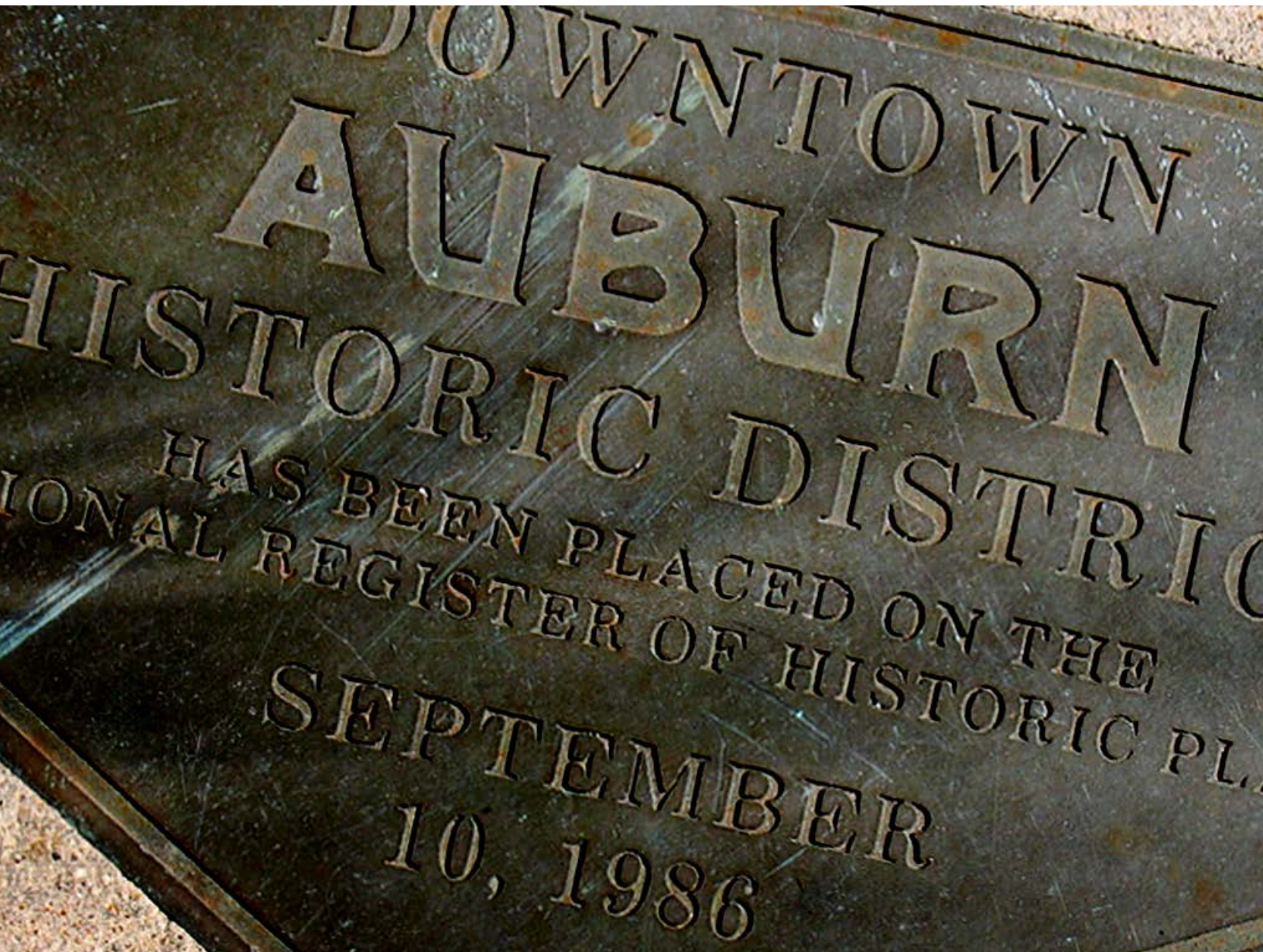




Code of Ordinances
CITY OF AUBURN





Subdivision Control
Regulations

CHAPTER
152

AUBURN



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GENERAL PROVISIONS

152.110 TITLE

These regulations shall be known and cited as the Subdivision Regulations of the city.

152.120 AUTHORITY

These regulations are authorized by IC 36-7-4 and all amendments and supplements thereto.

152.130 ESTABLISHMENT OF CONTROL

No plat or replat of a subdivision of land located within the territorial jurisdiction of the Plan Commission shall be filed with the County Auditor or recorded by the County Recorder until it has been approved by the Plan Commission, and the approval has been entered in writing on the plat by the President and Secretary of the Commission.

152.140 JURISDICTION

These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the jurisdiction of the city.

152.150 PURPOSE OF SUBDIVISION REGULATIONS

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

- A. Guidance of future growth and development in accordance with the comprehensive planning process.
- B. Protection and conservation of the value of land, buildings, and other improvements upon the land, and to minimize conflicts among the uses of land and buildings.
- C. Avoidance of scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services.
- D. Establishment of reasonable standards of design, and minimum requirements for the creation, installation and improvement of physical facilities which are, or will be maintained for the benefit of the general public.
- E. Establishment of reasonable standards and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land; and to assure proper legal descriptions and marking of subdivided land.
- F. Administration of these regulations by defining the powers and duties of the designated approval authorities; and the manner and form of marking, filing and processing of any plat.

152.160 RULES OF CONSTRUCTION

- A. Application and interpretation

Whenever any words and phrases used herein are not defined, but are defined in IC 36-7-4 and amendments thereto, regarding the creation and function of plan commissions, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context requires otherwise.



- B. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
1. The word "PERSON" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
 2. The masculine includes the feminine.
 3. The present tense includes the past and future tense, the singular number includes the plural.
 4. The word "SHALL" is a mandatory requirement, the word "MAY" is a permissive requirement, and the word "SHOULD" is a preferred requirement.
 5. The words "USED" or "OCCUPIED" include the words "intended, arranged, or designed to be used or occupied."
 6. The word "LOT" includes the words "plot", "parcel", and "tract".
 7. The word "HEREIN" means "in these regulations"; the word "REGULATIONS" means "these regulations".
 8. The word "STAFF" includes all personnel in the Department of Building, Planning and Development for the City of Auburn.

152.170 DEFINITIONS

As used in this chapter, the following terms shall have the following respective meanings unless the context specifically indicates otherwise:

- **ALLEY**
A right-of-way, other than a street, road, crosswalk, or easement, designed for the special accommodation of the property it services.
- **APPLICANT**
The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
- **BLOCK**
Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, end of dead-end street, waterway, public park, cemetery or city boundary line.
- **BUFFER LANDSCAPING**
Any trees, shrubs, walls, fences, berms or related landscaping features, required by this chapter, or private lots and privately maintained for buffering such lots from adjacent properties or public rights-of-way for the purpose of increasing sound and/or visual privacy.
- **BUILDING SITE**
An area proposed or provided by grading, filling, excavating or other means for erecting pads, slabs, or foundations for buildings.
- **COMMISSION**
The Plan Commission of the city.
- **COMMISSION ATTORNEY**
The licensed attorney designated by the Commission to furnish legal assistance for the administration of this chapter, or as provided by statute.
- **CONSTRUCTION PLAN(S)**



The required maps or drawings accompanying a subdivision plat which show the specific location and design of improvements to be installed for the subdivision.

