

TITLE 11
SUBDIVISION REGULATIONS

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Chapters:

11.02 Subdivision Control

Chapter 11.02

SUBDIVISION CONTROL

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11.02.010 Definitions. For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The term "shall" is always mandatory.

- (1) ALLEY - A permanent service way providing a secondary means of access to abutting lands.
- (2) BLOCK - Property abutting on one side of a street, and lying between the two nearest intersecting street or railroad right-of-way, waterway or other definite barrier.
- (3) TOWN COUNCIL - The Town Council of the Town of Dale, Indiana.
- (4) BUILDING SET BACK LINE - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and the front lot line.
- (5) TOWN - The Town of Dale, Indiana.
- (6) CUL DE SAC - (Court or Dead End Street) - A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.
- (7) EASEMENT - A grant by the property owner for the use of a strip of land by the public, a corporation, or person, for specified purposes.

- (8) IMPROVEMENT - Shall mean the construction of a street or alley to its full thickness, commencing at the subgrade according to the specifications contained in 11.02.060 (2) of this chapter. The placing of a new surface over an existing paved or closed surface street or alley shall not be considered as an improvement but as maintenance.
- (9) LOT - A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.
- (10) PLAT - A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.
- (11) STREET - A right-of-way, dedicated or otherwise legally established to the public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name. A street may also be classified according to function as follows:
- A. Arterial Streets - are those designed for large volumes of traffic movement. Certain Arterial Streets may be classed as Limited Access Highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.
 - B. Feeder Streets - are important streets planned to facilitate the collection of traffic from minor streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.
 - C. Residential Streets - are those designated primarily to provide access to abutting properties, usually residential. Certain Residential Streets may be Marginal Access Streets parallel to Arterial Streets, which provide access to abutting property and ways for traffic to reach access points on Arterial Streets.
- (12) SUBDIVIDER - Any person or persons, firm or corporation engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this ordinance.
- (13) SUBDIVISION -
- A. The division of any parcel of land shown as a unit, part of a unit, or as contiguous units on the last preceding transfer of property into two or more parcels, sites or lots, any one of which is less than five (5) acres in area, for the purpose, whether immediate or future, or transfer of ownership, provided however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange does

not create additional building sites, shall not be considered a subdivision or,

- B. The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public utilities and facilities.

- (14) **PLANNING AND ZONING BOARD** - The Planning and Zoning Board of the Town of Dale. (Ord. 2007-14, S11.02.010, Nov. 13, 2007) (Ord. 2007-12, S11.02.010, Nov. 5, 2007) (Ord. 2000-4, Article I, May 18, 2000) (Ord. 1978-14, Article I-1, Dec. 14, 1978)

11.02.020 Establishment of control. No plat or replat of a subdivision of land located within the jurisdiction of the Town of Dale shall be recorded until it shall have been approved by the Planning and Zoning Board and such approval shall have been entered in writing on the plat by the Planning and Zoning Board and the Clerk-Treasurer and other appropriate entities. (Ord. 2007-14, S11.02.020, Nov. 13, 2007) (Ord. 2007-12, S11.02.020, Nov. 5, 2007) (Ord. 2000-4, Article II, May 18, 2000) (Ord. 1978-14, Article II-2, Dec. 14, 1978)

11.02.030 Procedure.

- (1) Preliminary Considerations. - In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider should consult with the Planning and Zoning Board and public officials prior to the preparation of the preliminary plan of the subdivision. Requirements of the plan; school and recreational sites; shopping centers; community facilities; sanitation, water supply and drainage; relationship to other developments existing and proposed; in the vicinity, should be determined in advance of the preparation of the subdivision plan. Consultation should also be held with those familiar with the economic factors affecting the subdivision. A thorough estimate of the situation will result in sound decisions with respect to form, character and the extent of the proposed subdivision. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Planning and Zoning Board or other appropriate entities to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible residents and the community as a whole. (Ord. 2007-14, S11.02.030(1), Nov. 13, 2007) (Ord. 2007-12, S11.02.030(1), Nov. 5, 2007) (Ord. 2000-4, pt. Article III, May 18, 2000) (Ord. 1978-14, pt. Article III-3, Dec. 14, 1978)

(2) Application for Preliminary Approval. - A person or corporation desiring preliminary approval of a plat of a subdivision of any land lying within the jurisdiction of the Town Planning and Zoning Board shall submit a written application therefore to the Planning and Zoning Board. Such application shall be accompanied by the following information and plans.

