

# THE TOWN OF M<sup>C</sup>CORDSVILLE

*Next Stop*  *McCordsville*

## SUBDIVISION CONTROL ORDINANCE

Ordinance No. 121410A  
January 2011

**HNTB**



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## **Article I. General Provisions**

### **Section 1.01 Title**

These regulations shall hereafter be known and cited as the McCordsville, Indiana Subdivision Control Ordinance.

### **Section 1.02 Purpose & Authority**

#### (A) Purpose

This Ordinance is adopted for the following purposes:

- (1) To assist the orderly and efficient development of the Town of McCordsville, Indiana;
- (2) To provide for the coordination of new thoroughfares with existing and planned thoroughfares;
- (3) To promote the health, safety and general welfare of the residents of the county;
- (4) To ensure the coordination with, and extension of, community facilities and utilities; and
- (5) To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

#### (B) Authority

This Ordinance is hereby adopted by the Town of McCordsville pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code where the state statute has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Indiana Code.

#### (C) Waiver of Requirements

The Plan Commission is hereby authorized to waive any or all requirements of this Ordinance when a literal enforcement of this Ordinance would result in unnecessary hardship and when the waiver will not be contrary to the public interest.

#### (D) Jurisdictional Area

This Ordinance shall apply to all incorporated land within the Town of McCordsville, Indiana.

### **Section 1.03 Exempt Subdivisions**

The following kinds of division of existing parcels of land are herein called exempt divisions. These divisions are exempt from the platting provisions of this Ordinance. Exempt division must be one of the following types of division:

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- (A) A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
- (B) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
- (C) A division of land for the acquisition of street right-of-way, or easement;
- (D) A division of land for the sale or exchange of additional tracts between adjoining land owners, provided that no additional building sites other than for accessory buildings are created by the division; and/or
- (E) A division of land into cemetery plats for the purpose of burial of corpses.

## **Article II. Primary Plat**

### **Section 2.01 Sketch Plan**

Prior to the submission of a subdivision plat, the subdivider should submit a sketch plan and consult informally with the Technical Review Committee. This will enable the subdivider to become familiar with the general requirements and conditions which might affect the subdivision and thus avoid unnecessary revisions. The sketch plan should be in draft form with sufficient detail for review and comments.

### **Section 2.02 Submission of Plat**

At least 30 days prior to the regular meeting of the McCordsville Advisory Plan Commission, the subdivider shall submit a written application for primary plat approval together with the following:

(A) Primary Plat

A primary plat based on a survey in conformance with the Minimum Standards for the Competent Practices of Land Surveying administered by the Indiana State Board of Registration for Land Surveyors, or as provided for in 865 IAC 1-12. Ten copies of the primary plat drawn on 24 inches by 36 inches materials at an accepted scale and encompassing all contiguous parcels of property owned by or under the control of the subdivider and showing the following:

- (1) The proposed name for the subdivision;
- (2) The location by civil township, section, township and range, or by other legal description;
- (3) The name and address of the subdivider;
- (4) The name, address and registration number of the surveyor;
- (5) The scale (including a graphic scale), north arrow, and date;
- (6) The boundary line of the subdivision;
- (7) The boundary lines of adjacent tracts of unsplit or subdivided land, showing ownership where possible;
- (8) Existing zoning of the proposed subdivision and adjacent tracts;
- (9) Topographic contours at a minimum of two-foot intervals;
- (10) All existing permanent features either natural or manmade that may influence the design of the subdivision, such as watercourses, tree groves, swamps, sewers, water mains, culverts, utility lines, and fire hydrants. Where underground utilities exist within or adjacent to the tract, the approximate location, size, and direction of flow, if applicable, shall be indicated;
- (11) The location, width, and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces,

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permanent buildings and structures, permanent easements, and section and corporate lines on or within 200 feet of the subdivision;

- (12) The layout of all proposed and existing lots with appropriate dimensions including the minimum lot areas in square feet for the smallest lot(s) in the subdivision and the proposed front yard setback lines;
- (13) The layout of streets, widths of rights-of-ways, proposed cross sections of roadways, and also the widths of cross-walkways and easements;
- (14) Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision; and
- (15) The dedicated right-of-way and, if applicable, the planned right-of-way. In the event that neither the dedicated right-of-way, nor the planned right-of-way is known, the apparent right-of-way may be used for a temporary substitute.

### (B) Watershed Map

A watershed map using USGS contour information and showing:

- (1) The delineation of the drainage area in which the subdivision is located; and
- (2) The location of drainage courses or reaches within the drainage area.

### (C) Drainage Plan

A drainage plan in conformance with the county drainage regulations showing:

- (1) Natural watercourses, marshes, and the like;
- (2) Existing drainage facilities, culverts and the like; and
- (3) The proposed drainage plan for the subdivision and analysis of existing drainage facilities to the nearest watercourse showing culverts, retention ponds, and the like.

### (D) Feasibility Report

A feasibility report in conformance with the Town's sewage disposal and drainage regulations including but not limited to the following:

- (1) The feasibility of connecting to an existing sewerage system and water supply, as determined by the Town of McCordsville or Indianapolis Water, respectively. This portion of the study shall include the distance to the nearest public sewer, its capacity and present load, and its capacity to handle the additional sewage load created by the subdivision. The same information shall be submitted for water supply;
- (2) A study of the storm water drainage of the area showing a method of dispersion or retention and the adequacy of downstream facilities. This study shall give consideration to both water entering the subdivision from adjacent land and water within the boundaries of the subdivision; and



- (3) A preliminary report on the type(s) of street construction based on the specifications outlined in this Ordinance.

(E) Preliminary Erosion Control Plan

A preliminary erosion control plan following the guidelines as required by the General Permit for Construction Activities, as provided for in 327 IAC 15-5. The erosion control measures shall be in accordance with standards and specifications in the State Handbook for Erosion Control in Developing Areas including, but not limited to the following;

- (1) Soil areas which, according to the soil maps and interpretations prepared by the U.S.D.A. Soil Conservation Service, are subject to erosion by wind or by water; and
- (2) A proposed plan for adequately controlling erosion during construction, and stabilizing these areas after construction. These erosion control measures shall be in accordance with standards and specifications on files in the County Soil and Water Conservation District office and consistent with the General Permit for Construction Activity administered by the Indiana Department of Environmental Management, as provided for in 326 IAC 15-5.

(F) Fee

The submission of the primary plat shall be accompanied by a fee established in the Official Fee Schedule for the Town of McCordsville, Indiana.

**Section 2.03 Primary Plat Procedure**

(A) Pre-application Meeting Required

A primary plat shall only be filed after the petitioner has met with the Administrative Officer, or his or her designee, to discuss the request.

(B) Staff Procedure

Upon receipt of an application for primary plat approval, the Administrative Officer shall review the application for technical conformity with the standards fixed in this Ordinance. Within 30 days after receipt of the application, the Administrative Officer shall announce the date for a hearing before the Plan Commission, and shall provide for notice in accordance with IC 36-7-4-706. After the staff has announced a date for a hearing before the Plan Commission, it shall:

- (1) Notify the applicant in writing;
- (2) Give notice of the hearing by publication in accordance with IC 5-3-1; and
- (3) Provide for due notice to interested parties, consistent with Indiana State Statute, at least ten days before the date set for the hearing.

(C) Technical Review Committee Procedure

The Technical Review Committee shall review the primary plat and make a report to the Plan Commission within 15 days after the date the application was filed. If the Technical

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Review Committee finds that the primary plat has been prepared in accordance with the terms of this Ordinance, they shall forward a report so stating to the Plan Commission for consideration. If the Technical Review Committee finds that the primary plat has not been prepared in accordance with the terms of this Ordinance, they shall return the plat to the subdivider with a written specification of the items of nonconformance and shall submit a copy of the same to the Plan Commission.

### (D) Plan Commission Procedure

#### (1) Approval

If, after the hearing, the Plan Commission determines that the application and plat comply with the standards of this and all other applicable ordinances, it shall make written findings and a decision granting primary approval to the plat. Upon approval of the primary plat, the Plan Commission will indicate upon each copy that it has been approved. One copy shall be returned to the subdivider along with a written statement indicating the action taken by the Plan Commission. If approved with conditions, a written copy of the conditions shall accompany each copy of the approved plat. As a condition of primary approval, the Plan Commission may specify:

- a) The manner in which public ways shall be laid out, graded and improved;
- b) A provision for water, sewage, and other utility services;
- c) A provision for lot size, number and location;
- d) A provision for drainage design; and
- e) A provision for other services, as specified in this Ordinance.

#### (2) Disapproval

If, after the hearing, the Plan Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval. If disapproved, the Plan Commission shall return to the subdivider three copies of the primary plat marked "Disapproved by the McCordsville Plan Commission," along with a written statement indicating the reason or reasons for its disapproval.

#### (3) Continuation

The Plan Commission may also refer a plat back to the Technical Review Committee for review or study on a specific technical matter.

### (E) Drainage Board Procedure

No subdivision shall be approved nor shall an Improvement Location Permit be issued for land zoned for residential or non-residential use unless the working drain for each lot in the subdivision and each proposed structure outlets into a regulated drain. All subdivision plats shall dedicate to the Town of McCordsville, for drainage purposes, all regulated drains, drain tile, storm sewers, retention ponds and drainage ditches which have side slopes steeper than five to one. Upon receipt of a subdivision application, the Administrative Officer shall refer the application to the McCordsville Drainage Board or its agents to review the preliminary plat and determine that the property will be

adequately drained and that adjoining properties and/or downstream areas will not be adversely affected by the planned development of the property. If the Drainage Board finds that adjacent or intervening landowners decline to cooperate in providing these connections, and that the connections required by this Section cannot therefore be made, the Board may waive the requirement if it determines that other adequate provisions have been made to discharge the working drains.

(F) Subsequent Approvals (if necessary)

Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, grading and gradients, roadway widths, and the surfacing of streets by the Town Council, where concerned, prior to the approval of the secondary plat by the Plan Commission.

(G) Approval of Primary Plat does not Constitute Approval of a Secondary Plat

Approval of a primary plat shall not constitute approval of a secondary plat. Rather, it shall be deemed an expression of approval to the layout submitted on the primary plat as a guide to the preparation of the secondary plat. Approval of the primary plat shall terminate two years after the date of approval unless further extended by the Plan Commission upon written request of the subdivider, and by filing 60 days prior to the expiration of the approval and by payment of a filing fee established by the McCordsville Plan Commission.

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## **Article III. Secondary Plat**

### **Section 3.01 General Provisions**

(A) Conformance with Primary Plat Required

The secondary plat shall not be considered for approval until the action taken by the Plan Commission on the required primary plat has been completed, nor shall secondary approval be granted prior to the expiration of the appeal period provided for in IC 36-7-4-707(c). When the secondary plat submitted does not substantially conform to the approved primary plat, the subdivider shall not file an application for secondary plat approval until the primary plat has been amended in accordance with the same procedure required for Primary Plat Approval.

(B) Construction Plan(s) Required

Construction drawings are to be submitted for subdivisions with the secondary plat. The construction drawings shall include, but not be limited to, the following:

- (1) All drainage with invert and top of casting elevations, sizes, length of pipe, drainage profile, existing and proposed tile, drains, culverts, bridges, appropriate high and low water elevations of lakes and streams, flood plains and all wooded areas;
- (2) Street information, including right-of-way width, type of material to be used, cross-sections, slope of pavement, all stationing, curve data, street profiles, curbs and gutters, and location and description of street signs;
- (3) All information required by the McCordsville Drainage Board or its agents consistent with the McCordsville stormwater management ordinances;
- (4) Topography with a minimum contour interval of two feet and site-grading plan for the entire subdivision;
- (5) The title, name, address, signature, and registration number of the professional engineer and/or surveyor, and the date, including revision dates;
- (6) A final erosion control plan, following the guidelines as required by the General Permit for Construction Activities, as provided for in 327 IAC 15-5. The erosion control measures shall be in accordance with standards and specifications in the State Handbook for Erosion Control in Developing Areas. The plan shall be submitted to the County Soil and Water Conservation District per the requirements of the McCordsville Stormwater Management Ordinance.

### **Section 3.02 Phasing**

The subdivider may request secondary plat approval for all or any portion of the approved primary plat, provided that submission of a secondary plat covering only a portion of the area contained in the approved primary plat may be permitted by the Plan Commission only after consideration of the effect of the continuity of roads, utilities and services.

