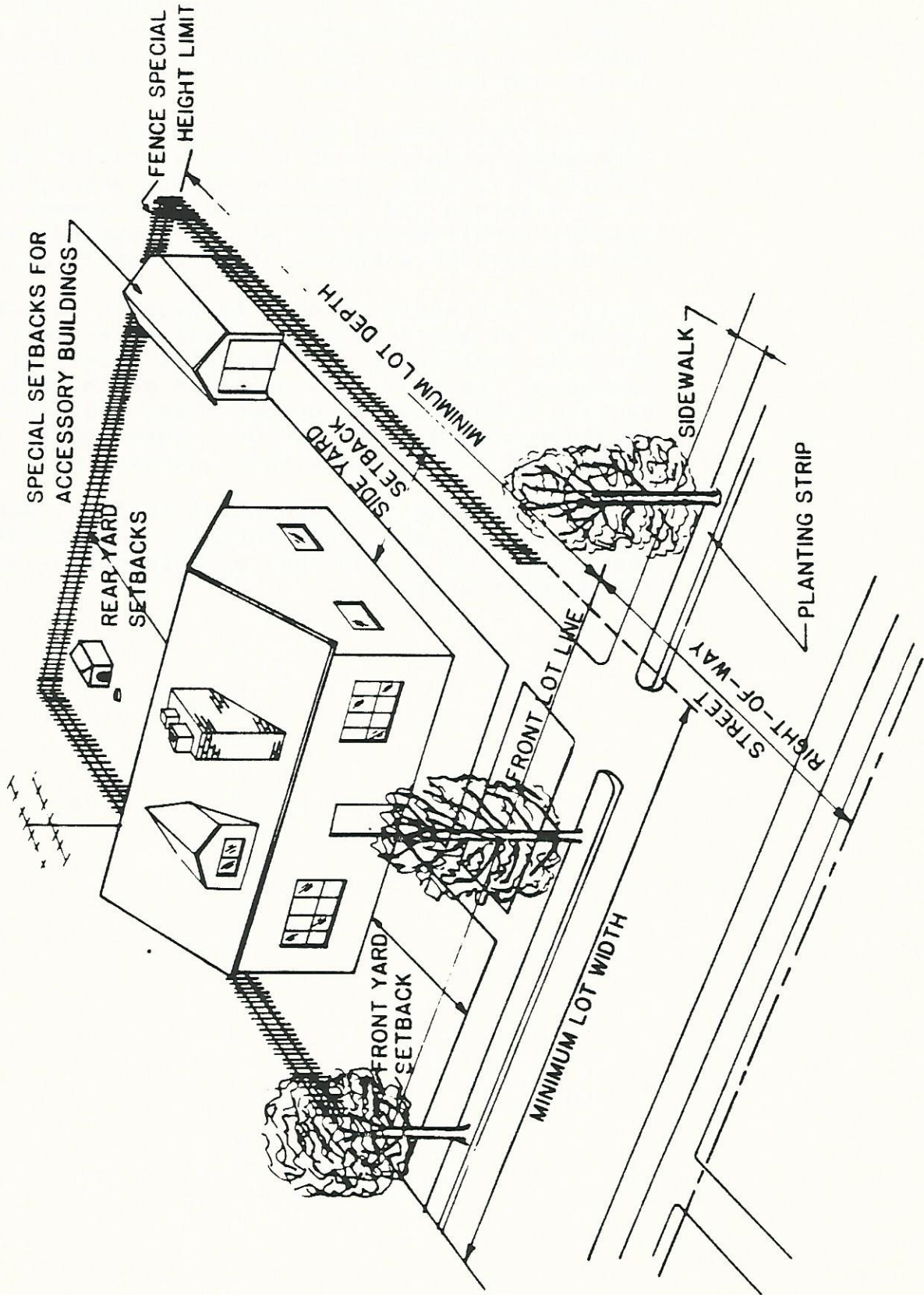
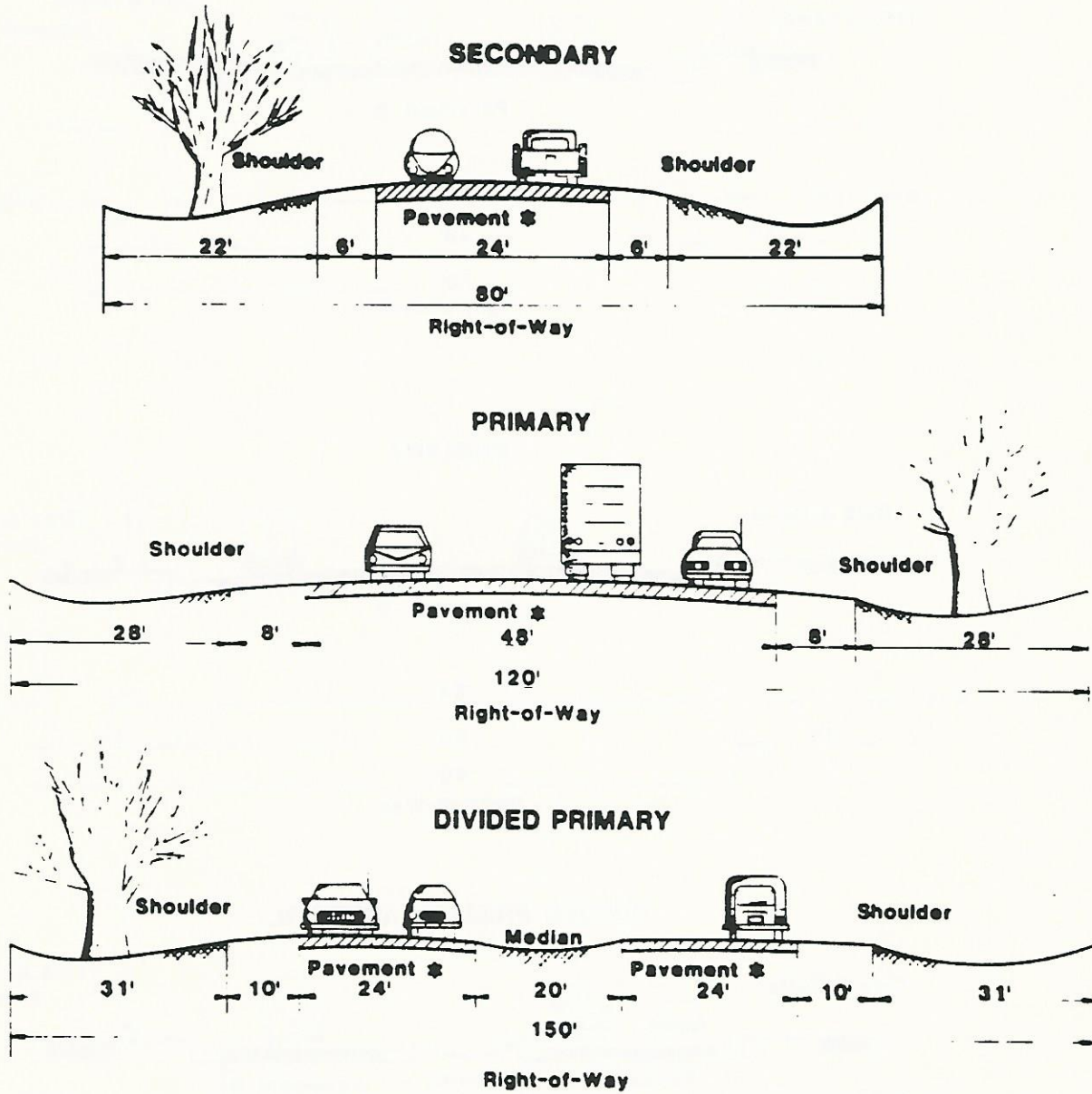