- A. Location map showing:
 - 1. Subdivision and location.
 - 2. Major thoroughfares related to the subdivision.
 - 3. Public transportation lines.
 - 4. Parks and Playgrounds.
 - 5. Other community features.
 - 6. Title, scale, north point and date.

The location map need not be a special drawing. The data may be shown by notations on available maps.

- B. Site map showing:
 - 1. Topographical data in one of the following forms, which shall be determined by the Town Council during preliminary consideration of the plan:
 - (a) A Contour Map with contours at vertical intervals of two (2) feet if the general slope of the site is less than ten (10) per cent and at vertical intervals of five (5) feet if the general slope is greater than ten (10) per cent.
 - (b) A Land Inspection Sketch showing terrain features, wooded areas, buildings and other natural or artificial features which would affect the plan of the subdivision.
 - 2. Tract boundary lines, showing dimensions, bearings, angles and references to the section, township and range lines or corners.
 - 3. Streets and right-of-way, on or adjoining the site, including dedicated widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and other pertinent data. No trees are to be located within ten (10) feet of a sewer line.

4. Easement: Location, widths and purposes.
 5. Utilities, including sanitary and storm sewers, other drainage facilities, water lines, gas mains; electric utilities and other facilities. Approximate size or capacity of each should be shown and the locations of or distance of each existing utility indicated.
 6. Existing or proposed platting of adjacent land.
 7. Other features or conditions which would affect the subdivision favorable or adversely.
 8. Title, scale, north point and date.
- C. Preliminary Plan of the subdivision, drawn to scale of fifty (50) feet to one (1) inch or one hundred (100) feet to one (1) inch, provided however, that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale as recommended by the Town Council may be used.
1. Proposed name of the subdivision.
 2. Names and addresses of owner and subdivider and engineer or surveyor, who prepared the plan.
 3. Street pattern, showing the names (which shall not duplicate other names of streets in the community) and widths of rights-of-way or streets, and widths of cross-walks, easements or alleys.
 4. Layout of lots, showing approximate dimensions and numbers.
 5. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
 6. Building setback or front yard lines as established in the Zoning Ordinance of the Town of Dale.
 7. Key Plan. Legend and notes.
 8. Scale, north point and date.

NOTE: The information called for in Items B and C above, may be submitted as one or two maps or plans.

- D. Preliminary Engineering Plans showing:
 - 1. Typical cross-sections and specifications for proposed street improvements.
 - 2. Plan locations and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution system.
 - E. Description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision.
 - F. Information as to any agreements which have been entered into with the owners of other property within the neighborhood in which the proposed subdivision is located, as to general plans for the entire neighborhood. Reference should be made for suggestions as to the general street pattern and design of the neighborhood. Wherever possible all of the property owners within the neighborhood should endeavor to agree upon a general plan for its development, in order that each subdivision may be designed as an integral part of a well-considered over all plan.
 - G. The application shall be accompanied by a certified check or money order in the amount of One Hundred Dollars (\$100.00) plus Ten Dollars (\$10.00) for each lot in the proposed subdivision with a total minimum charge of One Hundred Fifty Dollars (\$150.00) to cover the cost of checking and verifying the proposed plat, and such amount shall be deposited in the General Fund. Park fees shall be in the amount of Fifty Dollars (\$50.00) for each lot platted in a Residential zoned area and Fifty Dollars (\$50.00) per acre platted in a Commercial or Industrial zoned area, such fees shall be deposited into the Park and Recreation Non-reverting fund. (Ord. 2007-14, S11.02.030(2), Nov. 13, 2007) (Ord. 2007-12, S11.02.030(2), Nov. 5, 2007) (Ord. 2000-4, pt. Article III, May 18, 2000) (Ord. 1978-14, pt. Article III-4, Dec. 14, 1978)
- (3) Plat Approval. After an application for approval of a plat of a subdivision, together with two (2) copies of all maps and data has been filed, the Planning and Zoning Board shall review the Preliminary Plan and give its approval, or return the plan to the subdivider with suggestions for changes. No application will be considered at a meeting unless it has been filed with the Planning and Zoning Board at least twenty (20) days and not more than forty-five (45) days, before the date of such meeting. (Ord. 2007-14, S11.02.030(3), Nov. 13, 2007) (Ord. 2007-12, S11.02.030(3), Nov. 5, 2007) (Ord. 2000-4, pt. Article III, May 18, 2000) (Ord. 1978-14, pt. Article III-5, Dec. 14, 1978)
 - (4) Specifications for Final Plat. - Following the approval on the Preliminary Plan, the Planning and Zoning Board will notify the applicant in writing that