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### **Section 3.03 Secondary Plat Submission**

#### (A) Pre-application Meeting Required

A subdivision shall only be filed after the petitioner has met with the Administrative Officer, or his or her designee, to discuss the request.

#### (B) Submission

At least 15 days prior to the regular meeting of the Plan Commission, the subdivider shall submit for final plan approval the original drawing(s) on a material approved by the Town Engineer, at an appropriate scale with the scale clearly indicated and a graphic scale for reference, and five prints of the plat. The secondary plat shall be accompanied by a fee as established in the Town of McCordsville Official Fee Schedule.

#### (C) Materials

The secondary plat shall include:

- (1) The name of the subdivision;
- (2) The location by section, township and range, and the legal description of the property platted;
- (3) The name and certification of the land surveyor preparing or certifying the plat, as set out in the appendices to this Ordinance;
- (4) The scale, shown graphically and numerically, and the date and north arrow;
- (5) The boundary of the plat, based on a boundary survey conforming with the Minimum Standards for the Competent Practice of Land Surveying administered by the State Board of Registration of Land Surveyors, as provided in 865 IAC 1-12, having an unadjusted mathematical closure of 1:10,000, with angular and lineal dimensions;
- (6) The exact locations, width and name of all streets within and adjoining the plat, and the exact location and width of all alleys and crosswalks;
- (7) True angles and distance to the nearest established street lines or official monuments, which shall be accurately described in the plat. Also the locations of the subdivision corner points and the location of the elevation benchmarks;
- (8) Municipal, township, county or section lines, or previously platted land accurately tied to the lines of the subdivision by distance and angles;
- (9) The radius angle of intersection, tangent length, length of curve, point of curvature and point of tangency for curves, radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs;
- (10) All easements for rights-of-way provided for public services and utilities;
- (11) All lot numbers and lines, with accurate dimensions in feet and hundredths;

- (12) Accurate location of all monuments;
- (13) Accurate outlines of any area, other than public ways to be dedicated, reserved for public or semipublic use with the purposes indicated thereon, and for any areas to be reserved for the use of all property owners;
- (14) Building setbacks, accurately shown with dimensions which are not in conflict with the Zoning Ordinance;
- (15) Acknowledgment, by the owner and as required by law, of the adoption of the plat and the dedication of streets, other public areas, and utility and drainage easements;
- (16) Each secondary plat submitted to the Plan Commission for approval shall carry a certificate signed by the owner after Technical Review Committee and Plan Commission approval but before recording;
- (17) A notarized statement indicating that the applicant is the owner of the land to be subdivided and that the subdivision shown on the recording plat is made with his or her free consent;
- (18) The proper form for the acceptance of dedications by the Town Council;
- (19) The proper form for the approval of the Plan Commission;
- (20) Restrictive covenants regulating the use and development of the lots shall be lettered on the secondary plat or made a part thereof, subject to the approval of the Plan Commission. The protective covenants shall include any clause required by this Ordinance;
- (21) A note on the plat as follows: "Dedicated R/W in this subdivision consists of \_\_\_\_\_ acres;" and
- (22) The dedicated right-of-way and, if applicable, the planned right-of-way. In the event that neither the dedicated right-of-way, nor the planned right-of-way is known, the apparent right-of-way may be used for a temporary substitute.

### **Section 3.04 Financial Guarantees**

Financial guarantees shall be required for all proposed incidental improvements not completed prior to signing off of the plat by the McCordsville Town Council and for all completed improvements as required by this Ordinance.

#### **(A) Maintenance Bond**

A maintenance bond shall be required prior to the signing of a secondary plat by the Town Council. It shall:

- (1) Run to the McCordsville Town Council;
- (2) Be in an amount equal to 25% of the cost, as estimated by the McCordsville Town Council, of all improvements and installations as required by this Ordinance;

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- (3) Be with surety satisfactory to the McCordsville Town Council;
- (4) Warrant the workmanship and all materials used in the construction, installation and completion of the improvements, and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this Ordinance and the satisfactory plans and specifications therefore submitted and satisfactory to the McCordsville Town Council;
- (5) Provide that for a period of not less than 60 months after the installations and improvements have been completed or are accepted for public maintenance by the McCordsville Town Council, the applicant will, at his or her own expense, make all repairs to the improvements and installations or the foundations thereof, which may become necessary by reason of improper workmanship or materials; and
- (6) Bear an "A" rating or better as ranked by a reputable insurance rating firm to the satisfaction of the McCordsville Town Council.

### (B) Performance Bond

A performance bond shall be required prior to the signing of the secondary plat by the McCordsville Town Council. It shall:

- (1) Run to the McCordsville Town Council;
- (2) Be in an amount equal to 125% of the cost, as estimated by the McCordsville Town Council, of all incidental improvements and installations as required by this Ordinance. All improvements and installations as required by this Ordinance, except for incidental improvements, shall be completed and approved prior to the signing of the secondary plat by the McCordsville Plan Commission. The incidental improvements shall be completed within 12 months from the date of the recordation of the plat with the exception of sidewalks and asphalt surfacing which shall be completed within 36 months from the date of the recordation of the plat.
- (3) Be with surety satisfactory to the McCordsville Town Council; and
- (4) Be valid and effective until the improvements are installed to the satisfaction of the McCordsville Town Council, at which time all required maintenance bond(s) shall be posted for a period of not less than 60 months.

### (C) Cash Bond or Other Negotiable Securities

Cash bond or other negotiable securities acceptable and assigned to the McCordsville Town Council may be posted with the Council in lieu of a performance bond.

### (D) Exceptions

The McCordsville Town Council may waive the provisions of this Section upon the recommendation of the County Surveyor, Town Engineer, or County Environmental Health Specialist.



**Section 3.05 Technical Review Committee Procedure**

Upon receipt of an application for secondary plat approval, the Technical Review Committee shall review the secondary plat and make a report to the Plan Commission within 15 days after the final filing date. If the Technical Review Committee finds that the secondary plat has been prepared in accordance with the terms of this Ordinance, they shall forward a report so stating to the Plan Commission for consideration. If the Technical Review Committee finds that the secondary plat has not been prepared in accordance with the terms of this Ordinance, they shall return the plat to the subdivider with a written specification of the items of nonconformance and shall submit a copy of the same to the Plan Commission.

**Section 3.06 Plan Commission Procedure**

The Plan Commission shall, upon the filing of an application for secondary plat approval, review the secondary plat along with the accompanying data, hear the report of the Technical Review Committee, and determine whether or not the secondary plat meets all minimum requirements and standards of this Ordinance and of all other applicable ordinances of the Town of McCordsville. The Plan Commission shall then take one of the following actions on the secondary plat within thirty days after its submission or a mutually agreed upon extension.

(A) Approval

The Plan Commission shall approve the secondary plat for record only after it has determined that the secondary plat meets the minimum requirements of this Ordinance and all applicable ordinances in the Town, and that sufficient financial guarantees have been submitted in accordance with this Ordinance. Upon final approval of the secondary plat, the Plan Commission shall indicate upon each copy that it has been approved. One copy shall be returned to the subdivider, along with the written statement indicating the action taken by the Plan Commission.

(B) Conditional Approval

If the Plan Commission determines that upon the satisfactory completion of one or more specified conditions consistent with the requirements, standards, and specifications of this Ordinance, the secondary plat would comply with the terms of this Ordinance, the Plan Commission may give conditional approval to the plat. Conditional approval of a secondary plat may include a construction agreement which is acceptable to the Plan Commission and would permit the subdivider to proceed with the installation of improvements prior to recording. Written notice of the conditional approval shall constitute formal authorization to the subdivider to construct and install all or a part of the required improvements, subject to inspection and acceptance procedures required by this Ordinance. The subdivider shall furnish sufficient evidence to the Plan Commission of the satisfactory completion of the conditions before the plat will be deemed "final approval for record." Upon final approval of the secondary plat, the Plan Commission shall indicate upon each copy that it has been approved. One copy shall be returned to the subdivider, along with the written statement indicating the action taken by the Plan Commission. A written copy of the conditions shall accompany each copy of the approved secondary plat.

(C) Disapproval

Should the Plan Commission decide to disapprove the plat, written notice of the action, together with reasons therefore, shall be transmitted to the subdivider. The action shall also be entered on the official records of the Plan Commission, provided that nothing

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contained therein shall prejudice the subdivider's ability to make reapplication for secondary plat approval according to the terms of this Ordinance.

(D) Continue

Should the Plan Commission have a question regarding a specific technical aspect of the plat which had not previously been studied by the Technical Review Committee, the Plan Commission may refer to the plat along with a detailed statement of the question to the Technical Review Committee for a finding.

(E) Final Approval of a Secondary Plat not Acceptance of Dedications

Final approval of a plat by the Plan Commission shall not be construed as an acceptance by the public of the offer of dedication of any street improvement, way, place, structure, utility improvements, or open space improvement, within the areas shown upon the plat unless the acceptance is endorsed by the Town Council upon the original tracing of the secondary plat.

### ***Section 3.07 Recording a Final Plat***

After the Plan Commission has granted final approval of the plat for record, the officers shall affix their signatures to the original tracing and the subdivider shall record the plat with the County Recorder within one year. If not recorded within this time, the approval shall be null and void, unless further extended by the Plan Commission upon written request of the subdivider, filed with the Plan Commission 60 days prior to the expiration of the approval and by payment of a filing fee established by the Plan Commission. The subdivider shall pay the recording fee, and file with the Plan Commission four prints of the approved secondary plat, including restrictive covenants, as recorded. One reproducible print of the secondary plat, as recorded, shall be filed and retained in the office of the Town Engineer. Until the prints have been so filed, no Improvement Location Permit, occupancy permit, or other permits shall be issued for any lot shown upon the plat.

### ***Section 3.08 Completion Affidavit***

Upon the acceptance of the improvements and installations by the Town Council, the applicant shall obtain a completion affidavit from the Town Engineer stating that the required improvements and installations have been installed in compliance with specifications of this Ordinance and have been accepted for public maintenance by the Council, subject to the terms of the maintenance bond provided by the applicant, and shall file the completion affidavit with the Plan Commission.

### ***Section 3.09 Bond Funds***

Any funds received from the financial guarantees required by this Ordinance shall be used only for the purposes of making the improvements, installations or repairs for which the guarantees were provided, in accordance with the standards, specifications and requirements of this Ordinance.

## Article IV. Design Principles and Standards

### Section 4.01 General Provisions

In determining whether an application for approval shall be granted, the Plan Commission shall determine if the plat conforms to the principles and standards required in this Ordinance, which shall be deemed as the minimum; and whenever the applicable requirements of other Town ordinances are higher or more restrictive, those requirements shall control any application for plat approval.

(A) Natural Features

In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots, or similar conditions which, if preserved, will add attractiveness and value to the proposed development.

(B) Pollution Prevention

Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics.

(C) Design

The subdivision layout shall be of a character that protects the health, safety, and general welfare of the county and its residents. In designing a street system, the subdivider shall be guided by the following principles:

- (1) Adequate vehicular and pedestrian access shall be provided to all parcels;
- (2) Local or residential street systems shall be designed to minimize through-traffic movement, but street connections into and from adjacent areas may be required;
- (3) Local street patterns shall provide reasonable direct access to the primary circulation system;
- (4) Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial and/or collector routes;
- (5) Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely;
- (6) Traffic generators within residential areas shall be considered in the design of the circulation pattern;
- (7) Planning and construction of residential streets shall clearly relate to their local function;
- (8) Local streets shall be designed to discourage excessive speeds;
- (9) Pedestrian-vehicular conflict points shall be minimized;
- (10) The number of intersections shall be minimized;

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- (11) Local streets shall be related to the topography;
- (12) All subdivisions shall be designed so as to facilitate the most advantages development of the entire neighboring area by protecting and enhancing the stability, character, and environment of the area;
- (13) All residential subdivisions shall provide specialized open space as defined in this Ordinance, that encourage frequent use, attention, and the presence of people through placement and design. Where possible, the natural terrain, drainage, and vegetation of a site shall be preserved;
- (14) Streets shall extend existing streets into and through the development. Reserve strips adjoining street rights-of-way for the purpose of preventing access are prohibited;
- (15) Streets and development sites should be designed to protect and preserve stands of significant trees and vistas from high ground or to water; and
- (16) Pedestrian and bike paths shall be designed to connect with similarly planned or existing local facilities. Streets, pedestrian paths, and bike paths shall contribute to a system of fully connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees, and lighting, and by discouraging high speed traffic.