FIGURE 4-2. YARD AREAS AND STREET IMPROVEMENTS



* See appropriate engineer for construction standards

FIGURE 4-3. TYPICAL RURAL CROSS SECTIONS FOR MAJOR STREETS

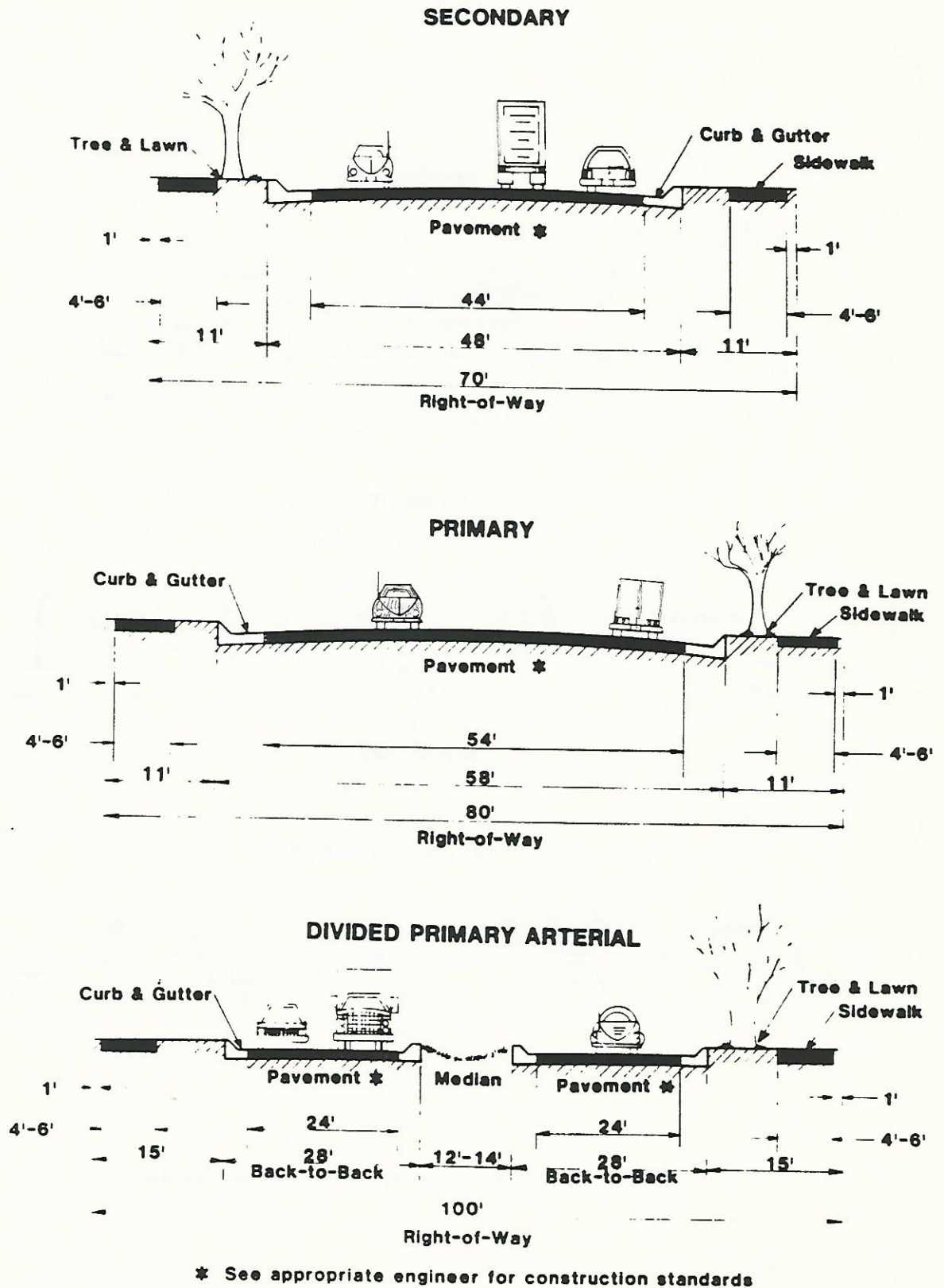