it is ready to receive the Final Plat, or will advise the applicant of any further changes in the Preliminary Plan which are desired or should have consideration. The Final Plat shall meet the following specifications:

- A. The Plat may include all or only a part of the plan submitted for approval.
- B. The original drawing of the Plat of the subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. Three black or blue line prints shall be submitted with the original final plat, or in order to conform to modern drafting and reproduction methods, three black line prints and a reproducible print shall be submitted.
- C. The following basic information shall be shown:
 - 1. Accurate boundary lines, with dimension and angles, which provide a survey of the tract, closing with a error of not more than one (1) foot in five thousand (5,000) feet.
 - 2. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
 - 3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - 4. Accurate metes and bounds description of the boundary.
 - 5. Source of title to the land as shown by the books of the County Recorder.
 - 6. Street names.
 - 7. Complete curve notes for all curves included in the plan.
 - 8. Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.
 - 9. Lot numbers and dimensions.
 - 10. Easements for utilities and any limitations on such easements.
 - 11. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.

12. Building setback or front yard lines and dimension as established in Zoning Ordinance of the Town of Dale.
13. Location, type, material and size of all monuments and lot markers.
14. Restrictions of all types which will run with the land and become covenants.
15. Name of the subdivision.
16. Name and address of the owner and subdivider.
17. North point, scale and date.
18. Certification by a registered professional engineer or registered land surveyor.
19. Certificate for approval by the Town Council. (Ord. 2007-14, S11.02.030(4), Nov. 13, 2007) (Ord. 2007-12, S11.02.030(4), Nov. 5, 2007) (Ord. 2000-4, pt. Article III, May 18, 2000) (Ord. 1978-14, pt. Article III-6, Dec. 14, 1978)

11.02.040 Final plat approval.

- (1) When the final plat is submitted to the Planning and Zoning Board, it shall be accompanied by a certificate from the subdivider stating one of the following.
 - A. A certificate that all improvements and installations for the subdivision required for its approval will be made or installed in accordance with specifications; or
 - B. A bond which shall:
 1. Run to the Town of Dale;
 2. Be in an amount determined by the Planning and Zoning Board to be sufficient, in amount to complete the improvements and installations in compliance with this ordinance; and,
 3. Specify the time for the completion of the improvements and installations.
 - C. Within a reasonable time after application for approval of the Final Plat, the Board of Planning and Zoning shall approve or disapprove it. If the Planning and Zoning Board approves, it shall affix the

Town's seal upon the plat together with the certifying signatures of its members and clerk-treasurer. If it disapproves, it shall set forth its reason in its own records and provide the applicant with a copy. (Ord. 2007-14, S11.02.040, Nov. 13, 2007) (Ord. 2007-12, S11.02.040, Nov. 5, 2007) (Ord. 2000, Article IV, May 18, 2000) (Ord. 1978-14, Article IV-7, Dec. 14, 1978)