### **Section 4.02 Open Space Standards**

Open space uses are permitted on land designated as open space within a residential subdivision.

#### **(A) Conservation Requirement**

To protect and preserve the small town atmosphere of McCordsville, all residential subdivisions are required to designate at least 25 percent of the land for open space uses.

#### **(B) Open Space Uses**

The uses shall maintain unobstructed views into the open space and preserve the rural atmosphere of the community.

##### **(1) Nuisance Avoidance**

Open space uses shall not create a nuisance to adjoining properties due to fire hazard, electrical disturbance, noise, vibration, air pollution, heat and glare, water pollution, and waste matter.

##### **(2) Siting**

Due to the site specific nature of the relationship of open space areas to surrounding residential uses, the appropriateness of open space uses within a project shall be determined during the subdivision approval process.

##### **(3) Written Commitments**

Written commitments shall be made regarding the uses permitted within the open space.

(C) Structures and Parking Areas

Structures and parking areas associated open space uses shall not cover more than 20 percent of the lot. Parking areas shall be screened from adjoining residential lots through low walls or landscaping with evergreen or densely deciduous shrubs.

(1) Walls and Fences

Walls and fences shall be made of stone, wrought iron, or wood and should not exceed 3.5 feet in height.

(2) Hours of Operation

The hours of operation for outdoor activities of open space uses shall be limited to 7:00 a.m. to 10 p.m.

(3) Open Space Types

Open space uses include, but are not limited to:

a) Equine Facilities

A building located on the premises that is used by residents of the Town of McCordsville for stabling, riding lessons, or training equine; or an trail for which to ride equine.

b) Private Recreation Facilities

A private recreation facility includes, but is not limited to a course consisting of a large landscaped area for playing golf. The facility may also include a golf club house, equipment storage buildings, and other related structures.

c) Playground

Playgrounds provide sunny and shaded play areas for children as well as open shelter with benches for parents. Playgrounds may be built within parks or squares or may stand alone within a residential block. Playgrounds are recommended to be between 10,000 and 15,000 square feet in size. Trees shall be planted along the perimeter of a playground at a spacing of 15 to 40 feet on center depending upon the characteristics of the tree. A minimum of 35% of the trees must be shade trees.

d) Plaza

A plaza is an open area adjacent to, or part of, a civic building or facility. Plazas function as gathering place and may incorporate a variety of non-permanent activities such as vendors and display stands. Limited parking is also permitted. Plazas shall be paved in brick or other type of pavers or crushed stone. Plazas shall be level, stepped, or gently sloping (less than three percent grade). The size of the plaza depends upon the building or facility design. Sizes may range from 2,000 to 30,000 square feet. The horizontal length or width of the plaza shall not be greater than three times the height of the surrounding buildings. Plazas may be left unplanted. If planted, the trees should form a frame to the plaza space or for the structure which the plaza serves. Spacing shall be a minimum spacing of 10 feet on center to a maximum or 25 feet on center. A minimum of 35% of the trees must be shade trees.

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### e) Square

Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of three sides or 75 percent of their perimeter. Squares are encouraged to be entirely bounded by streets. They may range in size from 200 square feet to one acre. Squares may be entirely or partially paved in crushed gravel, brick pavers, or similar material. Trees shall be planted parallel to all rights-of-way at a minimum spacing of 10 feet on center to a maximum of 30 feet on center. If provided, internal plantings shall be in geometric layouts. A minimum of 35% of the trees must be shade trees.

### f) Parks and Recreation Facilities

Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum 50 percent of their perimeter and range in size from one to three acres. The maximum park size may exceed three acres if through design, the park creates a central open space that services an entire neighborhood or group of neighborhoods or incorporates physical features that are an asset to the community (i.e. significant stands of trees, lakes, etc.) Trees shall be planted parallel to all perimeter rights-of-way a minimum spacing of 15 feet on center to a maximum of 30 feet on center. A minimum of 35% of the trees must be shade trees.

### g) Greenway Corridors

Greenway corridors are open spaces designed to incorporate natural settings, such as creeks and significant stands of trees within neighborhoods. Greenway corridors differ from parks or squares in that their detailing is natural (i.e. informally planted) except along rights-of-way and may contain irregular topography. Greenway corridors may be used for certain active non-motorized recreational uses such as walking, jogging, or bicycling. Trees shall not be planted in any rights-of-way. Interior areas shall remain natural. A minimum of 35% of the trees must be shade trees.

## (D) Open Space Ownership

Open space shall remain undivided and may be owned and managed by a homeowners association, the Town of McCordsville, or a recognized land trust or conservancy.

### (1) Dedication to the Town of McCordsville

#### a) Dedication of Open Space

The Town of McCordsville shall have the first and last offer of dedication and the first and last offer for purchase of open space (including easements) in the event that the open space land is to be conveyed. Dedication shall take the form of fee simple ownership. The Town may, but shall not be required to, accept open space provided:

- i) Such land is accessible to the residents of the Town;
- ii) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance, and

iii) The Town agrees to and has access to maintain such lands, or a satisfactory maintenance agreement is reached between the developer, property owner, and the Town.

b) Acceptance of Dedication

Where the Town accepts dedication of open space that contains improvements, the Town may require the posting of financial security to ensure structural integrity of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15 percent of the actual cost of said improvements and installation.

(2) Homeowners Association

The open space and associated facilities may be held in common ownership by homeowners association. The association shall be formed and operated under the following provisions:

- a) The developer shall provide the Plan Commission a description of the association, including its bylaws and methods for maintaining the open space.
- b) The association shall be organized by the developer and shall be operated with a financial subsidy by the developer before the sale of any lots within the development.
- c) The homeowners association shall be professionally managed.
- d) Membership in the association is automatic and mandatory for all purchasers of homes therein and their successors.
- e) The association shall be responsible for maintenance of insurance and taxes on open space, enforceable by liens placed by the Town on the association.
- f) The members of the association shall share equitably the costs of maintaining and developing the open space.
- g) In the event of a proposed transfer of open space or the assumption of maintenance of open space by the homeowners association to the Town, notice of such action shall be given to all property owners within the development by the homeowners association.
- h) The association shall administer common facilities and properly and continually maintain the open space.
- i) The homeowners association may lease open space land to any other qualified person or corporation, for operation and maintenance of open space, but such a lease agreement shall provide:
  - i) That the residents of the development shall at all times have access to the open space contained therein.

## Subdivision Control Ordinance

- ii) That the open space to be leased shall be maintained for the purposes set forth in this ordinance; and
- iii) That the operation of open space facilities may be for the benefit of the subdivision residents only, or may be open to the residents of the Town, at the election of the developer and/or homeowners association, as the case may be.
- iv) The lease shall be subject to the approval of the homeowner's association board and any transfer or assignment of the lease shall be further subject to the approval of the homeowner's association board. Lease agreements so entered upon shall be recorded with the County Recorder within 30 days of their execution and a copy of the recorded lease shall be filed with the Plan Commission.

### (3) Transfer of Easements to a Private Conservation Organization

An owner may transfer easements to a private, nonprofit organization, among whose purpose it is to conserve open space and/or natural resources, provided that:

- a) The organization is a bona fide conservation organization with perpetual existence;
- b) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
- c) A maintenance agreement acceptable to the owner is entered into by the developer and the organization.

## (E) Open Space Maintenance Standards

### (1) Responsibility

The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc.

### (2) Failure to Maintain an Open Space

In the event that the association or any successor organization shall, at any time after establishment of a development containing open space, fails to maintain the open space in reasonable order and condition in accordance with the development plan, the Town may serve written notice upon the owner of record, setting for the manner in which the owner of record has failed to maintain the open space in reasonable condition. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this ordinance. The Town is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the violation(s) within 20 days.



(3) Unpaid Bills

Should any bill(s) for maintenance of open space by the Town be unpaid by August 1 of each year, a late fee of 15 percent shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

**Section 4.03 Street Tree Standards**

All street trees and plantings on or in the public right-of-way shall require the approval of the Public Works Commissioner or his or her designee. The Town of McCordsville shall have control of all street trees, shrubs and other plantings now or hereafter planted or allowed to grow within the right-of-way of a designated street tree corridor, and shall have the power to maintain, remove, and replace such trees, shrubs, and other plantings. Nothing contained within this Section shall be deemed to impose any liability upon the Town, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant within a designated street tree corridor on his or her property or under his or her control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any roadway, alley or public right-of-way within the Town.

(A) Purpose and Intent

The purpose of this Section is to establish policies, regulations, and standards necessary to ensure that the Town will realize benefits provided by street trees and plantings. These provisions are intended to regulate the planting, maintenance, protection and removal of trees and shrubs on or within the public right-of-way.

(B) Location

Right-of-way plantings shall only be permitted within street tree corridors designated by the Town of McCordsville. All street trees and plantings shall be planted under the supervision of the Public Works Commissioner, or his or her designee.

(C) Resolution of Conflicts between Street Trees and Infrastructure

In the event that sidewalks or curbs are damaged by tree roots, every effort shall be made to correct the problem without removing or otherwise damaging the tree. Corrective action shall only be carried out by the Public Works Commissioner, or his or her designee. Corrective action may include alteration of sidewalk and/or curb construction, or alteration or removal of the tree itself.

(D) Minimum Spacing Requirements

A minimum distance of 30 linear feet shall be required between street trees located along the same side of the street. All street trees shall be a minimum of three feet from an existing or planned pedestrian way, unless otherwise permitted by the Public Works Commissioner.

(E) Harming Street Trees Prohibited

It shall be a violation of the provisions of this Ordinance for any person to abuse, destroy or mutilate any street tree, shrub or planting within a street tree corridor designated by the Town of McCordsville. This includes, but is not limited to: attaching or placing a rope or wire (other than that used to support a young or broken tree), chain, sign, poster,

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handbill to or on any tree growing in a public place. Nor may anyone cause any wire charged with electricity to be placed or attached to any such tree. Nor may anyone cause or allow any gaseous liquid or solid substance which is harmful to trees to come in contact with their roots, trunks or leaves. In no instance, shall anyone other than the Public Works Commissioner, or his or her designee, perform any arboricultural work on any plant material within the public right-of-way without the express written permission of the Public Works Commissioner, or his or her designee.

(F) Street Tree Specifications

Refer to **Section 6.10**, Landscaping Standards, of the McCordsville Zoning Ordinance, as amended from time to time.

(G) Prohibited Street Trees

Refer to **Section 6.10**, Landscaping Standards, of the McCordsville Zoning Ordinance, as amended from time to time.

### Section 4.04 Geometric Street Standards

(A) Geometric Street Standards

All dedicated and designated rights-of-way shall conform to the following minimum standards. In the event that an area as designated so as to require the incorporation of street trees, the alternate street sections shall apply rather than the typical street sections.

**Table 1: Geometric Street Standards**

<b>Geometric Street Standards</b>			
<b>Classification</b>	<b>Minimum ROW Dimension (ft)</b>	<b>Minimum Road Width (ft/lanes)</b>	<b>No. of Lanes</b>
<b>Arterial</b>			
Major Arterial	140	68	4
Minor Arterial	97	56	4
<b>Collector</b>			
Major Collector	75	36	2
Minor Collector	65	30	2
<b>Local</b>			
Local-Collector*	54	30	2
Local Street	54	30	2

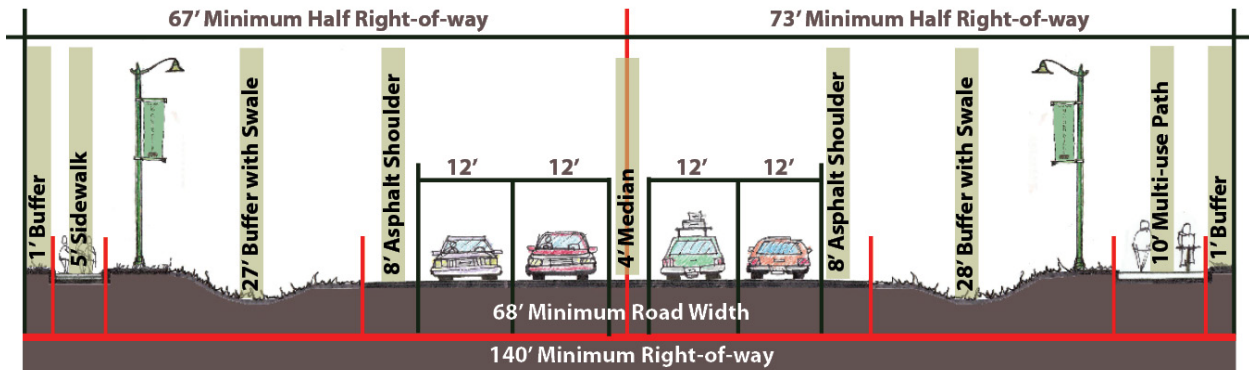
\* Local-Collectors differ from Local Streets in that the pavement is thicker.

