

CHAPTER 184: SUBDIVISION CONTROL

Section

- 154.01 Definitions
- 154.02 Procedure
- 154.03 Proposed or preliminary plat
- 154.04 Provisions of plat necessary for approval specifications
- 154.05 Final plat
- 154.06 Development standards and requirements
- 154.07 Requirements and certifications
- 154.08 Fees
- 154.09 Review of certification
- 154.10 Enforcement by injunction

- 154.99 Penalty

§ 184.01 DEFINITIONS.

The words and terms used in this chapter shall have their usual accepted meaning unless the content indicates otherwise. Words used in the present tense include the future; words used singularly indicate the plural, and words used plurally include the singular; the word "shall" is to be considered as mandatory. For the purpose of this chapter, the following particular words are defined as follows:

ALLEY. A public thoroughfare which affords only a secondary means of vehicular access to abutting property.

BLOCK. A parcel of land consisting of a number of lots and abutting on one side of a street and lying between the two nearest intersections or intercepting streets.

BUILDING-SETRACK LINES. A line on a plat between which line and the adjacent street line, buildings or structures may not be erected.

COMMISSION. The New Albany Plan Commission of New Albany, Floyd County, Indiana.

DEAD END STREET. A street having but one outlet for vehicular traffic.

LOT. A parcel of land within a subdivision, or a tract of land intended as a unit, to be used and occupied by one building and necessary buildings incidental thereto.

PLAT. A map or drawing of which the subdivision plan or subdivision is presented and which is submitted for approval and intending final form, to record.

STREET. A public thoroughfare between property lines which provides the principal vehicular

access to the abutting property.

SUBDIVISION. A division or re-division of a lot, tract or parcel into two or more lots or divisions of land for the purpose of immediate or future of building development, including all changes in street or lot lines, provided, however, that division of land for agricultural purposes in parcels of more than ten acres, not including new street or easement access, shall not be considered a subdivision in the terms of this chapter.

(Ord. 4585, passed 12-3-56)

§ 184.02 PROCEDURE.

(A) A person desiring the approval of the plat for the subdivision of land shall submit in writing application therefor with the Plan Commission, together with six blueprints or photostatic copies of the proposed plat. The application shall be submitted at least ten days before a regular meeting of the Commission, and shall contain information concerning proposed land use of the subdivision, deed restrictions, drawings, elevation, sewage disposal, public utilities facilities, and such other information that will assist the Commission to consider the application. The proposed shall comply with all the minimum requirements provided for in § 154.03.

(B) Within a reasonable time thereafter the Commission shall consider the application and proposed plat, and if the same is not approved the applicant shall be notified in writing of such action and the reasons therefor by the Commission.

(C) If the Commission tentatively approves the application and proposed plat, it shall set a date for the public hearing thereon, notify the applicant in writing of such hearing by registered mail, and shall notify all persons and governmental units having a probable interest in the proposed subdivision of such hearing by one publication in the newspaper of general circulation printed and published in Floyd County, Indiana not less than ten days prior to the date fixed for such hearing. The cost and expense of such application publication shall be borne by the applicant.

(D) The approval by the Commission of the application and proposed plat shall not be deemed final acceptance of the same but shall constitute approval only as to the general form and planned features thereof.

(E) Within six months after the approval of the application and proposed plat, unless an extension of time has been granted by the Commission, the final plat shall be submitted to the Commission and shall conform with the requirements of a final plan as hereinafter provided for in § 154.05, and with all of the conditions which may have been specified by the Commission upon approval of the application and proposed plat. In addition thereto, the subdivider shall file with the Commission a certificate of the City Engineer to the effect that the streets, sewers, water and other utilities and facilities that have been required as a precedent to approval have been agreed, improved and installed in accordance with the specifications and this chapter. Unless the final plat and certificate is submitted within the time as herein provided for or extended by the Commission, the approval of the application and provided plat shall be null and void and without force and effect.

(F) The Commission may approve the final plat of any subdivision in which the improvements and installations have not been completed by the ordinance or by the Commission for the approval of the final plat if the subdivider or applicant provides a bond which shall:

(1) Run to the Board of Works;

(2) Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this chapter;

(3) Be with surety satisfactory to the Commission;

(4) Specify the time for the completion of the improvements and installations.

(G) Within a reasonable time after the submission of the final plat and certificate of bond, the Commission shall approve or disapprove it. If the Commission approves the plat, it shall affix the Commission's seal thereon together with the certifying signatures of its President and Secretary. If the Commission disapproves, it shall set forth its reasons in its records and provide the applicant a copy.