11.02.050 Principals and standards of designs. The final plat of the subdivision shall conform to the following principals and standards of design:

(1) Streets

- A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.
- B. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets or reasonable gradient.
- C. Certain proposed streets, where appropriate shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- D. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
- E. The minimum right-of-way of feeder streets shall be sixty (60) feet and of residential streets shall be fifty (50) feet, marginal access streets or cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.
- F. Alleys shall be discouraged in residential districts but should be included in commercial and industrial areas where needed for loading and unloading or access purposes and where platted, shall be at least twenty (20) feet in width.
- G. The center lines of streets should intersect as nearly at right angles as possible.
- H. At intersections of streets the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet, or by chords of such arcs.

- I. If the smaller angle of intersection of two (2) streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Town Council.
- J. Intersections of more than two (2) streets at one point shall be avoided.
- K. Where parkways or special types of streets are involved, the Town Council may apply special standards to be followed in their design.
- L. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provisions shall be made for Marginal Access Street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
- M. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:
 - 1. Arterial Streets - Five Hundred (500) feet
 - 2. Feeder Streets and Parkways - Three Hundred (300) feet.
 - 3. Residential Streets - One Hundred Fifty (150) feet.
- N. Curvature measured along the center line shall have a minimum radius as follows:
 - 1. Arterial Streets - Five Hundred (500) feet
 - 2. Feeder and Parkways - Three Hundred (300) feet
 - 3. Residential Streets - Two Hundred (200) feet
- O. Between reversed curves on Arterial Streets there shall be a tangent of not less than one hundred (100) feet and on feeder and residential streets such tangent shall be not less than forty (40) feet.
- P. Maximum Grades:
 - 1. Arterial Streets - not greater than six (6) per cent.
 - 2. Feeder and Residential Streets and Alleys - not greater than eight (8) per cent.
- Q. The minimum grade of any street gutter shall not be less than three-tenths (3/10) (0.3) percent. (Ord. 2007-14, S11.02.050(1), Nov. 13,

2007) (Ord. 2007-12, S11.02.050(1), Nov. 5, 2007) (Ord. 2000-4, pt. Article V, May 18, 2000) (Ord. 1978-14, Article V-1, Dec. 14, 1978)

(2) Blocks

- A. Blocks should not exceed twelve hundred fifty (1,250) feet in length unless approval obtained from the Dale Town Council.
- B. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth except where an interior street parallels a Limited Access Highway or an Arterial Street or a Railroad right-of-way. (Ord. 2007-14, S11.02.050(2), Nov. 13, 2007) (Ord. 2007-12, S11.02.050(2), Nov. 5, 2007) (Ord. 2000-4, pt. Article V, May 18, 2000) (Ord. 1978-14, Article V-2, Dec. 14, 1978)

(3) Lots

- A. All lots shall abut on a street or a place.
- B. Side lines shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from rule is permissible, but pointed or very irregular lots should be avoided.
- C. Double frontage lots should not be platted, except that where desired along Arterial Streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip for a screen at least twenty (20) feet in width shall be provided along the back of the lot.
- D. Dimensions of lots shall be not less than seventy-five (75) feet in width x ninety-six feet in (96) depth for single-family dwellings.
- E. Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets. (Ord. 2007-14, S11.02.050(3), Nov. 13, 2007) (Ord. 2007-12, S11.02.030(3), Nov. 5, 2007) (Ord. 2000-4, pt. Article V, May 18, 2000) (Ord. 1978-14, Article V-3, Dec. 14, 1978)

(4) Easements

Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twelve (12) feet, and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of such services. (Ord. 2007-14, S11.02.050(4), Nov. 13, 2007) (Ord. 2007-12, S11.02.050(4), Nov. 5, 2007) (Ord. 2000-4, pt. Article V, May 18, 2000) (Ord. 1978-14, Article V-4, Dec. 14, 1978)