Table 2: Cul-de-sac Terminus Diameter Requirements

Cul-de-sac Dimensions		
Classification	Minimum ROW Dimension (ft)	Radius (ft)
Residential*		
Local, 8 or fewer lots	80	50
Local, more than 8 lots	100	60
Non-Residential		
All roads	120	70
Other		
Crosswalks	10	-
Utility Easements	15	-

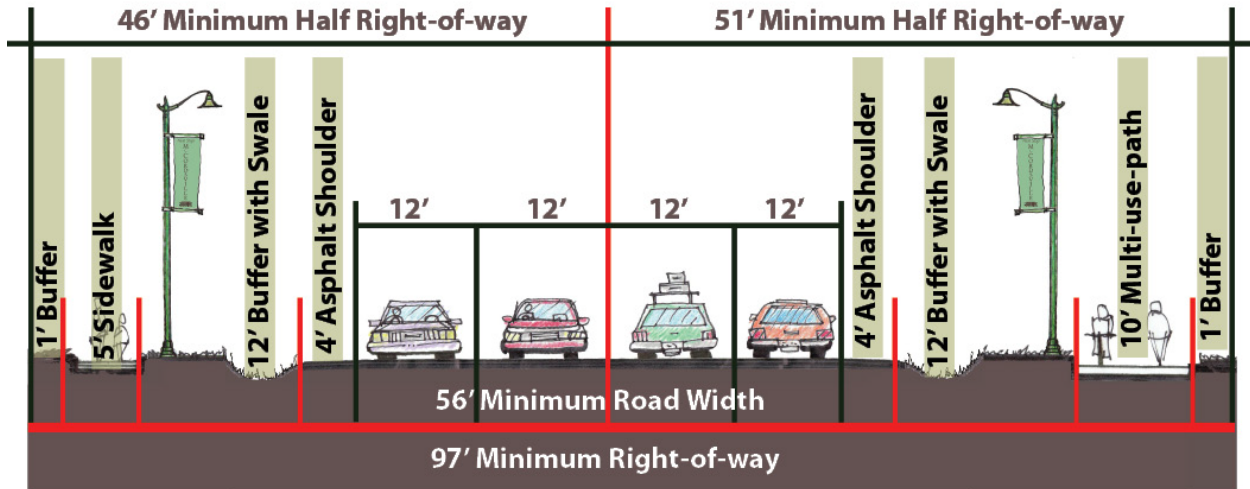
\* Number of lots at cul-de-sacs shall not include lots with property lines abutting the intersecting street.

Figure 1: Typical Major Arterial Roadway Cross Section



Streetlights shall be a minimum of three feet from the edge of the sidewalk or multi-use path. Additional space may be required, as determined by the town engineer.

Figure 2: Typical Minor Arterial Roadway Cross Section



Streetlights shall be a minimum of one and one-half feet from the edge of the sidewalk or multi-use path. Additional space may be required, as determined by the Town Engineer.

Figure 3: Typical Major Collector Roadway Cross Section

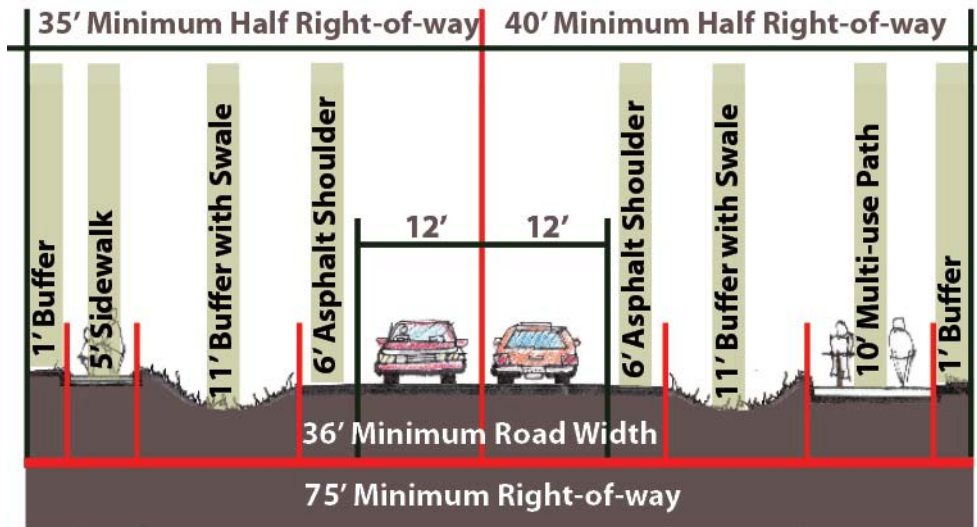


Figure 4: Typical Minor Collector Roadway Cross Section

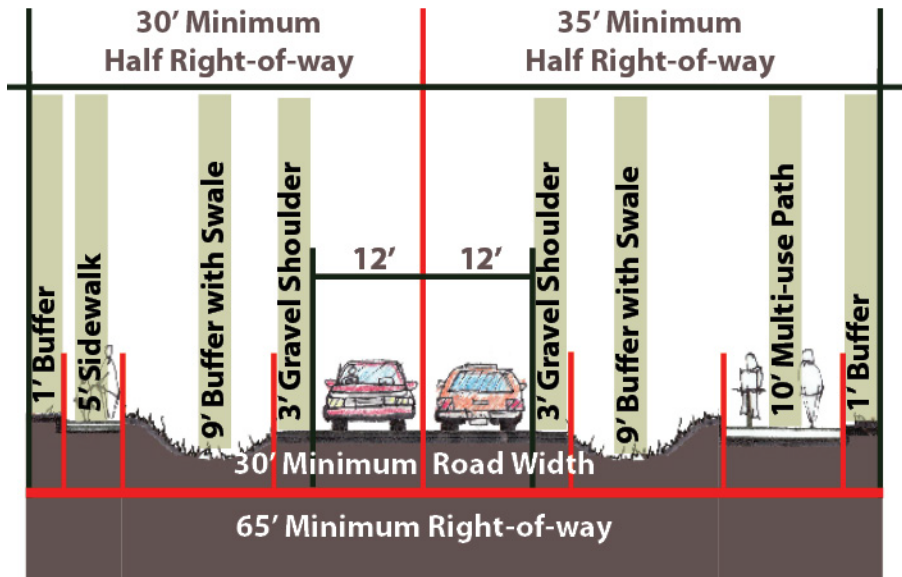
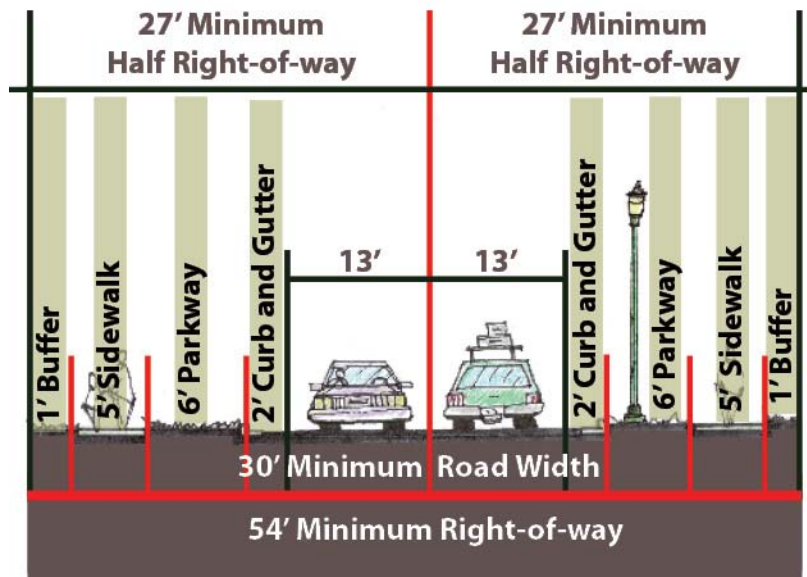


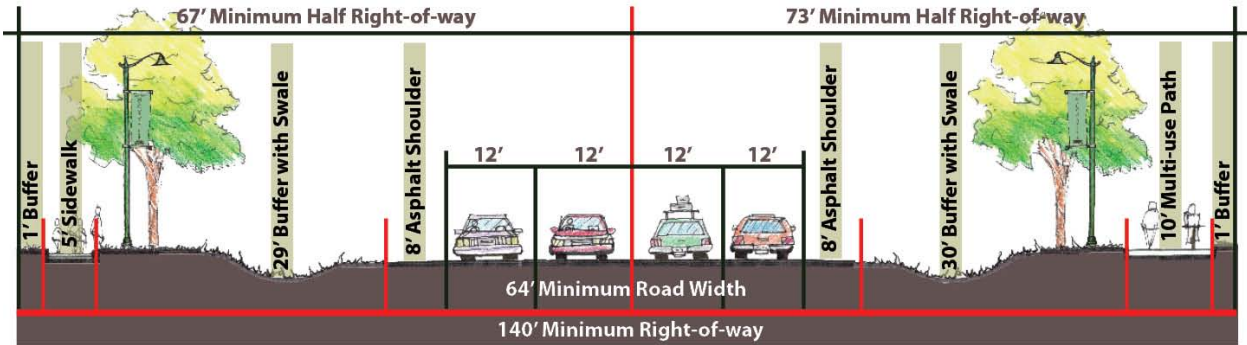
Figure 5: Typical Local-Collector or Local Roadway Cross Section



(B) Alternate Geometric Street Standards

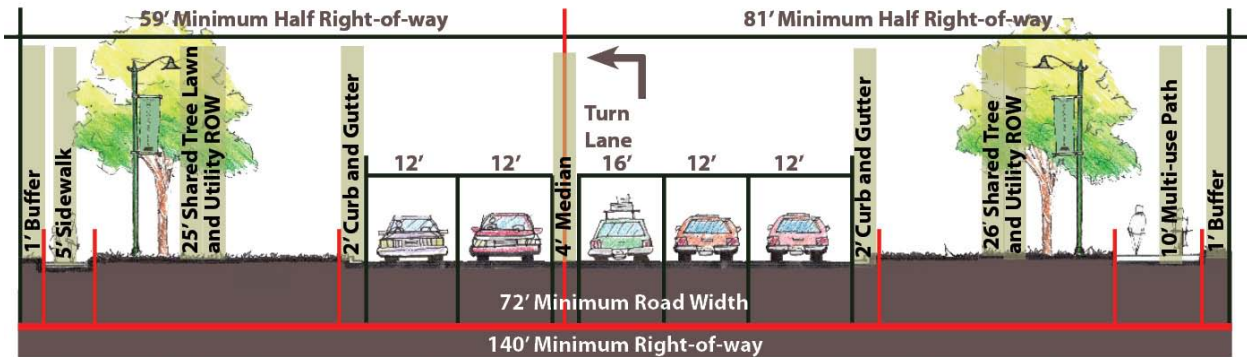
Improvements proposed within a designated street tree corridor shall be designed to the minimum specifications as illustrated by the figures. In no instance shall a street tree be planted or allowed to grow within the public right-of-way in an area other than a designated tree corridor.

Figure 6: Typical Alternate Major Arterial Roadway Cross Section with Open Drainage



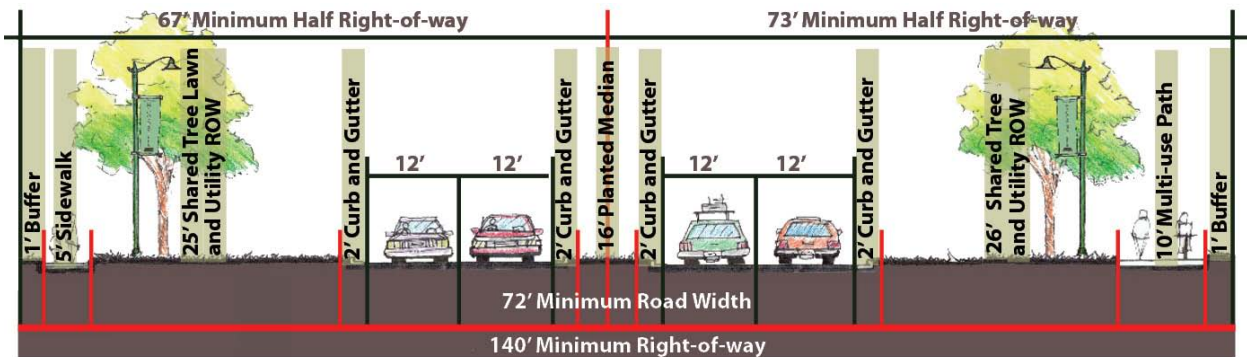
Streetlights shall be a minimum of three feet from the edge of the sidewalk or multi-use path. Additional space may be required, as determined by the town engineer.