- **DEDICATION**
The setting apart of land, or interests in land, for use by the public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.
- **DEVELOPMENT PLAN(S)**
A plot plan, and supporting information, delineating the location and characteristics of structures, vehicular and pedestrian areas, utilities, storm water drainage, signage, landscaping, and other accessory facilities to be constructed, modified or reconstructed on a parcel or parcels of real estate.
- **DRIVES, PRIVATE**
Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.
- **DWELLING**
A fixed structure or building containing one or more dwelling units.
- **DWELLING UNIT**
A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes, but shall not include travel trailers or recreational vehicles.
- **EASEMENT**
An authorization or grant by a property owner to specific persons, or to the public, to use land for specific purposes.
- **FRONTAGE**
The length along the street right-of-way line of a single lot, tract, or development area between the side lot lines ordinarily regarded as the front of the lot.
- **INDIANA CODE**
The current codified body of Indiana statutes and all amendments and supplements thereto. Abbreviated herein as "IC".
- **JURISDICTIONAL AREA**
For planning and zoning, the area incorporated within the city, and any other unincorporated territory legally under the jurisdiction of the City Plan Commission.
- **LOT**
A tract, plot, or portion of a subdivision, or other parcel of land intended for use as a unit, for the purpose, whether immediate or future, of transfer of ownership or for building development. The lot shall be of suitable size, as required in this chapter.
- **MANUFACTURED HOME**
A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971. Such a unit shall also meet all of the following conditions:
 1. Contain at least 950 square feet of occupied space per dwelling unit and be a double section or multi-section manufactured housing unit;
 2. Be constructed after January 1, 1981;

3. Be placed onto a permanent under floor foundation installed in conformance with the Indiana One- and Two-Family Dwelling Code or the Indiana Uniform Building Code in the case of multi-family dwelling units, and the manufacturer's installation specifications;
 4. Be placed onto a permanent perimeter enclosure constructed in accordance with the Indiana One- and Two-Family Dwelling Code;
 5. Have wheels, axles and hitch mechanisms removed;
 6. Having siding material of a type customarily used on site-constructed residences;
 7. Have roofing material of a type customarily used on site-constructed residences. Roofing material shall be installed in accordance with the manufacturer's specifications.
- MARKER
A stake, pipe, rod, nail or any other object which is not intended to be a permanent point, for lot recording purposes.
 - MONUMENT
A physical structure which marks the location of a corner or other survey point, usually on the outside boundary of a subdivision tract.
 - MOBILE HOME
A factory-constructed, transportable structure designed for permanent residential use when placed upon a foundation and connected to utilities. The minimum length of a mobile home shall not be less than 55 feet, excluding the hitch not less than 660 square feet. Mobile homes must meet or exceed federal and state mobile home construction codes.
 - OWNER
Any person, firm, association, syndicate, partnership, corporation, or any other legal entity having title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
 - PERFORMANCE GUARANTEE
An amount of money or other negotiable security paid by the subdivider or his surety to the City Clerk/Treasurer which guarantees that the subdivider will perform all actions required by the Plan Commission regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.
 - PLANNED UNIT DEVELOPMENT
A development in which the developer wishes flexibility of district regulations governing lot size, yards, setbacks, and building location or size. A planned unit development may be a subdivision which is being developed as a unit under single ownership or control whose intent is to sell individual lots or estates, whether fronting on private or dedicated streets.
 - PLAT
A drawing, map, chart, plan or replat indicating the subdivision or re-subdivision of land, including certificates, descriptions and approvals, intended to be filed for record.
 - PLAT, PRIMARY
The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.
 - PLAT, SECONDARY
The final and formal presentation of the map, plan or record of a subdivision and any accompanying material as described in these regulations.



- **PLAT, SKETCH**
An informal sketch drawn prior to the preparation of the primary plat, to save time and expense in reaching general agreement with the Administrator as to the form of the plat and the objectives of these regulations.
- **RESTRICTIVE COVENANTS**
Limitations of various kinds on the use of subdivision lots which are either proposed by the subdivider or required by the Plan Commission, and which are recorded with the plat and run with the land.
- **RESUBDIVISION (REPLAT)**
A change in a map for an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.
- **RIGHT-OF-WAY**
A strip of land occupied, or intended to be occupied, by transportation facilities, public utilities or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.
- **RIGHT-OF-WAY WIDTH, STREET**
The right-of-way measured at right angles to the center line of the street.
- **SALE OR LEASE**
Any immediate or future transfer of ownership, or any possessive interest in land, including contract of sale, lease, devise, intestate succession or transfer of an interest in a subdivision, or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.
- **SETBACK**
The distance between a building and the nearest street right-of-way line or property line, regardless of whether it is the front, side or rear of the building. It is an imaginary line established by the zoning ordinance that requires all buildings to be set back a certain distance from property lines.
- **STREET (ROAD)**
A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law for the purposes of vehicular traffic.
 1. **COLLECTOR STREET**
Collector streets are those streets which carry traffic from residential neighborhoods to the major streets.
 2. **FREEWAY/HIGHWAY**
A term applied to streets and roads that are under the jurisdiction of the Federal Highway Administration or Indiana Department of Highways.
 3. **LOCAL**
A system of streets and roads which primarily provide access to residential and other abutting property.
 4. **MAJOR STREET**
A term applied to heavily used arterial streets which are part of the city's grid system for traffic circulation.



5. PERIMETER

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

6. PRIVATE

A local street that is neither accepted nor offered for public use or maintenance, which provides vehicular and pedestrian access.

- STREET LINE

The dividing line between the street and the lot.

- STRUCTURE

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, poster panels, and pools.

- SUBDIVISION

The division of a parcel of land, after the enactment of this chapter, shown as a unit, as part of a unit or as contiguous units on the last preceding transfer of ownership thereof into two or more parcels or lots, any one of which is less than five acres in area, in any 12-month period of time for the purpose, whether immediate or future, of transfer of ownership, or improvement of one or more of the lots or parcels of land for residential, commercial or industrial structures or groups of structures. All division of land meeting the above described definition shall have, after the enactment of this chapter, a plat recorded in the office of the County Recorder. Said plat shall comply with all provisions of this chapter and any amendments hereto.

152.180 POLICY

- A. It is hereby declared to be the policy of the city to consider the subdivision of land, and subsequent development of the subdivided plat, as subject to the control of the city pursuant to the official master plan of the city, for the orderly, planned, efficient and economical development of the city.
- B. Any land proposed to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; and such land shall not be subdivided until proper provision has been made for drainage, water supply, sewerage, schools, recreation facilities and all other elements which enhance the quality of life in the city.
- C. The existing and proposed public improvements shall conform and be properly related to the proposals of the master plan, and the capital budget and program of the city.

152.190 SEVERABILITY

Should any section, subsection, paragraph, clause, word or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

PRIMARY PLAT APPLICATION AND APPROVAL PROCESS

152.210 PROCEDURE

- A. Pre-application procedures
 - 1. Required



- a. Primary plat(s) and all required contents must be submitted and reviewed by the routing committee according to the procedures set forth by the Zoning Administrator. Consideration by the developer and routing review committee shall be given to the general layout of streets; drainage; sewerage; water; fire and police protection; school and recreational sites; community facilities; developments, existing and proposed, in the vicinity and all other relevant factors. Consideration should also be given to the relationship of the proposed subdivision to the Master Plan.
- b. All routing comments must be substantially fulfilled by the applicant. At such time as the plat(s) and accompanying documents are in proper order as deemed by the Zoning Administrator, the application and filing fee will be received. A date for the public hearing will be scheduled by the zoning administrator as described in 152.230.
- c. Upon application and review of development plan(s) by the City of Auburn Plan Commission, additional routing review may be required to further discuss and resolve any issues identified by the Plan Commission.

2. Recommended

- a. A preliminary review between the zoning administrator and developer; and/or
- b. A preliminary, informal routing review between the developer and routing review committee to:
 - i. Inform the applicant of the standards and requirements of all applicable ordinances, including the Comprehensive Plan;
 - ii. Review the various procedures and submission requirements;
 - iii. Review with the applicant any inherent limiting characteristics of the specific site or surrounding areas; and
 - iv. Reduce the time period between the initial filing of plans and the public hearing.
- c. A preliminary informal routing does not substitute or replace the requirements of a formal routing review, but merely affords an opportunity to familiarize the developer with city rules and regulations.

B. Application for primary approval of plat

The application for primary approval of a plat shall be submitted in duplicate to the Commission on a form approved by the Commission, and shall be signed by the owner(s) of record, and shall contain a statement specifying the intentions of the owner regarding the proposed land use of the development, deed restrictions, drainage, sewage disposal, water facilities, and the intended date of the development. At the time of submission of the application, the applicant shall pay to the Commission the filing fee established by rule of the Commission. The applicant shall also pay in full the mailing costs incurred by the Commission in furnishing notice of the public hearing, as required by law and this chapter, prior to the date the application and plat are considered for primary approval by the Commission.

C. Primary plat

Legible and reproducible copies (number determined by staff) of the primary plat shall be submitted to the commission at the time the application for primary approval is filed. The proposed plat shall represent the entire tract the applicant intends to develop and over which he has an ownership or financial interest and/or control. If the plat is a sell-off, the plat shall also represent the entire tract from which the applicant acquired his tract.

D. Development Plan

Both development plan and subdivision plat processes may be done concurrently with any duplicated requirements being counted for both processes.