FIGURE 4-4. TYPICAL URBAN CROSS SECTIONS FOR MAJOR STREETS

FIGURE 4-5. SUBDIVISIONS OF FLOOD PLAIN

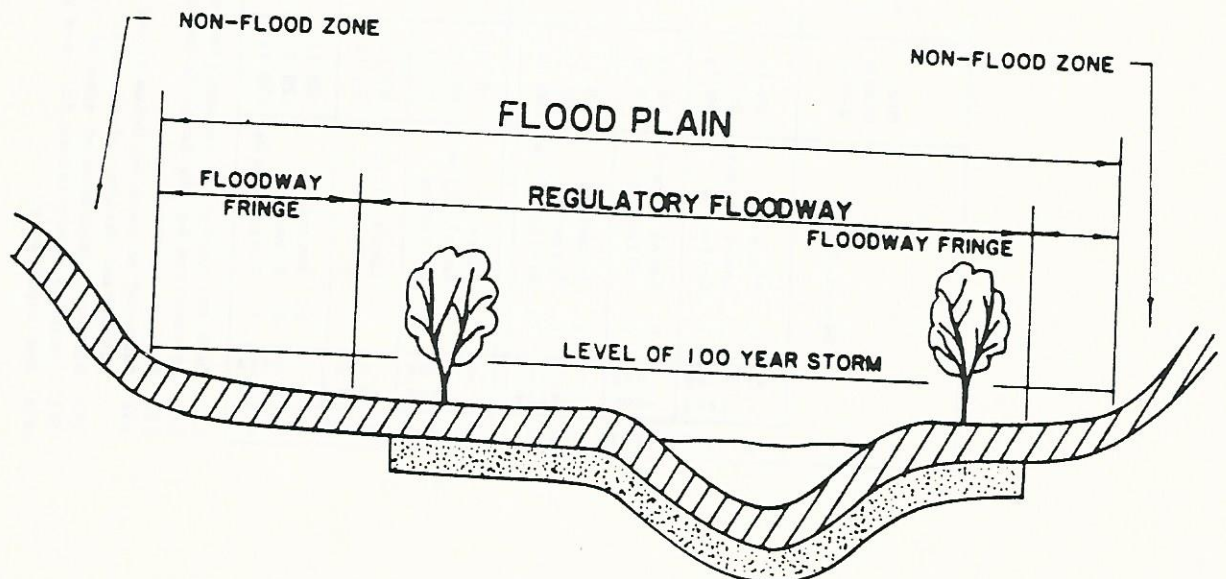
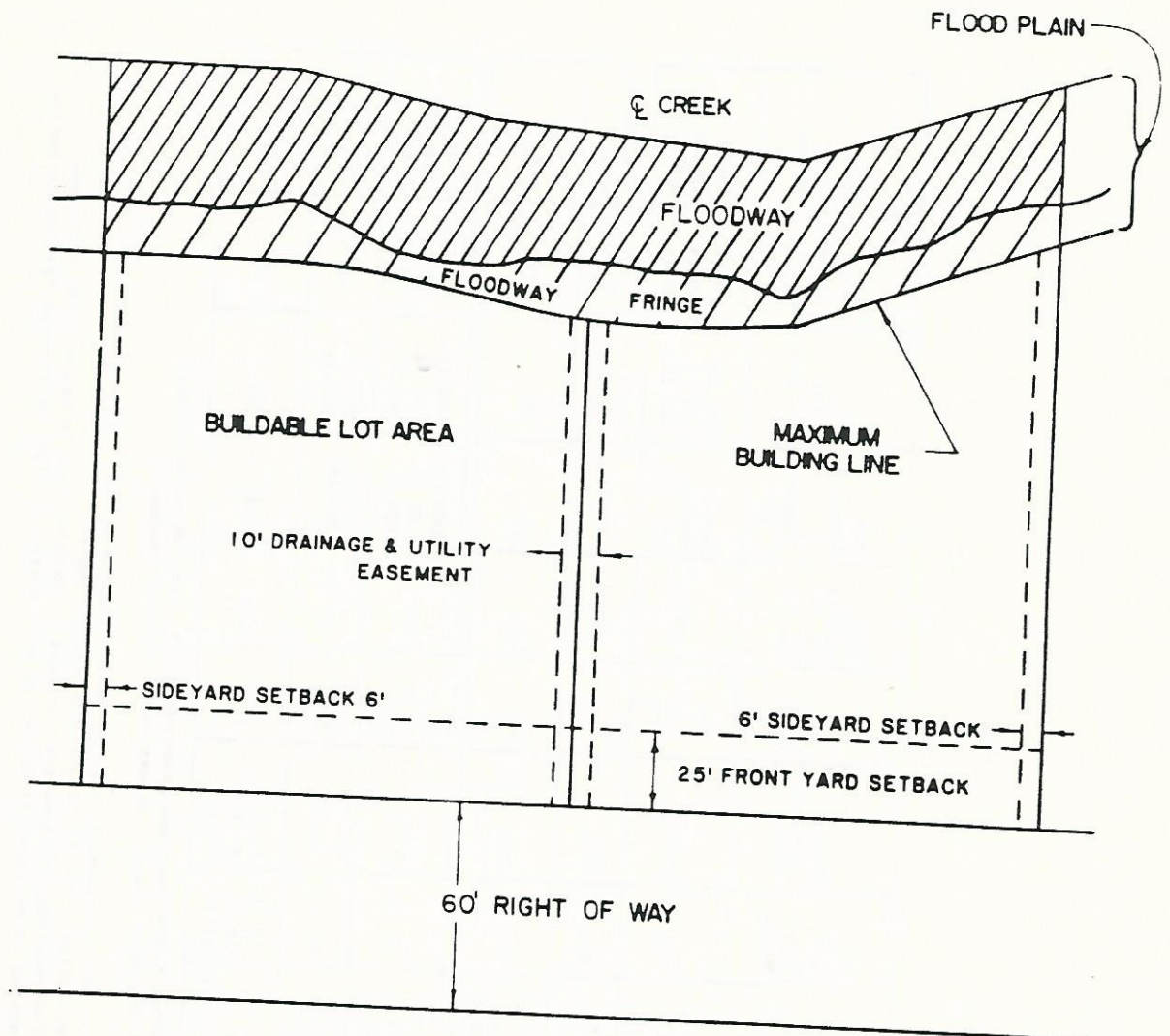