Figure 7: Typical Alternate Major Arterial Roadway Cross Section w Curb/Gutter, & Left Turn Lane



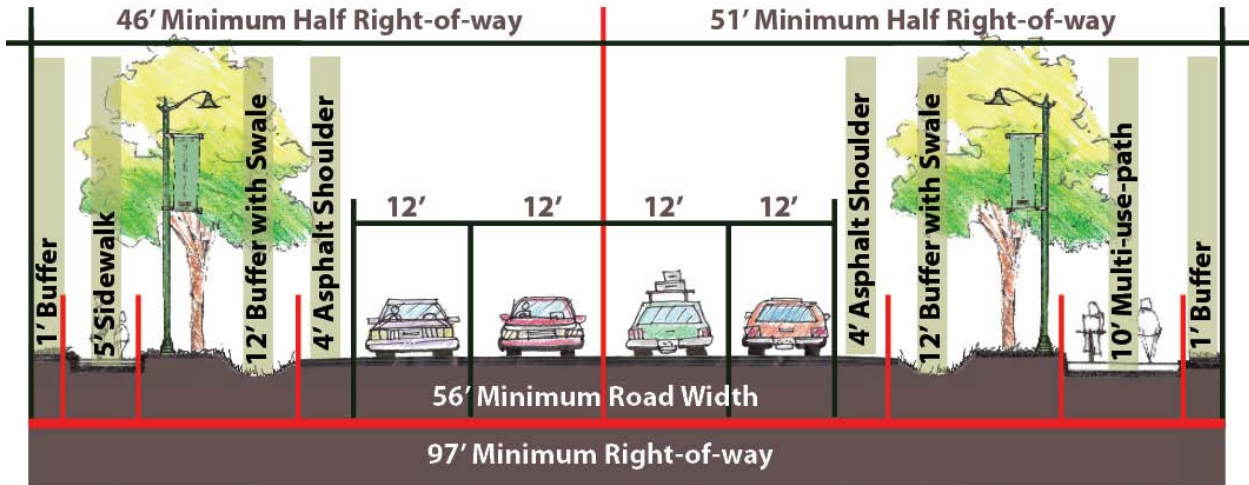
Streetlights shall be a minimum of three feet from the edge of the sidewalk or multi-use path. Additional space may be required, as determined by the town engineer.

Figure 8: Typical Alternate Major Arterial Roadway Corridor with Curb & Gutter, & Planted Median



Streetlights shall be a minimum of three feet from the edge of the sidewalk or multi-use path. Additional space may be required, as determined by the town engineer.

Figure 9: Typical Alternate Minor Arterial Roadway Cross Section



Streetlights shall be a minimum of one and one-half feet from the edge of the sidewalk or multi-use path. Additional space may be required, as determined by the town engineer.

Figure 10: Typical Alternate Major Collector Roadway Cross Section

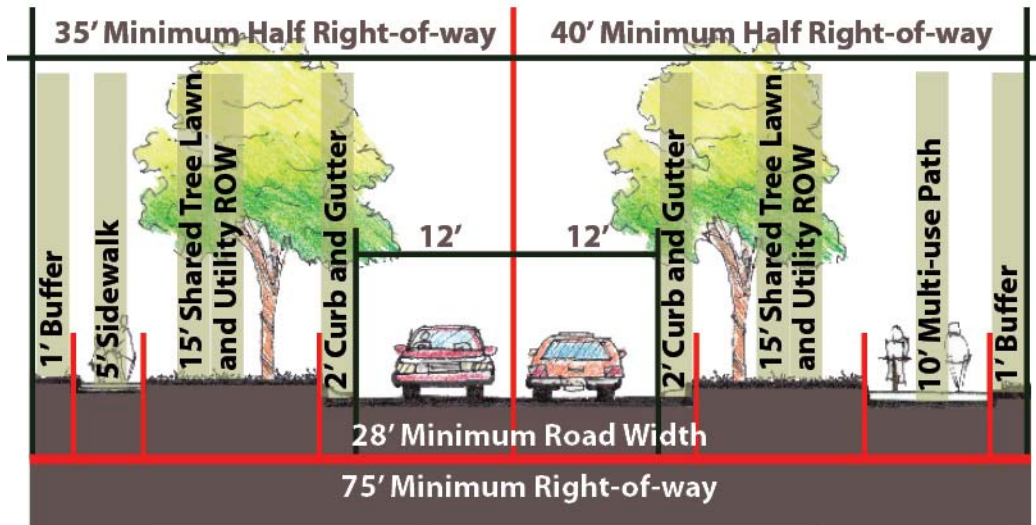


Figure 11: Typical Alternate Minor Collector Roadway Cross Section

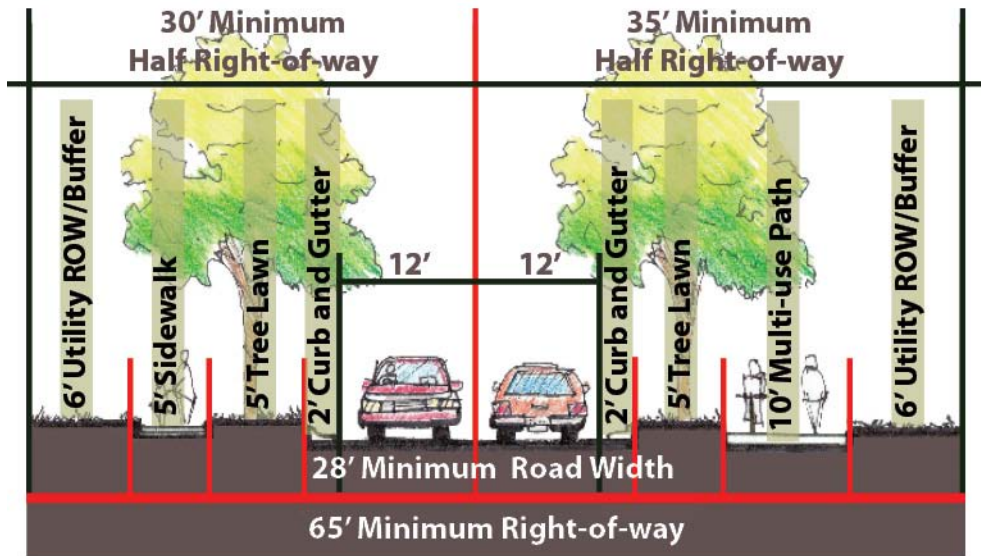


Figure 12: Typical Alternate Local-Collector or Local Roadway Cross Section

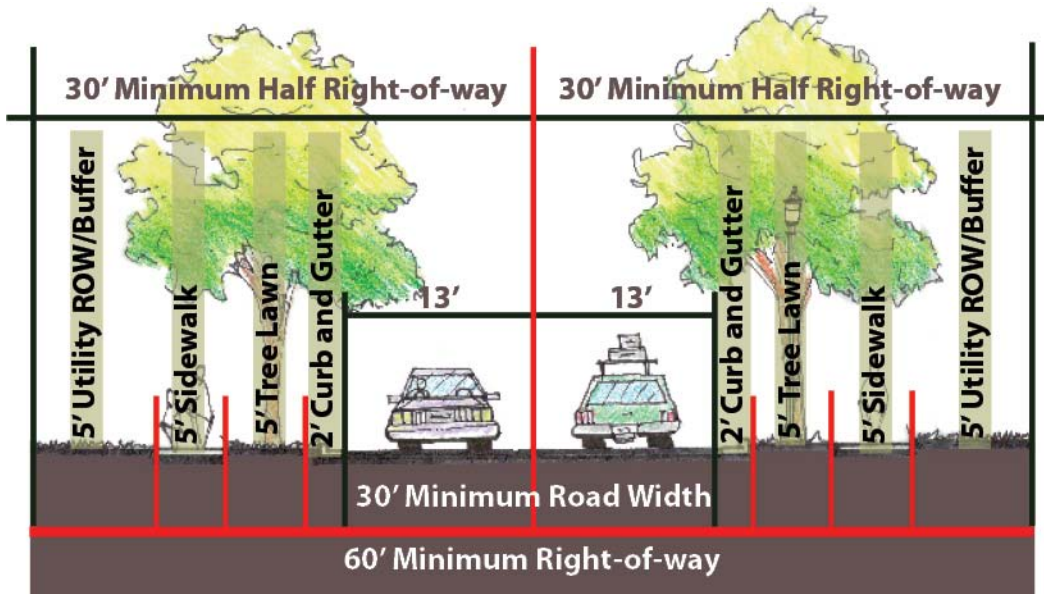




Figure 13: Proposed Parkway Cross Section

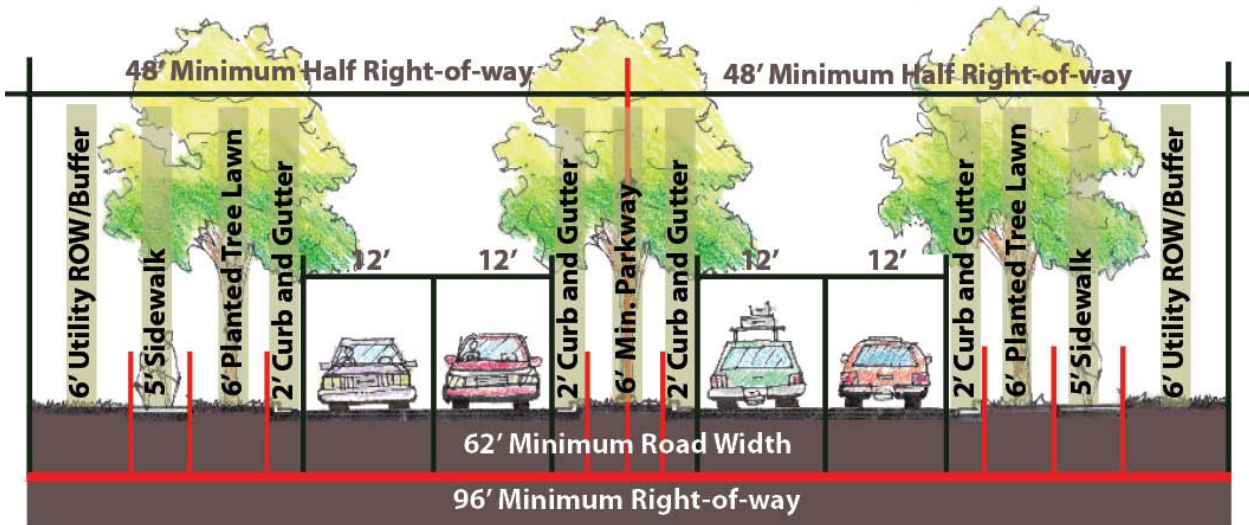
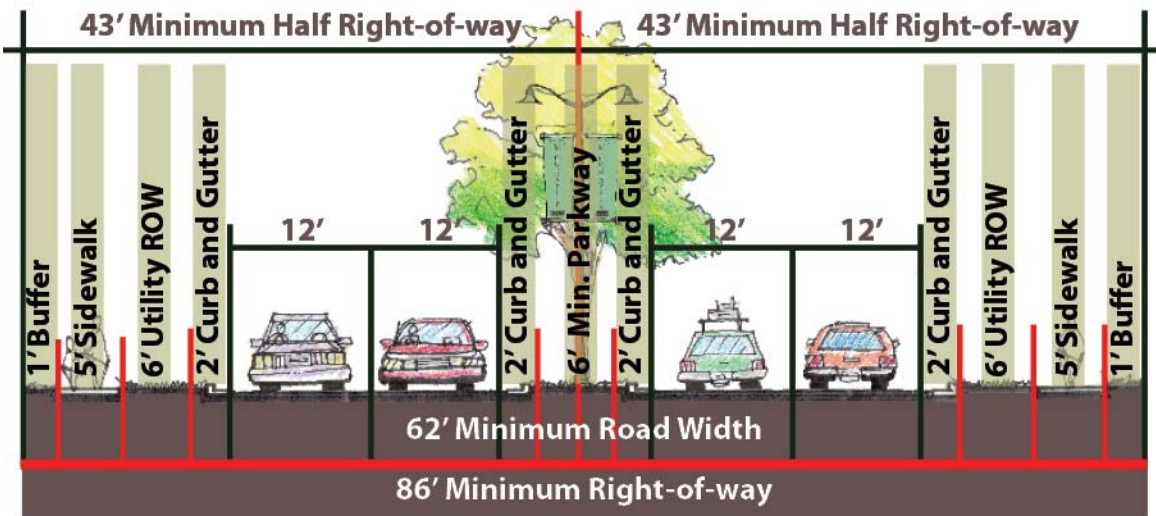


Figure 14: Proposed Alternate Parkway Cross Section



(C) Intersection Standards

(1) Number of Streets at an Intersection

No more than two streets shall intersect at any one point unless specifically approved by the Plan Commission.