152.220 GENERAL SPECIFICATIONS FOR PRIMARY PLAT

The primary plat shall be prepared by a licensed land surveyor or engineer at a scale of one (1) inch per one hundred (100) feet. Standard engineering symbols shall be used, with a legend or explanation of all symbols provided on all submitted drawings. The plat shall be prepared so that it is legible and reproducible, on sheets no greater than twenty four (24) inch by thirty six (36) inch and may be submitted electronically with permission of staff. Scale may be decreased to one inch (1) per two hundred (200) feet for small subdivisions of land with approval of staff.

A. The plat shall show the following information:

1. Name
 - a. Name of subdivision if property is within an existing subdivision
 - b. Proposed name, if not within a previously platted subdivision
2. Ownership
 - a. Name and address, including telephone number, of legal owner(s) or agent of property
 - b. Citation of any existing legal rights-of-way or easements affecting the property
 - c. Existing covenants on the property, if any
 - d. Name, address, telephone number and registration number of the licensed engineer or surveyor responsible for the design of the subdivision, the design of public improvements, and for surveys
3. Description
 - a. Location of property by lot or section, township, range and county (metes and bounds)
 - b. Date, graphic scale and north point
4. Features
 - a. Location, widths and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public and private recreation areas, existing buildings and structures, and section and corporation lines within and adjacent to the tract
 - b. The location of subdivision property with respect to surrounding property and streets, including the names of all adjoining property owners of record, and the names of adjoining developments and streets.
 - c. Layout of proposed streets, their names and widths; the locations of alleys, crosswalks, sidewalks and easements; and the location of any construction access roads as required by the Plan Commission or as deemed necessary by the developer.
 - d. Layout of proposed lots and their numbers and dimensions
 - e. Parcels of land intended for dedication for public use, or which are to be set aside for the use of property owners in the subdivision
 - f. Front building lines
 - g. Approximate topographic contours, shown at vertical intervals of not more than five feet, where the slope is greater than 10%, and not more than two feet, where the slope is less than 10%
 - h. Location and type of all easements
 - i. Information as to any agreements which have been entered into with other property owners within the neighborhood in which the proposed subdivision is located. Reference shall also



be made to the master plan for suggestions as to the general street pattern and design of the neighborhood

- j. Restrictions of all types which run with the land
- k. Street width and type of surfacing material
- l. Sanitary sewer pipe locations, manhole locations and invert elevations at point of connections with existing facilities or alternative means of disposal
- m. Storm sewer improvement locations, including pipe, manhole and catch basin locations, detention basin location capacity and appropriate elevations, and storm drainage flow lines
- n. Water line and fire hydrant locations to the point of connection with existing facilities or alternative sources
- o. Sidewalk locations
- p. Street lighting fixture locations, if applicable
- q. Whenever the primary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of no more than one inch per 200 feet, a sketch of the entire holdings, including the proposed subdivision area, showing an indication of the probable future street and drainage systems for the remaining portion of the tract.
- r. A vicinity map showing streets and other general development of the surrounding area. The plat shall also show all school and improvement district lines, with the districts properly designated.
- s. Such other data as the Commission may require by rule.

152.230 PLAT REVIEW AND NOTICE OF HEARING DATE

Within 30 days after receipt of application, the Zoning Administrator shall announce the date for a public hearing before the Commission and provide for notice as follows:

- A. Notify the applicant in writing by means of regular United States Mail, postage prepaid, addressed to the applicant at the address listed in the application for approval. The applicant then shall be responsible for the following notice:
 - 1. Give notice of the hearing by publication in accordance with I.C. 5-3-1 and amendments hereto. The cost of publishing the notice of the hearing shall be paid to the publisher by the subdivider at the time of inserting the notice.
 - 2. Provide for due notice to all interested parties at least ten days before the date set for the hearing. The applicant shall send a copy of the plat and written notice of the date, place and time of the public hearing to all public agencies and governmental units having a probable interest in the proposed subdivision and plat, requesting their written comments on the proposed plat. The Commission shall also, by rule, determine what other interested parties exist, how notice is to be given to them, and who is required to give such notice.
- B. The applicant then shall be responsible for the following notice:
 - 1. Give notice of the hearing by publication in accordance with IC 5-3-1 and amendments thereto. The costs of publishing the notice of the hearing shall be paid to the publisher by the subdivider at the time of inserting the notice.
 - 2. Provide for due notice to all interested parties at least 10 days before the date set for the hearing. The applicant shall send a copy of the plat and written notice of the date, place and time of the public hearing to all public agencies and governmental units having a probable interest in the proposed subdivision and plat, requesting their written comments on the proposed plat. The Commission shall also, by rule, determine what other interested parties exist, how notice is to be given to them, and who is required to give such notice.



152.240 CONDUCTION OF PUBLIC HEARING

The public hearing for primary approval of the proposed plat shall be conducted in accordance with such procedures as the Commission may adopt by rule.

152.250 DECISION OF PLAN COMMISSION REGARDING PRIMARY PLAT APPLICATION

A. Granting of approval

If, after public hearing upon the proposed plat, the Commission determines that the application and plat comply with the standards of this chapter, it shall make written findings and a decision granting primary approval, with or without conditions, to the plat. The decision shall be signed by the President of the Plan Commission and attested by the Secretary.

B. Denial of approval

If, after public hearing upon the proposed plat, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval. This decision shall be signed by the President of the Plan Commission and attested by the Secretary.

C. Notice of decision

The Commission shall give notice of its decision granting or denying primary approval to the proposed plat by furnishing a copy of its written findings and decision to the applicant, and to such remonstrators or other interested parties, if any, as the Commission may designate by rule. Such notice shall be furnished by the Commission within five days of the Commission's decision.

D. This section

152.250 applies to any subdivision of land, whether or not it is exempted from the notice and hearing requirements of 152.230 of this chapter and amendments thereto.

152.260 TIME PERIOD OF VALID APPROVAL

Primary approval of a plat by the Planning Commission shall be valid for one year from the date of approval at which time it becomes null and void unless:

A. The applicant, prior to the expiration of such one-year period, has applied for and received the Planning Commission's approval for an extension of time to obtain secondary approval.

B. The Planning Commission/Staff grants secondary approval for a portion of the plat, at which point, the applicant thereafter will not be obligated to adhere to any time limitations for requesting secondary approval of the remainder of the plat.

152.270 APPEAL OF PRIMARY PLAT DECISION

The primary approval or disapproval of a plat by the Plan Commission, or the imposition of a condition on primary approval, is a final decision of the Plan Commission which may be appealed by certiorari procedure, as provided by IC 36-7-4-1016. However, such action may not be taken to court until administrative remedies are exhausted.

SUBDIVISION DESIGN REQUIREMENTS FOR PRIMARY APPROVAL

152.310 COMPLIANCE REQUIRED



The applicant shall submit an application and subdivision plat for primary approval which comply with the requirements of this subchapter.

152.320 GENERAL REQUIREMENTS

A. All subdivision plats submitted for primary approval shall comply with the following rules, laws and regulations:

1. All applicable statutory provisions, including all applicable local, state and federal permits.
2. The master plan of the city.
3. The zoning regulations of the city.
4. The rules and regulations of the city.
5. The rules, regulations and standards of the Indiana Department of Highways if the subdivision or any lot contained therein, abuts a state highway.
6. Primary plat approval may be withheld if a subdivision is not in conformity with the above guidelines and requirements, or with the purposes of these regulations, as established in 152.140 of this chapter and amendments thereto.

B. Character of the land

1. Any land which the Commission finds unsuitable for subdivision or development because of 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, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for those uses permitted by the city zoning code which do not involve any such danger.
2. Whenever a tract to be subdivided embraces any part of a major street, boulevard or parkway, this part of the proposed public way shall be platted by the subdivider and the locations and the widths indicated. Due consideration shall also be given by the subdivider and owners of adjoining property for the provisions of school sites, park sites, right-of-way for public utility lines, sites for business centers, industrial locations and other features as indicated on the master plan.

C. Subdivision name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or mobile home park within the city. The Commission shall reserve final authority to designate the name of the subdivision at the time of primary approval.

D. Political and jurisdictional boundaries

To eliminate potential jurisdictional disputes, and to facilitate effective coordination and control of development, the Plan Commission shall be guided by the following policy:

1. Whenever access to the subdivision is required to cross land within another local government jurisdiction, the Commission shall request assurance from the attorney for said jurisdiction that such access is legally established, and from the designated engineer for said jurisdiction that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.
2. Lot lines shall be laid out so as not to cross boundary lines between adjacent units of local government, each of which has a separate, autonomous governing body.