FIGURE 4-6. FLOOD PLAIN DELINEATION

Street Type	Min. Width R-O-W	Min. Pymnt. Width (1)	Min. Side Ditch Width	Min. Shoulder Width	Max. Grade	Min. Radius of Curve	Min. Length of Tangent (3)	Min. Sight Distance	Min. Corner Radius (4)	Min. Turn-Around (5)
Urban Cross Section	1. Place	40 ft.			7.5%		100 ft.	200 ft.	20 ft.	80/60 ft.
	2. Local Street	50 ft.			7.5%		100 ft.	200 ft.	20 ft.	100/80 ft.
	3. Collector	60 ft.	N/A	N/A	7.0%	100 ft.	150 ft.	240 ft.	25 ft.	N/A
Urban Cross Section	1. Local Street	60 ft.			6.0%	200 ft.	200 ft.	200 ft.	40 ft.	160/140 ft.
	2. Collector	70 ft.						240 ft.		N/A
	1. Secondary	70 ft.			(2)	(2)	(2)	(2)	(2)	N/A
Rural Cross Section	2. Primary	80 ft.								
	3. Divided Prim.	100 ft.	2-24 ft.	N/A						
	1. Place	50 ft.	18 ft.	10 ft.			100 ft.	200 ft.	20 ft.	100/76 ft.
Rural Cross Section	2. Local Street	60 ft.	26 ft.		7.5%	100 ft.	100 ft.	200 ft.	20 ft.	100/76 ft.
	3. Collector	65 ft.	33 ft.	6 ft.	7.0%		150 ft.	240 ft.	25 ft.	N/A
	1. Local Street	65 ft.	30 ft.	10 ft.	6.0%	200 ft.	200 ft.	200 ft.	40 ft.	160/140 ft.
Rural Cross Section	2. Collector	75 ft.	40 ft.	6 ft.				240 ft.		N/A
	1. Secondary	80 ft.	24 ft.	22 ft.	(2)	(2)	(2)	(2)	(2)	N/A
	2. Primary	120 ft.	48 ft.	28 ft.						
Rural Cross Section	3. Divided Prim.	150 ft.	2-24 ft.	31 ft.						