(2) Spacing

Intersections of major streets shall be at least 800 feet apart and any street jogs with centerline offsets of less than 150 feet shall not be permitted. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of the street.

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- (3) Angle  
All streets shall intersect at 90° whenever possible. In no instance shall two streets intersect at less than 80° onto arterial or collector or local streets.
- (4) Horizontal Curves  
To insure adequate sight distance, when the street centerline deflects more than 10°, connections shall be made by horizontal curves. The minimum centerline radius for local residential streets shall be 150 feet and for all other streets shall be 400 feet.
- (5) Tangent  
A tangent of at least 100 feet shall be introduced between reversed curves on local and collector streets.
- (6) Visibility  
Clear visibility, measured along the center line of the street, shall be provided for at least 600 feet on all arterial streets, 400 feet on collector streets, and at least 200 feet on all local streets.
- (7) Maximum Vertical Grade  
The maximum vertical grade for all streets shall not exceed 5%. The minimum vertical grade of all streets shall be 0.4%.
- (8) Maximum Cul-de-sac Length  
The maximum length cul-de-sac street shall be 1,300 feet measured along the center line from the intersection at origin through the center of the circle to the end of the right-of-way. The origin of a cul-de-sac shall be defined as the centerline of the first street intersected by the cul-de-sac. Each cul-de-sac shall have a terminus of nearly circular shape with dimensions consistent with **Table 2**, Cul-de-sac Terminus Diameter Requirements, unless the Plan Commission approves an equally safe and convenient form of space instead of the required turning circle.
- (9) Acceleration and Deceleration Lanes  
At an intersection of a subdivision local or collector street with an arterial or major collector street or road, the Town Engineer on behalf of the Plan Commission may require the subdivider to install improvements such as, but not limited to, acceleration and deceleration and/or passing lanes along the arterial or collector street.
- (10) Turn Lanes and Traffic Signals  
At a nearby intersection of an arterial or collector roadway, the Town Engineer on behalf of the Plan Commission may require turn lanes and/or traffic signals.
- (11) Arterial and Collector Improvements  
On arterial and collector roadways adjacent to a proposed development or redevelopment, the Town Engineer on behalf of the Plan Commission, may require the roadway to be improved to the standard set by the typical cross section.

(D) Pedestrian Route Standards

Sidewalks at least five feet wide are required on both sides of the street in all subdivisions, except where a subdivision is adjacent to a Collector (Major or Minor) or Minor Arterial street, in which case a Multi-Use Pathway is required on the north and east sides of the road as specified and a sidewalk is required on the west and south sides of the Collector or Minor Arterial. On US 36, the multi-use pathway shall be excluded and the road shall have sidewalks on both sides of the road. Sidewalk and Multi-Use Pathway connectivity shall be considered and exceptions granted as consistent with connectivity and any plan established by the Parks Board. All other standards for sidewalks shall conform to the Hancock County Subdivision Control Ordinance. The Multi-Use Pathway provisions do not apply to Local Arterial Roads.

**Section 4.05 Street Standards and Requirements, General**

All streets shall be constructed in conformance with the McCordsville, Indiana Town Standards. Improvements for streets shall conform to the rules, regulations, and design specifications as set forth and established by the McCordsville Public Works Committee as adopted.

(A) Number of Access Points

(1) Subdivisions with fewer than 5 lots

In subdivisions with fewer than 5 lots, shared driveways are encouraged to minimize access points along existing roadways.

(2) Subdivisions with 5 or more lots

Subdivisions with more than five lots shall construct a new road for access to the proposed lots rather than creating driveway cuts for each proposed lot directly onto existing roads.

(3) Subdivisions with more than 10 Lots

Subdivisions with more than 10 lots shall provide more than one entrance into the subdivision for public safety and improved circulation. Where it is not feasible to provide more than one access point due to physical constraints or the size of the lot, at least one easement shall be platted to an adjoining parcel that is likely to develop. The easement shall provide future right-of-way for road extensions and utility connections into the adjoining parcel.

(B) Connectivity of Adjacent Subdivisions

Adjacent subdivisions shall connect to one another.

(C) Half Streets, Stub Streets, and Dead-End Streets

Half streets encouraged, especially where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and where the Town Council finds it will be proper to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be planned within the tract. A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turnaround shall be provided for any temporary dead-end street which extends 200 feet

## Subdivision Control Ordinance

or more in length. The easement shall be automatically vacated to abutting property owners when the dead-ended street is legally extended.

### (D) Street Names

No street names may be used which will duplicate or be confused with the names of existing streets. All street names shall include a directional element to position the street appropriately within the north-south and east-west grid covering the county. The streets which are logical extensions or continuations of, or obviously in alignment with any existing streets, either constructed or appearing on any validly recorded plat, shall bear the names of the existing streets.

### (E) Proposed Rights-of-way

Rights-of-way for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties unless the extension is not feasible because of topography or other physical conditions, or unless, in the opinion of the Plan Commission, the extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts. In any event, no subdivision shall be designed so as to create or perpetuate the land-locking of adjacent undeveloped land.

### (F) Nonconforming Streets Abutting or Within a Proposed Subdivision

In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by this Ordinance, the subdivider shall dedicate additional width along either one or both sides of the streets of inadequate width so as to bring them up to standards, provided the area to be used for widening is owned by the subdivider or under his or her control.

### (G) Restrictive Covenants

The following provisions shall be required as a provision of the restrictive covenants of all secondary plats to which they apply:

- (1) No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between two and one-half and eight feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 40 feet from the intersection of the local or collector street lines, and 75 feet from the intersection of arterial streets, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.
- (2) The same sight line limitations shall apply to any lot within ten feet of the intersection of a street right-of-way line with the edge of the driveway pavement or alley line. No driveway shall be located within 70 feet of the intersection of two street lines. No drainage structures shall be located within driveway limits.
- (3) No sump pump drains or other drains shall outlet onto the street.
- (4) No trees shall be planted in the right-of-way.
- (5) No vehicle shall be parked on a public street for more than 24 hours, unless otherwise permitted to do so.

- (6) Snow removal for the subdivision internal streets shall be the responsibility of the developer or homeowner's association.
  - (7) The maintenance of all irrigation or sprinkler systems installed in the right-of-way shall be the responsibility of the individual homeowner or developer. The Town of McCordsville assumes no responsibility for maintenance or damage of any kind.
  - (8) Each homeowner (lot owner) shall be responsible for constructing a five-foot wide concrete sidewalk of 4,000 psi concrete, four inches thick, sloped toward the street with expansion joints each 48 feet along the entire street frontage of their respective lot. The sidewalk shall be constructed prior to completing finish lot grading. The sidewalk shall be located one foot inside the street right-of-way line, (not on the lot) and parallel to the street right-of-way line.
  - (9) All public sidewalks shall comply with all Americans with Disabilities Act (ADA), as amended, requirements and in the situation of a conflict between ADA rules, covenants or other regulations, the ADA shall govern.
  - (10) Unless provided by the local municipality, the homeowner's association shall negotiate with and procure trash pick-up and curbside recycling services from one provider for all of the owners in the subdivision.
  - (11) The homeowner's association may employ a managing agent or a real estate management company to assist with the management, administration, operation, and maintenance of the subdivision.
- (H) Pipe Underdrains  
Pipe underdrains will be used on both sides of the street. The minimum slope of the pipe shall be 0.4%.
- (I) Concrete  
All concrete used for construction of streets, curbs and gutters, sidewalks and other related items shall have a minimum compressive strength of 4,000 psi with the appropriate air entrainment, which shall be consistent with industry standards, and a slump not to exceed four inches. Stone shall be used for coarse aggregate.

#### **Section 4.06 Block Standards**

- (A) Length & Width  
Block length and width or acreage within bounding streets shall be designed to accommodate the size of the lot required in the area by this Ordinance and to provide for convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved. The maximum block length shall be 1,200 feet. In the design of blocks longer than 800 feet, the Commission may specify the provision of pedestrian crosswalks near the center, or wherever most useful to facilitate pedestrians' circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination.

## **Subdivision Control Ordinance**

### **(B) Residential Blocks**

Residential blocks shall be of sufficient depth to accommodate two tiers of lots of minimum depth, except where reverse frontage lots bordering a freeway, arterial street or flood plain are used.

### **(C) Block Shape**

No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow, and public areas.

## **Section 4.07 Lot Standards**

Subdivision lots shall be adequate for the type of development and land use proposed, and shall conform to the requirements of the Zoning Ordinance.

### **(A) Lot Lines**

Side lines of lots shall be approximately at right angles or radial to the street line.

### **(B) Lot Dimensions**

The lot size, width, depth, shape, grade, location and orientation, shall be in proper relation to street and block design to existing and proposed topographical conditions.

### **(C) Depth to Width Ratio**

The depth to width ratio of any single-family residential lot shall not be greater than three to one respectively. The width is to be measured where the lot contiguously abuts the right-of-way of a street. This standard shall apply to platted lots only.

### **(D) Setbacks**

The minimum yard size, or setback lines, required for each lot shall be in conformance with the requirements of the requirements of the Zoning Ordinance.

### **(E) Road Frontage**

Every lot or parcel shall have sufficient frontage and access to a public street designated, designed and improved in accordance with the terms of this Ordinance.

### **(F) Corner Lots**

Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines on both streets.

### **(G) Double-frontage Lots**

Double frontage lots are prohibited with the exception of the need to buffer residential development from adverse influences or to minimize the number of intersections with arterial streets and highways. A no-access screen planting buffer strip of ten feet shall be provided along the lot lines adjoining the adverse influence or arterial street.

### **(H) Lots Abutting a Watercourse, Drainage way, Channel, or Stream**

Lots abutting a watercourse, drainage way, channel or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required for front, rear, and side yards.

### **Section 4.08 Easements**

Adequate areas of suitable size and location shall be allocated for utility easements. As a general principle, the easements shall be at least 15 feet in width, shall provide reasonable continuity from block to block and shall be located at rear lot lines and alongside and front lot lines when deemed necessary. The Plan Commission may require the reservation of a utility easement at least ten feet in width, along the front yard line and parallel to the adjoining street right-of-way.

(A) Subdivisions Traversed by a Watercourse, Drainage way, Channel, or Stream

Where a subdivision is traversed by a watercourse drainage way, channel or stream, adequate areas for storm water or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving or protecting the watercourses in accordance with the requirements of the McCordsville Drainage Board or its agents, or the Hancock County Drainage Board if the ditch is maintained by the Hancock County Surveyor.

(B) Placement

Whenever practicable, the subdivider shall be encouraged to design for the placement of utility lines underground, following the required standards and specifications established by each utility company. The location of each underground utility system shall be shown by appropriate easement lines on the proposed plat.

### **Section 4.09 Additional Provisions for Non-residential Subdivisions**

It is recognized that the subdivider, in creating non-residential subdivisions, faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Plan Commission shall be upon street layout and block arrangement. Generally, the procedural requirements shall be for the owner to follow the regular procedure outlined in these regulations. However, the subdivider need show only two lots along with the street and block layout. Then from time to time, as prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded subdivision plat for consideration. Regular procedural requirements of the Plan Commission following the receipt of a final subdivision plat shall then apply, except those streets that have been built by following an approved set of plans on the previously approved secondary plat shall not have to be rebuilt because of the adoption of new criteria by the county. This shall also apply to storm drainage facilities within the subdivision unless runoff characteristics have been changed by the newly proposed improvements or unauthorized existing improvements.