152.330 BLOCK AND LOT REQUIREMENTS

A. Blocks

1. Arrangements

Blocks shall have sufficient depth to provide for two tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to freeway/highway or major streets and railroad right-of-ways and industrial/commercial areas.

2. Dimensions

The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated and in compliance with the city zoning code and amendments thereto.

B. Lots

1. Arrangements

Lot arrangements shall be designed in such a way that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the city zoning code and other regulations; and in providing safe driveway access to buildings on such lots from an approved street.

2. Dimensions

Lot dimensions shall not be less than the minimum requirements specified by the city zoning code and amendments thereto, for the district in which the lot is located.

3. Side lot lines

Side lot lines shall be at right angles to straight street lines and radial to curved street lines. The Commission may consider variations from this rule if such result in a street or lot plan which better serves the purpose of this chapter.

4. Building setback lines

Building setback lines for individual lots shall follow the requirements of the city zoning code and amendments thereto, for the district in which the lot is located.

5. Off-street parking

Provisions shall be made for off-street parking in the subdivision design following the requirements of the city zoning code and amendments thereto, for the district in which the subdivision is located.

6. Double-frontage lots

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

7. Access

All lots shall abut on a street which is accessible to an established public street already in use.

8. Lot drainage

Lots shall be laid out so as to provide drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.



9. Debris

No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street at the time the buildings are ready for occupancy.

10. Fencing

An applicant may be required to furnish and install fences wherever the Commission determines that a hazardous condition exists. Fencing shall be constructed according to the provisions of the city zoning code and amendments thereto. No certificate of occupancy shall be issued until such fence improvements have been installed.

11. Except where alleys are provided for this purpose, each lot shall have an easement for utilities along the rear lot line and along the side lot line where necessary. No easement shall be less than ten feet wide on each lot, making an overall easement width of 20 feet.

12. When the terrain so requires, easements for sanitary sewers along lot lines other than the rear lot lines shall be provided.

152.340 PUBLIC USES/RECREATION SPACE

A. General requirements

The Commission shall require that land be reserved for public uses, parks, playgrounds or other recreational purposes in such locations designated by the park master plan, or wherever the Commission deems such reservations appropriate.

1. Where the Commission determines that a proposed park, playground, school or other public use shown by the master plan is located in whole or part within a proposed subdivision, sufficient area for such public use shall be reserved by the applicant and noted on the submitted primary plat.
2. Areas reserved by the Commission for recreation purposes shall be marked on the primary plat: "Reserved for Park and/or Recreational Purposes". The Commission may refer such proposed reservations to the Park Board of the city for recommendation. If approved by the Park Board, the applicant shall dedicate all such recreation areas to the city as a condition of primary approval.

B. Recreation space guidelines

If recreation space is required by the Commission, then:

1. The purpose of providing this space shall be to meet the immediate and future recreation needs of the subdivision's residents in a neighborhood setting. Recreation space shall be provided at the rate of 750 square feet per dwelling unit.
2. Recreation space may be provided in a centrally located site; in distinctly separate sites; as connecting links between separate activity areas; or adjacent to other existing or proposed recreation spaces. The Commission shall determine if the proposed recreation space is suitable for the intended use.
3. This requirement may be waived when, in the opinion of the Commission, the applicant has satisfactorily demonstrated that he has provided alternative methods for meeting the recreational needs of his subdivision's residents or the resulting open space is less than 10,000 square feet.



4. All subdivisions with recreation space must contain acceptable covenants, which in the opinion of the Commission, insure adequate maintenance of those recreation spaces.

152.350 PRESERVATION OF NATURAL FEATURES AND AMENITIES

A. General requirement

Existing natural features, which add value to residential development and enhance the attractiveness of the community, shall be preserved in the design of the proposed subdivision primary plat. See Policy L-9 of the Auburn Master Plan.

B. Nonresidential subdivisions

1. General

- a. A nonresidential subdivision shall be subject to all the requirements of site plan approval set forth in the city zoning code and the amendments thereto. Site plan approval and nonresidential subdivision primary plat approval may proceed simultaneously at the discretion of the Commission. A nonresidential subdivision shall be subject to all of the requirements of this chapter and amendments hereto, as well as such additional standards required by the Commission, and shall conform to the proposed land uses and standards established in the master plan.
- b. 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 make such provisions as the Commission may require.

2. Standards

- a. The applicant shall demonstrate that the proposed street-block-lot-parcel pattern of the nonresidential subdivision is specifically adapted to its anticipated uses, and also takes into account other uses in the vicinity. The following principles and standards shall be observed:
- b. Each nonresidential area or parcel shall be shown and marked on the plat as to its intended purpose. Proposals for incremental lot-by-lot subdivision shall also be noted.
- c. Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.
- d. The Commission may impose special requirements on street, curb, driveway and sidewalk design and construction.
- e. Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of anticipated traffic volume.
- f. The Commission may impose special requirements on the installation of public utilities including water, sewer, storm water drainage, the prepossessing of sewage and on the storage and disposal of toxic materials.
- g. The Commission may impose special requirements in order to protect adjacent residential subdivision, including the provision of extra depth on parcels backing onto existing or potential residential areas, and for permanent landscape buffers when necessary.
- h. Streets carrying nonresidential traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas. Truck routes shall be established as necessary to prevent industrial traffic from encroaching into adjacent residential areas.

SECONDARY PLAT APPLICATION AND APPROVAL PROCESS

152.410 PROCEDURE



As specified in 152.260 of this chapter, the applicant has one year from the date of primary plat approval to submit to the Commission/Staff for secondary approval of either all or part of the plat. In the event the applicant intends to seek secondary approval of only a portion of the plat, he shall specifically describe and designate such areas on the secondary plat.

A. Pre-application procedure

1. The applicant shall follow the pre-application procedure in the manner prescribed as follows:
2. Required
 - a. Secondary plat and all required contents must be submitted and reviewed by the routing committee according to the procedures set forth by the Zoning Administrator. Consideration by the developer and routing review committee shall be given to the general layout of streets; drainage; sewerage; water; fire and police protection; school and recreational sites; community facilities; developments, existing and proposed, in the vicinity and all other relevant factors. Consideration should also be given to the relationship of the proposed subdivision to the Master Plan.
 - b. All routing comments must be substantially fulfilled by the applicant. At such time as the plat(s) and accompanying documents are in proper order as deemed by the Zoning Administrator, the application and filing fee will be received. If deemed necessary, a date for the public hearing will be scheduled by the zoning administrator as described in 152.410C) below:
 - c. Upon application and review of development plan(s) by Building Planning and Development Staff and/or the City of Auburn Plan Commission, additional routing review may be required to further discuss and resolve any issues identified by Staff/Plan Commission.

B. Application

The applicant shall file a secondary plat with ~~the~~ Commission/Staff in the manner prescribed in 152.420. The secondary plat shall be processed according to the requirements of State Law (I.C. 36-7-4-700 Series) and by such procedures as ~~the~~ Commission/Staff may adopt by rule.

C. Notice

Building Planning and Development Staff will review the secondary plat to determine who will review, based on 152.410 D) 1) below:

Staff Review: Notice will be given to the Planning Commission of the approval or denial of secondary plat at the next scheduled Planning Commission Meeting.

Plan Commission Review: A meeting shall be scheduled for the purpose of reviewing the plat and determining whether secondary approval is to be granted, and shall provide notice to the applicant of the date and time of the meeting. No other notice of the meeting need be given, except as required by state law (I.C. 36-7-4-700 et seq.). The Commission may determine what other interested parties exist and notify such parties of said meeting through designated means adopted by rule.

D. Consideration

1. Staff Review

If Staff determines that the proposed Secondary Plat has met all of the following conditions:

- a. Not Substantially changed the proposed layout of the Primary Plat as approved by the Planning Commission
- b. Not Decreased lot size, width or depth by any percentage/amount



- c. Not Increased lot size width or depth by greater than 10%

Staff shall then verify that all of the requirements of secondary approval have been met, return one copy, plus any other required copies in the event of approval, of the secondary plat to the applicant, with the date of approval, conditional approval or disapproval noted thereon, and the reasons for the Staff's decision accompanying the plat.