- (1) Curb and gutter is in addition on Urban Cross Sections (combined 2 ft. minimum on each side).
 - (2) As required by the Local Government Engineer and/or Indiana State Highway Commission.
 - (3) Between reverse curves.
 - (4) Measured at curb on Urban Cross Sections, at pavement edge on Rural Cross Sections. Transitional curve into the turnaround within cul-de-sacs: Residential - 50 ft.; Non-residential - 100 ft.
 - (5) Diameter, measured at edge of right-of-way/edge of pavement, or back to back of curb on urban cross sections.
 - (6) Includes subdivisions for uses permitted in residential districts as a matter of right or through Special Exception.
- N/A Not applicable.

TABLE 4-1. DESIGN STANDARDS FOR STREETS

STANDARDS APPLIED TO ALL STREETS

Minimum Grade: 0.5%

Minimum Block Length: 400 ft. (1000 ft. between collectors along
arterials)

Maximum Block Length: 2600 ft.

Maximum Cul-De-Sac Length: 800 ft.

Maximum Length of Temporary Dead-End Street 1000 ft.

Minimum Length of Vertical Curves: 100 ft., but not less than 20 ft.
for each percent of algebraic
difference in grade.

TABLE 4-1. DESIGN STANDARDS FOR STREETS (Continued)

SECTION V
Assurance for Completion of Improvements

5.1 Improvements and Performance Bond

1. Completion of Improvements. Before the plan is signed by the Designated Officials all applicants shall be required to complete, in accordance with the Commission's decision and to the satisfaction of the City Engineer, all the streets, sanitary, and other public improvements including lot improvements on the individual lots of the subdivision as required in this ordinance, specified in the approved construction plans and on the final subdivision plat, and as approved by the Commission and to dedicate the public improvements to the City, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

2. Performance Bond

- (a) The Commission in its sole discretion may waive the requirement that the applicant complete all public improvements prior to the approval of the final subdivision plat or section thereof, and that, in lieu thereof, the applicant shall post bond securable to City of Gas City, hereinafter referred to as performance bond, in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the required public improvements. This amount of bond shall be sufficient to secure to the City of Gas City jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements, as provided for in Section 3.3(7)(a)(1) and 3.4(8)(a)(1) of this ordinance.
- (b) In lieu of such a bond the subdivider may submit a certified check made payable to City of Gas City in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Sections 3.3(7)(a)(1) and 3.4(8)(a)(1) of this ordinance. Any such check shall be held by the Clerk-Treasurer of City of Gas City.
- (c) In lieu of such a bond the subdivider may submit irrevocable letters of credit in behalf of the subdivider and securable by the City in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided in Sections 3.3(7)(a)(1) and 3.4(8)(a)(1) of this

ordinance. In the event an irrevocable letter of credit is used it shall be written for a maximum length of two (2) years. The Commission, two (2) months prior to the expiration of the letter of credit, shall determine if the public improvements have been accepted for maintenance by the City or other units of government having jurisdiction over them, and if they have not been accepted shall so notify the subdivider of the City's intent to secure the funds pledged by such letter of credit or, at the discretion of the Commission, to grant an extension of the original period fixed by the Commission. No extension shall exceed one (1) year, and the subdivider filing with the Commission a new letter of credit for the period so extended.

- (d) In lieu of such a bond the subdivider may submit a certificate of deposit made out to either the City of Gas City and the subdivider to be held by the Clerk-Treasurer of City of Gas City in the amount equivalent to one hundred percent (100%) of the cost of completion of the uncompleted portion of required public improvements as provided for Section 3.3(7)(a)(1) and 3.4(8)(a)(1) of this ordinance. The subdivider must endorse the certificate of deposit before submitting it to the Commission so the said City may secure the funds.
- (e) A performance bond furnished pursuant to this ordinance shall comply with all statutory requirements and shall be satisfactory to the Commission Attorney as to form, sufficiency, and manner of execution as set forth in this ordinance. (See Appendix A for forms.) The period within which required public improvements must be completed shall be specified by the Commission in the primary approval of the preliminary plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of secondary approval. Such bond shall be approved by the participating jurisdiction as to amount. The Commission may, upon proof of difficulty, grant an extension of the completion date set forth in such bond for a maximum period of one (1) additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Commission may, at any time during the term of such bond, accept a substitution of principal or sureties on the bond.

3. Temporary Public Improvements. The applicant shall build and pay for all costs of temporary improvements required by

the Commission and shall maintain same for the period specified by the Commission. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the Commission as separate suitable bond for temporary facilities. This bond shall insure that the temporary facilities will be properly constructed, maintained, and removed (except for turnaround at ends of the peripheral stub streets intended for connection into adjacent future subdivisions).

4. Cost of Public Improvements. All required public improvements shall be made by the applicant at his expense without reimbursement by the City or any public improvement district therein, unless sharing of expenses is agreed upon by the City.

5. Governmental Units. Governmental units to which these bond provisions apply may file a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Section in lieu of said bond.