(H) The Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in the OS (fp), Open Space (flood plain), district as designated by the Zoning Ordinance. If the Plan Commission finds the subdivision to be located in said district, the Plan Commission shall forward pertinent plans and materials to the Indiana Department of Natural Resources for review and comment. The Plan Commission may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damages; all public utilities and facilities, such as sewers, gas, electrical and water systems located and constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood damage; and that on-site waste disposal systems, if provided, will be so located as to avoid impairment of them or contamination from them during the occurrence of the Regulatory Flood as defined by the Zoning Ordinance. Submission of plans and materials to the Indiana Department of Natural Resources for review and comment shall be for the purpose of said Department determining whether the proposed subdivision is located in the floodway as defined by the Zoning Ordinance of the OS (fp) district, and whether state permits are to be required; the Department may also recommend certain stipulations to be placed upon the development of the subdivision. At such time as the specific floodway has been determined for the city in its entirety, then only proposals located in the floodway shall be submitted to the Indiana Department of Natural Resources.

(Ord. 4585, passed 12-3-56; Am. Ord. Z-77-659, passed 6-6-77)

§ 154.03 PROPOSED OR PRELIMINARY PLAT.

The proposed or preliminary plat submitted with the application shall disclose the following information:

(A) Proposed name of the subdivision;

(B) Name of the owner and subdivider, and the names of the registered engineer or land surveyor employed;

(C) Location by reference to survey, section, township and range;

(D) Date, scale and northpoint;

(E) Location of property line, existing public highway, water, railroad and utility right of ways, names of the owners of adjoining land and other existing features, including elevations at intervals of two feet.

New Albany - Land Usage

- (F) Layout and dimension of streets, alleys and utility easements and proposed lots and blocks;
- (G) Parcels of land intended to be dedicated for public use, or for use of the property owners in the subdivision;
- (H) Building setback lines, showing dimensions.
- (I) Location and size of existing sewers, water and gas mains and lines, if any accessible to the subdivision.
(Ord. 4585, passed 12-3-56)

§ 184.04 PROVISIONS OF PLAT NECESSARY FOR APPROVAL SPECIFICATIONS.

(A) The Plan Commission in determining whether an application for approval is granted shall determine if the plat provides for:

- (1) Coordination of the subdivision streets with existing or planned streets and highways.
- (2) Establishment of minimum width, depth and area of lot with the subdivision.
- (3) Distribution of population of traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the country.

(B) As a condition of approval of a plat the Commission may specify:

- (1) The manner in which streets and alleys shall be laid out, graded and improved.
- (2) Provisions for water, sewage and other utility services.
- (3) Provisions for schools, essential municipal services and recreational facilities.
(Ord. 4585, passed 12-3-56)

§ 154.05 FINAL PLAT.

The final plat shall be submitted to the Plan Commission in the form of an original drawing on linen tracing cloth of the size of 18 inches by 25 inches, and to the scale of 100 feet to the inch, unless the use of such scale should cause the size of the plat to be in excess of the above dimensions, then an approximate scale may be used to conform to such size. In addition to the original drawing there shall be also submitted to the Commission six blueprint or photostatic copies of same. The following shall be disclosed in the final plat:

- (A) Boundary lines of the subdivision tract, and of adjoining properties;
- (B) An accurate metes and bounds description of the tract, and source of title;
- (C) Northpoint, scale and data;
- (D) The lines and curve data of all streets and alleys with their names and widths;

- (E) Lot lines and dimensions, and lot and block numbers;
- (F) Location of buildings setback lines and easements for public utilities and their dimensions;
- (G) Location and type of all permanent monuments;
- (H) Restrictions of all types which run with the land;
- (I) Name of subdivision, names of the subdividers;
- (J) Certification by an Indiana-registered, professional land surveyor;
- (K) Certificate of dedication for public use;
- (L) Certificate for approval of Commission;

(M) Base flood elevations, when any part of the subdivision lies within the flood plain. "Base flood elevation" and "floodplain" shall be defined as in the zoning ordinance.

(N) The final plat for subdivisions resulting in the creation of no more than four lots and with no new public street may be prepared in the form of a surveyor's plat which is consistent with applicable standards of surveying practice contained in the Indiana Administrative Code, 865 IAC 1-12 and divisions (A) through (M) above. Such plats are subject to all other procedures and requirements contained herein. Such plats may be recorded in the Floyd County Recorder's Deed Records or Survey Record or in the Subdivision Plat Books.

(Ord. 4585, passed 12-3-56; Am. Ord. Z-79-734, passed 2-5-79; Am. Ord. Z-93-171, passed 10-21-93)

§ 184.06 DEVELOPMENT STANDARDS AND REQUIREMENTS.

The minimum development standards and requirements for land subdivisions are as follows:

(A) *Streets, alley and utility easements.*

- (1) The minimum width for streets shall be 50 feet.
- (2) The minimum width for utility easements shall be six feet.