2. Planning Commission Review

At the meeting for the consideration of secondary plat approval, the Commission shall give an opportunity to any interested persons to examine or comment upon the plat and construction plans. No secondary approval shall be endorsed on the plat by the Commission until it is satisfied that all of the requirements of secondary approval have been met. After review and consideration of the secondary plat the Commission shall return one copy, plus any other required copies in the event of approval, of the secondary plat to the applicant, with the date of approval, conditional approval or disapproval noted thereon, and the reasons for the Commission's decision accompanying the plat.

E. Vested rights

No vested rights shall accrue to any primary plat approval, until the actual signing of the plat by the President of the Plan Commission, and attest action by the Secretary and No vested rights shall accrue to any secondary plat approval, until the actual signing of the plat by either the President of the Plan Commission, and attest action by the Secretary or The Administrator or his/her designee of the Department of Building, Planning and Development as described in F) Signing of plat below.

F. Signing of plat

1. Staff Review

- a. The Administrator or his/her designee of the Department of Building, Planning and Development shall endorse approval on the plat only after a performance guarantee has been approved by the Board of Public Works and Safety (see 152.430 for performance guarantee requirements and process).
- b. When the applicant is required to install improvements within the subdivision because of conditional primary approval, the Administrator or his/her designee of the Department of Building, Planning and Development shall endorse approval on the secondary plat only after all conditions placed upon the primary plat have been satisfied. There shall be written evidence that the required public facilities will be installed in a manner satisfactory to the Board of Public Works and Safety in the form of a certificate signed by such qualified officials, engineers and surveyors designated by rule by the Commission.

2. Planning Commission Review

- a. The President and Secretary of the Plan Commission shall endorse approval on the plat only after a performance guarantee has been approved by the Board of Public Works and Safety (see 152.430 for performance guarantee requirements and process).
- b. When the applicant is required to install improvements within the subdivision because of conditional primary approval, the President and Secretary of the Commission shall endorse approval on the secondary plat only after all conditions placed upon the primary plat have been satisfied. There shall be written evidence that the required public facilities will be installed in a manner satisfactory to the Board of Public Works and Safety in form of a certificate signed by such qualified officials, engineers and surveyors designated by rule by the Commission.

G. Recording of plat:



1. The President or Secretary of the Commission/Administrator or his/her designee of the Department of Building, Planning and Development shall sign the certificate, which shall be part of the subdivision plat, plus two copies of the subdivision plat, all of which shall be legible and reproducible. It shall be the responsibility of the applicant to file the plat with the County Recorder within 30 days of the date of signature. Simultaneous with the filing of the plat, the applicant shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Plan Commission.

H. Sectional/partial development and approval of plats

Prior to granting secondary approval of a subdivision plat, the Commission/Staff may permit the plat to be divided into two or more sections.

1. Commission/Staff may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat.
2. The Commission/Staff may require that the performance guarantee for the installation of improvements be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance guarantee principal amount until the remaining sections of the plat are offered for secondary approval.
3. The developer may also file irrevocable offers to develop streets and public improvements in the sections to be filed and defer filing offers of dedications for the remaining sections until such sections, subject to any condition imposed by the Commission/Staff, shall be granted secondary approval.
4. Subdivision sections which have been granted secondary approval by the Commission/Staff shall be filed with the County Recorder.
5. The approval of all sections that have been granted secondary approval but not filed with the County Recorder shall automatically expire within two years of the date of secondary approval, unless an extension is granted by the Commission.

152.420 APPLICATION PROCESS, FORM, CONTENT, AND CONDITIONS OF SECONDARY PLAT

A. Application

The application for secondary plat approval shall be:

1. Made in duplicate forms available from the Commission/Staff.
2. Legible and reproducible copies (number to be determined by staff) of the secondary plat which shall comply substantially with the primary plat, as approved by the Commission.
3. Accompanied by a minimum of five copies (unless determined differently by staff) of the complete, final construction plans, in accordance with the requirements of this chapter, for the development of all streets, sewers, water supplies and other subdivision utilities and facilities. Should any modification of these plans be made in the actual construction of these improvements, "as built" (record) drawings shall be submitted upon completion.
4. Accompanied by all formal, irrevocable offers of dedication to the public of all streets, utilities, parks, easements and other local governmental uses in a form approved by the City Attorney. In addition, the secondary plat shall be marked with a notation indicating the formal offers of dedication as follows:

"The owner hereby irrevocably offers for dedication to the City of Auburn all the streets, local government uses, utility and drainage easements, parks and required utilities shown on the subdivision plat and construction plans.



Furthermore, the owner irrevocably offers for dedication right of access easements for all public/private utility companies, servicing own or adjacent properties including but not limited to gas, telecommunication, etc.

Signature _____

Date _____ "

5. Accompanied by a general warranty deed to all lands offered for dedication in proper form for recording.
6. Accompanied by restrictive covenants in a form approved by the Commission/Staff, where proposed by the applicant or required by the Commission/Staff.
7. Accompanied by a performance guarantee, if required by the Commission/Staff.

B. Conditions of secondary approval

The Commission/Staff will consider secondary approval of a plat only after being shown satisfactory evidence the applicant has accomplished the following:

1. Guaranteed all of the improvements required by this chapter, or by the conditions placed upon the primary plat by the Commission, and which are in accord with said improvement construction plans on file.
2. Totally complied with the requirements of this chapter and the amendments hereto, and to the terms and conditions of approval.
3. Filed with the Commission/Staff a secondary plat in the form and with the contents prescribed in division (C) of this section.

C. Form and contents of plat

The secondary plat shall be prepared by a registered land surveyor or engineer at a scale of not more than one inch per one hundred (100) feet. It shall be legible and reproducible and shall be a complete and accurate layout, and shall include all additions, corrections and deletions required by the Commission/Staff. The plat shall show the following:

1. Name
 - a. Name of the subdivision.
2. Ownership
 - a. Name and address of the owner of land to be subdivided.
 - b. Name and address of the subdivider if other than owner.
 - c. Name and address of the land surveyor or engineer.
3. Description
 - a. Dedications of public streets and lands.
 - b. All easements for public services and utilities.
 - c. Restrictions of all types which run with the land.
4. Construction/engineering plans

Construction/ engineering plans which include street plans, profiles and cross-sections, storm sewer plans and profiles, water plans, sidewalk plans and cross-sections and street and sidewalk lighting fixture locations when applicable.
5. Other features



- a. Location and width of all proposed streets, easements, alleys and other public ways.
 - b. Proposed street rights-of-way.
 - c. Location of lots and building setback lines.
 - d. Location of any construction access roads.
 - e. Lot numbers and dimensions and individual house numbers for each lot. House numbers will be in accordance with the existing uniform city numbering system.
 - f. Location, width or size of existing streets, easements, water bodies and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges and culverts as determined by the Plan Commission/Staff.
 - g. The length of all arcs and radii, central angles, internal angles, points of curvature and tangent, and the length of all tangents.
 - h. The boundary lines of the proposed subdivided tract, with accurate distances and angles, and the exact location of all existing and recorded streets intersecting the boundary of the tract.
 - i. Angles or true bearing and distances to the nearest established street line, or existing monuments, which shall be accurately described on the plat.
 - j. An accurate metes and bounds description of the tract and its title as shown by the records in the Office of the County Recorder.
6. Lack of information
- The lack of information under any item specified herein or improper information supplied by the applicant shall be cause for denying secondary approval of the submitted plat by the Plan Commission/Staff.

152.430 PROVISIONS FOR COMPLETION, INSPECTION AND MAINTENANCE OF PUBLIC IMPROVEMENTS

A. Completion of improvements

All applicants shall be required to complete all street, sanitary and public improvements, throughout the subdivision and among the individual lots, specified by the Commission/Staff in the approved construction plans and secondary plat, before secondary plat signatures by the Commission President and Secretary/ Administrator or his/her designee of the Department of Building, Planning and Development. Such improvements shall be completed to the satisfaction of the City Engineer and the construction plans approved by the Board of Public Works & Safety, and the applicant shall dedicate such improvements to the city free and clear of all encumbrances.

1. Performance guarantee

The Commission/Staff may, at its discretion, waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the secondary plat and that, as an alternative, the applicant post a performance guarantee securable to the city in an amount equivalent to 100% of the estimated cost of completion of the required public improvements. Such guarantee shall be sufficient to secure to the city the satisfactory construction and installation of the uncompleted portion of the required public improvements as provided for in 152.410(E)(2), 152.420(A)(7), and ' 152.420(B)(1).