6. Failure to Complete Public Improvements. For subdivision for which no performance bond has been posted, if the public improvements are not completed within the period specified by the Commission in the primary approval of the preliminary plat, or the sketch plan in the case of a minor subdivision, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and the required public improvements have not been installed within the terms of such performance bond, the participating jurisdiction may thereupon request the City to declare the bond to be in default and cause all public improvements to be installed according to secondary approval regardless of the extent of the building development at the time the bond is declared to be in default.

7. Acceptance of Dedication Offers. The approval by the Commission of a subdivider plat shall not be deemed to constitute or imply the acceptance by the City of any street, easement, or park shown on said plat. The Commission may require said plat to be endorsed with appropriate notes to this effect. The approval relates only to the real property itself.

5.2 Inspection of Public Improvements

1. General Procedure. If the City finds upon inspection per Section 3.3(7)(a)(1) and 3.4(8)(a)(1) that any of the improvements have not been constructed in accordance with the approved construction plans, the applicant shall be responsible for completing the public improvements according to such plans. Where the cost of the public improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the public improvements according to specifications.

2. Release or Reduction of Performance Bond

- (a) Certificate of Satisfactory Completion. The City shall not accept required public improvements, nor the Commission release nor reduce a performance bond, until the City has submitted to it a certificate stating that all required public improvements or a pro rata part in the case of a reduction have been satisfactorily completed. The applicant's engineer or surveyor shall provide the participating jurisdiction with detailed "as built" construction plans of the public improvements, indicating location, dimensions, materials, and other information required by the Commission or participating jurisdiction. Upon such certification, the City shall thereafter accept the public improvements for maintenance in accordance with the established procedures unless the City has reliable information as to non-compliance with the plans and specifications.
- (b) Reduction of Performance Bond. A performance bond shall be reduced upon actual acceptance of public improvements, but only by the amount originally estimated for the completion of said public improvements.

5.3 Maintenance of Public Improvements

1. The applicant shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks (where required) until acceptance of said public improvements by the City.

2. The applicant shall be required to file a maintenance bond with the Commission prior to acceptance, in an amount not to exceed ten percent (10%) of the cost of all public improvements, and in form satisfactory to the Commission Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three (3) years after the date of their acceptance by the City.

5.4 Issuance of Building Permits

No building permits shall be issued for the last ten percent (10%) of lots in a final subdivision plat or section thereof, or if ten percent (10%) be less than two (2), for the last two (2) lots of a subdivision or section thereof, until all public improvements required by the Commission for the plat with the exception of sidewalks have been fully completed and accepted for maintenance by the City.

SECTION VI
Specifications for Documents

6.1 Sketch Plan

Sketch plans submitted to the Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information. (See Figure 6-1.)

1. Name

- (a) Name of subdivision if property is within an existing subdivision.
- (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which primary approval is still in effect.
- (c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

2. Ownership

- (a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference. (b) Citation of any existing legal rights-of-way or easements affecting the property.
- (c) A complete copy of any existing covenants on the property.
- (d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.

3. Description. Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.

4. Features To Be Included on Sketch Plans

- (a) Location of property lines, existing easements, burial grounds, railroad rights-of-ways, watercourses, and existing wooded areas or trees eight (8)

- inches or more in diameter, measured four (4) feet above ground level (see Section 4.10(1)); location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract, names of adjacent and adjoining property owners (from the latest assessment rolls).
- (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
 - (c) Approximate topography, at the same scale as the sketch plan (normally showing two (2) foot contour intervals but the Administrator may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes).
 - (d) The approximate location and widths of proposed streets.
 - (e) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
 - (f) The approximate location, dimensions, and areas of all proposed of existing lots.
 - (g) The approximate locations, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
 - (h) The location of temporary stakes to enable the Commission to find and appraise features of the sketch plain in the field.
 - (i) Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

- (j) A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all schools and improvement district lines with the zones properly designated.
- (k) If the subdivision is classified as a minor subdivision, the sketch plan must also comply with Section 6.2.

6.2 Preliminary Plat

1. Preparation. The preliminary plat shall be prepared by a licensed surveyor at a convenient scale of not more than one hundred (100) feet to the inch, may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty-four by thirty-six (24x36) inches (see Figure 6-2). (It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar; preparation in pencil will make required changes and additions easier.)

2. Features. The preliminary plat shall show the following.

- (a) The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; and, the names of adjoining streets.
- (b) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
- (c) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, bridges and topography (at the same scale as the sketch plan).
- (d) The location and width of all existing and proposed streets, alleys, and other public ways and their rights-of-way, and of easements and building setback lines, utilities, fire hydrants and storm water facilities.
- (e) The locations, dimensions, bearings and areas of all proposed or existing lots.
- (f) The location and dimensions of all property proposed to be set aside for park or playground use,

or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

- (g) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name and registration number of the land surveyor.
- (h) The date of the map, approximate true north point, scale, and title of the subdivision.
- (i) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; also, the location of all proposed monuments.
- (j) Names of the subdivision and all new streets subject to approval by the Commission.
- (k) Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.
- (l) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- (m) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
- (n) All information required on the sketch plan should also be shown on the preliminary plat, and the following notation shall also be shown:
 - (i) Explanation of drainage easements, if any.
 - (ii) Explanation of site easements, if any.
 - (iii) Explanation of site reservations, if any.
 - (iv) Endorsement of owner, as follows:
Owner _____ Date _____

6.3 Construction Plans

General Construction Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown.