### **Section 4.10 Soil Limitations and Natural Features**

Land with soils which are designated unsuitable for urban development, such as flood plains and very poorly drained organic (muck) soils, characterized by seasonal high water table at or near the surface, ponding, or frequent to occasional flooding, shall not be platted for urban development or used for nonagricultural structures. The condition of soils, such as being unsuitable for urban development, shall be determined by soil survey data furnished by the U.S. Department of Agriculture and Soil Conservation assisting the County Soil and Water Conservation District.

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## **Article V. Improvements and Installations**

Subdivision improvements shall be designed, furnished and installed by the subdivider in accordance with requirements of this Ordinance, state and county road standards, and other requirements of the state and county, and whenever the applicable requirements of any other governmental unit are higher or more restrictive, those requirements shall control any application or plat approval. No final subdivision plat shall be approved by the Plan Commission unless the following improvements have been completed as herein specified and required, or the subdivider provides a financial guarantee as specified by this Ordinance.

### **Section 5.01 General Provisions**

(A) Submission of Construction Drawings Prior to Construction

After Plan Commission approval of the primary plat and prior to any construction in the subdivision, the subdivider shall submit copies of the construction drawings for streets and drainage facilities to the Town at least 45 days before construction is to begin.

(B) Supervision and Construction

Supervision and inspection of construction of all required improvements shall be under the direction of the Town Council. All phases of construction are to be inspected on a regular basis. Notice is to be given to the offices of the McCordsville Drainage Board or its agents and the Town Engineer 24 hours in advance.

(C) As-built Plans Required

A set of mylar "as-built" or "record" drawings shall be submitted to the McCordsville Drainage Board and Town Engineer after the subdivision street and drainage construction is complete. In addition, as each portion or section of a subdivision or project is platted, the developer and/or builder shall provide to the Town Manager of the Town of McCordsville, Indiana, a digital representation of all aspects of said portion or section a digital format using the Auto-Cad software or such other format as may be agreed to by the Town Manager after consultation with the Town's consulting engineers.

### **Section 5.02 Streets**

Streets shall be installed in compliance with the following minimum standards and requirements:

(A) Sub-base, Base and Pavement Standards

The minimum standards for street construction shall be in accordance with the Town Standards and the Standard Specifications of the State Department of Highways, current edition, and all applicable up-to-date revisions to each edition, or subsequent superseding edition thereafter referred to as the "Standard Specifications," unless otherwise required by this Ordinance. Copies of the Standard Specifications are on file in the office of the Town Engineer. The minimum thickness of sub-base, base, and pavement shall be as follows:

(1) The preparation of sub-grade for street pavements shall be according to the following provisions:

- a) Unless otherwise provided, the sub-grade shall be prepared per the Town Standards. During sub-grade preparation and after its completion, adequate drainage shall be provided at all times to prevent water from standing on the

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sub-grade. Sub-grades shall be so constructed to have as nearly as possible uniform density throughout. After compaction and final grading, the sub-grade shall be finished with a roller weighing not less than ten tons. At areas not accessible to the roller, the required compaction shall be obtained with mechanical tamps or vibrators. All soft yielding or otherwise unsuitable material which will not compact properly shall be removed. Any holes or depressions resulting from the removal of the unsuitable material shall be filled with satisfactory material and compacted so as to be in conformance with the surrounding sub-grade surface. No placement of pavement shall be permitted on un-inspected or unapproved sub-grade and at no time when the sub-grade is frozen or muddy. No hauling shall be done nor equipment moved over the sub-grade when it is in a condition that would cause undue distortion to result. If these conditions are present the sub-grade shall be protected with adequate plank runways, mats or other satisfactory means if hauling is done thereon;

- b) All utility excavations under the pavement shall be backfilled with Grade B borrow and construction shall conform to Section 211 of the Standard Specifications or compacted thoroughly by other means. The gradation for "B" borrow will be limited to nominal sizes greater than 1/2 inch;
- c) All sub-grade for streets shall be proof-rolled per the Town Engineer and tested by an independent testing laboratory, if so directed by the Town Engineer, and the cost of this testing shall be paid for by the subdivider.

### (2) Rigid Pavement Specifications

The provisions for construction of rigid pavement shall be as follows:

- a) For local and cul-de-sac streets, a six-inch plain concrete pavement, as set out in subsection (3)(a) below shall be used, or four inches of compacted #53 stone on four inches of #2 stone on lime stabilized sub-grade per the Town Standards;
- b) For collector streets, an eight-inch reinforced concrete pavement, or six inches of compacted #53 stone on four inches of #2 stone on lime stabilized sub-grade per the Town Standards.

### (3) Rigid Pavement Construction

The provisions for construction of rigid (plain concrete) pavement construction shall be as follows:

- a) At the time of placement of the concrete, the sub-grade shall be properly dampened just prior to the placement where it has become dry, where the surface has been removed by final grading, or for any other reason it has not been properly dampened. Concrete pavement shall be in accordance with Section 500 of the Standard Specifications or any subsequent amendments thereto. Concrete shall be finished by machine or vibratory screed except on widened portions, intersections or other places where hand-finishing will be permitted. Weakened plane or dummy, transverse, or contraction joints shall be placed not to exceed 20-foot spacing. Closer spacing to average 15 feet will be encouraged. Transverse contraction joints may be of formed or sawed dummy groove, ribbon or pre-molded strip type, and shall be one-fourth the

pavement depth. When transverse joints are to be formed by sawing, care must be taken to prevent the formation of cracks due to contraction of the slab. All transverse joints shall be sawed within eight hours after the placing of the concrete. Expansion joints, with ½-inch preformed joint filler, shall be placed at every catch basin and manhole in line of the pavement. The location of manholes and the like in the pavement shall determine the exact location of the joints. All joints shall extend through curbs to the full width of the pavement;

- b) Whenever the width between forms of the pavement under construction is greater than 13 feet, longitudinal joints shall be constructed so as to divide the pavement into strips not to exceed 13 feet each. This shall be accomplished by a deformed key plate installed prior to the depositing of the concrete;
- c) The method of curing shall be a white pigmented curing compound type 2, complying with AASHTO M 148, and shall be applied in one or two applications as directed by the Town Engineer. When applied in two applications, the second shall follow the first within thirty minutes.

(4) Timing for surface

A surface may be placed at a later time, but not to exceed either of the following:

- a) When 80% of the subdivision lots have homes built on them; or
- b) A three-year period, starting from the date of placing the asphalt intermediate. A financial guarantee in accordance with this Ordinance shall be posted to insure the performance of the placing of the asphalt surface. If the above requirements are not met, then the McCordsville Town Council or its agents shall not allow issuance of any building permits until the asphalt surface is placed and accepted.

(5) Sampling & Testing

All sampling and testing shall be paid by the contractor.

(B) Special Requirements for Non-residential Subdivisions

The special requirements for non-residential subdivisions are where streets are designed to serve non-residential subdivisions or sites, or other developments requiring service by many heavy vehicles, the minimum pavement thickness will be that for a collector street. The asphalt mixture type for industrial and commercial subdivisions shall be Type C.

(C) Temporary Gravel Construction

Temporary gravel construction shall be required at the entrance to a construction site to prevent sediment from being tracked from a site onto a public or private roadway.

(D) Concrete Curbs and Gutters Required

With the exception of alleys, concrete curbs and gutters shall be required for all streets. A slightly different curb and gutter configuration may be permitted at the discretion of the Town Council. When curbs and gutters are built in conjunction with concrete pavement, expansion and contraction joints should be placed at the same locations as in the pavement slab, and the curb and gutter shall be tied to the pavement by ½-inch round

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deformed bars at about three-foot intervals. Otherwise concrete curb and gutter expansion joints should be placed at the ends of all returns and at intervals not to exceed 100 feet. Contraction joints shall be installed at 20-foot spacing. The curb and gutter shall be cured by keeping the concrete moist for three days, or cured by the use of a white membrane-forming material.

### (E) Sidewalks

All streets shall have sidewalks on both sides of the street with the exception of sides of street where a multi-use path is constructed or otherwise required. Industrial parks may also be exempt from this provision. Where required, the sidewalk shall extend along the entire street frontage of each respective lot and shall be constructed prior to completing finish lot grading. The sidewalk shall be located one foot inside the street right-of-way line (not on the lot), and parallel to the street right-of-way line. All sidewalk design and construction shall comply with the Americans Disabilities Act (ADA), as amended. The lot owner is responsible for the repair and maintenance of the sidewalk for the initial one year from completion of residence. Thereafter, the homeowner's association shall be responsible for maintenance and upkeep of the sidewalk except for any damage done by the adjoining lot owner.

### (F) Drainage Swales

No new subdivision street shall have drainage swales unless specifically allowed by an approved drainage plan. Swales shall be placed along existing county roads as follows:

- (1) Twenty-four-foot long corrugated (non-spiraled) pipe or plastic pipe shall be placed at all driveways and sized according to the calculated amount of storm water flow, but not less than 12 inches in diameter. The minimum cover over any culvert will be 12 inches.
- (2) Culverts shall be placed or extended under the roadway where necessary. The size of the culvert shall be according to the calculated amount of storm water flow, but not less than 12 inches in diameter. All culverts shall extend from right-of-way to right-of-way unless otherwise permitted by the Town Council. All culvert pipe that is banded together shall receive a minimum of a 12-inch band with eight-inch long bolts. All culverts shall have applicable end sections, unless waived by the Town Council.
- (3) Swales having a grade of 3%, 4% or 5% shall have a gutter consisting of sod, or if in excess of 5%, shall have a gutter consisting of concrete.

### (G) Sign Installation

It shall be the responsibility of the subdivider to provide and install all required signs including street signs, stop signs, warning signs, speed limits and any other regulatory signs as may be deemed necessary by the Town Council. All sign materials and installation procedures shall meet the requirements of the latest edition of the State Manual on Uniform Traffic Control Devices and the Town Standards. The location and type of all signs in a subdivision shall be identified in construction drawings and presented to the Town Engineer for approval. The subdivider shall also prepare and submit the necessary ordinance(s) to permit installation of all regulatory signs for approval by the Town Council.

(H) Inspection

The Town Engineer shall collect, in advance of the first inspection, a fee to inspect all matters required by this section regarding the installation of streets. The inspection shall include storm sewers, underdrains, road sub-grade, curbs, stone grade, asphalt, final inspection and inspection after five years. Inspection fees, including fees for subsequent inspections, shall be as prescribed by the Town of McCordsville Official Fee Schedule.

(I) Street Lights

In developments having a density equal to or greater than 0.5 units per acre the developer shall install or have installed with the street construction, street lights adequate to light all road intersections, curves, cul-de-sacs and entrances in the development in compliance with the following standards.

- (1) The street light spacing shall be in compliance with the following minimum foot candle requirements. Street lights in general shall be on property lines and staggered on opposite sides of the street.
  - a) Residential entrances: 1.2
  - b) Residential streets: 0.5
  - c) Public or private parking lots: 1.2
  - d) Park areas with playgrounds or walking/biking trails: 0.5
- (2) All lighting components shall be of utility quality columns and fixtures with photovoltaic devices conforming to ANSI standard C136.10. Developments are encouraged to integrate decorative designs where practical.
- (3) The luminary fixture shall be environmentally friendly, have a 150 watt high-pressure sodium lam and have a globe made of acrylic or non-yellowing material excluding glass and must have a canopy.
- (4) All equipment, including but not limited to the light column, luminaire and additional fixtures shall remain the property of the developer or homeowner's association who shall be responsible for all the maintenance of said equipment as well as all operational cost of said equipment.

**Section 5.03 Drainage and Sanitary Sewage Disposal**

In order to insure the maintenance of a properly designed and installed drainage system, the following divisions shall be required as a provision of the restrictive covenants of all secondary plats and shall be included in all deeds written relative to the plats. The proposed owner shall sign and the signed copy of this covenant shall be filed with the Town Engineer.

(A) Maintenance of Swales and Ditches Required

Drainage swales, or ditches, along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the McCordsville Drainage Board. Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Water from roofs or parking areas must be contained on the property long

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enough so that the drainage swales or ditches will not be damaged by the water. Driveways may be constructed over these swales or ditches only when appropriate sized culverts are installed as set out in this Ordinance.