- a. Such performance guarantees may be, but are not limited to, one of the following: bonds, letters of commitment, escrow account or any other performance guarantee approved by the Commission Attorney.
- b. Such performance guarantee shall comply with the requirements of the Indiana Code, and amendments thereto, and shall be satisfactory to the Commission Attorney as to form, sufficiency and manner of execution as set forth in this chapter. The Commission/Staff shall



specify the time period in which the required public improvements must be completed. Such period shall not exceed two years from the date of secondary approval. The Board of Public Works and Safety shall approve the amount of the performance guarantee. The Commission/Staff may, upon proof of difficulty, grant an extension of one additional year to the date set forth in the guarantee provided that said guarantee meets all other requirements herein. The Commission/Staff may accept, at any time during the period of such guarantee, a substitution of principal or sureties on the guarantee.

2. Temporary public improvements

The applicant shall build and pay for all costs of any temporary public improvements required by the Commission/Staff and shall maintain same for the period specified by the Commission/Staff. The applicant shall file a separate, suitable guarantee prior to construction of any necessary temporary public facility or improvement. Such guarantee shall insure that said temporary facilities or improvements will be properly constructed, maintained and removed upon project completion.

3. Cost of public improvement

All required public improvements shall be made by the applicant at his expense, without reimbursement by the city, unless a sharing of expenses is agreed upon by the Board of Public Works and Safety.

4. Failure to complete public improvements

a. No performance guarantee

In the event public improvements for subdivisions, for which no performance guarantee has been posted, are not completed within the period specified by the Commission/Staff in the secondary approval of the plat, such approval shall be deemed null and void.

b. Where performance guarantee has been posted

In those cases where a performance guarantee has been posted and the required public improvements have not been installed within the terms of such performance guarantee, the Board of Public Works and Safety may declare the guarantee to be in default and cause all public improvements to be installed, according to secondary plat approval, regardless of the extent of the building development at the time the guarantee is declared to be in default.

5. Acceptance of dedication offers

Commission/Staff approval of a subdivision 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/Staff may require said plat to be endorsed with appropriate notes to this effect. The acceptance is that of only real property itself.

B. Inspection of public improvements

If the participating jurisdiction finds upon inspection that any of the public 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.

C. Release of reduction of performance guarantee

1. Certificate of satisfactory completion



The city shall not accept any required public improvements, nor shall the Commission/Staff release or reduce a performance guarantee, until the City Engineer has submitted 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 Board of Public Works and Safety with detailed "as built" construction plans of the public improvements indicating location, dimensions, materials and such other information as required by the Commission/Staff or the city. Upon such certification by the City Engineer, the city shall thereafter accept the public improvements for maintenance in accordance with established procedures.

2. Reduction of performance guarantee

A performance guarantee shall be reduced upon actual acceptance of public improvements and then only by the amount originally estimated for the completion of said public improvements.

D. Maintenance of public improvements

1. General requirements

The applicant shall be required to maintain all public improvements on the individual subdivided lots and, if required, provide for snow removal and traffic control on streets and sidewalks until acceptance of said improvements by the Board of Public Works and Safety.

2. Posting of maintenance bond

The applicant shall be required to file a maintenance bond with the Commission/Staff, prior to acceptance, in an amount not to exceed 10% of the cost of all public improvements, and in a form satisfactory to the Commission Attorney, in order to assure the satisfactory condition of the required public improvements, for a period of three years after the date of their acceptance by the Board of Public Works and Safety.

E. Deferral or waiver of improvements

1. General conditions

The Plan Commission/Staff may defer or waive, at the time of final approval, subject to appropriate conditions, the provisions of any or all such improvements as, in its judgment, are not requisite in the interest of public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

2. Assurance for future completion

Whenever it is deemed necessary by the Plan Commission/Staff to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the city prior to signing of the final subdivision plat, or the applicant may post a performance guarantee ensuring completion of said improvements upon demand of the city.

SUBDIVISION DESIGN REQUIREMENTS FOR SECONDARY APPROVAL

152.510 COMPLIANCE REQUIRED

The applicant shall submit an application and subdivision plat for secondary approval which comply with the requirements of this section and those requirements specified in 152.300 (primary approval).

152.520 CONSTRUCTION PLANS



The applicant shall submit a complete set of construction plans with the secondary application and plat. Such plans shall be prepared by a registered land surveyor or engineer and shall include profiles, cross-sections, specifications and other supporting data for all required public streets, utilities and other facilities.

152.521 MATERIAL AND CONSTRUCTION CONTROL

To assure compliance with good engineering practices, the applicant shall be required to follow the latest issue of the "Indiana Department of Highways - Standard Specifications" for material and construction control, except when different specifications are explicitly prescribed in these regulations or adopted and approved by rule by the Plan Commission.

152.522 BOUNDARY LINE MARKERS/MONUMENTS

A. General

All markers/monuments will be properly set flush with the ground and approved by a registered land surveyor or Engineer prior to the time the Plan Commission/Staff grants secondary approval to the plat.

B. External boundaries

1. The subdivider shall place monuments at the intersection of all lines forming angles in the boundary of the subdivision and at all intersections of street right-of-way lines and at the beginning and end of all curves along street right-of-way lines.
2. Monuments shall be of an iron or steel solid bar at least 30 inches in length and not less than one inch in diameter, or of concrete with dimensions of four inches square or four inches in diameter at least 30 inches in length and marked with a cross, brass plug, iron rod or other durable material securely embedded so that the top of the dowel is flush with the top of the monument. Monuments shall be set following grading of each phase of the subdivision.

C. Internal boundaries

1. The subdivider shall place markers, unless otherwise located by a monument, at all points where lot lines intersect street right-of-way lines, at all angles in the lot property lines, and at all other lot corners.
2. Markers shall be galvanized steel or wrought iron pipe or steel bars at least three-fourths of an inch in diameter and at least 24 inches in length. They shall be set prior to the issuance of any building permit.

152.530 STREETS

A. General requirement

In order to provide subdivision streets of suitable location, width and construction; and to afford access to police, fire fighting, snow removal, sanitation and road maintenance equipment; and to coordinate subdivision street development with the existing street system and the master plan, all subdivision streets in the secondary plat submitted for approval shall be designed in accord with the standards set forth in this section and amendments hereto.

B. Principles of design

The Plan Commission/Staff shall consider the following factors when considering approval of a secondary plat:

1. Safety for both vehicular and pedestrian traffic.
2. Efficiency of service for all users.
3. How proposed traffic circulation system affects surrounding residential areas.



- 4. Economy of both construction and use of land.
- C. Arrangement standards

- 1. General requirements

The layout of subdivision streets shall conform to the following:

- a. Local streets shall be so arranged as to discourage their use by through traffic.
- b. Subdivision streets should extend to the boundary lines of the subdivision tract in order to provide for their future extension into adjacent areas.
- c. Streets and access ways in business and industrial developments shall be planned in connection with the grouping of buildings, the location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.

- 2. Intersections

The following standards shall apply to all subdivision street intersections:

- a. Right-angle intersections

The centerlines of intersecting streets shall intersect as near as possible at right angles (90°). Intersection angles of two streets shall not, however, be less than 75°, subject to approval of the Plan Commission.

- b. Prohibited intersection

The simultaneous intersection of streets resulting in traffic from more than four streets is prohibited.

- c. Intersection corners

The property or right-of-way lines, of corner lots at street intersections shall be rounded at the corner with an arc, of at least 15 feet minimal radius, drawn tangent to each of the intersecting property lines.

- 3. Curves

- a. Radius of horizontal curvature

The minimum radius of horizontal curvature, measured on the centerline of the street, shall be:

Category	Minimum Radius in Feet
Major/Collector	300a/500b
All other streets	100

- b. Tangent of reversed curves

The minimum tangent distance between reversed curves shall be:

Category	Minimum Tangent Distance in Feet
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Major/Collector	200
All other streets	50

4. Topography

Subdivision streets shall be arranged in proper relation to the topography in a manner which results in usable lots, safe streets and acceptable gradients; and in a manner which does not cause unnecessary destruction of drainage courses, trees and other natural features of the land.

a. Street patterns

Rectangular, "gridiron" streets should be avoided, and the use of curvilinear streets shall be encouraged where such use will result in a more desirable layout and topographical relationship. Innovative, varying geometrical street patterns shall be encouraged where such provide a sense of order and enhance aesthetic interest.

b. Excess right-of-way

Right-of-way widths in excess of the standards specified by these regulations shall be required whenever additional width is necessary, due to topographic conditions, to provide for adequate and stable earth slopes. Such slopes shall not be in excess of a three to one height to width ratio.