(5) Buildings Setback Lines

Minimum building setback lines will be in accordance with the Town's Zoning Ordinance. (Ord. 2007-14, S11.02.050(5), Nov. 13, 2007) (Ord. 2007-12, S11.02.050(5), Nov. 5, 2007) (Ord. 2000-4, pt. Article V, May 18, 2000) (Ord. 1978-14, Article V-5, Dec. 14, 1978)

11.02.060 Standards of improvement.

(1) Monuments and Markers

- A. Shall be placed so that the center of the pipe or parked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.
- B. Monuments shall be set:
 - 1. At the intersection of all lines forming angles in the boundary of the subdivision.
 - 2. At the intersection of street property lines.
- C. Markers shall be set:
 - 1. At the beginning and ending of all curves along street property lines.
 - 2. At all points where lot lines intersect curves, either front or rear.
 - 3. At all angles in property lines of lots.
 - 4. At all other lot corners.
- D. Monuments shall be of stone, pre-cast concrete, or poured in place with minimum dimensions of four (4) inches by four (4) inches by thirty (30) inches. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long, and not less than five-eighths (5/8) inch in diameter. (Ord. 2007-14, S11.02.060(1), Nov. 13, 2007) (Ord. 2007-12, S11.02.060(1), Nov. 5, 2007) (Ord. 2000-4, pt. Article VI, May 18, 2000) (Ord. 1978-14, Article VI-9-1, Dec. 14, 1978)

(2) Streets

Streets (and alleys where provided) shall be completed to grades shown on plans, profiles, and cross-sections prepared by the subdivider and approved by the Dale Planning & Zoning Board.

The streets shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be performed in the following manner prescribed: In a subdivision proposed to be located within the corporate limits of the Town, or in a subdivision not having a street or streets as extensions of existing paved streets, the streets shall be surfaced to a minimum width of twenty (20) feet, except that marginal access streets and cul-de-sacs may have a surfaced width of not less than twenty (20) feet. Alleys shall be surfaced a minimum of twelve (12) feet.

A. Residential and/or Commercial Zoned Area:

1. Concrete:

Six (6) inch compacted aggregate base, size to be determined by the Town Council, compacted with a minimum eight (8) ton roller.

Residential Area-Six (6) inch portland cement, 5_ bag portland cement per cubic yard, with a minimum of 3,500 psi.

Commercial Area-Seven (7) inch Portland cement!, 5_ bag portland cement per cubic yard, with a minimum of 3,500 psi.

Concrete to be reinforced with 6 X 6 X 10 wire mesh, and control joints to be a minimum of fifteen (15) feet apart and must be tarred.

2. Asphalt:

Residential Area-Eight (8) inch compacted aggregate base, size to be determined by the Town Council, compacted with a minimum eight (8) ton roller.

Commercial Area-Twelve (12) inch of compacted aggregate base, size to be determined by the Town Council, compacted with a minimum eight (8) ton roller.

Two (2) inch hot asphaltic base course.

One and One-half (1 1/2) inch hot asphaltic surface course.

or

Residential Area-Seven and one-half (7 1/2) inch of full depth asphalt consisting of six (6) inch of HAC base and a one and one-half (1 1/2) inch HAC surface.

Commercial Area-Nine and one-half (9 1/2) inch full depth asphalt consisting of eight (8) inch of HAC base and a one and one-half (1 1/2) inch HAC surface.

B. Industrial Zoned Area:

1. Concrete:

Six (6) inch compacted aggregate base, size to be determined by Town Council, compacted with a minimum eight (8) ton roller.

Eight (8) inch portland cement, 5_ bag portland cement per cubic yard, with a minimum 3,500 psi.

Concrete to be reinforced with 6 X 6 X 10 wire mesh, and joints to be tarred.

2. Asphalt:

Fourteen (14) inch of compacted aggregate base, size to be determined by the Town Council, rock to be compacted with a minimum eight (8) ton roller.

Three (3) inch hot asphaltic base course.