(3) A dead-end street, if permitted by the Plan Commission, shall terminate in a circular right-of-way providing for a minimum outside diameter of 80 feet.

(4) All streets and sewers within any subdivision must be built in accordance with specifications of the city, and all plans and specifications for the construction of any public improvement must have approval of the Board of Public Works and Safety.

(B) *Blocks.*

(1) The minimum block lengths shall be not less than 400 feet and the maximum length shall be not to exceed 800 feet.

(2) Blocks shall be of sufficient width to allow two tiers of lots of appropriate depth.

(C) *Lots.*

(1) All lots shall abut on a street or public highway.

(2) The side lines of the lots generally shall be at right angles to straight lines and radial to curved street lines.

(3) The minimum lot area required shall be 10,000 square feet when septic tanks are used and 6,000 square feet where connected to a sewer.

(D) *Easements.* Where alleys are not provided, easements shall be provided for utilities. Such easements shall generally be located along rear side lot lines in which case a minimum width of six feet, three on either side of the lot line shall be provided, or if the easement is within the lot, the total minimum width shall be provided.

(E) *Building setback lines.*

(1) The building line of lots in a subdivision designed for residential purposes shall conform to the Ordinance No. 4360, Section 18.

(2) The building line of lots in a subdivision designed for commercial purposes shall conform to Ordinance No. 4360, Section 15.

(F) *Monuments.* Monuments or markers shall be placed at each outside corner of the subdivision or addition, and at the intersection of street property lines, and at such other points as the Commission deems necessary. Such monuments may be of concrete, stone, iron pipe or other permanent material.

(G) *Sewer, water and storm drainage.* Whenever there is within reasonable distance a sanitary sewer outlet or outlets and a connection infeasible the subdivision shall be provided with a complete public sewer system which shall connect with such outlets. Similar requirements shall apply to the provision for proper water supply for the subdivision. The subdivision shall provide a storm sewer, if in the opinion of the Commission natural surface drainage is inadequate.

(Ord. 4585, passed 12-3-56)

§ 184.07 REQUIREMENTS AND CERTIFICATIONS.

The City Plan Commission shall hereafter require in regard to subdivision developments the following requirements and certifications to be executed for the subdivision developer and other specified parties by state registered land surveyors or professional engineers, except that the City Engineer's certifications may be executed by the person serving as City Engineer regardless of his registration status; the following requirements and certifications shall be deemed complimentary and supplementary to existing regulations:

(A) Final construction plans for subdivision site improvements shall be certified to the Board of Public Works and Safety and/or City Engineer, as the Board shall stipulate; certified shall minimally be the degree to which designs meet city specifications and the accuracy of data and statistical information on said plans.

(B) After approval of the final construction plans for subdivision site improvements by the Board and/or City Engineer, one copy of approved plans shall be certified by the City Engineer to the Plan Commission, included in said certification shall minimally be the degree of acceptability of the designs and the degree to which the designs meet city specifications.

(C) Final construction plans for subdivision site improvements as certified by the City Engineer to the Plan Commission shall be considered part of the final (or record) plat of a subdivision, and approval of a final plat shall include said final construction plans as a stipulation of approval; the recording of the final construction plans with the County Recorder's office shall not be required.

(D) After approval and recording of the final plat, and after a local building permit and an improvement location permit have been issued for the construction of a dwelling in a subdivision, and after construction is complete, but prior to the issuance of a certificate of occupancy for a dwelling, the builder shall cause certification to be made to the Plan Commission; it shall minimally be certified that the construction of the dwelling and/or any site work does not deviate from the approved and certified construction plans for subdivision site improvements.

(Res. 7-77-659, passed 6-7-77)

§ 154.08 FEES.

At the time of the filing of the application for the approval of a proposed plat with the Plan Commission, the applicant shall pay to the Commission as a fee for the checking and verifying such proposed plat and for other services in connection therewith the sum of \$10 and in addition thereto the sum of \$2 per lot in such proposed subdivision.

(Ord. 4585, passed 12-3-56)

§ 154.09 REVIEW OF CERTIFICATION.

Any person or persons, firm or corporation aggravated by any decision of the Plan Commission may have their case reviewed as provided by law.

(Ord. 4585, passed 12-3-56)

§ 154.10 ENFORCEMENT BY INJUNCTION.

The Plan Commission may institute suit for injunction to restrain individuals of this chapter as provided by law.

(Ord. 4585, passed 12-3-56)

§ 154.99 PENALTY.

Persons who violate any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10 and not more than \$300 and each day such violation shall be permitted to exist shall constitute a separate offense.

(Ord. 4585, passed 12-3-56)