5. Alleys

Alleys may be allowed in all commercial and industrial districts. Alleys shall not be permitted in residential districts except where justified by unusual conditions.

6. Cul-de-sacs/dead end streets

a. Cul-de-sacs shall not be permitted in any district where such are in conflict with the master plan. No permitted cul-de-sac shall provide principal frontage to more than 20 lots. Whenever a collector street exclusively serves an industrial or commercial area, a cul-de-sac of up to 1,000 feet in length may be allowed. This special provision shall be allowed only in areas where access is difficult or which are otherwise unsuitable for normal subdividing.

b. The minimum radii for cul-de-sacs shall be as follows:

Street Category	Minimum Diameter in Feet
Local	
Right-of-way	100
Back-to-back of curb	75
Commercial/Industrial	
Right-of-way	125



Back-to-back of curb	100
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7. Continuation of streets, alleys, and easements

Whenever a dedicated or platted portion of a street, alley or easement exists adjacent to a proposed subdivision, the continuation of the street, alley or easement right-of-way at the prescribed width, shall be platted within said subdivision unless the Commission/Staff deems such continuation unnecessary.

D. Minimum right-of-way and pavement widths

Subdivision streets and alleys shall be designed in accordance with the following minimum requirements for right-of-way and pavement widths:

Category	Minimum Width Curb in Feet	Right-of-Way Pavement Minimum Width in Feet, Back-of-Curb to Back-of-Curb
Local Street	60	32
Industrial Street	60	32 (29 curbless)
Collector Street	66	34
Major Street	80	36
Industrial/Commercial Alley	30	20
Cul-de-sac Street	60	30

E. Construction standards

All subdivision streets shall be constructed according to the following standards:

1. Plans

Subdivision streets shall be completed to the grades specified on their respective plans, profiles and cross-sections as approved by the Commission/Staff.

2. Subgrades and pavements

The minimum specifications for subdivision street construction and materials shall be as set forth in the applicable sections of the "Standard Specifications of the Indiana Department of Highways", except where the Plan Commission has by rule adopted a different set of standards and specifications, or as required in this chapter. Street surfaces shall be of a character suitable for expected traffic and shall be in harmony with similar improvements in the surrounding area.

F. Railroads and limited access highways



If a proposed subdivision plat adjoins a railroad right-of-way and/or a limited access highway, the following requirements shall apply:

1. Residential districts

A buffer strip of at least 25 feet in depth, in addition to the normal lot depth required for such districts by the city zoning code and amendments thereto, 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 submitted primary plat as follows: "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".

2. Parallel streets

Streets running parallel to a railroad right-of-way shall be located at least 150 feet from said right-of-way upon intersecting with a street which crosses the railroad at grade.

G. Street names

Subdivision street names shall not duplicate any existing street name within the city except in the case of a direct extension. Street names that are spelled differently from, but sound the same as, existing streets, shall not be allowed. In no instance shall any street name include the word north, south, east or west, unless it denotes a geographic location. The Plan Commission shall have final authority to name all streets, in the event of a conflict, upon granting primary or secondary plat approval.

H. Street dedications and reservations

1. General

All subdivision streets shall be dedicated to public use. The Commission/Staff may consider allowing private streets in the event of unusual physical conditions and if the applicant can provide evidence that a private street is the only feasible solution. Such private streets may be authorized provided that the standards applied in their construction comply with this section (152.530), and that adequate covenant provisions are made for direct responsibility and control, by the property owners involved, for the perpetual operation, liability and maintenance of said private streets at no expense to the city.

2. New perimeter streets

Subdivision street systems shall be laid out in a manner which eliminates or avoids new perimeter half-streets. When 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/Staff may authorize a new perimeter street where the applicant improves and dedicates the entire required right-of-way width within his own subdivision's boundaries.

3. Widening and realignment of existing streets

Whenever a proposed subdivision borders an existing street, the Commission/Staff may require the reconstruction or widening of such street as a condition of primary or secondary plats approval. Land reserved for any street purposes may not be counted in satisfying the yard or area requirements of the city zoning code or amendments thereto.

152.531 TRAFFIC CONTROL DEVICES

A. Street name and regulatory signs

The applicant shall install (or provide funds for the street department to install) street name signs when one house has been accepted for occupancy in accordance with the standards adopted by the Plan



Commission and the Board of Works and Safety, and the "Manual on Uniform Traffic Control Devices of Indiana." Signs shall be installed at each intersecting street. Other regulating signs are the responsibility of the city.

B. Warning signs and other devices

The city shall be responsible for the installation of all warning signs and other traffic control devices, except where warranted in industrial and commercial areas. The developer may be required to pay the cost of traffic signal installation and interconnection.

152.532 SIDEWALKS

A. Provision of sidewalks

Sidewalks shall be provided by the applicant on each side of all streets within the subdivision. The Commission may waive or amend this requirement only in those subdivisions with less than two lots per gross acre, and only upon the provision of evidence by the applicant that the sidewalks will serve no specific or future need.

B. Pedestrian access

The Commission/Staff may require perpetual, unobstructed easements, at least ten feet in width, in order to facilitate pedestrian access from the street to schools, parks, playgrounds or other nearby streets. Such easements shall be indicated on both the primary and secondary plats.

C. Grading of sidewalks

Grading of the entire right-of-way shall be provided so that sidewalks can be placed no closer than 1 foot from property line, and a proper grade shall be provided by the applicant according to the standards shown on the plans, profiles and cross-sections approved by the Commission/Staff.

D. Minimum sidewalk easements and widths

Subdivision sidewalks shall conform with the following minimum requirements:

District	Minimum Easement Width in Feet	Minimum Pavement Width in Feet
Residential	10	5 6 when adjacent to curb
Commercial/Industrial	10	5 6 when adjacent to curb

152.533 CURBS AND GUTTERS

A. Installation requirements

The applicant shall be required to install curbs and gutters on each side of any subdivision street surface, except as provided in 152.533(B), constructed of concrete. Curbs may be of the vertical curb, roll curb, integral curb and gutter or separate curb and gutter type.



B. Omission of curbs and gutters

Curbs and gutters may be omitted in any subdivision under the following conditions:

1. When final topography, street longitudinal profiles, and drainage system designs are acceptable.
2. When adequate provisions are made in the protective covenants running with the land to permit access to, and freedom from, obstruction of the drainage system.
3. When the street is accepted by the Commission/Staff as a local street.
4. When every lot fronting on a street has a minimum lot area of 40,000 square feet and a minimum width of 150 feet.

152.540 DRAINAGE AND STORM SEWERS

A. General requirements

The Plan Commission/Staff shall not approve any secondary subdivision plat which does not provide for rain and snow water runoff. Drainage systems shall be separate and independent of any sanitary sewerage system and shall be designed according to the methods and specifications prescribed by this chapter and amendments hereto, and by the Commission by rule.

1. Inlets

Inlets shall be provided so that surface water is not carried across any intersection.

2. Surface water drainage patterns

Surface water drainage patterns shall be shown for each lot and block.

B. Requirements for storm sewers

1. Spring/surface water

The applicant may be required to carry away, by pipe or open ditch, any spring or surface water that either existed previously to, or will be the result of, the construction of the subdivision. Such drainage facilities shall be located in the road right-of-way, or in perpetual unobstructed easements of appropriate width. Drain facilities shall be provided under driveways so that the flow of water in ditches is not impeded.

2. Access to public storm sewers

Where a public storm sewer is accessible, the applicant shall install storm sewer facilities or, if no outlets are within a reasonable distance, provide for adequate disposal of storm waters subject to the specifications prescribed by this chapter and amendments hereto, or by the Plan Commission by rule.

3. Master plan

If the Commission/Staff determines that a connection to a public storm sewer will eventually be provided, as shown in the master plan, the applicant shall make arrangements for future storm water disposal in the subdivision by a public sewerage system at the time the plat receives secondary approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.

C. Drainage requirements

1. Poor drainage areas



Whenever a secondary plat is submitted for an area subject to ponding, the Plan Commission/Staff shall require the applicant to fill the affected area to a specified elevation, or provide other means to sufficiently eliminate the problem of poor drainage (excluding flood plain and wetland areas for which a federal or state permit is required).

2. Drainage easements

Where a subdivision is traversed by a watercourse, drainage-way, channel or stream, the applicant shall provide a storm water easement or drainage right-of-way which conforms to the lines of such water course. The width and construction of such easement shall conform to the requirements of this chapter and amendments hereto, and to the requirements adopted by the Plan Commission by rule. Such easement shall be adequately monumented and should be maintained by an open channel with landscaped banks whenever possible.