One and a half (1 1/2) inch hot asphaltic surface.

or

Eleven and a half (11 1/2) inch full depth asphalt consisting of ten (10) inch of hot asphaltic concrete base and one and a half (1 1/2) hot asphaltic surface.

Prior to placing the street and alley surfaces, adequate subsurface drainage for the street shall be provided by the subdivider. Sub-surface drainage pipe, when required, shall be coated corrugated pipe or a similar type not less than twelve (12) inches in diameter approved by the Town Council. (Ord. 2007-14, S11.02.060(2), Nov. 13, 2007) (Ord. 2007-12, S11.02.060(2), Nov. 5, 2007) (Ord. 2000-4, pt. Article VI, May 18, 2000) (Ord. 1978-14, Article VI-9-2, Dec. 14, 1978)

(3) Sewers

The Subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary outlet owned by the Town and approved by the proper state authority.

The plans for the installation of a sewer main supply system shall be prepared by the subdivider and approved by the Planning and Zoning Board. The plans shall show the plan location of the sewer main and appurtenances, size, type and class of pipe. Upon completion of the sewer supply installation, the plans for such system as built shall be filed with the Town. (Ord. 2007-14, S11.02.060(3), Nov. 13, 2007) (Ord. 2007-12, S11.02.060(3), Nov. 5, 2007) (Ord. 2000-4, pt. Article VI, May 18, 2000) (Ord. 1978-14, Article VI-9-3, Dec. 14, 1978)

(4) Water

The subdivider shall provide the subdivision with a complete water main supply system designed with fire hydrants for fire protection, which shall be connected to the Town's water supply system approved by the proper state regulatory authority.

The plans for the installation of a water main supply system shall be prepared by the subdivider and approved by the Planning and Zoning Board. The plans shall show the plan location of the water main and appurtenances, size, type and class of pipe. Upon the completion of the water supply installation, the plans for such system as built shall be filed with the Town Council. (Ord. 2007-14, S11.02.060(4), Nov. 13, 2007) (Ord. 2007-12, S11.02.060(4), Nov. 5, 2007) (Ord. 2000-4, pt. Article VI, May 18, 2000) (Ord. 1978-14, Article VI-9-4, Dec. 14, 1978)

(5) Storm Drainage

The subdivider shall provide the subdivision with an adequate storm water sewer system whenever curb and gutter is installed and whenever the evidence available to the Planning and Zoning indicates that the natural surface drainage is inadequate. When surface drainage is adequate, easements for such surface drainage shall be provided. (Ord. 2007-14, S11.02.060(5), Nov. 13, 2007) (Ord. 2007-12, S11.02.060(5), Nov. 5, 2007) (Ord. 2000-4, pt. Article VI, May 18, 2000) (Ord. 1978-14, Article VI-9-5, Dec. 14, 1978)

(6) Curb and Gutter

In a subdivision proposed to have a street or streets which are extensions of streets with curb and gutter, the Board of Planning and Zoning shall require concrete curb and gutters on each side of the street surface. The curb and gutter shall be constructed according to the following specifications:

- A. The base for the curb and gutter shall be well compacted on the existing base or grade.
- B. Detailed plans of curb and gutter will be submitted with the street plan.
- C. All concrete used in the curb and gutter shall meet the State Highway Specifications for Class D concrete.

Where an acceptable type curb has been constructed within a part of a block any new curb construction within said block shall match the existing section as to type. (Ord. 2007-14, S11.02.060(6), Nov. 13, 2007) (Ord. 2007-12, S11.02.060(6), Nov. 5, 2007) (Ord. 2000-4, pt. Article VI, May 18, 2000) (Ord. 1978-14, Article VI-9-6, Dec. 14, 1978)

(7) Sidewalks

Sidewalks may be required to be constructed in a subdivision when the Planning and Zoning Board shall determine that anticipated pedestrian traffic may warrant such installation.