(B) **Altering, Changing, or Damaging Drainage Swale Prohibited**

Any property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for the action and will be given ten days notice by registered mail to repair the damage, after which time, if no action is taken, the McCordsville Drainage Board will cause the repairs to be accomplished, and the bill for the repairs will be sent to the affected property owner for immediate payment.

(C) The locations of the fire hydrants and valves shall be approved by the Fire Marshall.

### **Section 5.04 Water System**

A water distribution system shall be designed and constructed by the subdivider to provide adequate water service for all lots in the proposed subdivision. A subdivision plat shall not be considered for final approval until improvement plans for a water system by one of the following methods have been submitted:

- (A) A permanent water distribution system including all pipes, fire hydrants, valves, and other appurtenances shall be provided, and the distribution system shall be connected with an approved public or private water system in accordance with the satisfactory plans and specifications therefore.
- (B) If the area proposed to be platted is not so located with regard to an adequate public or group water supply system, before any structure on any lot therein is occupied, an individual water supply system for the lot shall be constructed and installed in accordance with the satisfactory plans and specifications therefore. In no case will any part of the private water system be located closer than 15 feet to a property line or within 50 feet of a private sewage disposal system.

### **Section 5.05 Monuments and Markers**

Monuments and markers shall be installed by the subdivider of any subdivision of land. Where monuments as, defined below, cannot readily be set, survey points must be marked by a drill hole, cut cross, notch, railroad spike, or other similar permanent mark and referenced to any nearby objects such as building foundations, concrete head walls and the like.

(A) **Permanent Markers**

Permanent monuments and markers shall be consistent with the Minimum Standards for Competent Practice of Land Surveying administered by the Indiana State Board of Registration for Land Surveyors, as provided in 865 IAC 1-12.

(1) **Timing of Installation**

All monuments and markers shall be installed within 30 days after acceptance of the streets by the Town Council, or installation of the asphalt surface, whichever occurs last.

(2) Dimensions

Permanent monuments and markers set shall be 5/8-inch diameter or larger iron or steel rebar, copper welds, Harrison monuments or pipes weighing a minimum of one pound per foot and at least 30 inches in length.

(3) Location

The markers shall be installed at:

- a) The perimeter plat corners;
- b) The beginning and end of the center lines of all streets;
- c) The center line intersections of all streets and cul-de-sacs;
- d) The radius point of cul-de-sac;
- e) The center line point of curvature and point of tangency of all street curves;
- f) The intersection of all street and alley right-of-way lines;
- g) All the points where lot lines intersect street or alley right-of-way lines;
- h) All angles formed by the intersection of lot lines;
- i) All perimeter lot corners; and
- j) All points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined.

(B) Other Monuments

Other monuments may be used if they are made of material of similar durability, which includes an element that can be found by a device capable of detecting ferrous or magnetic objects. All monuments, except those set in streets, shall have a substantial plastic or metal cap permanently affixed thereto showing the registered land surveyor's professional license number and/or the name or identification number of the land surveying firm or government agency.

(C) Existing Benchmarks, Monuments or Triangulation Stations

All U.S., state, county, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

**Section 5.06 Utilities Adjacent to Right-of-way**

No utilities shall be installed adjacent to and parallel with a right of way within an area closer than three feet to the curb of any street.

**Section 5.07 Erosion Control**

The subdivider shall provide for erosion control per the McCordsville Stormwater Ordinances and consistent with the General Permit for Construction Activity administered by the State Department of Environmental Management, as provided for in 327 IAC 15-5, using the

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specifications in the Indiana Handbook for Erosion Control in Developing Areas. The erosion control plan must be submitted to the County Soil and Water Conservation District.

### ***Section 5.08 Dry Hydrants***

The McCordsville Advisory Plan Commission shall require installation of dry hydrants in subdivisions with detention facilities. The hydrants shall be installed consistent with standards maintained by the County Soil and Water Conservation District.

### ***Section 5.09 Culverts and Private Drives***

Culverts or bridges installed as part of private drives shall be of adequate design to support firefighting apparatus.

## **Article VI. Modifications & Exceptions**

### ***Section 6.01 Intent***

The McCordsville Advisory Plan Commission is hereby authorized and empowered to grant modifications and exceptions to the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, strict compliance with specific provisions of the Ordinance will result in extreme practical difficulties or undue misuse of property.

- (A) In the exercise of this authorization the Plan Commission shall grant a modification or exception only upon the determination that:
  - (1) The grant will not be detrimental to the public health, safety and general welfare of the county;
  - (2) The grant will not adversely affect the reasonable development of adjacent property;
  - (3) The grant is justified because of topographic or other special conditions unique to the property involved, in contradistinction to mere inconvenience or financial disadvantage; and
  - (4) The grant is consistent with the objectives of this Ordinance and will not have the effect of nullifying the intent and purpose of this Ordinance.
- (B) A written application for modifications or exceptions shall be submitted by the subdivider indicating the specific section of this Ordinance under which the modifications or exception is sought and stating the grounds on which it is requested.
- (C) After the application has been docketed for hearing, proper publication of notice has been published, and due consideration has been given, the Plan Commission shall render a decision which shall be:
  - (1) Recorded in the minutes of the Plan Commission, which minutes shall include the reasoning on which the modification or exception was approved or disapproved;
  - (2) Transmitted to the subdivider and applicable governmental units in accordance with the terms of this Ordinance;



- (3) Attached with conditions as will, in the Plan Commission's judgment, secure substantially the objectives of the requirements, standards, and specifications of this Ordinance so modified or excepted; and
  - (4) Attached with any covenants or other legal provisions as will, in the Plan Commission's judgment, assure general conformity to and achievement of the subdivision plan.
- (D) Before any modification or exception shall be granted, the Plan Commission shall determine that satisfactory provision and arrangement has been made concerning the following, where applicable:
- (1) Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety, convenience, and access in case of fire or catastrophe;
  - (2) Automotive and pedestrian traffic flow with reference to adequacy, circulation ability and function within the broader planning unit;
  - (3) Off-street and on-street parking and loading areas with reference to the needs of adjoining land use;
  - (4) Utilities, with reference to locations, availability and compatibility;
  - (5) Clear identification of property for land records;
  - (6) Screening and buffering with reference to type, dimensions and character of materials.

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## **Article VII. Administration**

### ***Section 7.01 Amendment***

In accordance with state statutes, the Town Council may introduce and consider amendments to this Ordinance as proposed by the Council, the Plan Commission, or by a citizen's petition. Any proposed amendment shall be referred to the Plan Commission for public hearing, consideration, and report before any final action is taken by the Town Council.

### ***Section 7.02 Enforcement***

No plat of any subdivision shall be entitled to record in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed by this Ordinance.

### ***Section 7.03 Recording of Plats***

All plats of a subdivision, after the same have been submitted and approved, as provided in this Ordinance, shall be copied upon a book of plats of the county and shall be filed and kept by the county among the county records.

### ***Section 7.04 Effect***

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance shall not be repealed by the passage of this Ordinance except where the repeal is specifically designated by ordinance, but the ordinance with the more restrictive applicable provisions shall be the ordinance that applies.

### ***Section 7.05 Appeal***

Any person feeling aggrieved at any action of the Plan Commission or Commission Staff, or lack of action of the Plan Commission or Commission Staff, upon a proposed plat or replat, may apply in writing to the Plan Commission, prior to the next regular meeting, for modification of the action complained of, or lack of action, on the proposed plat or replat. The application shall be considered by the Plan Commission at a time and in a manner as it may determine, but within 90 days following the regular meeting.

### ***Section 7.06 Violations***

Any person who violates any provision of this Ordinance shall be guilty of an ordinance violation, and upon conviction, shall be fined.

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## Article VIII. Definitions

Words used in a special sense in this Ordinance are defined in this Article. All other words, terms, and/or phrases not specifically defined by this Ordinance shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

**Accepted Scales:** One inch equals 50 feet, one inch equals 100 feet, and/or one inch equals 200 feet.

**Agricultural Purpose:** The use of a tract of land for agricultural purposes only, including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

**Building Line:** A line drawn parallel to a lot line at a distance equal to the depth of the minimum required yard for the zone in which the lot is located, as established by the Zoning Ordinance.

**Commission:** McCordsville Advisory Plan Commission.

**Comprehensive Plan:** A document, consistent with the requirements the Indiana Code that is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community.

**Construction Plan(s):** The maps or drawings accompanying a subdivision plat that show the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance as a condition of approval of the plan.

**Crosswalk:** A strip of land dedicated to public use which is reserved across a block to provide pedestrian access to adjacent areas.

**Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

**Erosion Control Plans:** Written description and site of pertinent information concerning erosion control measures, as defined in the General Permit Related to Stormwater Runoff Associated with Construction Activities, as provided for in 327 IAC 15-5 and the McCordsville Stormwater Ordinances.

**Feasibility Report:** A written report prepared by a professional engineer or land surveyor pertaining to the suitability of the site for various types of water and sewer systems, for drainage retention or dispersion, and the subsoil conditions for various methods of street construction.

**Incidental Improvements:** A physical improvement, facility or fixture together with its associated public right-of-way limited to: asphalt surfacing, street lights, sidewalks, multi-use paths, monuments and markers, and landscaping.

**Lot:** A contiguous area of land separated from other areas of land by a separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership, or separate use.

**Lot, Double-Frontage:** A lot having frontage on 2 or more non-intersecting streets.

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**Maintenance Bond:** A bond furnished to the Town by a developer that guarantees all subdivision improvements against the defective workmanship or materials for a given period of time.

**No Access Easement:** Public easement along a public right-of-way across which access to the property is not permitted.

**Owner:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

**Performance Guarantee:** Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Commission approves the secondary plat, including by way of illustration but not limitation, performance bonds, escrow agreements, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the county.

**Planned Unit Development (PUD):** A large-scale unified development meeting the requirements of this Ordinance. Generally a planned unit development provides design flexibility (e.g. mixed use) for a parcel or parcels to be developed as a single entity which does not correspond in size of lots, layout, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district of this Ordinance.

**Primary Plat:** The primary plat, pursuant to IC 36-7-4-700 series, is the plat and plans upon which the primary approval of a proposed subdivision is based.

**Private Drive or Street:** Any street which is privately owned and maintained that is used to provide vehicular access to more than 1 property or dwelling unit.

**Reserve Strip:** An area of land adjacent to a public right-of-way which is retained in ownership by the subdivider for the purpose of denying access to the adjacent land.

**Right-of-way:** Property occupied or intended to be occupied by a street, trail, utility transmission line, or other public utility or facility.

**Right-of-Way, Apparent:** All that area lying adjacent to and including the public road which is being used and occupied by the public and public utilities, and the area of maintenance by county or city government. The apparent right-of-way is subordinate to dedicated rights-of-way of record. The limits of the apparent right-of-way shall be defined as the greater of any of the following: (a) the existing fence of long standing; (b) the edge of existing utilities; (c) field occupation lines, meaning plowed or tilled ground; (d) existing woody vegetation, which may signify evidence of prior fence location; or (d) if none of the above exists, the edge of the traveled road surface, and the adjacent area of maintenance by a county or city road department.

**Right-of-Way, Dedicated:** Property conveyed to a public/governmental entity, by a private source, for public use and benefit. For the dedicated property to be valid, a public body must accept the property.

**Right-of-Way, Planned:** The intended right-of-way where future road improvements are anticipated. Property within a planned right-of-way is often a mix of public and private land.

**Secondary Plat:** The secondary plat, pursuant to IC 36-7-4-700 series, is the plat document of a subdivision meeting all of the requirements of the Town prepared in a recordable form.

**Sewage Disposal Report:** A report of the suitability of the soil for on-lot septic systems, based on a mechanical analysis, soil classification, or other methods as determined acceptable by the Commission and the County Health Department.

**Sketch Plan:** A sketch plan of a proposed subdivision used to show the Plan Commission the location, proposed street and lot layout, and many other significant features of the proposed subdivision.

**Street:** A partially or fully improved public thoroughfare, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property.

**Subdivider:** Any person or other entity which initiates proceedings to create a subdivision.

**Subdivision:** The division of any lot, tract or parcel of land into 2 or more lots, parcels, sites or other divisions for the purpose, whether immediate or future, of sale, transfer, gift, or lease which results in 1 or more new building sites, and including subdivisions requiring any new street or extension of local governmental facilities or the creation of any public improvements.





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