3. Drainage provisions

In order to allow for the maintenance or reconstruction of any open drain intended primarily for the conveyance of natural drainage or storm drainage, open drainage easements shall be provided as follows:

- a. No open drainage easement shall be less than 20 feet in width or shall be offset other than indicated above. However, if there is a buried sewer or storm structure beneath the open drain, the minimum width shall be determined by the City Engineer with final approval by the Board of Works and Safety.
- b. No trees or permanent structures above grade, including such structures for the use of any private or franchised public utility, shall be permitted in any open drainage easement, and the protective covenants running with the land shall so state.
- c. Structures located below grade, which are used by franchised public utilities, may be permitted within or partly within the wider side of an open drainage easement when adjacent to the outer edge of said wider side.
- d. Any legal drain maintenance or reconstruction will require approval of the County Surveyor.

D. Drainage landscaping

Any drainage swales, retention ponds or similar drainage systems shall be landscaped so as to prevent soil erosion, within a reasonable time after construction.

152.550 WATER FACILITIES

General requirements

The applicant shall extend or create a water supply system capable of providing water for domestic use and fire protection. The applicant shall, where a public water main is accessible, install adequate water facilities, including fire hydrants, subject to state requirements, the requirements of this chapter and amendments hereto, and such requirements as the Plan Commission may adopt by rule.

A. Fire hydrants

Notwithstanding any other ordinances to the contrary, Fire hydrants shall be provided at each street intersection and at intermediate points along the water mains running between intersections spaced 500 feet apart and not more than 500 feet from the furthest point of any structure in any single family residential district, not more than 300 feet apart and not more than 500 feet from the furthest point of any structure in any multi-family, commercial or industrial district or adjacent to any hospital, nursing home, mental health institution, health maintenance organization, asylum, educational institution, private school or place of worship, and shall be of a design approved by the Auburn Plan Commission and the City of



Auburn Fire Department. This requirement applies to new or extensions of public or private systems attached to a public system and shall be of a design approved by the Auburn Plan Commission/Staff and the City of Auburn Fire Department.

B. Private system

A community water supply system including wells, pumps and all appurtenances necessary to supply a minimum pressure of 40 pounds per square inch. The applicant shall submit plans showing the location, depth, size and material of mains, valves and connections for the Indiana Department of Environmental Management prior to application for secondary plat approval.

C. Quasi-public system

A complete water main system connected into the water main system of a utility company authorized to operate within the area where the subdivision is located and which is subject to the control of the Public Service Commission of Indiana. The applicant shall submit plans for the complete installation of the subdivision water main system showing size, location, depth, material and all connections for approval of the appropriate Board of Health and/or the Indiana Department of Environmental Management prior to application for secondary plat approval.

D. Individual supply

If the applicant submits acceptable evidence to the County Board of Health and the Plan Commission/Staff that none of the above water systems is necessary due to: low density of the development; the lack of limiting physical site conditions; or the proximity of the development to existing or planned public or quasi-public water systems; then the Commission/Staff may permit an individual water supply for each lot in the development subject to compliance with all of the requirements of and approval by, the County Board of Health.

152.560 SANITARY SEWAGE FACILITIES

A. General requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by this chapter, and amendments hereto, and by requirements adopted by the Commission by rule. All attendant plans shall be designed in accordance with the rules, regulations and standards of the County Board of Health and all other appropriate county, state and federal agencies.

1. Sewerage locations

Sanitary sewers shall be located within street or alley right-of-ways or utility easements unless topographic conditions require an alternative location.

2. Manholes

Manholes should be placed in public right-of-ways where a sewer line in a private easement intersects such public right-of-way. Access shall be provided for all manholes located in private property easements.

3. Water supply interconnections

There shall be no physical connection between a public or private water supply system and a sanitary sewer system. Sanitary sewers shall also be kept removed from water supply wells and other water supply sources and structures.

B. Type of installation



The applicant shall install a subdivision sanitary sewerage system by one of the following means:

1. Public system

A complete system which conveys sewage into an established municipal or public agency. The applicant shall submit plans, prepared by a registered engineer at the applicant's expense, showing all locations, material, size, profiles and connections at the time of application for secondary approval.

2. Private system

A complete sanitary sewage system to convey sewage to a treatment plant provided by the applicant, or others, in accordance with the requirements of the County Board of Health and the Indiana Department of Environmental Management.

3. Quasi-public system

A complete sanitary sewage disposal system which connects into the system of a sanitary sewage disposal company. Such company shall hold a certificate of territorial authority from the Public Service Commission of Indiana which authorizes such disposal service for the area where the subdivision is located. The applicant shall submit plans for the complete installation of the sewer system within the subdivision showing all locations, size, materials, profiles and capacities for approval by the County Board of Health and the Indiana Department of Environmental Management prior to application for secondary plat approval.

152.570 UTILITIES

A. Location

All utility lines, including but not limited to, gas, electric power, telephone and CATV cables shall be located underground or overhead throughout the entire subdivision. All existing and proposed utility lines located throughout the proposed subdivision area shall be shown on the secondary plat. Underground service connections, to the street property line of each platted lot, shall be installed at the applicant's expense. The Commission/Staff may waive such requirement in the event adjoining lots are retained under single ownership and are intended to be developed for the same primary use.

B. Easements

Easements, centered on rear lot lines, shall be provided for public, quasi-public and private utilities. Such easements shall be at least ten feet wide on each side. The applicant shall establish all necessary coordination of proposed subdivision easements with existing adjoining easements with all applicable utility providers.

1. Where topographical or other conditions make the inclusion of utilities along rear lot lines impractical, perpetual, unobstructed easements, at least 20 feet in width, shall be provided alongside lot lines, with satisfactory access to either the road or rear lot lines.
2. All easements shall be indicated on the submitted secondary plat and all plats shall contain a statement to the effect that all utility easements, as dedicated for use by the utilities on the face of the plat, shall be kept free of all other permanent structures, and the removal of any obstructions shall in no way obligate the utility company in damages or to restore the obstruction to its original form.

ENFORCEMENT, VIOLATIONS AND PENALTIES



152.610 ENFORCEMENT

- A. It shall be the duty of the Commission to enforce the provisions of this chapter in the manner and form and with the powers provided by this chapter, as now or hereafter amended, and as provided under the laws of the State of Indiana.
- B. It shall be the duty of the Commission to enforce these regulations and to bring any violations or lack of compliance to the attention of the Commission Attorney.
- C. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat or subdivision has been approved by the Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.
- D. The division of any lot, or any parcel of land into a subdivision, as defined in this chapter, by the use of metes and bounds description, for the purpose of sale, transfer or lease, resulting in the creation of one or more new building sites, shall not be permitted. All such divisions shall be subject to all of the appropriate requirements of this chapter.
- E. No improvement location permit or building permit required under this chapter shall be issued for the improvement or construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- F. No public board, agency, commission, official or other authority of the city shall proceed with the construction of, or authorize the construction of, any of the public improvements required by these regulations until the proposed subdivision has been approved by the Plan Commission in accordance with these regulations.
- G. Legal counsel shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of these regulations.

152.620 RESTRAINING PROVISIONS

- A. Any land within the jurisdiction of the city subdivided in violation of the terms of this chapter after the effective date hereof, is hereby declared to be a common nuisance which may be restrained, enjoined or abated in any appropriate action or proceeding.
- B. The Commission may institute an injunction suit requesting that an individual, or governmental unit of the city, be directed to remove a structure erected in violation of this chapter, or to make the same comply with its terms. If the Commission is successful in its suit, the respondent shall bear the costs of the action.
- C. The Commission may institute a suit for mandatory injunction requesting that any individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this chapter, to comply with the provisions of this chapter. Such action may also be initiated by any property owner who may be especially damaged by such violations of this chapter.

152.630 FLOOD DISTRICT REVIEW

The Zoning Administrator shall review all proposed subdivisions to determine whether the subdivision lies in the Floodway, Floodplain, or Floodway Fringe as defined by 150.710. If the Zoning Administrator determines the subdivision to be so situated, the Zoning Administrator shall not issue any improvement location permits until the plans are first forwarded to the Indiana Department of Natural Resources for review and consent. All subdivisions shall comply with the provisions of the Floodplain Management subchapter beginning at 150.710.