When sidewalks are required, they shall be constructed of Portland Cement Concrete at least four (4) inches thick and five (5) feet wide and placed one (1) foot from the street property line. (Ord. 2007-14, S11.02.060(7), Nov. 13, 2007) (Ord. 2007-12, S11.02.060(7), Nov. 5, 2007) (Ord. 2000-4, pt. Article VI, May 18, 2000) (Ord. 1978-14, Article VI-9-7, Dec. 14, 1978)

(8) Street Signs

The Subdivider shall provide subdivision with standard Town street signs at the intersection of all streets. (Ord. 2007-14, S11.02.060(8), Nov. 13, 2007) (Ord. 2007-12, S11.02.060(8), Nov. 5, 2007) (Ord. 2000-4, pt. Article VI, May 18, 2000) (Ord. 1978-14, Article VI-9-8, Dec. 14, 1978)

11.02.070 Improvement credit procedure. Improvements required in 11.02.060 of this Chapter to be installed by the subdivider, which are of a public utility nature - specifically sections three (3), four (4), and five (5) thereof - may provide benefits to other properties in the vicinity of the land to be subdivided. Upon installation of such improvements which cross or adjoin other properties and can be used by such properties, the subdivider and the Town may by contract agree that upon construction or use of the installation made by the subdivider by others, within a period of ten (10) years following their installation, the new user or users shall pay to the Town a fee in an amount agreed upon by the subdivider and the Town, the amount of such fee to be credited to and paid to the subdivider. (Ord. 2007-14, S11.02.070, Nov. 13, 2007) (Ord. 2007-12, S11.02.070, Nov. 5, 2007) (Ord. 2000-4, Article VII, May 18, 2000) (Ord. 1978-14, Article VII-10, Dec. 14, 1978)

11.02.080 Plat certificates. The following form shall be used in final plats:

CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174- ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF DALE, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN OF DALE, AS FOLLOWS:

APPROVED by the Town Council of the Town of Dale, Indiana, at a meeting held _____, 20_____.

TOWN OF DALE, INDIANA
TOWN COUNCIL

ATTESTED:

Clerk-Treasurer

Each final plat submitted to the Town Council for approval shall carry a certificate signed by a Registered Professional Engineer or Land Surveyor in substantially the following form:

I _____, hereby certify that I am a Professional Engineer (or a Registered Land Surveyor), Licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on _____, 20 _____; that all the monuments shown thereon actually exist; and that the location, size, type and material are accurately shown.

SEAL

(Signature)

Each final plat submitted to the Town Council for approval shall carry a deed of dedication in substantially the following form:

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

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

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

There are strips of ground _____ feet (_____) in width as shown on this plat and marked "Easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

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

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

The right to enforce these provisions by injunction together with the right to cause the removal, by due process of law, or any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witness our hands and seals this ____ day of _____ 20__.

STATE OF INDIANA)
)
COUNTY OF SPENCER) SS:

Before me the undersigned Notary public, in and for the County and State, personally appeared _____, who acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

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

Notary Public

Residing in _____ County, Indiana.
My commission expires: _____
(Ord. 2000-4, Article VIII, May 18, 2000) (Ord. 1978-14, Article VIII, Dec. 14, 1978)

11.02.090 Variance. Where the subdivider can show that a provision of 11.02.030 of this Chapter would cause unnecessary hardship if strictly adhered to and where in the opinion of the Town Council, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Town Council may authorize a variance. Any variance this authorized is required to be entered in writing in the minutes of the Town Council and the reasoning on which the departure was justified shall be set forth. (Ord. 2000-4, Article IX, May 18, 2000) (Ord. 1978-14, Article IX-12, Dec. 14, 1978)

11.02.100 Amendment and validity. Amendments to this ordinance may be initiated by the Town Council, with the procedures set out in Sections 37-42, inclusive, Chapter 174, Acts of 1947, and all acts amendatory thereto, General Assembly, State of Indiana.

If any title, article, section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other title, article, section, clause, provision or portion of this ordinance. (Ord. 2000-4, Article X, May 18, 2000) (Ord. 1978-14, Article X-13, Article X-14, Dec. 14, 1978)