1. Profiles showing existing and proposed elevations lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing line of the existing street or streets within one hundred (100) feet of the intersection, shall be shown. Radii of all curves, lengths of tangents, and central angles on all streets.

2. The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred foot stations shall be shown at five (5) points as follows: On a line a right angles to the center line of the street, and all elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.

3. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

4. Location, size elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Comprehensive Plan at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured four (4) feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.

5. Topography at the same scale as the sketch plan with a

contour interval of two (2) feet, referred to the sea-level datum. All data provided shall be the latest applicable U.S. Coast and Geodetic Survey data and should be so noted on the plat.

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

7. Notation of approval as follows:

Owner _____ Date _____

Commission President _____ Date _____

8. Title, name, address, signature, registration number and seal of the professional engineer and/or surveyor, and date, including revision dates.

6.4 Final Subdivision Plat

1. Preparation. The final subdivision plat shall be presented in india ink on tracing cloth or reproducible mylar at an appropriate scale and contain the same information as on the preliminary plat, except for any changes or additions required by the conditions of primary approval (see Figure 6-3). The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Commission's approval. The final subdivision plat shall be prepared by a land surveyor licensed by the state.

2. Features. All revision dates must be shown as well as the following:

- (a) notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Commission in accordance with these regulations, and
- (b) all monuments erected, corners, and other points established in the field shall be shown and noted in their places on the plat. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

6.5 Exempt I Divisions

The information that must be provided in order for the decision to be made that a division is an Exempt I division varies as follows according to the definition for each type of Exempt I

division listed under Subdivision in Section 2.2 of this ordinance. Thus:

1. for type "A" divisions a metes and bounds legal description of the exempt division and the land from which it is being divided must be provided;

2. for type "B" divisions the old legal and new legal descriptions must be provided;

3. for type "C" divisions a copy of the court decree showing by legal description how the land is to be divided must be provided;

4. for type "D" divisions a legal description and plot plan showing the parcel and the location of the street right-of-way must be provided;

5. for type "E" divisions a legal description and plot plan showing the tract to be divided and the tract(s) to be added to must be provided; and,

6. for type "F" divisions a plat of the cemetery showing the layout of the private drives, parking areas, and size of burial lots must be provided.

6.6 Exempt II Divisions

See Section 3.5(3) for the certification documents required of Exempt II Divisions.

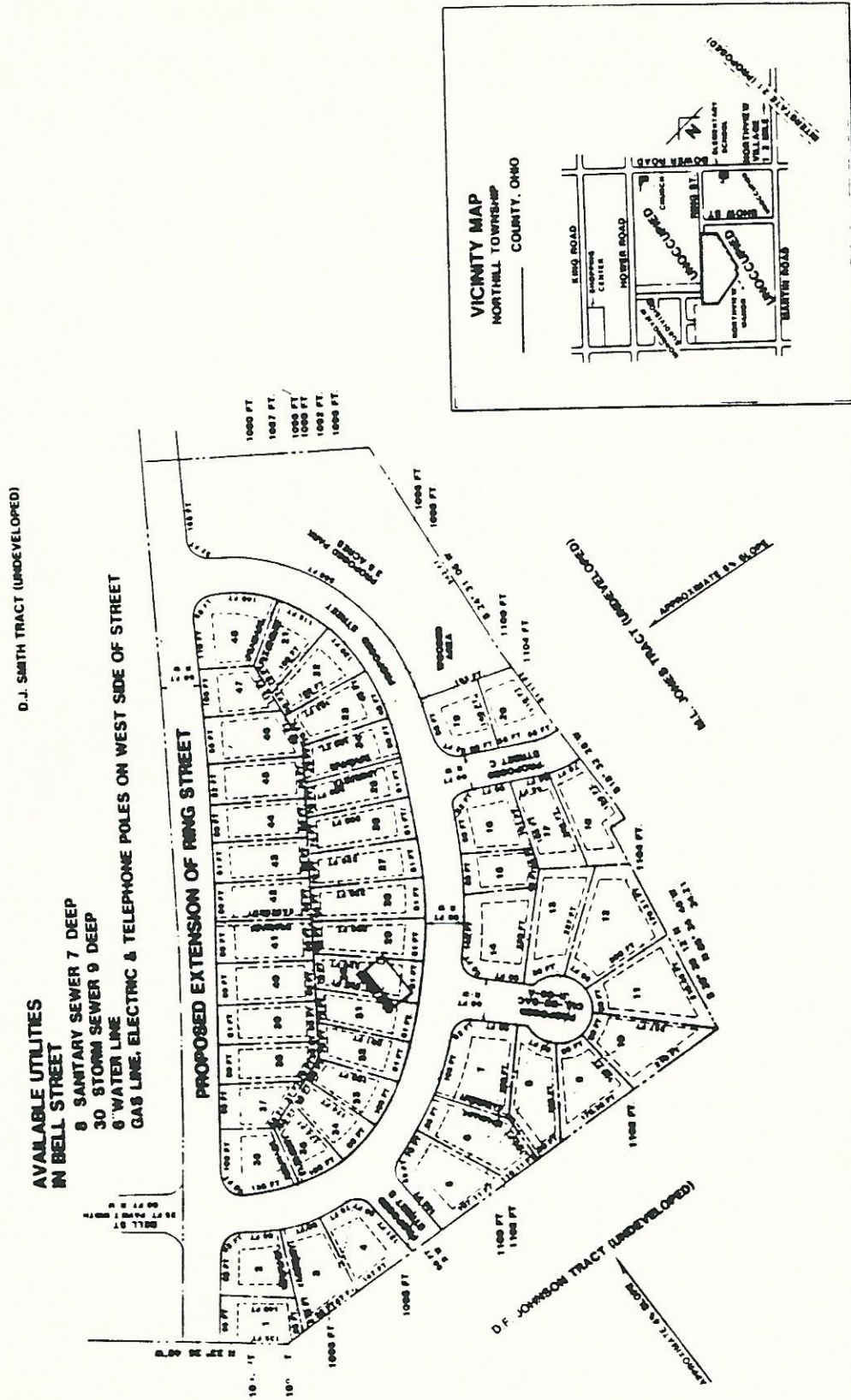
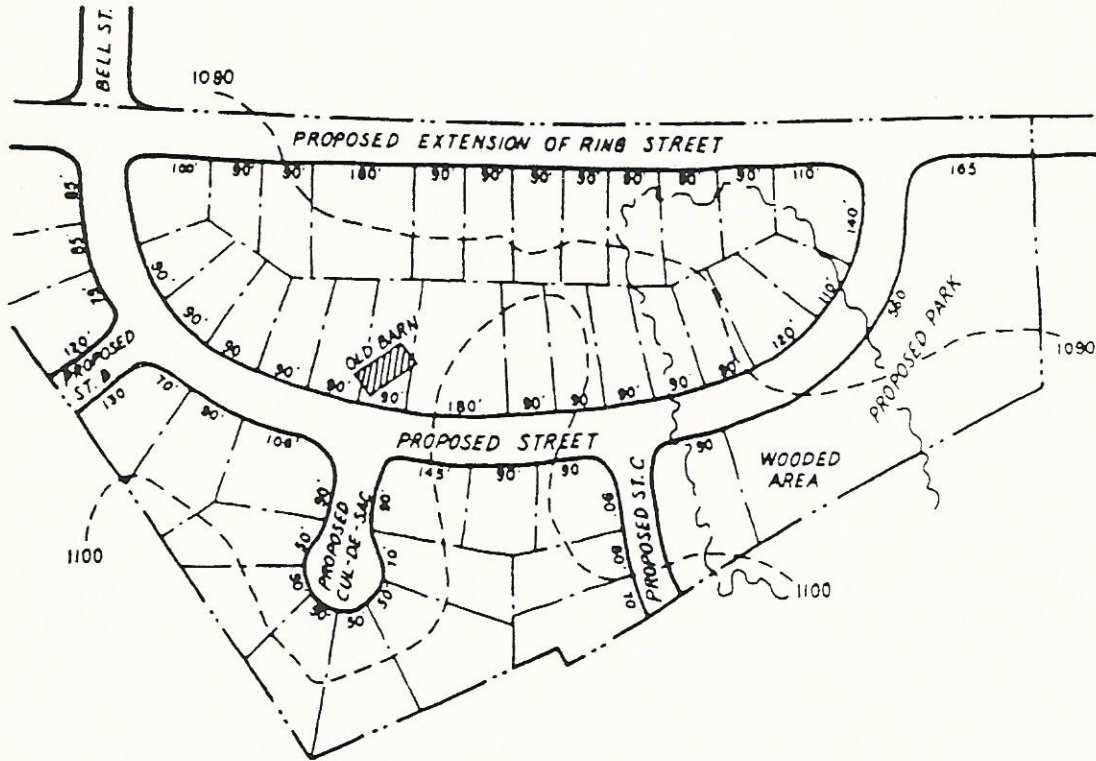
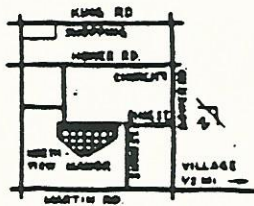


FIGURE 6-2. PRELIMINARY SUBDIVISION PLAT



VICINITY MAP
NORTH HILL TOWNSHIP
COUNTY, OHIO



AVAILABLE UTILITIES
8" SANITARY SEWER - 7' DEEP
30" STORM SEWER - 9' DEEP
6" WATER LINE
GAS LINE ELECTRIC AND TELEPHONE
POLES ON WEST SIDE OF STREET

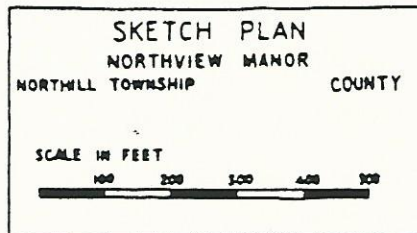


FIGURE 6-1. SKETCH PLAN